



## **BULGARIA**

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### **1. The right to an adequate standard of living and the right to the enjoyment of the highest attainable standard of physical and mental health<sup>1</sup>**

Bulgaria ratified the International Covenant on Economic, Social and Cultural Rights on September 21, 1970 with no reservations. It has not ratified nor signed the Optional Protocol yet.

However, Bulgaria still doesn't comply with all its international obligations. For instance, in relation to poverty, the article 11 al.1 of the International Covenant on Economic, Social and Cultural Rights is particularly relevant as it deals with the **right to an adequate standard of living** (adequate food, clothing and housing, improvement of living conditions). The right to an adequate standard of living is still not effective in Bulgaria. Others rights are also at stake: Article 6 al.2 (steps to be taken by a State to fulfill the right to work), article 7 (right to enjoyment of just and favorable conditions of work, in particular right to fair wages that provide a decent living) and article 12 al.1 (**the right to an adequate standard of living and the right to the enjoyment of the highest attainable standard of physical and mental health**).

Although Bulgaria has been a member of the EU for three years now, there exist an anti-social GDP distribution, delayed catching-up development, rising income and social inequalities, unequal access to education and health care as services of general social interest.

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<sup>1</sup> According to data from the Economic and Social Council of Bulgaria

Bulgaria, having signed *the United Nations Millennium Declaration of September 2000*, has undertaken substantial commitments in poverty reduction in its country by 2015. Moreover, as an EU Member State, Bulgaria is responsible for contributing to severe poverty reduction in other countries. Bulgaria has not settled its domestic problems yet; still it faces a new challenge – to turn from a country-beneficiary into a country-donor.

### **Peculiarities of Poverty in Bulgaria**

Even in the most favorable years of economic activity relevant reduction in poverty and social exclusion did not occur. For the period 1995 – 2008, Gini coefficient is 24.1-26.4. Along with that the poverty rate fluctuated between 16.5% and 13.5% of the population. In Bulgaria, the poverty line in euro is 2.8 times lower than that for the newly acceded countries and 13 times lower than that for the old EU Member States. The differences regarding the poverty lines, when measured in purchasing power parity (PPP), reduce considerably the difference between Bulgaria with the other countries. However, Bulgaria's poverty line in this case is still 2 times lower than that in the newly acceded countries and about 5 times lower than that in the old ones.

Pensions, as a basic social transfer, are of utmost importance for reducing poverty in Bulgaria in spite of their low nominal amount. This is due to their relatively high share in the total incomes of the households. The data show that the share of the poor among all employed is within the range from 5.0% in 2008 to 8.1% in 1996. The highest poverty rate is with the unemployed (25.0% in 1997 to 43.3% in 2008). This means markedly increasing dependence between unemployment and poverty, including strong depreciation of unemployment benefits. There are no big differences by age group in the poverty rate as a whole. Still the highest risk lies with the age group of those above 65 years old. The exposure to risk is high with the households of one old person, single parents with children as well as the households with more children. Roma are a social and ethnic group, which is usually exposed to several risks – low educational level in particular because of early school leaving (more than 17% of Roma at the age of 17-25 cannot read and write), unemployment, bad housing conditions, disadvantaged rural region and households of many members of 3 or 4 generations.

Urban poverty is of marked monetary character, while rural poverty is mainly related to the access to labor market, education, health care and other social services. According to a number of non-monetary indicators, Bulgaria ranks last in the EU with regard to: material deprivation, economic tension in the households, lack of housing facilities and environmental conditions of housing. As a result of the growth of consumption and income, poverty per capita decreased from 20% in 2003 barely to 10.2% in 2007. In spite of the considerable poverty reduction at a national level, there still exist substantial ethnic inequalities. For most non-monetary indicators for living conditions, the improvement is considerably lower compared to the monetary poverty.

According to the data from the third round of the European Social Survey (2006) the households in Bulgaria, who „live well on income gained”, are barely 0.9%, those who „manage the situation” are 23.5%, and the rest to a lower extent (35.9%) and to a greater extent (38.6%) suffer self-restraint and privation. The financial and economic crisis generates

some other, additional poverty factors – increasing indebtedness of households for credits from financial institutions and money borrowed from relatives and friends. The “working poor” problem is neglected; there are no surveys in depth and filed information on this phenomenon.

Apart from the demographic crisis, the main challenges Bulgaria face are as follows: Small relative share of labor remuneration in GDP; steep rise in the cost of living (in particular rise in the prices of basic foodstuffs and energy), which is not remunerated by income growth; stability of the real income (for 19 years now the real income from wages and pensions has not been recovered); depreciation of professionalism and skills; increasing division of labor market; high incidence and negative estimate of the population health status (Bulgaria ranks among the first in Europe by death rate and spread of diseases of social significance). Moreover, there are firmly excluded groups and a hazard of reproduction of inequalities in the life chances between the generations (inherited poverty) and deep regional disproportions in quality of life.

National employment plans should focus much more on opening up high quality jobs, which ensure long-term employment, carrier development and full realization, which implies “poverty” risk prevention and tackling the “working poor” syndrome. Minimum social standards, in particular establishment of adequate levels of security and guaranteed minimum income, should be established.

Combating poverty and social exclusion should seek vast public support. Shared responsibility among the state institutions, social partners and non-governmental sector is necessary.

## **Healthcare and health insurance**

The choice and the political sanction of the adequate model for healthcare and health insurance for Bulgaria was too delayed which is a prerequisite for increasing problems and public tension. Even with a larger financial resource, the healthcare system doubtfully will function efficiently if there are not timely structural reforms. In the Law on Health, there are no legal citizen rights determined. Instead, they are drawn from a National framework agreement, depending on the funds gathered at the National Health Insurance Fund (NHIF). This way the citizens’ rights to make use of the quality health care they need are limited by law because they depend on the mentioned agreement. The health insurance is valid for all, based on contributions from working population. Only around 2,5 million have income from labor from where they pay their insurances. For the rest of the population, there should be a health support financed by the state budget via transfers towards the NHIF. Despite that, many representatives of the vulnerable groups- unemployed and representatives of ethnic and other marginalized groups are deprived of health insurance and have limited access to healthcare.

The Constitutional provision for a free access to healthcare services has no practical implementation. Many economic, social and moral principles have been violated- for example, in order to have access to quality healthcare services, the Bulgarian citizens are making numerous payments:

- pay taxes, part of which are used to finance the healthcare system;
- pay health insurance;

- pay service tax when visiting a doctor;
- additionally pay for many healthcare services, procedures, medicines and consumables;
- pay considerable in range and amount unregulated payments
- make obligatory “voluntary donations” and “sponsorships” to the medical centers.

The logic in the current health insurance model is wrong since the debts of the citizens are carried out on the basis of the legal health insurance relationships but their rights are determined by the National framework agreement. Moreover, they depend on the accumulated funds.

Due to this gap in the realization of the right to health, in the current situation of economic crisis, the Bulgarian government is intended to undertake further reforms , which will be at the detriment of the citizens- cuttings in hospitals’ beds, closing down medical centres in many towns, including emergency health centres as “non effective”, reducing the medical personnel.

Instead, the right to health for Bulgarian citizens should be fully ensured. The healthcare insurance should be based entirely on insurance payments, according to long- term vision and goals for the development of the healthcare system /15-20 years/. The development of partnerships between the public and the private sectors is needed .

## **2. Combating Gender Stereotyping and Violence against Women**

Bulgaria has ratified the Convention on the Elimination of All Forms of Discrimination against Women on February 8, 1982 with no reservations and ratified the Optional Protocol in August 2006. More specifically, Bulgaria is obliged to respect Art. 5 of the CEDAW and is bound by the GR 19/ 92 on Violence against Women. The country is bound also by Art. 6 of the CEDAW, which prohibits trafficking and sexual exploitation of women.

### **Stereotyping of Women in Media and Advertisement**

Over the last few years, the public sphere of the Republic of Bulgaria has been abundant in alcohol advertisements, which have genuinely discriminating contents and messages. Such were the widely disseminated advertisements in 2008 and 2009 of “Peshtera” anise aperitif, “Flirt” vodka, “Byala Mechka” vodka, etc., which could be seen on billboards, on the printed or electronic media, as well as on the internet. They flooded the market and entered into our lives to such a degree that we already tend not to notice them and to get used with their vulgarity. In the period mentioned, the sexist advertisement in Bulgaria represented over 15 % of the advertisements disseminated.

Irrespective of the “standards” in the advertisement business that have been imposed on the citizens, often there is obvious discrimination streaming from the widely broadcasted and offensive portrayal of women as sex objects or products for sale and consumption, which go hand in hand with alcohol and other merchandise. These advertisements systemically assign women a subordinate position both in the family and in the public sphere, which could be regarded as discrimination based on gender, personal and family status.

An example of such tendency could be found in the advertisement of “Peshtera” anise aperitif produced by “Vinprom Peshtera” – a joint stock company, based in Plovdiv city. The

advertisement campaign that is conducted each summer from several years now, bears the titles “Passion in Crystals” and “The Season of Watermelons”. It became notoriously famous for its television, printed media and billboard versions as it stressed on the naked female body and scandalous messages. The role the female character has displays the woman solely as a sex object and as a part of men’s pleasure. The eroticism of the female body is the character’s only feature – this is the whole message as well which gives advantage to the male character (he is the narrator, the initiator of the action, he decides what should follow next). Such obvious stereotyping of the women’s role disregards women’s diverse roles, abilities and capacities for realization and our contribution for the Bulgarian society. The unreal representation of women’s role and place leads to further discrimination of women in other spheres such as the labor market, education, decision-making, policy and family. In the advertisement, the woman and her body are directly connected with the accessibility and pleasure gained from the alcohol, the summer, and a slice of watermelon. She is nothing more than this; she is easily accessible and always ready for sex.

The way women are presented and regarded in the abovementioned advertisements violates the universal international standards on human rights. The advertisements violate also the Bulgarian Law on Protection against Discrimination.

Despite the initiated legal case on the issue in September 2008 by 13 women before the Bulgarian Commission for Protection against Discrimination/ an independent governmental body dealing with discrimination cases under the special Anti- Discrimination Law/, there is still no decision taken by the Commission or any decisive actions taken by the government. The women alleged discrimination based on sex by the mentioned advertisements, their case provoked a public debate but no reaction by the government and the competent jurisdictions. The remedies proposed by the law in Bulgaria seem not effective for combating stereotyping of women.

### **Combating violence, trafficking and sexual exploitation of women**

Roma and other women victims of various forms of GBV/ Gender Based Violence/ from minority communities are more disadvantaged as they often do not have information about the law, including the Law against Domestic Violence, about the intervention services available and they do not have access to them and do not have access to justice. Moreover Roma women are intimidated and victimized by their communities because they are economically more dependent on their partners and they are illiteracy rate among such women is higher /about 3 times higher than men’s illiteracy, according to surveys of the Ministry of Education, Science and Youth/. The traditional Roma family is fully patriarchal and stereotyped: the woman occupies a subordinate position and there is a clear division of work. Overall, women from disadvantaged ethnic minorities experience greater risks of social exclusion and poverty than the men from their community and ethnic majority women, especially in accessing employment, education, health and social services. To some extent this is due to the gender roles persisting in some of the most disadvantaged ethnic minority (such as Roma) communities.

Monitoring of cases of GBV in Roma communities showed that there is prevalence of cases of GBV in minority communities and prevalence of impunity for such acts. There is no adequate response also by police, social services and other State institutions to this phenomenon and violations of women's rights are perceived rather as part of the tradition and culture of minority communities. In addition to the cases of DV and rape, other forms of GBV occur in minority communities, like honour related violence, including forced and arranged marriages, etc. Despite the provisions of the Penal Code regulating the most severe forms of such violence as crimes, it is not used, the crimes are not reported and police do not react. In fact there is no judicial statistics on the prevalence of such crimes. The seriousness of GBV among Roma communities, the lack of adequate reaction by institutions and lack of adequate services have been identified in the report from 2008 of the Advocates for Human Rights from Minnesota /AHR/ and the BGRF – « Implementation of the Bulgarian Law on Protection against Domestic Violence » In this report the gaps in the implementation of the law were identified, and there are even bigger with respect to women victims from minority communities.

There are no specific research, strategy and intervention services for tackling GBV in minority communities in Bulgaria. Therefore, there is need for increased awareness of the local communities and of the institutions and professionals about the problem of GBV in Roma and other minority communities, about legislation and the need for its implementation, and there is obvious need for services for women victims of violence in these communities. The services proposed should be specifically targeted at women from minorities and comprise as a basis, psycho-social and legal services, and specific information, including in their own language, in view of better prevention and protection. In parallel, due to the lack of reliable data about forms, characteristics and extent of GBV in these communities, the process should be monitored and documented. Since entering these communities in the beginning is a delicate issue, work with local communities and NGOs in this direction is essential.

In addition, recent reports, like the 2009 US TIP Report focuses on vulnerability of Roma women and children to trafficking and their prevalence among trafficked persons from Bulgaria. The existing legislation- the Anti- Trafficking Law in Bulgaria, does not ensure the effective tackling of this problem, the services provided for victims of trafficking are still not in place, although the law is in force since the beginning of 2004. There is no effective social and legal protection and the rights of the victims, including of representatives of the vulnerable groups, are not ensured in the legal proceedings.