**Working Group on discrimination against women in law and in practice**

**Questionnaire on good practices**

In accordance with its mandate, the UN Working Group on the issue of discrimination against women in law and practice has developed this questionnaire to gather information on “good practices” in eliminating discrimination and empowering women for its next thematic report. Given the centrality of the law to the Working Group’s mandate, the report will focus on the processes by which laws that support women’s equality and enjoyment of human rights come into being and are implemented in ways that support women’s enjoyment of their human rights and fundamental freedoms.

The questionnaire intends to solicit information on how a specific law aimed at addressing discrimination against women and promoting women’s substantive equality has come into being, was effectively implemented (I), and what impacts the law has had for women on the ground (II).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes State obligation to respect, protect and fulfill women’s human rights, ensuring the de facto enjoyment of those rights by women. CEDAW’s framework is founded on the principle of substantive equality, which requires States to take active measures to not only eliminate laws and practices that directly discriminate against women, but to create an environment in which women’s rights can be fulfilled. Good practices in the promotion of women’s human rights thus require a holistic approach that addresses both the causes and consequences of discrimination, and aim at social transformation.

Recognizing the aspiration of the Working Group to better understand the processes and elements which contribute to build “good practices” in legislation and its implementation the Working Group requests that you provide detailed information on at least **one law** adopted in a State that has been successfully implemented in that it has had a notably substantial impact on eliminating discrimination against women in the specific area related to that law and has enhanced women’s enjoyment of their human rights in your national context, such that you consider it a “good practice.” Processes of substantive change often take place over a period of many years, so the law need not be new: this survey should focus on a law whose impact has been substantiated and the impacts of which are still being seen.

The Working Group wishes to thank all stakeholders for responding to this questionnaire **by 12 September 2016.**

**Questionnaire**

**For the following sections, please provide information about a law that has been selected as an exemplary case study of a “good practice” in eliminating discrimination and empowering women in your national context.**

**I. Identification of a law that has eliminated or substantially reduced discrimination and supported women’s empowerment.**

*Background Information on the Law*

1. Name/Title of the Legislation: Gender equality act

2. Date the law passed and came into force: adopted by the 43rd National Assembly on April 15, 2016, in force since 29 April 2016.

3. Was it a new law or an amendment of an existing law?

New ( X ) Amendment ( )

 If it was an amendment of an existing law, please provide name/title of existing law and any pertinent information here: N/A

4. Is the legislation focused specifically on discrimination against women/gender equality, or is it part of a larger piece of legislation (i.e. Labour law with provisions around gender)? Please explain.

The law is focused on strengthening the gender equality policy and the institutional mechanism.

5. Please provide a summary of the content of the law, its preamble or explanatory note, policy measures, dissemination and implementation regulations, and provisions for access to justice, as well a link to where all these can be found online.

**Gender equality act**

Art. 1. (1) This Act shall regulate the conduct of state policy on equality between women and men.

(2) The purpose of the act shall be to promote the achievement of equality between women and men by creating conditions for building an institutional environment and the bodies and mechanisms for implementation of the state policy on equality between women and men.

Art. 2. The state policy on equality between women and men shall be based on the following principles:

1. equal opportunities for women and men in all spheres of social, economic and political life;

2. equal access of women and men to all resources in society;

3. equal treatment of women and men and non-discrimination and violence based on gender;

4. balanced representation of women and men in all decision-making bodies;

5. overcoming stereotypes, based on gender.

Art. 3. In exercising their powers, the bodies of state power and of local self-government, the public authorities and business entities shall take steps to implement the principles of state policy on equality between women and men.

Art. 4. (1) The state policy on equality between women and men shall be realized through:

1. incorporating the principle of equality between women and men in legislation and in all national, regional and local policies, strategies, programs and plans;

2. implementation of temporary incentive measures;

3. horizontal cross-sectoral approach;

4. national institutional mechanism for cooperation between central and local bodies of executive power, as well as with civil society;

5. consistent and sustainable resource and financial support of the authorities and policy on equality between women and men.

(2) The temporary incentive measures implemented under this Act shall not constitute discrimination under the Protection from Discrimination Act.

Art. 5. (1) The Council of Ministers shall determine the state policy on equality between women and men and shall adopt a National Strategy on equality between women and men, hereinafter referred to as "National Strategy”, as well as plans for its implementation.

(2) The central and territorial bodies of the executive power shall implement the policy of equality between women and men in accordance with the National Strategy under par. 1.

Art. 6. (1) The Council of Ministers shall create the National Council on Equality between Women and Men, which is a body for consultations, cooperation and coordination between the central and local bodies of executive power and civil society structures.

(2) The National Council shall consist of representatives from:

1. ministries, state and executive agencies and other bodies, established by law;

2. representative organizations of workers and employees at national level;

3. representative organizations of employers at national level;

4. the National Association of Municipalities in the Republic of Bulgaria;

5. legal non-profit entities, whose business activity is in line with the priorities of the state policy on equality between women and men, set forth in conditions, criteria and procedures stipulated in the rules on the structure, organization and operation of the National Council on Equality between women and men at the Council of Ministers.

(3) The Chairperson of the National Council on Equality between women and men shall be the Minister of labour and social policy.

(4) Organizational and technical maintenance of the activities of the National Council on Equality between women and men shall be provided by the Ministry of labour and social policy.

(5) The National Council on Equality between women and men shall:

1. give opinions on draft strategic documents and normative acts containing provisions, related to equality of women and men, before being submitted to the Council of Ministers;

2. participate in the development of the National Strategy for equality between women and men;

3. propose measures to promote the state policy of equality between women and men;

4. participate in the development of quantitative and qualitative indicators, necessary for the monitoring system of Art. 7, item 4.

6. When was the first draft of this law introduced, and when was it adopted (please specify dates of first draft and adoption?

Passed on 15 April 2016, in force since 27 April 2016.

The Law’s Compliance with CEDAW

7. In your view, does the law in question place a positive duty on the State to achieve substantive equality for women?

Yes ( X ) No ( )

 If yes, please explain:

The coherent gender equality state policy and strong institutional mechanism are substantial for achieving substantive equality for women.

8. Does the law contain a definition of discrimination that is in accord with Article 1 of CEDAW?

***Article I***

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Yes ( ) No ( X )

 If yes, please direct us to the section of the pertinent document. If not, please indicate if that definition is enshrined already in the constitution or charter of rights.

9. Does the law’s definition of discrimination include and define both direct and indirect discrimination?

Yes ( Х ) No ( )

 If yes, please explain:

10. How has the Constitution supported the process of adoption and implementation of the law? Does the Constitution have an equality and non-discrimination provision?

**Article 6.** (1) All persons are born free and equal in dignity and rights.

(2) All citizens shall be equal before the law. Neither abridgement of rights nor any privileges whatsoever shall be admissible on the basis of race, nationality, ethnic identity, sex, origin, religion, education, convictions, political affiliation, personal and social status, or property status.

11. Does the law contain provisions that address discrimination against women from an intersectional perspective, taking into account a diversity of women’s social identities, statuses and experiences?

 Yes ( ) No (X)

 If yes, please explain which social identities, statuses and/or intersectional factors are explicitly noted in the law:
12. Whom of the following are bound by the law?

 The State Yes ( X ) No ( )

Public Authorities/Bodies Yes ( X ) No ( )

Civil society organisations Yes ( X ) No ( )

Private companies Yes ( X ) No ( )

Individuals Yes ( X ) No ( )

**II. How the law came into being and was implemented**

1. What was the impetus for the development of this law (i.e. social movement activism, political platform, a Supreme Court ruling, an egregious case of discrimination, constitutional reform…)?

The impetus for the development of this law was the activism of the NGOs working in the field and the constructive efforts of the Ministry of Labour and social policy which has the legislative initiative in this process; this took more than 15 years to make possible the consensus on adopting the Gender equality act.

2. Were there any conditions in the political context that made it possible for this law to be developed and adopted at the time that it was (i.e. a particular political party in power, a conflict/post-conflict situation, a recent ratification of an HR instrument, etc.)?

Yes ( X ) No ( )

If yes, please explain:

The political will and understanding was the most important factor for the adoption of the act this year.

3. What actors were consulted and how were they consulted in the law’s development and formulation? Check all that apply, and, where possible, provide names of involved individuals, agencies, organizations, etc.

Legal Experts/scholars (please specify) ( X ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Government Ministries ( X )

NHRI ( X ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NGOs/CSOs ( X ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other social groups (specify) ( X ) Academia\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

An interagency expert group was set up
4. Was there opposition to the law?

Yes ( X ) No ( )

If yes, please explain from whom and why, and how it was addressed:

Generally the opposition to the law was the result of the lack of understanding of the problem addressed by the Bill.

6. Were there other laws that needed to be reformed in order to enact this law?

Yes ( X ) No ( )

If yes, please list and explain:

The Protection against discrimination act

According to Concluding provisions of the Gender Equality Act:

 art. § 5. In the Protection from Discrimination Act (prom. SG 86 of 2003; amend., SG 70 of 2004, SG 105 of 2005,SG 30 and 68 of 2006, SG 59 and 100 of 2007, SG 69 and 108 of 2008, SG 42, 74 and 103 of 2009, SG 97 of 2010, SG 23 and 39 of 2011, SG 38 and 58 of 2012, SG 15 and 68 of 2013 and SG 26 of 2015) in Art. 7, para. 1 shall be created item 20:

"20. temporary incentives, applied under the Equality between women and men Act."

7. Were any international human rights treaties or mechanisms referenced in the law’s creation?

Yes ( X ) No ( )

If yes, please list and explain:

CEDAW, the Beijing Declaration and PfA, etc.

8. Did any international/regional/national human rights mechanism issue recommendations to the State in regard to amendment or formulation of this law, or regarding effective implementation? If yes, was this recommendation formulated prior, during or after the adoption of the law?

Yes ( X ) No ( )

If yes, please list and explain: The UN Committee on the Status of women issued several times such recommendation to Bulgaria.

9. What measures to support implementation were built into the law or developed immediately after (and as a result of) its passing? This could include such measures as budgetary and resource allocation, monitoring mechanisms, data collection, impact measurement mechanisms, independent monitoring, etc. Please list and explain, providing any relevant documents.

- data collection is foreseen;

- monitoring is forteseen.

10. How was the law made accessible to the public? Did it include formal training on the new law for all stakeholders involved? Were specific groups of women targeted for these activities? Who was involved in these initiatives, and where did the funding come from? Please answer in detail.

- It is forthcoming, the law is new.

11. Have there been any barriers to the law’s full and successful implementation?

Yes ( ) No ( X )

If yes, please explain the barriers and how they were/are being addressed:

12. What kinds of roles are being carried out by civil society/women’s organizations in supporting the implementation and impact of the law? How are these activities being financed?

 **III. The impacts that the law has had for women on the ground**

1. Did the adoption of the law result in the creation of any policies?

Yes ( ) No ( )

If yes, please list and explain:

2. Have court cases/decisions resulted from the law? Has this data been systematically collected? If so, please provide details about the number of cases, convictions, decisions made.

3. What specific and measurable outcomes showing the impact of the law on society and on women’s enjoyment of their rights have been recorded as a result of the adoption and implementation of the law? How have these been monitored and by whom?

4. Are there other impacts of the law that have been observed?

Yes ( ) No ( )

If yes, please list and explain what they are, as well as monitoring mechanisms used to observe and/or measure those impacts:

5. What mechanisms have been set up to review and assess the implementation of the law?

Monitoring is foreseen by the law.

6. Is there data on how the law has affected some groups of women differently (i.e. based on race, ethnicity, religion, social class, age, etc.)?

Yes ( ) No ( X )

If yes, please explain the differential impacts and provide any relevant documents.

7. Has there been independent monitoring of the law?

Yes ( ) No ( X )

Please provide information.