

BULGARIA

CESCR E/1988/14

304. The second periodic report of Bulgaria on the rights covered in articles 10 to 12 of the Covenant (E/1986/4/Add.20) was considered by the Committee at its 17th to 19th meetings, held on 18 and 19 February 1988 (E/C.12/1988/SR.17-19).

305. The report was introduced by the representative of the State party. Having stressed that his Government attached great importance to co-operation with the Committee, he informed the Committee about new legislation adopted since the submission of the report and difficulties encountered in the implementation of the rights covered in articles 10 to 12 of the Covenant. He declared that the years 1986-1987 had been marked by profound changes in economic, social and political spheres in Bulgaria which had begun subsequent to the Thirteenth Congress of the Bulgarian Communist Party. Detailed description of restructuring in all areas of Bulgarian society was given. He emphasized that political restructuring would involve increasing democracy, strengthening socialist legality and establishing improved guarantees for the promotion and implementation of human rights as well as increasing openness in public life.

306. The representative stated that the most significant new legislation enacted since the report had been submitted was the Labour Code adopted by the National Assembly in 1986, following extensive popular consultation. The attention of the Committee was also drawn to the amendments to the Constitution which were to be submitted to the National Assembly in October 1988.

307. With reference to article 10 of the Covenant, he declared that protection of the family, mothers and children remained an important aspect of social policy. Within this context the pertinent statistics were given and it was stated that the new Family Code, adopted in 1985, had reviewed, codified and improved all legislation relating to measures for the protection of motherhood to be taken by the Government and social and economic organizations.

308. The representative stated that the improvement of living standards was also given high priority and pointed out that in 1987 the average monthly salary had risen 3.5 per cent in relation to 1986 and public consumption funds, used for social welfare purposes, had increased by 4.9 per cent; there had been 66,603 new housing places made available, which represented a 13.6 per cent increase over 1986. Retail food prices had remained unchanged, but since the beginning of 1988 a new concept of "international prices" had been introduced into the economy for the determination of prices according to the means of production, raw materials, energy, etc. Prices of essential consumer goods would continue to be subsidized by the State.

309. Another important objective of the social policy, said the representative, had been to improve the health of the population and eliminate or reduce to a minimum certain diseases, and for that purpose the Government had set up special medical services. In 1987, Bulgaria had adopted a strategy which was intended to achieve the goal of health to all by the year 2000, in accordance with the Global Strategy adopted by the World Health Assembly in its resolution WHA34.36 of 22 May

1981.

General observations

310. The Committee commended the Government on the report, which was of highest quality, and expressed its appreciation for the excellent and constructive oral presentation by the representative of the State party.

311. The members of the Committee noted with appreciation that the Bulgarian Government had submitted a very full report, describing not only the remarkable progress made in implementing the provisions of articles 10 to 12 of the Covenant, but also the difficulties encountered.

312. Observing that the Thirteenth Congress of the Bulgarian Communist Party had taken important decisions on restructuring, members of the Committee asked for more information on the changes under way in Bulgaria, particularly with regard to social and economic rights. They wished to have more information on social consumption funds, and in particular on how they were managed and financed.

313. Questions were asked about the economic and social status of minorities, about the provisions of the new Family Code on the principle of equality between the sexes and on the active role Bulgaria was playing in the field of international co-operation, which was very important for the implementation of the Covenant.

314. Further details were requested on the way the report had been prepared: what methods had been employed, what Ministries or other authorities had been responsible for it and what contribution had been made by non-governmental organizations.

315. The representative of the reporting State pointed out that the entire country was participating in a long-term process of restructuring which was taking place in Bulgaria. One key aspect of the reform was self-management and that the restructuring in the economic field was to be followed by social and political changes. As for operation of social consumption funds, he explained that the funds, which were allotted to education, health and social security, were financed from the budget of enterprises in various ways set out in article 170 of the Labour Code.

316. Replying to the question concerning the possible difference in the enjoyment of rights under the Covenant by different ethnic groups, the representative declared that Bulgaria was homogeneous from the ethnic point of view, but because of the geographical position of Bulgaria as a crossroads, there were Bulgarian citizens belonging to other ethnic-religious groups, such as Jews and Armenians. Further information on this subject was provided and in particular the Committee was informed that both under the Constitution and in practice there was no discrimination on grounds of race, religion, language or politics in Bulgaria.

317. Turning to the question of international co-operation, the representative of the reporting State informed the Committee that Bulgaria's participation in international co-operation in the field of human rights was becoming increasingly important and that Bulgaria was glad to see that the dialogue and the search for practical solutions without confrontation was playing an increasing part

in that field.

318. As for the preparation of the report, he explained that it had been drawn up in a co-operative effort involving several States bodies and co-ordinated by the Ministry of Foreign Affairs. Women and youth organizations had also played an important part. He also informed the Committee that a non-governmental organization - national committee for the protection of human rights - was to be established in Bulgaria and would play an important part in preparing the reports and in implementing the rights under the Covenant.

Article 10: Protection of the family, mothers and children

319. With reference to a new Family Code adopted in 1985, it was asked why the Government had thought it necessary to revise the previous one dating from 1968. Members of the Committee asked for information on the question of leave to raise young children, referred to in the report (E/1986/4/Add.20, para. 12), and in particular on the persons who were entitled to take such leave. They also asked whether fathers or adoptive fathers who were unmarried could also receive the monthly allowances (ibid., para. 13).

320. With regard to marriage, it was asked whether under Bulgarian law a marriage could be dissolved if one of the spouses had disappeared for a long time, what steps were taken to limit the “ill-considered and hasty divorces” (ibid., para. 11) if the law recognized the idea of the “natural family” and gave children born out of wedlock the same rights as those born to married parents and if divorced parents could agree to share custody of the children. With reference to the statement in the report that a marriage could not be dissolved until three years had passed, it was asked whether the law allowed no exceptions in cases of force majeure.

321. The representative of the reporting State, in response to the questions raised, provided the Committee with additional information as to the implementation of article 10 of the Covenant. He declared, in particular, that Bulgaria had decided to change the Family Code in order to meet new developments in family situations. During its preparation, the population had been consulted and its opinions had been taken into account. On the basis of a broad interpretation of article 63, paragraph 6, of the Family Code, men and women did have the same rights to take leave to look after their children.

322. As for the notion of natural family, he stated that the natural family was not a legal concept in Bulgaria and it had not been included in the Family Code; the de facto situation did exist to some extent, but it had not reached such a level as to require action by legislators. Children born outside wedlock were given the same rights as legitimate children.

323. Turning to the question of parental authority after divorce, he stated that there were no relevant provisions in the Family Code, but the court decided which spouse had custody of the children. Under the Family Code the parent who did not have custody had the right to maintain contacts with the child.

Article 11: Right to an adequate standard of living

324. It was asked whether the price freeze on staple items, mentioned in the report (E/1986/4/Add.20, para. 24), did not run counter to the reforms planned as part of restructuring, under which prices had to reflect the market. In the same context, and in view of the unusual drought from which Bulgaria had been suffering for some years, further information was requested on the rise in the prices of certain imported goods and the 60 per cent rise in the price of drinking water.

325. It was asked how the minimum monthly wage was calculated (*ibid.*, para. 18), and what the difference was between the nominal salary and the real salary (*ibid.*, para. 22). Members also wished to know whether there was any inflation in Bulgaria, and if so, what effect it had on people's standard of living.

326. Questions were asked about the extent of the housing shortage in Bulgaria, the situation of older people, and the measures taken by the Government to give effect to the right to adequate clothing during the exceptional conditions caused by three consecutive years of unusual drought.

327. Replying to the questions raised, the representative of the reporting State indicated that a change in the pricing system had been introduced as of 1 January 1988, to bring national prices into line with international prices, but the new system applied only to energy, the means of production and machines. In the case of consumer goods the State paid the difference and the price to the consumer remained the same, to avoid a large reduction in purchasing power. Consumer prices would only be altered after 1990 and studies were under way to find methods of implementation which would not affect purchasing power. Within the same context it was said that, although the rise of 60 per cent in the price of drinking water seemed very large, in reality the price of drinking water had formerly been ridiculously low and the price rise did not present a problem even for the poorest people.

328. Turning to the questions dealing with salaries, the representative stated that a minimum monthly salary was fixed by the relevant State bodies and reflected the minimum necessary living allowance in Bulgaria. He informed the Committee that the planned new measures included a significant increase in the monthly salary in 1988, and the minimum salary would also be altered. The relevant information on this subject was provided by the representative of the reporting State. As for differences between nominal and real wages, it was pointed out that the gap was not very large and further information was given.

329. In answer to the question concerning housing, the representative said that the housing situation in general was good, but the housing problem still existed in large urban centres, particularly in Sofia, Varna and Plovdiv, owing to the migrants from villages to towns. In spite of construction of new houses and flats, there were 10,000 families living in difficult housing conditions in Sofia.

Article 12: Right to physical and mental health

330. Members of the Committee, noting that per capita calorie consumption in Bulgaria seemed to be extremely high, asked whether the people were aware of the dangers of over-eating. They also wondered whether, in view of the fact that in the East European countries some 80 per cent of doctors were women, the introduction of a new family code so favourable to mothers was not liable

to diminish the quality of the health services. Reference was made to the “over-production” of doctors in many developed countries, and it was asked whether entry to medical school was restricted in Bulgaria. Further information was also requested on government policy on mental health, on the measures taken to improve environmental and industrial hygiene and on the practical steps adopted against AIDS.

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213. The Committee considered the third periodic report of Bulgaria on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.16) at its 30th to 32nd meetings, held on 16 and 17 November 1999, and adopted, at its 50th and 51st meetings, held on 30 November 1999, the following concluding observations.

A. Introduction

214. The Committee welcomes the submission of the third periodic report by the State party, which conforms generally with its guidelines. The Committee appreciates the comprehensive written replies submitted by the State party to the list of issues. It also notes with satisfaction the openness and candour of the exchange of views with the State party's delegation, as well as the comprehensive oral answers given to the questions put to the delegation during the dialogue.

B. Positive aspects

215. The Committee notes with satisfaction that despite the difficulties of the transition period, the State party has made extensive efforts to comply with its obligations under the Covenant.

216. The Committee notes with appreciation the ongoing consideration of the establishment of an Ombudsman's office in Bulgaria, and encourages the State party to proceed as speedily as possible towards the creation of the post.

217. The Committee welcomes the readiness of Bulgaria to give favourable consideration to acceding to an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

218. The Committee notes with satisfaction that despite the privatization of health services, medicines will continue to be distributed free of charge to the disadvantaged groups of society, and that mental health services will remain public.

219. The Committee notes with satisfaction the establishment, at the Higher Institute of the Ministry of the Interior, of a programme for the training of police officers in human rights and refugee law. Similarly, the Committee welcomes the training in human rights afforded to magistrates.

C. Factors and difficulties impeding the implementation of the Covenant

220. The Committee acknowledges the negative effects of the armed conflict in the Balkans on the Bulgarian economy, especially the destruction and blockage of trade routes and the disruption of navigation on the Danube.

221. The Committee takes note of the information supplied by the delegation that the financial stringencies related to structural adjustment programmes undertaken by Bulgaria in agreement with

international financial institutions have negatively affected the ability of Bulgaria to comply with its obligations under the Covenant.

D. Principal subjects of concern

222. The Committee is deeply concerned that, despite the efforts of the State party to improve the situation of the population, there is still an alarmingly high level of poverty in Bulgaria and that the social protection of the population continues to deteriorate, especially among the vulnerable groups.

223. The Committee deplores the discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land. The Committee is especially concerned about the high rate of unemployment among the Roma minority and the poor quality of education afforded to this group.

224. The Committee notes with regret that the delegation was not able to specify any procedure through which minorities can voice complaints about the status of their enjoyment of economic, social and cultural rights.

225. The Committee notes with regret that despite the Government's efforts to combat unemployment, success has not been achieved in this regard.

226. The Committee deplores the situation in which those who are employed receive salaries which do not allow them to secure for themselves and their families an adequate standard of living.

227. The Committee regrets that there is no legal prohibition of dismissal from employment on grounds of pregnancy.

228. The Committee takes note of the comments of the Committee of Experts of the ILO on limitations to the right to strike in Bulgaria, in particular concerning paragraph 11 (2) of the law of 1990 on collective labour disputes regarding the conditions for voting to exercise the right to strike in companies, and paragraph 16 (4) of the same law prohibiting the right to strike of workers in the health services, energy production and communications system sectors.

229. The Committee regrets that the State party has not accorded sufficient attention to the well-being of older persons, nor has it made an effort to guarantee to them a dignified life.

230. The Committee deplores the deterioration of the housing situation in Bulgaria and regrets that only ineffective measures have been taken by the State party to alleviate overcrowding and the generally poor condition of the housing that is available.

231. The Committee regrets the lack of opportunities for minorities to receive education in their own languages.

232. The Committee is also concerned about the low wages of teachers in Bulgaria.

233. The Committee is concerned that the fees introduced in higher education may represent a

serious obstacle for disadvantaged groups of society seeking such an education.

E. Suggestions and recommendations

234. The Committee recommends that the State party seek the technical cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights with a view to establishing a national human rights institution in conformity with the Principles relating to the status and functioning of national institutions for the promotion and protection of human rights (“the Paris Principles”).

235. While the State party has to strike a balance between reforming the economy and safeguarding the rights enshrined in the Covenant, the obligations arising therefrom require that an adequate standard of living for all citizens, and in particular the most vulnerable groups, must be assured. The Committee refers to its General Comment No. 12 (1999) on the right to adequate food in this regard.

236. The Committee recommends that the State party evaluate the economic reform programmes with respect to their impact on poverty, and make efforts to adjust these programmes in such a way that they adequately respond to the current social needs of the population. The Committee recommends that in negotiations with international financial institutions, the State party take into account its obligations to respect, protect and fulfil all the rights enshrined in the Covenant.

237. The Committee recommends that the State party take the necessary measures to allow for the full exercise of the right to strike, and in particular to amend paragraphs 11 (2) and 16 (4) of the law of 1990 on collective labour disputes, concerning the right to strike.

238. Having in mind the International Year for Older Persons and the increase in the number of older persons in Bulgaria, the Committee recommends that the State party take affirmative action for the well-being of older persons.

239. The Committee calls upon the State party to continue its efforts to integrate ethnic minorities into society, and to undertake measures to provide the opportunity for such minorities to be educated in their own languages.

240. The Committee recommends that the State party establish a plan of action to improve the housing situation, in particular the social housing situation. If necessary, the State party should request international assistance in this regard.

241. The Committee takes note of the measures taken to alleviate the situation of asylum-seekers and refugees, such as the adoption of a new law on refugees and the construction of a new centre for asylum-seekers. The Committee urges the State party to implement fully the law reforms and to ensure that there is an improvement in the situation of refugees detained at the international airport in Sofia.

242. The Committee recommends that the State party prohibit dismissal on the grounds of pregnancy.

243. The Committee requests the State party to provide information, in its fourth periodic report, on the phenomena of child labour, street children and domestic violence against women.

244. The Committee requests the State party to explain, in its fourth periodic report, the measures it has taken to ensure that all teaching staff enjoy the conditions, including wages, commensurate with their status, in accordance with article 13, paragraph 2 (e) of the Covenant.

245. Given that fees for higher education may represent a serious obstacle to disadvantaged groups, the Committee requests the State party to explain, in its fourth periodic report, the steps taken to improve access to higher education for all, such as the introduction of an effective fellowship system, as provided for in article 13, paragraph 2 (e) of the Covenant.

246. The Committee urges the State party to undertake the necessary measures to ensure that the provisions of the Covenant are widely disseminated, particularly within the legal profession and among members of the judiciary.

247. The Committee requests the State party to provide information, in its fourth periodic report, on case law, if any, concerning the provisions of the Covenant.

248. The Committee requests the State party to ensure the wide dissemination of these concluding observations. In its fourth periodic report, to be submitted on 30 June 2001, the State party is requested to provide detailed information on the steps it has undertaken to implement these recommendations of the Committee.