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## Заклучения на Комисията

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***Concluding observations of the Committee on the Elimination of Discrimination against Women : Bulgaria. 14/05/98.***

***A/53/38, paras.208-261. (Concluding Observations/Comments)***

**Convention Abbreviation:** CEDAW

Committee on the Elimination of  
Discrimination against Women

Bulgaria

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



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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 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.



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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*



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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



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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



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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.



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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



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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



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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.

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