

## Interview of Assoc. Prof. Ana Djumalieva, Chair of the Commission for Protection against Discrimination, given to Nikola Vaptsarov Naval Academy

**Assoc. Prof. Ana Djumalieva,**

**Chair of the Commission for Protection against Discrimination**

Master of Laws, Doctor and Associate Professor in the scientific specialty “Private International Law”; Lecturer at Varna Free University “Chernorizets Hrabar” and at Southwest University “Neofit Rilski”; Member of Varna Union of Scientists; Member of the Scientific Council at the Institute of Maritime Law and Logistics at Varna Free University “Chernorizets Hrabar”.

Ana Djumanlieva has acquired mediation skills. She is a holder of a Certificate of training in the “Communicative Culture Module”. She has participated in the preparation and signing of “Academic standards for the organization of the activity of legal clinics in Bulgarian law faculties”. She has completed a specialized training course in human rights at the Geneva Academy for International Humanitarian Law and Human Rights. She published the monographs “Ship Lease Agreement” and “Maritime Mortgage and Privileges on the Ship”. She has more than 85 scientific publications in the fields of international maritime law, human rights and anti-discrimination. Since 2012, she has been the chair of the Commission for Protection from Discrimination. In 2017 she was re-elected to the post for a second term.

- ***We are satisfied with the opportunity to interview you about the inequality between women and men in exercising the right to work. Let us start with brief information about your institution - the Commission for Protection against Discrimination.***
- The Commission for Protection against Discrimination was established in 2005 as a specialized state equality body within the meaning of the anti-discrimination jurisdiction of the European Union.

Our institution plays a major role in the development and implementation of national and international policies in the field of combating and preventing discrimination. Being an independent state body, the Commission represents a guarantee for impartial decision-making in its capacity as an equality body. Taking into account the accumulated experience, it can be concluded that the institution will continue to play a leading role in enforcing tolerance and respect for other people’s differences in public relations.

The powers of the Commission are regulated in the Law on Protection against Discrimination. Pursuant to the powers granted to it, the CPD issues decisions establishing existence of discrimination, imposes sanctions and applies measures of administrative coercion; decrees prevention and cessation of violations; issues mandatory injunctions concerning legal provisions governing equality of treatment; makes proposals and recommendations to the state and municipal bodies to stop discriminatory practices; prepares opinions; conducts independent research.



Through its activities, the CPD continues to strengthen the national position of the Republic of Bulgaria to support the anti-discrimination policy in the European Union in accordance with the established European and international standards, which helps to develop the national public culture related to respect for human rights.

The Bulgarian legislation has rightly adopted the formula of social orientation of the proceedings before the Commission for Protection against Discrimination. It is expressed in the exemption from state fees in case of filing complaints. Last but not least, CPD is legally obligated to provide independent assistance to victims of discrimination.

- ***Nikola Vaptsarov Naval Academy has started the project "She4Sea" in order to promote the professional development of women in the maritime sector and overcome the gender inequality instilled by the existing traditional ideas about the specifics of the maritime profession. Does the Commission for Protection against Discrimination receive complaints from women in the maritime sector or, in general, complaints from women in the military, in which there are allegations of inequality between women and men in exercising the right to work?***
- I will start my answer with a quote of Victor Hugo: "Respect for the woman is a measure of the progress of the nation and social life".

For thousand years, the issue of gender equality has awakened various points of view and every civilization has its own view on the matter.

Equality is linked to the full exercise of women's rights. Over time, their right to study, the right to vote, the right to exercise certain professions, to hold managerial positions, etc., have been violated.

Discrimination based on gender is typical for many spheres of life worldwide despite the significant progress observed in gender equality in recent decades. The nature and extent of discrimination varies widely across countries and regions.

The adoption of the Law on Protection against Discrimination (LPD) in Bulgaria met the requirements for legal regulation of the prohibition and protection against discrimination in various spheres of public life. Its provisions set legal guarantees for the protection of women from discrimination and for the equal treatment of women and men respectively.

The specialized administrative proceedings before the Bulgarian equality body - the Commission for Protection against Discrimination, is an essential tool for imposing and implementing real equality of women and men in the Bulgarian society.

The activities of the Commission for Protection against Discrimination are committed to the protection of gender equality, which is a protected anti-discrimination feature along with 18 other features specified in the LPD.

There have been a total of 355 files on this basis so far, more than 75 percent of them being complaints filed by women.

The Commission receives complaints filed by expectant mothers or women who have returned to work after maternity about unlawful and, in most cases, inappropriate treatment of

employers towards them. The working conditions for pregnant women have changed negatively, there has been harassment, discomfort, disrespect as full-fledged employees, they have been even accused of their pregnancy as an act of betraying the management. Mothers who have returned to work after maternity have often been discriminated against, e.g. their wage indexation, opportunities for upskilling, efforts to be ignored, harassing working environment that will force them to quit their jobs.

The practice of ignoring women who have returned to work after maternity is also popular in other EU countries. These women are not welcome by the employers because of their commitments to raising children.

Gender discrimination complaints filed in the CPD are usually related to unequal pay between men and women. Despite positive actions in this area, effective application of the principle of “equal pay for equal work” has not yet been achieved. In this connection, it is important to determine the discriminatory factor, since the amount of labor remuneration is formed under the influence of other factors, mainly of an economic nature, as indicated in one of our studies in this area. According to the statistics, the gender pay gap in Bulgaria is steadily decreasing and in recent years it has been around 11.8 percent in favor of men.

Other gender discrimination complaints filed by women are related to the tendentious blocking of career growth. In a team, composed predominantly of men, the only female colleague is disrespected and even harassed by the male colleagues, including the male boss. There are also complaints of sexual harassment - in most cases, the unlawful act takes place at the workplace.

Over the years, we have had no complaints specifically from women engaged in the maritime sector. However, there have been complaints about gender inequality in the exercise of the right to work by women in the military.

The following are examples of the aforesaid:

- The **CPD opened a file** following a complaint by an employee in a regional military service in Sofia. The complaint is about alleged discrimination based on gender and education. The complainant has successfully graduated from the Academy of the Ministry of Internal Affairs and Military Academy “G. S. Rakovski”, but the management of the regional service tends not to take any steps for her career development and for obtaining an officer rank. *The committee deciding on the file found that the impediment to assigning an officer rank constituted discrimination against the complainant. It imposed a monetary penalty on the respondent ordering the cessation of the unequal treatment. Two months after the ruling of the CPD, the complainant was assigned the rank of lieutenant.*
- The **CPD opened a file** following a woman’s complaint against the commander of a military unit in Bulgaria. She claimed that after it was established that she could get pregnant only in-vitro, she started the necessary the procedures. This involved her traveling to Sofia, using sick leave, etc. She also claimed that the commander of the unit did not show understanding and with his actions and through the actions of his subordinates discriminated against her as a woman who wanted to become a mother and prevented her right of treatment. *The CPD considered the above act as*

*discrimination and imposed coercive administrative measures against the commander of the unit, making recommendations to the Minister of Defense.*

- The **CPD opened a file** following a complaint by a woman from a city in Bulgaria. The complainant claimed that she graduated from the Military Academy “G. S. Rakovski” with the highest grades in her specialty. After that she graduated as a civilian, outside the system of the Ministry of Defense. Since then, she has been intentionally prevented from becoming an officer. She has submitted dozens of complaints to various defense ministers over the years, but she got only promises and the issue has not been solved. She felt discriminated against by gender, education, etc. *CDP established discrimination and made recommendation to the Minister of Defense as an employer to refrain from violating the provisions of the LPD in exercising his subjective right to promote officers in military rank.*
  - The **CPD opened a file** following a complaint by a woman against the head of a military district in a city in Bulgaria. The complainant claimed that she was discriminated against in the form of harassment by the head of the military district – her workplace was an unrenovated room, her sick leave was appealed, and her work phone was suspended. Finally, she got disciplinary dismissal order which was expressly to be read in front of her colleagues. The defendant objected the complaint and pointed out that the complainant was sanctioned accordingly for violations of the labour discipline. *Sufficient evidence was not presented and discrimination was not established.*
  - The **CPD opened a file** following a complaint by a woman who claimed discrimination against her based on “gender” and “sexual harassment” in the workplace. She worked as a police officer. After finishing her shift, she went in to change clothes. On her way out, she was met by the defendant in the file - the direct manager of the unit. He took her bag and started looking at her underwear, asking questions accompanied by lewd comments. The complainant made complaints to the management of the institution about the defendant’s continuous humiliating attitude towards her which tended to continue over time. *The committee deciding on the file found the actions of the defendant as “sexual harassment” and discrimination based on “gender” imposing him a fine of BGN 250 (two hundred and fifty) for the offense committed. The defendant was ordered to refrain from such discriminatory actions in the future and not to allow any circumstances that could lead to a certain form of discrimination or suspicion of such.*
  - **Another case** evidenced sexual harassment in a police station in a city in Bulgaria. The head had undisguised aspirations towards his subordinate. *The complainant’s claims were proven and the Commission established sexual harassment. The head was issued an order to stop this act and to refrain from similar actions in the future. The CPD also made recommendation to the interior minister to take necessary measures against such actions.*
- ***Does CPD carry out preventive activities for the equality of women and men apart from its specialized proceedings?***

- Yes, of course. CPD also implements its preventive activities with the aim of non-discrimination, combating prejudices and stereotypes, equality of women and men. I would like to point out that over the years, the CPD has conducted its own research in this direction, the latest of which is “Discrimination and protection of women in the work area”. This research has found that the situation on the labour market requires high quality of women’s work, modern education and qualification. This fact creates conditions for discriminatory pressure on women with low educational and qualification levels, who, by force or by mutual agreement with employers, agree on harsh and unattractive working conditions against minimal payment.

Equality between women and men is a core value of the European Union. Representatives of the Commission regularly participate in discussions, initiatives, and forums at local and European level, participate in seminars of the European Network of Equality Bodies /EQUINET/ and other institutions. Our institution regularly hosts meetings with magistrates and representatives of social relations bodies from Europe to summarize the work on gender equality at national and international level, to show good practices as well as trends in data collection in this area, including on the basis of establishing discrimination.

There is active cooperation of the CPD with the Ministry of Labor and Social Policy on key topics related to the national and international policy for prevention and combating discrimination, gender equality, integration of people with disabilities and protection of rights. The aim of the cooperation is to achieve equality of women and men in the labour market and an equal degree of economic independence, reduction of gender differences in pay and income, overcoming gender stereotypes in various spheres of public life regarding the benefits for society and the economy of the equality of women and men, and to combat gender stereotypes by presenting European experience and good practices.

Finally, I would like to emphasize the following - the experts and regional representatives of the Commission for Protection against Discrimination advise during the free legal consultations victims of any kind of unequal treatment in the field of employment to seek the help of the Commission for Protection against Discrimination, overcoming fear and worries, and to start defending their rights consciously. In this way, they will help not only themselves, but also other women who have encountered problems with their employers. When the accusations are substantiated and objectively proven, the CPD has mechanisms to limit such violations of the law.