

BULGARIA

CEDAW A/40/45 (1985)

74. The Committee considered the initial report of the People's Republic of Bulgaria (CEDAW/C/5/Add.15) at its 49th, 50th and 54th meetings, on 23 and 25 January 1985 (CEDAW/C/SR.49, 50, 54 and 62).

75. In her introduction, the representative of the State party stressed the great importance her country attached to the Convention and to the forthcoming World Conference. She stated that the main principles contained in the Convention were already included in the legal provisions of the country even before ratification. The proclamation, 40 years ago, of the de jure equality of women marked the beginning of a long process for the attainment of de facto equality. This had involved the creation of specific economic and social conditions that had made it possible to guarantee the full integration of women in all areas of life. Those guarantees flowed from the very essence of the socialist society in the People's Republic of Bulgaria, a society based on public ownership of the means of production, a planned economy and the constant improvement of the social infrastructure.

76. As testimony of the country's continuing efforts to increase the role of women, the representative of Bulgaria pointed out some developments that were brought about since the submission of the report. Currently 85 per cent of all women of working age were either working or studying. They had full freedom to choose a profession, and they all enjoyed the right of equal pay for equal work and full social security. She submitted statistical data for the years 1983 and 1984 on women's involvement in different spheres of production and mentioned the rapid advances of women in electronics and the electronics industries. She also mentioned the high percentages of women in intellectual and creative professions. This had been a result of the improvement in women's educational and vocational levels. In 1983/84, women had accounted for 52 per cent of all students at higher institutes of education. Special attention was paid by her country to improve the vocational training and the efforts made to raise the qualifications of women of mature ages.

77. The representative of Bulgaria spoke about the important role played by women in the social and political life of the country and the high proportion of women in the judicial sphere, including the supreme court. Although it was more difficult for women than for men to reach the highest positions in society, for example, because of their family responsibilities, the country was moving towards equitable participation in social life. Another point raised was the major involvement of Bulgarian women in international peace and security, their participation in peace marches and other peace movements and their participation in international bodies.

78. At the thirty-ninth session of the General Assembly, Bulgaria had introduced a draft resolution on the role of women in society, which was later adopted without a vote.

79. The representative stressed the measures undertaken by her country to increase women's spare time and also to lighten their family obligations in the area of child care. By way of example, she pointed out that the State was concentrating its efforts on the construction of an extensive system

of children's centres -nurseries and kindergartens - so as to satisfy fully the needs of families, and she said that 90 per cent of the expenses for operating the kindergartens were borne by the State.

80. Finally, the representative highlighted the major accomplishments of the Government's social policy achieved after the adoption of the Convention, an expression of which had been Decree No. 16 of the Council of Ministers of 25 April 1984, in an effort to combine better the conditions of motherhood with other social functions of women and to provide incentives for fathers' participation in child-care tasks.

81. Most experts commended the representative of Bulgaria on the comprehensive introduction to the report and were impressed by the very concise report, which was written in clear language, by the strides made by the Bulgarian Government to enhance the status of women and by the ongoing measures since the ratification of the Convention. Many experts were impressed by the achievements of Bulgaria concerning the status of equality of women with men in that country. One expert, however, expressed some scepticism about the perfect situation described in the report.

82. Some experts stressed the close link between social development and women's liberation drawn from the consideration of the Bulgarian report. This was demonstrated by the improvement of the status of women in Bulgaria.

83. Many experts commented on measures that gave high priority to the protection of motherhood. Some experts wondered whether the measures related to social services, child-care facilities, employment contracts for homework while on leave and length of maternity leave were not over-protective. Other experts welcomed those measures and the privileged position of women because women were given the same opportunities as men to cope with duties related to family and society. Questions were asked about the meaning of motherhood in relation to maternity and whether women were free to choose between work and motherhood, whether maternity leave was obligatory, what percentage of highly qualified women had taken such leave and how many returned to their posts afterwards. Some experts wondered whether women were being encouraged to be mothers and housewives and whether that meant a return to old stereotypes. It was asked whether the country wanted to increase its population or to maintain it at the current level, what the average family size was and whether family planning was practiced.

84. One expert requested concrete examples of cases in which women sought remedy through the courts for violations of their rights and asked what the sanctions were. The experts also asked whether the only competent authority was the labour inspection office and what the criteria for dismissal in cases of "serious misconduct" were. More clarification was sought on the "social oversight function" of the Committee of the Bulgarian Women's Movement and whether it was a voluntary or an official body.

85. Information was sought on the educational steps taken to end discrimination against women and about discrimination that might be found in local customs. An expert asked what had been done by the authorities and the mass media to change the traditional sex division of roles in the family, to reduce women's domestic and child-bearing work-load and facilitate their earlier return to work. More details were requested on the "additional rights of women in connection with their role as mothers" as well as on the "additional measures to overcome vestiges of traditional male-female role

stereotypes”.

86. Particular interest was expressed in and more information was sought on the composition, work and sponsors of the “family clubs”.

87. Several experts asked whether prostitution, procuring and trafficking in women were criminal offences, whether prostitution had ever existed in view of the fact that it had a social and psychological component and how it was eradicated. One expert wanted to know whether the country experienced the problem of female alcoholism and what the sanctions were in cases of rape.

88. A few experts asked whether the country had undertaken specific measures to increase the proportion of women in political life and about the active participation of women in public organizations. More information was sought on the Bulgarian women’s movement, the powers of the State Council of the Republic and the proportion of women in the Council of Ministers and in political parties. Clarification was sought as to whether the percentage of women participating in national and local elections (98 per cent) had been based on the most recent elections, had been calculated as an average over a number of years or had been determined through other statistical methods. An expert asked how such an exceptionally high percentage of women’s participation in elections had been achieved.

89. One expert asked about the fact that in Bulgaria women accounted for 29.7 per cent of the membership of the Bulgarian Communist Party and only 13.1 per cent of the Bulgarian Agricultural Popular Union (the agrarian party), considering the high proportion of women in agricultural labour force.

90. One expert requested clarification on women in the military service; an expert also asked for information on the participation of women in the medical service of the military. Another expert asked whether Bulgarian men really fully contributed to their share of household duties so as to allow women to be involved in furthering the cause of national development to the same degree as men.

91. Information was requested on the number of women occupying diplomatic posts and the number of female staff members in foreign offices and on how those women had been recruited, whether many of them had been promoted through special training and competitive examinations and how they participated in decision-making and decision-taking processes.

92. As regards the nationality of children, a few experts asked for information on the possibility of selecting the nationality in case of parents having different nationality. The question was raised as to whether Bulgarian women who changed their nationality because of marriage could regain it after divorce.

93. Referring to education, questions were asked about the proportion of girls attending technical colleges and the drop-out rate of girls in secondary and post-secondary education in comparison to boys; the rate of illiteracy in the past; and the amount of time required to eradicate it. Some experts asked up to which level education was free of charge. One expert wanted to know how the educational system ensured women a free choice of profession; another sought clarification of the

statement that “attendance at the ‘people’s universities’ conferred no special rights”. More information was requested on the age, profession and level of education of women engaged in sports teams.

94. There was a request for statistics on the proportion of girls in each of the main trades, in semi-skilled and in unskilled grades, as well as comparative figures by sex within the electronics industry. One expert asked for clarification of the contents of the contracts for homework under the Council of Ministers Decree No. 38 of 1980. Another question referred to the length of working hours in Bulgaria and to the existence of flexible working hours. One expert wanted to have the list of activities from which women were excluded as mothers, and a few experts asked for the list of posts and functions that were reserved for women working half days, half months or on alternate days. One expert asked why women did not have equal access to employment in a number of operative jobs in mining, metallurgical, metal working, chemical industries, etc. The opinion was expressed that the introduction of shorter working hours for mothers with small children only perpetuated stereotypes; and an expert asked why fathers were not entrusted with family tasks. One expert asked whether Bulgaria had succeeded in eliminating job stereotyping. As the representative of Bulgaria had stated that one in five inventions had been made by women, one expert wanted to know how women’s inventiveness had been stimulated.

95. Many questions referred to social security measures, such as the staggered length of maternity leave depending on the number of children, the age of retirement depending upon the number of children a woman had raised, pension rights, survivors’ pensions, the different ages of retirement for women and men and different categories of pension schemes. Information was requested on how the possibilities to reach the stipulated years of service were affected by maternity leave and whether it was everybody’s obligation or right to retire upon reaching the stipulated age. Questions were asked on what sort of expenses were reimbursed in case of leave of absence of either of the parents for a sick child. Some experts welcomed the recent introduction of paid parental leave for fathers and asked about the percentage of fathers who took it, about the maximum age of the child and whether other measures existed to encourage fathers to participate in family care. One expert wanted to know whether the new legislative provisions would change the leave entitlement of mothers. In view of the sizeable social security services offered one expert asked about the percentage of all funds made available for social security in Bulgaria.

96. One expert noted that pregnant women could not be refused an appointment and asked about the employment situation for women who were not pregnant compared with men and the sanctions in cases of violations of employment rights.

97. An expert asked why girls under 18 were excluded from certain categories of work. Another expert asked what criteria were used to evaluate the quality and quantity of work in order to determine its correct remuneration. One expert wanted to know the scientific basis for the regulations issued by the Ministry of Health concerning physical strain on workers. Other questions asked were whether the mother or the father was entitled to receive the family allowance, how many women were working and how many women were studying between the ages of 15 and 65 compared to corresponding figures for men.

98. In connection with abortion, some experts wanted to know whether it was legal, whether it was

considered a criminal offence if not performed in a hospital, whether only married women who had given birth to two children were entitled to abortions and what happened in cases of pregnancies at ages below 16 years. Clarification was requested on the practical situation of married women who did not wish to have a child and on sanctions against a woman or a medical doctor deciding upon abortion under conditions different from those allowed by law. One expert asked whether there had been any negative medical consequences of unlimited abortions in case of single women.

99. One expert asked whether health and sex education existed for boys as well as girls. Another expert asked whether Bulgaria intended to ratify Convention 156 of the International Labour Organisation (ILO) concerning workers with family responsibilities.

100. One expert expressed great interest in the physical culture festival entitled “Mummy, Daddy and I” and inquired about its role and the funds used. Another expert asked what sports were qualified as unsuitable for women and for what reasons.

101. One of the experts asked whether there was any connection between women’s rights to obtain loans and their marital status, especially if they were married to foreigners.

102. As regards rural women, it was asked whether women who were participating in local co-operatives could make out a contract in their own name or whether it had to be taken out by the head of the household, and what sort of medical health services women in rural areas enjoyed.

103. A question was asked about the type of measures taken in cases of discrimination against women in criminal and labour codes. Another question referred to the coming into force of the Convention and to whether or not it brought about changes in the national legal system.

104. Several experts asked clarification on the concept of the “guilty party” in divorce proceedings, which had already been eliminated in some countries. Clarification of unjustified divorces was requested and information was sought on the percentage of single mothers, *de facto* marriages and divorces. A few experts asked what happened to the administration of joint property in cases of disagreement between spouses, as well as on the situation of women in non-registered marriages. An expert asked, in connection with the possible annulment of marriage contracted under duress as mentioned in the report, whether forced marriages were frequent. Statistical information was also requested on the choice of a family name in marriage.

105. One expert wanted clarification on the provisions in the Bulgarian Family Code concerning the completion of the domestic tasks.

106. In her replies, the representative of Bulgaria pointed out that not all problems relating to the role and functions of women had been solved in Bulgaria. However, she wished to assure the Committee that the nature of those problems was not such that they entailed violations of basic rights and freedoms of women or of the requirements of the Convention and were not of a discriminatory nature. Some problems were related to the rapid development of the economy and society and the solution of problems often gave rise to new problems.

107. The representative further stated that one of the basic prerequisites for guaranteeing the actual

equality of women in Bulgaria lay in the substance of the socialist society. It was carried out by the whole population, both women and men with the common efforts of the Government, public organizations, including the Committee of the Bulgarian women. All measures in this respect were included in the national plans for economic and social development, the goal being to ensure an optimal combination of economic and social activities with the duties of motherhood. Women comprised approximately 50 per cent of the working labour force in Bulgaria. In all, 46.4 per cent of specialists employed with higher education were women.

108. Some members had expressed the view that in Bulgaria women were over-protected, especially as regards the protection of maternity. In that connection, the representative referred to article 4.2 of the Convention, a provision with regard to which, in so far as she was aware, no State party had made a reservation. It was better to over-protect than to provide inadequate protection or to practice discrimination.

109. The representative said that, since equality of women had already been guaranteed in Bulgaria prior to the adoption of the Convention, no change had been necessary. Nevertheless, some changes in legislation had taken place after ratification, e.g., a decree adopted in April 1984 had provided for a series of measures to assist young families by giving them priority in the allocation of housing, augmenting allowances for children and increasing paid leave for the care of children.

110. With regard to alcoholism, the representative stated that cases of alcoholism were very rare among women. In such cases, the approach adopted was not so much a legal one as a social one, including both persuasion and medical treatment. On the question of rape, the penalty under the penal code was imprisonment for 3 to 10 years in cases where the woman was less than 16 years old or was a relative of the perpetrator or the offence was repeated. In certain severe cases the penalty could be 15 years' imprisonment.

111. With regard to membership in political parties, she stated that in 1984 30 per cent of the members of the Bulgarian Communist Party were women. That was a substantial increase since 1968, when the percentage was 23.6. At present, 40 per cent of new members joining the party were women so that the proportion of women was bound to rise further in the future. Some 15.3 per cent of the membership of the Bulgarian Agrarian Party were women. She further explained that many women were in positions of leadership in the women's movement and were members of public bodies involved in decisions regarding problems of women and the family. The percentage of participation of women in the People's Assembly had increased from 5.7 per cent in 1945 to 21.8 per cent in 1981. Some 25 per cent of the members of the Supreme Court were women. Efforts were being made to increase the participation of women in the highest State organs.

112. Regarding the participation of women in international activities, she said that there was no difference in the training of women and men for diplomatic work, and women performed similar diplomatic and other operational and technical functions. There were several women ambassadors as well as a woman deputy minister of foreign affairs and counsellors. However, the majority of women were of lower diplomatic rank.

113. The representative stated that the "family clubs" represented a special approach to training for family life, the upbringing of children in a spirit of equality and the gradual overcoming of sex

stereotypes. Over 1,000 such clubs existed. Each club was governed by a council elected by its members.

114. It was stated that the difference in retirement age for women and men was explained by the physiological properties of the female organism and the child-bearing and child-rearing functions that women discharged in addition to their working responsibilities. A woman could continue beyond the age of retirement with the agreement of her employer.

115. On the question of funds allocated for social security benefits for mothers and children, the representative explained that the largest portion of public outlays was for assistance to families in raising children, including education and cultural activities, health care and the improvement of living and working conditions. She further explained that, since 1975, national income had increased by 64.3 per cent. During that same period, public outlays for children's centres, educational establishments, health-care services for mothers and children and child-care leave for mothers had increased by 87.4 per cent.

116. The representative informed the Committee that the Government allocated large sums of money for the creation of physical facilities and material infrastructure for the development of sports.

117. Regarding abortion, the representative stated that the Bulgarian Government was guided in its policy by the principle that the family had the right to decide for itself when and how many children to have. All unmarried female students and divorced, widowed and married women over the age of 40 with one child were eligible for an abortion on a number of medical grounds, for other reasons or for personal reasons.

118. The representative explained that Bulgarian legislation had set the age at which a woman could enter into marriage at 18 years. When warranted by valid reasons (e.g. pregnancy), a judge could allow a marriage to take place at the age of 16.

119. According to the law on Bulgarian citizenship, a child born abroad of one Bulgarian parent was regarded as a Bulgarian citizen, except when the child was born in the country of the alien parent and the law of that parent's country recognized the child as a citizen. A man or woman who had lost his or her Bulgarian citizenship or had been released from Bulgarian citizenship as a result of marriage to an alien could request the restoration of citizenship in the event that the marriage had been terminated through the death of the spouse or through divorce.

120. It was explained that the Bulgarian Family Code provided for two forms of divorce: divorce with the common consent of both spouses and divorce resulting from the profound breakdown of the marriage. In clarifying the term "unfounded divorce", the representative explained that the legislation had provided for spouses to be given time to reflect carefully before a divorce was granted. In accordance with the Family Code, family relations were regulated in keeping with the principles of the voluntary nature of the marital union. In 1982, 13,282 marriages had ended in divorce and in 1983, 14,546 (14.9 and 16.3 per cent, respectively, for every 10,000 persons).

121. The number of single mothers in Bulgaria was growing and they represented 9 to 10 per cent

of all mothers.

122. The Bulgarian Family Code followed the principle of community property with respect to goods acquired during marriage by both spouses, with exception of the chattels and real estate acquired during the marriage by one of the spouses as a gift or through inheritance. Both spouses were entitled to equal parts when the joint estate was terminated, although the court could assign a larger portion of the estate to the spouse who was awarded the care of minor children.

123. Regarding prostitution, she explained that according to United Nations data, prostitution existed in many of the world's countries as an organized activity; however, trafficking in young women and girls (including such things as chartered "sex flights") did not exist in Bulgaria. The economic basis for the exercise of prostitution as a profession had been eliminated.

124. In the area of education, the representative explained that illiteracy had represented a problem for Bulgarian society during the first years of development after 1944. As a result of the economic backwardness of capitalist Bulgaria, nearly 30 per cent of the female population of the country had been illiterate. A nation-wide campaign, also covering the adult population, had been launched to eliminate illiteracy. The Bulgarian People's Republic had proclaimed in its constitution the principle of free education at all stages.

125. The representative informed the Committee that the legal system in effect in Bulgaria guaranteed the right of all, including women, to the free selection of an occupation or trade. During the 1983/84 academic year, girls and women had accounted for 51.5 per cent of the students at higher institutes of learning and 43.5 per cent of the students at technical colleges and art schools. Women represented 50.3 per cent of all students at the unified polytechnical schools and 35.6 per cent of students in advanced engineering and technical institutes.

126. Regarding the military services, the representative explained that such service was not compulsory for women although they volunteered to serve in the army as medical and service staff.

CEDAW A/53/38/Rev.1 (1998)

Combined second and third periodic reports

208. The Committee considered the combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3) at its 373rd and 374th meetings, on 28 January 1998 (see CEDAW/C/SR.373 and 374).

209. The combined reports covered the period up to 3 November 1994 and were supplemented by a document containing additional information to update the information contained in the written reports and the core document providing information about political, legal and social structures in Bulgaria.

210. In her statement, the representative drew attention to the fact that, since Bulgaria's initial report in 1985, the country had commenced a process of radical political and economic transformation. A new constitution had been adopted in 1991. The representative pointed to a number of difficulties the country had faced during the transition period, including the fact that there had been seven different Governments in power since 1990. Economic conditions had also been severe. However, the Committee was informed that a more favourable economic position was emerging as evidenced by improved foreign investment and a forecast of modest growth in gross domestic product (GDP) in the first half of 1998.

211. The representative acknowledged that Bulgarian society had been inherited from the communist era where there was *de jure*, but not *de facto* equality for women. She expressed the Government's commitment to taking further measures to improve the *de facto* situation of women in line with the Convention. She referred to the fact that, in May 1992, Bulgaria withdrew its reservation on paragraph 1 of article 29 of the Convention concerning the jurisdiction of the International Court of Justice. She also outlined steps taken by the Government of Bulgaria to translate and disseminate the Convention widely throughout the country. The representative stated the Government's position that equality between women and men was a *conditio sine qua non* of democracy.

212. The representative pointed out that article 6 of the constitution of Bulgaria guaranteed equality and non-discrimination. In addition, the Committee was informed that, although there are no special laws on human rights and gender equality, article 5 of the constitution provided for the incorporation of international treaties to which the Republic of Bulgaria was a party into domestic law.

213. The representative cited statistics demonstrating that infant mortality in Bulgaria had decreased substantially since the years from 1970 to 1980. She referred to the substantial increase in the number of births outside of wedlock in Bulgaria and reported that the Government saw this as a reflection of more flexible choices of family partnerships for women than previously.

214. The representative outlined some measures that had been adopted to improve the situation of Roma children, in particular with regard to education. Several reports had been prepared relating to the Roma minority and various consultations carried out with the specialized agencies on the

issue. The situation of the Roma minority had been raised during the consideration of Bulgaria's proposed membership of the European Union and further measures would be implemented in cooperation with the Union.

215. The Committee was informed of the measures taken by the Government of Bulgaria to implement the Beijing Declaration and the Platform for Action. Immediately after the Fourth World Conference on Women, an intergovernmental commission had been established. In cooperation with women's non-governmental organizations, the commission produced a national action plan. This was adopted by the Council of Ministers in July 1996 and a decision was reached to establish a permanent intergovernmental council to monitor its application. At present, the Ministry for Foreign Affairs served as the focal point for the commission.

216. The representative referred to the Government's proposal to appoint an ombudsperson who could be entrusted with the role of monitoring women's human rights and gender equality. A draft law was in the process of preparation and two seminars to discuss the proposal had been planned for 1998.

217. The representative reported that some very favourable advances had been made regarding the participation of women in decision-making and political life. In some Ministries, the number of women significantly exceeded the number of men. The situation was similar in the judiciary.

218. The representative referred to the problem of unemployment for women and noted that cases of discrimination against women were still evident, with some employers preferring to fill vacancies with men or with very young women who had no family responsibilities. It was acknowledged that women were more affected by unemployment than men.

219. The representative stated that the reduction of crime had been, and continued to be, a main priority for the Government. In particular, she referred to measures taken to strengthen provisions against the illicit trafficking in persons and emphasized the Government's commitment to strengthen international and regional cooperation on the issue.

220. The Committee was informed that, while domestic violence resulting in severe, medium and slight physical injury was regarded as a criminal offence, proceedings could only be commenced upon the complaint of the victim. The representative acknowledged that domestic violence in Bulgaria was still not seen as a human rights abuse and that more awareness-raising campaigns were needed. The Parliament was at present considering draft legislation that would criminalize domestic violence against children, including girls.

221. The representative concluded by indicating that the Government was committed to the implementation of the Convention and looked forward to the Committee's recommendations in that regard.

Concluding comments of the Committee

222. The Committee notes with appreciation the combined second and third periodic reports of Bulgaria. The Committee is pleased that an effort has been made to update the information and to

respond to the questions posed by the pre-session working group.

223. The Committee welcomes the high-level delegation headed by the Deputy Minister for Foreign Affairs.

224. The Committee appreciates the efforts made to respond to the questions posed by the experts during the oral presentation. The delegation is able to provide some valuable information within a very short time, which significantly assists the Committee's understanding of the situation faced by women in Bulgaria. However, the Committee notes that the delegation has failed to address many of the questions transmitted to the Government of Bulgaria by the pre-session working group and that some of those posed are not addressed in depth. In addition, many of the questions that have been raised by members of the Committee during the delegation's oral presentation have not been responded to. The Committee appreciates the time constraints imposed, but nonetheless requests that all those questions be answered in the next report.

Positive aspects

225. The Committee commends Bulgaria for withdrawing its reservation to article 29 of the Convention.

226. The Committee notes that the Bulgarian constitution enshrines formal equality between women and men.

227. The Committee notes the willingness of the Bulgarian Government, expressed in frequent oral statements, to improve, in accordance with the Convention, the *de facto* and *de jure* situation of women in Bulgaria, who currently carry a disproportionate share of the burden associated with the radical political and economic changes in the country.

228. The Committee notes with great pleasure the changes implemented in Bulgaria in recent years that have brought about respect for human rights and fundamental freedoms. In particular, the Committee welcomes the Government's recognition that democracy will not be achieved without the full and equal participation of women in decision-making and all other areas of life.

229. The Committee welcomes the Government's proposed establishment of ombudsperson for human rights who will also monitor women's rights and equality issues. The Committee notes with satisfaction the delegate's comments recognizing the importance of ensuring that the ombudsperson has adequate resources and is given a clear mandate to address gender issues.

230. The Committee commends Bulgaria on the adoption of a national action plan to implement the Beijing Declaration and Platform for Action. The Committee is also pleased that efforts have been made to establish a body to monitor the implementation of the plan, namely the intergovernmental commission. The comments of the delegate that an appropriate place will soon be found for the commission during the ongoing process of administrative reform are noted and the Committee looks forward to the provision of further information on that point in the State party's next report.

Factors and difficulties affecting the implementation of the Convention

231. The Committee notes the difficult economic and political process Bulgaria is undergoing in its transformation to democracy and a market-oriented society.

232. The Committee considers that previous ideological positions, including the former insistence on formal or *de jure* equality, now tends to impede a proper understanding of the complex issue of discrimination, such as structural and indirect discrimination, which further compounds the situation of the de facto inequality of women.

233. The Committee considers that the persistence of the emphasis on women's role as mothers, together with the extensive protection provided to women as mothers, tend to perpetuate sex role stereotypes and reduce the father's role and responsibility in the upbringing of the children. This makes it difficult for the Government to promote new concepts of men's and women's roles without appearing to interfere, once again, with individual choices and desires.

Principal subjects of concern

234. The Committee notes with concern that the Government of Bulgaria apparently lacks an understanding of paragraph 1 of article 4 of the Convention. As embodied in the Convention, special, temporary measures or affirmative action means the establishment of programmes that advantage women more than men. They require undermining formal equality for a certain period of time in order to achieve de facto equality in the long term. The reference by the representative of the Government of Bulgaria to earlier retirement age for women than men is not regarded as a measure of affirmative action.

235. While welcoming the establishment of a commission to monitor the implementation of the national action plan, the Committee notes the prevalence of women in the Department of Foreign Affairs and agrees that it is commendable to seek the involvement of women in the Commission. However, the Committee feels that a failure to house the commission within an appropriate framework in the governmental structure may impair the implementation of the Convention.

236. While the Committee notes the fact that the Bulgarian constitution contains the principle of equality between women and men, it is concerned that the constitution does not contain a definition of discrimination modelled on article 1 of the Convention.

237. The Committee is concerned that the Government of Bulgaria has not taken any steps to translate the provisions of the Convention into national legislation.

238. The Committee is concerned that there are no special laws aimed at bringing about women's de facto as well as *de jure* equality and that the Government has not demonstrated a commitment to introduce special, temporary measures in the near future.

239. The Committee notes that the reports do not reflect any government strategy regarding a national machinery to address women's issues and to implement the Convention. It is concerned that valuable time has been lost in establishing such a machinery and integrating a gender dimension into all policies, which the Committee deems especially important during times of radical societal and economic change. Information provided in the oral presentation about the establishment of an

intergovernmental commission to coordinate the national action plan on women's issues provides some clarification, although the goals of the national action plan, its timetable and the resources committed to its implementation remain unclear. The Committee remains concerned that currently there appears to be no strong national machinery.

240. The Committee is particularly alarmed by the overwhelming number of people living below the poverty line in Bulgaria, which the delegation states to be approximately 80 per cent. This is of concern, as women, and particularly elderly women, are most likely to be adversely affected by poverty.

241. The Committee is very concerned that large numbers of highly educated women in Bulgaria are excluded from decision-making processes and hence their skills are not fully harnessed for the development of the country.

242. The Committee identifies the problem of violence against women in Bulgaria, both in the public and private spheres, as one of its dominant concerns. Some information has been provided in response to the questions of the pre-session working group, but the Committee questions whether the Government's responsibility (flowing from the ratification of the Convention and in accordance with the Committee's General Recommendation 19) for taking measures to address the problem at all levels are fully acknowledged. The Committee expresses concern at the fact that legal proceedings for domestic violence may only be initiated upon the complaint of the victim.

243. Although some information is provided about measures to combat trafficking in women, the Committee remains concerned about the adequacy of the response so far. The Committee is concerned about the extent of the problem, regarding both Bulgarian women who are led into prostitution in other European countries by organized crime, as well as women from other countries who have fallen into prostitution in Bulgaria. The Committee notes the Government's undertaking to give priority to international cooperation on this issue and looks forward to information about the progress achieved in the State party's next report.

244. The Committee is very concerned about the unemployment rate for women in Bulgaria. It is also concerned about the fact that the Government provides contradictory information on whether women's unemployment is higher than that of men. It is clear, however, that, despite their high level of education, unemployment amongst Bulgarian women warrants the serious attention and efforts of the Bulgarian Government.

245. Although the delegation describes some measures that have been taken to improve the situation of Roma children, the Committee is concerned about the very high rate of non-participation of those children in schools. The need to provide incentives for children to stay in school and to educate their parents as to the importance of continued schooling is emphasized.

246. The reports describe an extremely high rate of induced abortion among women, in particular young women, in Bulgaria. The Committee expresses alarm that abortion appears to be used as a method of family planning. Although the delegation provides some additional information in its oral presentation, the Committee remains concerned about the measures taken to ensure that women have proper access to contraceptives. The Committee is also confused about the causes of the rising rate

of out-of-wedlock births and requests further information on that point. The Committee is also concerned that the Government does not have data, disaggregated by sex, on drug dependency and venereal disease, including HIV/AIDS.

247. The Committee believes it has been provided with inadequate information on the situation of rural women and the extent to which they have benefited from agrarian and other types of reform in the rural sector.

248. The Committee expresses concern that information has not been provided on the social, economic and political status of women of different ethnic and religious minorities in Bulgaria.

249. The Committee requests the Government of Bulgaria to address in its next report all the questions raised by members of the pre-session working group, as well as all the questions raised by members of the Committee during the oral presentation which have not been answered. In addition, the Committee requests that particular attention should be paid to and detailed descriptions provided of measures to change the prevailing attitudes and policies with regard to women's role in the home, to remove stereotypes from school books and from other facets of the education system, so as to overcome the legal, economic and social problems of female heads of households with children, to combat all forms of discrimination against women in employment and to improve women's access to free legal aid and the standard of living of rural women.

250. The Committee urges the Government to introduce a definition of discrimination modelled on article 1 of the Convention into its constitution and other relevant laws.

251. The Committee recommends that, despite the economic difficulties associated with transition, the Government give priority to the establishment of a strong and effective national machinery with adequate financial and human resources for advancing the position of women in Bulgaria. Special attention should be given to where this machinery should be placed within the Government structure to make it as effective as possible. The Committee notes that countries undergoing transition have a unique political opportunity to improve the situation of women as an integral part of the successful transition to democracy and a free market economy. They can thereby avoid the entrenchment of structural discrimination and the need for further fundamental changes in the future.

252. The Committee recommends that, as the Government embarks upon the procedure of setting up an appropriate national machinery for the promotion of women's rights, recourse be had to the experience of other European Governments that have been through the same procedure in the past. The Committee requests that more information be provided on the implementation of the national action plan in the State party's next report.

253. The Committee urges the Government of Bulgaria to appoint an ombudsperson, in accordance with the current proposal before Parliament. The Committee further urges the Government to ensure that sufficient resources be allocated to enable the office to function effectively. The ombudsperson should also be provided with a clear mandate to address gender issues.

254. The Committee strongly recommends that temporary, special measures, in accordance with paragraph 1 of article 4 of the Convention, be adopted in all necessary areas, particularly in the areas

of employment and political decision-making, to accelerate the de facto situation of equality for women in Bulgaria. The Committee suggests that the Government give further consideration to the nature and role of affirmative action. Experts of the Committee could be called upon to provide further information and assistance to the Government in that respect.

255. The Committee recommends that legislative measures protecting women against all forms of violence, both public and private, be strengthened. In particular, provision should be made for the prosecution of offenders even in the absence of a complaint by the victim. The Committee urges the Government to develop an array of medical, psychological and other measures to assist women victims of violence and to change prevailing attitudes to domestic violence, which view it as a private problem, and to encourage women to seek redress. A range of strategies are available, including the utilization of popular music, theatre and so on, with the cooperation of civil society, including women's organizations. The Committee requests that the Government of Bulgaria include information on steps taken to address domestic violence in its next report.

256. The Committee encourages Bulgaria to implement its intention to cooperate at the regional and international levels with regard to the problem of trafficking in women and their exploitation through prostitution. The Committee suggests that, in order to tackle the problem of trafficking in women, it is essential to address women's economic vulnerability, which is the root cause of the problem. In addition, national legislation should be reviewed and amended in accordance with the Convention, effective administrative and police structures need to be created, media sensitization and training campaigns conducted and the work of women's non-governmental organizations in this area promoted. The Committee also requests that the Government of Bulgaria include in its next report yearly data on the number of women trafficked into Bulgaria and the number of those women who have been returned to their countries of origin, as well as the number of women trafficked out of Bulgaria to other countries and the number of people engaged in trafficking who have been arrested, prosecuted and sentenced.

257. The Committee recommends that the Government of Bulgaria develop appropriate measures to address poverty amongst women, particularly the most vulnerable women, including elderly women, women with children and women with disabilities.

258. The Committee urges the Government of Bulgaria to undertake efforts to collect statistical information on the social, economic and political status of women of different ethnic minorities and to ensure that such data is available to the Committee in the next periodic report.

259. The Committee recommends that special measures be taken to encourage women to become entrepreneurs. Training should be provided and measures taken to facilitate access to credit and loans for women, in particular rural women. The Committee requests that the next report provide detailed information on the involvement of women in economic operations, including information about discriminatory practices against women in employment and measures taken to counteract such practices.

260. The Committee urges the Government to facilitate consultations between Bulgarian women's non-governmental organizations and other European women's non-governmental organizations, in order to discuss Bulgarian women's issues and receive any necessary assistance.

261. The Committee requests the wide dissemination in Bulgaria of the present concluding comments in order to make the people of Bulgaria, and particularly its Government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government of Bulgaria to continue to disseminate widely, in particular to women's and human rights organizations, the Conventions, the Committee's general recommendations and the Beijing Declaration and Platform for Action.