



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Bulgaria
Title:	Adoption of the Law on Gender Equality and signature of the Istanbul Convention
Date:	22 September 2016
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<u>Context</u>	
Issue at stake:	New legislation on gender equality adopted and the Istanbul Convention is signed – a new challenge for legislation and policy in the field
Ground of discrimination:	Sex
Source:	Legislation
Field:	Other
Applicable law:	Recast Directive 2006/54 EC and Council of Europe Convention No. 210; Adoption of the Law on Gender Equality

Content

Law development: In April 2016, the National Assembly adopted the Law on Gender Equality, which was proposed by the Ministry of Labour and Social Policy and then approved by the Council of Ministers.

The Law was adopted and promulgated in S. G. 33/ 26 April 2016.¹ The Law regulates state policy on gender equality, the main principles of this policy, the positive measures for promoting gender equality, namely the institutional structure, respective bodies, and the mechanisms of state policy on gender equality. This includes the mechanism for adoption of positive measures. The law affirms the competency of the Ministry of Labour and Social Policy as the body who will manage, coordinate and control gender equality policy in Bulgaria. State policy in the field will also be implemented by specialized units in the different ministries, in the regional administration and at the level of bodies of local self-governance. The main principles of the state policy are: equal opportunities of women and men, equal access to resources, equal treatment and non- discrimination, elimination of gender- based violence, balanced representation of women and men in decision-making bodies, and elimination of stereotypes based on sex. The National Council on Gender Equality at the Council of Ministers is the consultative body which makes part of the structures and mechanisms of state policy. The Law envisions the adoption of temporary special measures for promoting gender equality which do not represent discrimination based on sex. Such measures will be adopted in the National plans for the implementation of the Gender Equality Strategy.

In addition, another important step for gender equality was taken on 21 April 2016 with the signature by the Bulgarian government of the Council of Europe Convention No. 210

¹ The Bulgarian version of the law is available at: <http://lex.bg/bg/laws/ldoc/2136803101>, last accessed on 10 September 2016.

– the Istanbul Convention.² It was based on the decision of the Council of Ministers in favour of the signature of the Convention "*in view of forthcoming ratification*".

Following this act, the Minister of Justice with Order from 25 May 2016 formed a Working group for incorporation into the Bulgarian legislation of the principles and requirements of the Istanbul Convention. The group is composed of governmental and civil society representatives as well as of magistrates, and is tasked with suggesting the necessary changes in legislation by the end of 2016.

Key points of analysis: The adoption of the Law on Gender Equality is a step ahead in the implementation of the EU standards on equal treatment and gender equality. Compared to the Anti-Discrimination law, it does not regulate more in depth the matter of non-discrimination based on sex and does not contain material law provisions. Rather, it is a law on the institutional structures and mechanisms of state policy in the field. It is good that there is some level of regulation of the temporary special measures in the area of gender equality and of the mechanisms for their adoption.

The signature of the Istanbul Convention is a commendable act, although a bit delayed compared to the high level of compliance with the Convention of the Bulgarian legislation in the field of domestic violence and of the related practice of Bulgarian women's non-governmental organizations for the implementation of this legislation.

Internet link source:

<http://lex.bg/bg/laws/ldoc/2136803101>, last accessed on 10 September.

<http://www.coe.int/en/web/Conventions/fulllist/->, last accessed on 10 September.

² The Chart of signatures and ratifications- <http://www.coe.int/en/web/Conventions/full-list/->.