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Summary record of the 42nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 20 November 2012, at 3 p.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined fourth and fifth periodic reports of Bulgaria (continued) (E/C.12/BGR/4-5; HRI/CORE/1/Add.81; E/C.12/BGR/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bulgaria took places at the Committee table.*

2. **Ms. Roussinova** (Bulgaria) said that unemployment had increased in Bulgaria owing to the economic and financial crisis. The unemployment rate, which had been only 7 per cent in 2010, had now risen to 11.2 per cent of the workforce, and the unemployment rate among persons aged 15 to 29 years was rising sharply. The Council of Ministers had therefore adopted a national initiative targeting young people, designed to combat early school leaving, better adapt secondary and higher education curricula to the needs of the labour market, and facilitate access to employment and create new jobs for young people. In that context, the Bulgarian Government had signed an agreement with social partners and municipalities to ensure that, by the end of the year, all young people would have received a job offer or had the opportunity of continuing their education.

3. The budget allocated to financing support measures for the labour market had increased from 196 million leva in 2008 to 320 million in 2012, and was expected to reach 350 million leva in 2013, a proportion of which would be financed by the European Union. Regional offices had been opened, particularly in remote areas, to provide assistance to the long-term unemployed and enable them to re-enter the labour market. The minimum wage had risen from 249 leva in 2009–2010 to 290 leva at the beginning of 2012 and was expected to reach 310 leva in 2013. In 2012, the minimum wage had been paid to 136,000 persons, more than two-thirds of whom were employed in the private sector. The minimum wage was set annually by the Council of Ministers, in consultation with the ministries concerned and the social partners, and took public expenditure estimates into account.

4. In 2011, 107 industrial accidents had been reported (compared to 180 in 2008) and an additional 110 labour inspectors had been recruited. Their basic and vocational training had been improved in order to build the labour inspectorate's capacity. Bulgaria was ready to begin consultations with a view to ratifying the International Labour Organization (ILO) Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) and Equality of Treatment (Social Security) Convention, 1962 (No. 118). The Social Security (Minimum Standards) Convention, 1952 (No. 102) had been ratified with the exception of two chapters, which would be ratified shortly. Lastly, measures had been taken to amend the Civil Servants Act in order to grant public officials the right to strike.

5. **Ms. Harizanova** (Bulgaria) said that all citizens were eligible for social assistance when they were unable to meet their needs. Foreigners, refugees and persons who had been granted temporary protection were equally eligible for social assistance – a public benefit that was independent of the social security system, granted on request following an assessment by social services and paid monthly or on an ad hoc basis, according to circumstances. Incentives to return to work were available to social assistance recipients seeking employment. In addition, the Ministry of Labour and Social Policy operated a special fund that provided for the establishment of social services for the most disadvantaged groups.

6. The law provided for persons with recognized disabilities to receive a special benefit, paid monthly or on an ad hoc basis, irrespective of income, and to obtain tax relief.

Measures had been taken to help persons with disabilities find employment, especially self-employment. The Bulgarian Government had also planned a system of integrated social services for the elderly. The Ministry of Labour and Social Policy had, in cooperation with the Bulgarian Red Cross and the Swiss Red Cross, implemented a programme for the care of elderly persons suffering from dementia or Alzheimer's disease.

7. **Mr. Philipov** (Bulgaria) said that in 2011 the Commission for Protection against Discrimination, consisting of nine members, including three women and four members of ethnic minorities, had received 848 complaints, of which 47 concerned discrimination based on ethnic origin and 21 related to multiple discrimination including discrimination based on ethnic origin. In the first half of 2012, the Commission had received 408 complaints, including 32 in respect of discrimination based on ethnic origin and 47 concerning discrimination based on disability. In 2011, the Commission had issued 229 decisions, including 23 relating to complaints of discrimination based on ethnic origin. In 2012, the Commission had received 245 complaints of discrimination, including 31 cases of discrimination based on ethnic origin.

8. **Mr. Tehov** (Bulgaria) said that Bulgaria was a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which had been incorporated into its domestic law and could be invoked before the courts. A law relating to asylum and refugees had been adopted, providing special protection for foreigners in Bulgarian territory and defining their rights and obligations. Persons who requested protection were entitled, throughout the period of consideration of their claim, to receive social and health assistance under the same conditions as Bulgarian citizens. Foreigners who obtained refugee status or asylum in Bulgaria were entitled to exercise all the economic, social and cultural rights granted to Bulgarian citizens. In 2011, the Council of Ministers had adopted a national programme for 2011–2013 on the integration of refugees into Bulgarian society, which contained many measures relating to housing, employment and health.

9. **Ms. Ivanova** (Bulgaria) said that local authorities had adopted housing regulations for the benefit of Roma in areas predominantly populated by Roma. In those areas, housing construction and renovation projects, as well as infrastructure development projects, were being undertaken, and the municipalities were seeking sustainable housing solutions for the Roma population. The Civil Registration Act had been amended to allow persons unable to provide proof of their residence to obtain identity documents.

10. **Ms. Vaseva-Dusheva** (Bulgaria) said that all children had free access to crèches, regardless of their origin or social category. Preschool education was free and compulsory. A social integration project for children aged under 7 years, including Roma children, was being undertaken using a loan from the European Bank for Reconstruction and Development. In addition, more than 80 educational mediators had participated in a programme run by the Centre for Educational Integration of Children and Students from Ethnic Minorities. The closure of crèches was linked to the country's constantly declining birth rate. Municipalities, which were responsible for crèches, had occasionally sold or reallocated for other purposes buildings in which crèches had been closed down, because of their inability to maintain them. In large towns, which were experiencing an increase in demand resulting from rural-urban migration, every effort was being made to open new crèches. All crèches and every grade of primary, secondary and vocational education were able to accept up to three disabled children with special educational needs.

11. **Ms. Paunova** (Bulgaria) said that effectively combating human trafficking was a priority for the Bulgarian Government. The National Commission to Combat Human Trafficking, which was under the authority of the Council of Ministers, promoted the prevention and social reintegration of victims of trafficking. The increase in the number of victims could be partly explained by the awareness-raising campaigns that had been carried out, enabling victims to become aware of their predicament and come forward. A national

guidance and support mechanism for victims of trafficking had been set up in 2010, and indicators had been developed to facilitate the identification of victims. The number of sentences handed down against those convicted of human trafficking had also increased (151 proceedings in progress and 31 sentences handed down in 2011). The Criminal Code had been amended in 2009 and harsher sentences of up to 15 years' imprisonment had been provided for the offence of human trafficking. Bulgaria had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In the past two years the number of male victims of trafficking for labour exploitation had increased, and new destination countries, in particular Scandinavian countries, had been identified. Bulgaria, which remained one of the main countries of origin of human trafficking for sexual exploitation, was taking preventive action by targeting the most vulnerable groups, especially Roma. The National Commission to Combat Human Trafficking had opened offices in regions affected by poverty and unemployment, and whose populations were therefore particularly at risk of such exploitation.

12. **Ms. Masheva** (Bulgaria) said that, with regard to tutorship and guardianship, the rights of persons with mental disorders were protected by legislation that required a judge to interview them before ordering a placement. Children born out of wedlock enjoyed the same rights as those born to married parents.

13. **Ms. Harizanova** (Bulgaria) recalled that Bulgaria had a Child Protection Act. The minimum age for employment was 18. Children aged under 18 years, or even under 15 years, were allowed to perform certain types of work within the limits of the relevant provisions of the Labour Code and subject to authorization by the labour inspectorate. Penalties for the violation of regulations had been strengthened, and the courts frequently chose to impose the maximum penalty. In 2012, the labour inspectorate had detected 24 violations, none of which had related to children aged under 16 years. The elimination of poverty was a national priority for the Bulgarian Government. It was the subject of a comprehensive national development plan, to be completed in 2020, focused in particular on creating jobs, increasing incomes, ensuring access to high-quality education and health care and combating exclusion. The employment rate of persons with disabilities was continually increasing, with some 8,700 additional jobs created in 2011.

14. **Mr. Lashev** (Bulgaria) said that the Government had not reduced the share of spending on health care (4.5 per cent of the country's gross domestic product) in the draft budget for 2013, which was currently before Parliament. The number of health-care facilities had gone from 347 in 2010 to 344 in 2011. The infant mortality rate had dropped to 8.5 deaths per 1,000 live births. The maternal mortality rate had decreased substantially and was currently on a par with that of other European countries, with 5 deaths per 100,000 live births. Every death was immediately investigated by the State regulatory body. The average age of first-time mothers had risen from 25 years in 2007 to 26 years in 2011. The number of abortions and early pregnancies was decreasing. The number of abortions among women aged under 19 years had dropped by over 40 per cent between 2008 and 2010 and had also sharply decreased in other age groups. Likewise, the number of births to women aged under 19 years had fallen from 9,912 in 2008 to 8,155 in 2010. As a result of proactive Government initiatives, especially by the Ministry of Health, all women had access to maternal health care regardless of their health insurance status. Public bodies and NGOs cooperated in providing family planning assistance to families. Public health policy regarding Alzheimer's disease focused on early diagnosis. According to a new ordinance, from 1 January 2013, treatment for persons suffering from the disease would be fully covered by the National Health Insurance Fund. Vulnerable persons without health insurance were able to access health-care services as a result of a special fund of 5 million leva which was approved annually by the Government. Nineteen health centres funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria had been established in areas of vulnerable populations, providing free and confidential consultations regarding various

health matters, namely family planning, HIV/AIDS screening tests and other tests. There were also six centres for sexual and reproductive health and HIV/AIDS prevention, which were financed by the Programme for HIV/AIDS Prevention and Control.

15. **Ms. Masheva** (Bulgaria) said that health education, including sexual health education, in schools focused on prevention and was introduced at primary school level in the context of life sciences education. Sexual health was also the subject of various projects based on partnerships between pupils, teachers and parents. A new education bill, which included education to promote healthy lifestyles, was currently under consideration.

16. **Ms. Barahona Riera** (Country Rapporteur) said that domestic violence was not defined in the Bulgarian Criminal Code. She asked what measures had been taken to combat such violence, whether cases had been brought before the courts and whether the phenomenon had decreased. She sought clarification of the legal status of unmarried partners and of orphans living in institutions.

17. **Mr. Sadi** asked whether the Muslim community was subject to a special regime, particularly with regard to marriage and divorce. He also wished to know what rights children born out of wedlock had, for instance, with regard to inheritance. He requested information on the criteria allowing the employment of children aged under 18 years, on the special fund that put people who were not covered by health insurance on an equal footing with those who were, and on the type of HIV/AIDS treatment used in the State party.

18. **Mr. Abdel-Moneim** drew attention to the fact that the demographic problem placed an additional responsibility on Bulgaria in relation to care for the elderly and asked what the State's economic development policy was.

19. **Ms. Shin** asked what percentage of fathers exercised their right to parental leave.

20. **Mr. Martynov** enquired about the percentage of disabled people in employment, disaggregated by year, in relation to the total number of disabled people, as well as the percentage of long-term unemployed in relation to the overall number of unemployed. Did the State party have a programme to overcome regional disparities in unemployment rates and what was the ratio of minimum wage, minimum unemployment benefit and minimum retirement pension, on the one hand, to minimum subsistence level, on the other? Furthermore, how many street children were there in the State party?

21. **Mr. Kedzia** asked for confirmation that care for dementia, Alzheimer's disease and other such illnesses — which affected about 100,000 people in Bulgaria — was not covered by the public health system and, if that was the case, what measures had the State introduced to address the problem?

22. **The Chairperson**, speaking as a member of the Committee and recalling general comment No. 7 on forced evictions, asked what the State party's position was regarding the mass evictions of Roma, who had been expelled from the lands they had occupied for decades, without being offered any relocation solution or compensation.

23. **Ms. Ivanova** (Bulgaria) said that Sofia city hall had pledged to relocate the persons affected by the evictions referred to by Committee members.

24. **Ms. Masheva** (Bulgaria) said that Bulgaria had amended its Protection against Domestic Violence Act on the basis of the relevant recommendations of the Council of Europe. Bulgaria had also established a national preventive mechanism against domestic violence, composed of representatives of several ministries (interior, justice, education and health, among others) and of the judiciary, to raise awareness of the issue among officials, police officers, judges and prosecutors. In view of the fact that all acts that caused bodily harm or injury were criminalized under the Bulgarian Criminal Code, as were threats, serious offences and murders, the Government considered that all forms of domestic

violence were covered by the general provisions of the Criminal Code. However, since 2009, the Code of Criminal Procedure stipulated that failure to comply with a protection order was punishable by up to 3 years' imprisonment.

25. In Bulgaria, it was possible to have a traditional Muslim or Christian wedding, provided that the spouses had been already married in a civil ceremony. Children born out of wedlock enjoyed the same rights as children born to married parents, particularly with regard to inheritance, as long as they had been recognized by their biological father at birth.

26. **Mr. Kerdoun** asked whether the budget allocated to education had enabled the State party to reach, even partially, the target it had set itself to improve the quality of primary, secondary and higher education, even though many schools had been closed down and a number of teachers had been dismissed. He wished to know whether children who dropped out of school generally came from poor families, whether the educational level of Roma children was significantly lower than that of ethnic Bulgarian children, whether Roma parents were made aware of the importance of school attendance and how the State party ensured that children from minority groups such as Muslims and Roma received compulsory preschool education. Lastly, what measures had the State party taken to ensure that children with disabilities were educated in mainstream schools rather than in specialized institutions?

27. **Mr. Dasgupta** asked what impact the closure of 12 public universities between 2003 and 2008 had had on the quality of higher education, taking into account that the number of students had increased and that of teachers had decreased during that period.

28. **Mr. Marchán Romero** asked whether the State party had adopted legislation governing the status of minorities, what criteria were required for a group to be recognized as a minority, whether members of a minority whose economic, social and cultural rights had been violated could now file complaints more easily and, lastly, how their cultural identity was preserved.

29. **Ms. Vaseva-Dusheva** (Bulgaria) said that expenditure on education, which had accounted for 3.5 per cent of the State's budget in 2012, had risen to 5.3 per cent of the provisional budget for 2013. The State invested in both formal and non-formal education, and funded projects designed to benefit as many children as possible. A national external audit conducted at the end of each stage of education provided an assessment of the educational level of pupils. Social factors were the leading cause of school dropout among Roma children although the State provided primary schoolchildren with free textbooks and snacks, and paid an allowance only to parents whose children attended school. As Bulgaria had not established bilingual education, the problem also lay in the fact that Roma children did not always speak the language of instruction (Bulgarian). Educational policies therefore placed emphasis on learning Bulgarian. The number of children with disabilities enrolled in specialized institutions had decreased and many had been able to enter mainstream schools, including the most reputable, where they received tailored human and technological support.

30. **Mr. Yalnazov** (Bulgaria) said that the minimum wage was 310 leva, the poverty threshold was 240 leva and the minimum retirement pension was 150 leva.

31. **Ms. Ivanova** (Bulgaria) said that, according to recent statistics, the Roma minority had the highest school dropout rate, with only 30 per cent of families in stable employment. That could be attributed, in particular, to the fact that many young Roma girls married at the age of 12 or 13. To encourage their enrolment in school, Roma children were offered extracurricular activities, and literacy classes were provided to illiterate parents with a view to raising their awareness of the benefits of education.

32. **Mr. Tehov** (Bulgaria) said that article 54 of the Constitution recognized the population's ethnic diversity but not national minorities. Bulgaria was not a party to any international legal instrument that defined national minorities, which did not preclude it from recognizing the presence of people claiming membership of a particular ethnic group and, accordingly, the existence of such groups in its territory. Thus, everyone could exercise their cultural rights. The rights of persons belonging to a minority ethnic group were individual, rather than collective rights. As the Bulgarian system was based on the principle of ethnic self-identification, no national legislation regulated the recognition of minority groups. One of the priorities of Bulgarian cultural policy was to preserve cultural diversity, which the Ministry of Culture and the National Council for Cooperation on Ethnic and Integration Issues did by funding certain initiatives undertaken by ethnic communities (commemorative ceremonies or exhibitions). National television channels and radio stations also broadcast certain programmes such as news bulletins in languages other than Bulgarian, particularly Turkish.

33. **Ms. Harizanova** (Bulgaria) said that the policy conducted for several years by the Bulgarian Government to ensure that children were less often placed in institutions had been successful: a national strategy adopted in 2005, entitled "Vision", had quickly led to the closure of specialized institutions for children with disabilities and the establishment throughout the country of services providing them with alternative care.

34. **The Chairperson**, welcoming the Committee's fruitful and frank dialogue with the Bulgarian delegation, announced that it had completed its consideration of the report and would publish its concluding observations at the end of the forty-ninth session, on 30 November 2012.

The meeting rose at 6.05 p.m.