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## ANSWERS TO THE QUESTIONNAIRE ON IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION, PRESENTED BY THE GOVERNMENT OF THE REPUBLIC OF BULGARIA

### **I. Overview of trends in achieving gender equality and women's advancement.**

1. Bulgarian legislation after World War II guarantees full equality between women and men and treats them equally in all spheres of social relations regulated by law. In the Constitution of the Republic of Bulgaria adopted by the Great National Assembly on July 12, 1991, the equality of citizens before the law was enshrined as a constitutional principle and the basis of the civil society and state. Article 6, paragraph 2 of the Constitution reads: "All persons shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status." This principle was further elaborated in the national legislation and is valid for the entire legal system of Bulgaria. There are no spheres of activity, reserved only for men or women; they have equal civil, political, social and cultural rights.

In some legal branches the principle of equality and the prohibition of discrimination on the basis of sex, is explicitly declared, while in others it is implemented without a special provision, on the basis of the Constitution, the provisions of which are directly applicable.

In the sphere of civil law there is no legal act restricting in any way the rights of women in civil relations. There is no single Civil Code in Bulgaria. Civil relations are regulated by different normative acts - the Law on property, the Law on Contracts and obligation, Family Code, etc. The general law covering the legal status of individuals in civil relations is the Law on Persons and Families. This law regulates the civil capacity and capability of Bulgarian citizens as a whole, regardless of their sex.

Regarding in particular the Family law - the equality between women and men is proclaimed to be the main principle of the Family law. Article 3 of 1985 Family Code provides that family relations shall be arranged in accordance with the following principles: ... equality between men and women, voluntary matrimony...". The regulation of personal property relations between the spouses, as well as between parents and children is completely subject to this principle. There are no legal

differences in the status of women compared to men in family relations. The same is valid for the heritage relations regulated by 1949 Law on heritage. This law explicitly proclaims that "children of deceased parents inherit equal parts" (article 5, paragraph 1); that "in case the deceased had no children or other descendants, the parents inherit equal parts" (article 6); that "in case the deceased had only brothers and sisters, they inherit equal parts" (article 8, paragraph 1). Arranging the heritage rights of the surviving spouse, article 2 of the Law on heritage makes no difference in requirements regarding the spouses.

Women and men enjoy full legal equality in the field of education. It is based on the provisions of article 2, paragraph 1 of the Law on Public Education and article 4 of 1996 Law on Higher Education, which stipulates that in higher education there shall be no privileges and restrictions relating to sex.

As a result, *de facto* equality between women and men in obtaining education in all levels has been achieved, which is one of the main prerequisites for equal opportunities for the development and progress of women. The level of literacy among women is 97.9% according to the last census in 1992.

In the sphere of culture there are no restrictions or privileges depriving women of their initiative in this respect. Traditionally, women predominate in the sphere of culture. Their contribution to the cultural achievements of the Bulgarian society is of great significance.

In the field of trade relations there are no legal provisions which in any way restrict women's rights. The main source of the Commercial law of the Republic of Bulgaria is 1991 Law on Commerce. Neither this Law nor any other legal act in the field of commercial law includes legal provisions restricting the status of women in commercial relations. There are no restrictions for women concerning entering into contracts or involvement in other commercial relations. In April 1999, a Law on consumer protection and trade rules was adopted. Article 34, item 1 of this law provides that any advertisement shall be considered dishonourable if it "contains elements of discrimination on the basis of sex."

Equality between women and men is guaranteed also in the field of employment, conditions of work and social assistance. The relative share of women in the total number of the employed persons is relatively steady in the last years - around 47%. The relevant legislative and other provisions do not contain gender discriminatory texts with respect to the principle of equal pay for equal work or work of equal value. The difference in the amount of the average wage of women compared to the average wage for the country (85%) is due mainly to the fact that men occupy jobs characterised by conditions of work which are heavier and more injurious to health and consequently better paid. The lower average wage of women is due also to the large number of women employed in sectors with relatively lower wage - textile and sewing industry, education, healthcare, etc.

The equal position of women and men in employment relations is based on the provisions of article 8, paragraph 3 of 1986 Labour Code and on article 2 of 1997 Law on protection in case of unemployment and promotion of employment. The latter

stipulates that "In exercising the rights and obligations under this law no restrictions or privileges shall be allowed, based on sex".

Article 307 of the Labour Code prohibits jobs which are physically hard and hazardous to women's, particularly mother's health. This prohibition is based on ILO Convention No 3 and is related with the biological function of women and anatomic - physiological peculiarities of their body system. The list of such activities is comprehensive and is included into Ordinance No 7 of 1987 concerning hazardous and physically hard jobs prohibited for women. In addition, in Chapter XV, section II and in some other provisions of the Labour Code a range of special rights are envisaged for women - employees - relevant to their potential or actual status of mothers, aiming to provide conditions also for factual equality.

Specific provisions are included in the national legislation (The Constitution, the Labour Code, etc.) which guarantee in particular the protection of maternity, childcare and family (ensuring for example paid maternity leave).

For example, article 312 of the Labour Code provides that a female employee who is a mother of a small child shall be entitled to work at home with the same or another employer until the child reaches the age of 6. The right is given both to the birth mother and the adoptive one. The work at home is done on the basis of agreement between the mother employee and her employer. When a female employee is reassigned to work at home with the same employer, he shall provide upon ceasing of the work at home, but not later than reaching of the age of 6 by the child, the job performed before reassignment at home, and if the job has been eliminated, another job with her consent and according to her professional qualification.

If the female employee starts work at home with another employer, her employment relationship with the employer with whom she had worked prior to her reassignment shall not be terminated, but she shall be given unpaid leave. When she ceases to work at home, but not later than reaching of the age of 6 by the child, the unpaid leave shall be terminated. If the job has been eliminated the employer shall provide another job with her consent. Art. 313 of the Labour Code explicitly allows the father to use mother's rights to work at home if the mother is not in a position to use them. It is a matter of agreement between both parents as for who is to exercise these rights.

The principle of equality and non-discrimination of women and men is observed also in case of unemployment. The higher relative share of unemployed women compared to the total number of unemployed persons (53.5%) is due mainly to the closing of jobs in branches with predominantly female workers. Therefore, despite the fact that women are relatively more affected by unemployment than men, there are no grounds to claim that there is a tendency towards feminisation of unemployment.

The Bulgarian pension legislation fixes minimum age for gaining a pension right, which includes two factors: work experience and age. According to article 2 of the Law on Pension, the pension right for these two factors occurs in the presence of a certain minimum age and insurance experience, which depend on the sex and labour category. The age is determined as follows:

Labour category	Men	Women
1 <sup>st</sup> category	52 years	47 years
2 <sup>nd</sup> category	57 years	52 years
3 <sup>rd</sup> category	60 years	55 years

There are some exceptions to these general rules, referring to the state of health, the type of the work, the social status. For example, according to the provision of article 4, paragraph 1 of the Law on Pension, mothers of many children retire after 15 years of work experience and at the age of 40 for 1<sup>st</sup> category, and at the age of 45 for 2<sup>nd</sup> and 3<sup>rd</sup> labour category. Mothers of many children are considered those women who have given birth and raised 5 or more children to the age of 8.

The Penal Code of the Republic of Bulgaria regulates the legal regime of crimes and punishments disregarding the sex of the citizens, excluding naturally the hypotheses when *corpus delicti* contains this indication. All types of violence against women - domestic violence, sexual harassment, etc. are regulated by the Penal Code. The amendments of the Penal Code over the last years have led to increase of sanctions for a number of crimes, concerning violence against women. In cases of violence against minors, the sanctions have become especially strict. The crimes of private character, which involve violence against women, are punished at the complaint of the victim. However, when a particular action constitutes a crime of general character, it is prosecuted without exception regardless of the appeal, lodged by the victim.

Recently, the relative share of women in the executive power and the public administration, including in the decision-making process has increased. Women's representation in the Parliament is 13,3 %. About 28,9 % of the administrative and leadership posts are occupied by women, as well as 57 % of the professional and technical posts. 28,1 % of the administrators and managers are women. Women are also well represented in the judiciary. Despite the already mentioned and other traditionally good legislative decisions, the problem of factual gender equality in Bulgaria, has not been resolved to the required extent - mainly because of the traditional role of women in the family, for example the upbringing of children; the underdeveloped system of public services, as well as other factors the relevance of which would diminish with time due to active policy of the state policy aimed at the elimination of inequality.

2. The Republic of Bulgaria is a party to most international instruments on human rights (The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights) - as well as to international conventions on the rights of women such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, the Convention on the Nationality of the Married Women, the Slavery Convention, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, as well as to most of the ILO Conventions regarding the labour conditions of women. Bulgaria is firmly committed to the principles and goals of the final documents, adopted at the UN World Conferences on Women in Mexico (1975), Copenhagen(1980), Nairobi(1985). Likewise, Bulgaria has acceded to a number of Council of Europe's conventions in the field of human rights, including the European Convention on Human Rights and most of its Protocols.

According to article 5 paragraph 4 of the Constitution, the international instruments to which Bulgaria is a party shall be considered part of domestic legislation. For this reason a specific law on human rights and on gender equality has not been adopted. However, the Ministry of Labour and Social Policy is elaborating a draft law on gender equality. It is expected that the draft law be discussed by the Council of Ministers in June 2000.

After the 1995 Beijing Conference on Women an inter-governmental commission was established, which elaborated, in close collaboration with women's non-governmental organizations, the following documents: a Report containing a review of the achievements and the issues still pending in the field of equality between women and men and a **National Action Plan** for the implementation of the Beijing Platform for Action. Both documents have been published, translated in English and widely disseminated, including among women's non-governmental organizations. The National Action Plan is aimed at achieving real *de jure* and *de facto* equality in all aspects of public life on the basis of sustainable social and economic development and fostering of a democratic civic society.

In 1996 the Council of Ministers adopted a National Action Plan for the implementation of the Beijing Platform for Action and decided to establish a permanent Inter-Governmental Council headed by a Deputy Prime Minister for monitoring its application.

At present the Ministry of Foreign Affairs and in particular its Department of Human Rights is fulfilling the functions of a focal point for co-ordinating all issues related to the implementation of the commitments deriving from the Beijing Platform for Action and the advancement of women. The establishment of the post of Ombudsman on Human Rights who would monitor *inter alia* the implementation of women's rights provisions and gender equality is also under consideration.

3. In the period after the Fourth World Conference on Women in 1995, a number of laws were adopted in the Republic of Bulgaria, which contribute to the implementation of the equality between men and women. In implementation of **section B** of the National Action Plan - *Ensuring the rights of women in the sphere of labour, social security and social assistance* the following laws were adopted: a Law of Health Insurance, a Law on the Amendment of the Public Health Law, a Law on Social Security Fund. In accordance with **section D** *Increase of employment and reduction of unemployment among women* the Law on protection in case of unemployment and promotion of employment was adopted (1997). In implementation of **section E** *Reducing the poverty among women and improvement of social assistance and social welfare* the following laws were adopted: Law on Social Assistance(1998); Law on Protection, Rehabilitation and Social Integration of Disabled People (1995). In **section F** - *Upgrading the vocational training and qualifications of women and girls in Bulgaria and ensuring equal access of women to education* - the Law on Higher Education (1996) was adopted. In accordance with **section I** - *Prevention and elimination of all forms of violence against women and by women* the following normative acts were adopted: Law on the Ministry of Internal Affairs, a Law on the amendment to the Penal Code, as well as a National Strategy to Counteract Criminality. In implementation of **section J** - *Solving the problems of women related to gender*

*equality in society, with the peaceful means of culture and cultural interaction* - a Law on Culture was adopted in 1999. As for **section K** - *Improving the role of the mass media for achievement of full and true gender equality* - a Law on Radio and Television was adopted in 1998.

The Bulgarian government is firmly committed to implementing the Beijing Platform for Action. We share the view that the best way to do so is to empower women who should participate, on an equal footing with men, in decision-making processes. At the same time, effective ways and means also involve men in the process of eliminating obstacles to equality, in changing the prevailing power structures and stereotypical gender roles have to be explored.

## **II. Financial and Institutional Measures**

Over the last few years a number of external and internal factors had a negative impact on the economy of Bulgaria, thus influencing the economic activity of both women and men. The main internal problems and difficulties encountered during the transition towards market economy were the delay of economic reforms and the absence of a clear national strategy in this field, the decline in industrial production, etc. till 1997. As to the external obstacles several negative factors deserve to be mentioned: the heavy foreign indebtedness, the Gulf War which left a billion-dollar unpaid Iraqi debt to Bulgaria, the Kosovo crisis, the economic sanctions imposed against the FR Yugoslavia, severing Bulgaria's main overland transit routes to the Central and Western European markets and causing the country millions of dollars of losses in earnings.

These severe economic circumstances became serious obstacles for the advancement of structural reforms in the national economy, attracting foreign investments, stabilisation of the banking and financial sector and limited the opportunities of the government in the social field and, especially after the introduction of the Currency Board Agreement on July 1, 1997. Consequently, the burden of the economic crisis is carried by the overwhelming majority of the people, both men and women.

Women in Bulgaria have equal guaranteed access to all state resources, and in particular those in the sphere of health care, culture, education and social security. Funds are assigned according to the needs, and not by gender characteristics. For example, the resources of the Unemployment and Professional Qualifications Fund are used for payment of cash compensations and social benefits for unemployment to all those in need, regardless of sex. As far as, according to the relevant data in this report, the percentage of unemployed women is higher in the total number of unemployed, they receive more cash compensations from the Fund. The resources, provided by the Fund for training and retraining are used more actively by women. The unemployed women, who have completed training courses, are 77.7% of the total number of persons who have completed such courses.

Apart from the equal participation of women in the distribution of state resources in all spheres of public, political and economic life of the country, women also receive some special benefits, according to the Labour Code and the Decree on Birth Encouragement

<b>Types of benefits</b>	<b>Expenses are on the account of</b>
Compensation for pregnancy and childbirth	Social security, national budget, local budgets
Payment for wage differences for transfer of pregnant women to appropriate work	Social security
One-time allowances for childbirth	Social security and local budgets
Compensation for child care	National budget, social security, local budgets
Monthly allowances for children	National budget, social security, local budgets

The expenses of the social security budget for the above benefits gradually increased in absolute terms and their share in the total of benefits was retained.

*Data of the paid insurance to mothers for the period 1995-1998.*

<b>Indicator</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>
Pregnancy and birth benefits	698 958	995 064	8 389 318	16 839 682
Paying off the divergence in wages in case of re-assignment of pregnant women or breastfeeding mothers	1 624	1 422	46 471	60 158
Compensations for child care	1 596 549	2 127 304	17 943 031	27 252 634
Birth promotion: Monthly allowances for children	6 632 547	9 329 840	88 692 526	111 037 362
One-time allowance for childbirth	133 593	204 250	1 351 155	2 3449 502

### **III. Implementation of the critical areas of concern of the Beijing Platform for Action**

#### **1. Women and poverty**

##### **1.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

The main objective of the government in this sphere is the reduction of poverty among women and improvement of social assistance and social welfare.

However, despite the tendency for reduction, the unemployed women still prevail in the total number of the unemployed.

*Structure of unemployment with regard to the sex - unemployed registered in Labour Offices*

<b>Indicator</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>30.09.1998</b>
Active population	47745424	4749223	4749476	
Registered unemployed	423773	478770	523507	410717
Women	235793	263417	287053	228044
Men	187980	215353	236454	182673
Level of unemployment	11.1	12.5	13.7	10.7
Registered unemployed in relation to the active population	8.9	10.1	11.0	
Job Vacancies	13938	10445	10171	15411

**New legislation** in the sphere of social assistance and social welfare concerning vulnerable groups, having direct impact on women

1. The Law on Social Assistance (adopted in 1998) and the Rules and Regulations for its application regulate the conditions and procedures for granting social benefits.

Article 3 of the above mentioned law provides that no discrimination, privileges or restrictions shall be allowed on the basis of sex when granting social assistance. The principle of gender equality is observed by the National Social Assistance Service authorities with respect to the access to their offices, registration, payment of the social benefits, vocational training, qualification, participation in social assistance programs and employment measures.

The social assistance consists of granting monthly social benefits in cash, product supplies or services, concerning everyday needs such as sufficient food, clothing and a home in cases when it is impossible these needs to be satisfied through labour and property.

The social assistance could be given as monthly social benefits, benefits for a concrete purpose and one-time paid benefits. They are granted after an estimation of personal or family income, property status, marital status, state of health, employment and age. Social assistance is exempt from taxes and duties.

Social services are usually provided at home through day centres, home social patronage, social service offices, social rehabilitation and integration centres, etc. or outside home - in homes for disabled children and adults, homes for mentally retarded children and adults, social educational and vocational institutions, homes for aged people, homes for temporary accommodation, asylums, etc. Social services are paid for as follows: in full or in part by the beneficiaries or by the municipal social assistance office.

2. The Law on Protection, Rehabilitation and Social Integration of the Disabled People was adopted in 1995. It envisages measures for complete social integration and equal participation of the disabled people in society. These measures (prevention, medical rehabilitation, technical education, encouragement of business activities, monthly allowance for social integration, disablement pension, monthly child allowance, etc.)



are related to their health, education, professional orientation and qualification, employment, providing of suitable living conditions, social and economic protection. The Council of Ministers is authorised to determine the list of products and services to be assigned to the specialised enterprises and co-operatives of disabled people through state orders.

3. The Law on Protection in Case of Unemployment and Promotion of Employment (1997) provides that unemployment insurance is compulsory and voluntarily. Compulsory social insurance covers the following rights of the insured person: information about vacancies, inter-mediation for starting a suitable job, minimum employment, professional information and consultation, compensations and dole. People uninsured due to circumstances beyond their control also have the above mentioned rights except for compensations, they have the right of a dole in cash. The unemployed persons who wish to start their own business are allowed to receive due compensation following approval of their projects by the National Employment Office and participation in courses for professional qualification. Unemployed people who start work in different towns and villages are also encouraged.

This law establishes a Professional Qualification and Unemployment Fund which pays certain amounts of money to employers who provide jobs for unemployed people possessing higher education up to the age of 28, people of secondary and lower education up to the age of 24, unemployed people with permanently low ability to work and orphans up to the age of 28, as well as for giving part-time jobs to unemployed people. The unemployed are credited with working experience for the time they have received compensations in cash through this law and provided with pension and health insurance at the expense of the Professional Qualification and Unemployment Fund. Women employees entitled to the above through the Birth Encouragement Decree and this law have the right to choose between dole and compensation in case of unemployment.

4. Regulation N- 2/01.02.1999 of the Ministry of Labour and Social Welfare determines the requirements and order for receiving subsidiary technical devices - for people with injuries or illnesses, including women, acknowledged through a written statement by the Control Commission of Doctors and Labour Commission of Medical Experts.

5. The Law on Taxation of the Income of Physical Persons (1998) envisages that monetary and non-monetary income from social aid received on the grounds of a normative act, unemployment compensations, assistance received from social funds and organisations and allowances, compensation and aid for children, received on the grounds of legal act and alimony are tax free.

6. The Labour Code contains a number of provisions which give credit for working experience during a period of unemployment in the following cases: when a pregnant employee remained unemployed due to the fact that the employer did not offer her a suitable job, in accordance with the prescription of the medical authorities; in cases when the mother, father, adoptive mother or father takes care for a child until the age of 3.

There are also possibilities for the so called flexible forms of employment both for women and men. According to the provisions of article 138, 139 and the subsequent of the Labour Code, a job for part of the work time fixed by the law or for the work time with changeable limits can be arranged with the employer when the organisation of the labour process allows it. A mother employee has the right to work at home with the

same or another employer until the child becomes 6. When she is not able to exercise this right, the father could exercise it.

**Programmes** for granting assistance to vulnerable groups, including women, (during the winter for season heating, for rent payment of municipal and state lodgings, transport services to disabled people, balneological therapy, telephone bills, purchase of subsidiary technical devices, economical lamps, etc.) and assistance with food, soup kitchens, etc.

### **1.2. New initiatives**

In 1999 the Council of Ministers adopted a Framework Programme for the Equal Integration of Roma in the Bulgarian Society. This programme was elaborated by the Bulgarian government with the active participation of a number of Roma NGOs.

The programme includes a special section entitled "The Roma woman". The programme pays special attention to the equal participation of Roma women in social and economic activities. The Framework programme provides for:

- increasing the direct participation of the Roma women in educational projects for the purpose of gradual elimination of discrimination,
- stimulating the education and access of Roma women to secondary and higher education through scholarships and special activities on the part of social workers and pedagogical teams,
- implementation of programmes for information and professional orientation of Roma women in order to increase their opportunities for finding jobs,
- a preferential regime in the employment contracts and additional benefits for Roma women,
- implementation of programmes for consulting Roma women who are entrepreneurs.

### **1.3. Commitment to further actions**

#### **New legislation**

1. The Law on Protection, Rehabilitation and Social Integration of Disabled People and the Regulations for its Application shall be updated with the aim of creating more flexible forms of supporting and servicing the disabled people, including women, and reintegration of different vulnerable groups of women, including elderly women.

2.A Draft law on Family Allowances for Children shall be adopted. It will put motherhood, children's support money, upbringing and safety to the children as a national priority and will bind children's allowances and aid for students' books and transport with regular attendance at school.

3.A draft law on family support is in process of preparation

4.A Social insurance Code is in process of preparation

5. A New Family Code is in the process of discussion in the Parliament

#### **Forthcoming programmes and researches:**

1.analysis of the processes of impoverishment of the country's population

2.regular updating the guaranteed minimum income in view of the economic and financial potentialities of the country

3.determining the number of the people and families in the worst need, the expenses and budget resources necessary for social aid

4.improving the criteria of access to aid programmes, granting additional aid to vulnerable groups of the population

5.working out an additional aid programme for single parents and children deprived of family care

6. creating better living conditions for invalids at their home
7. priority development of suitable social service forms for vulnerable groups, social integration and reintegration of the dependent groups of the population.

## **2. Education and training of women**

### **2.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

The main objective in front of the government in this sphere is to increase the professional preparation and qualification of women and girls and to ensure equal access of women to education.

#### **New legislation**

1. The right to education and equal access to it are guaranteed by the Constitution, the Law on Public Education, the Law on Higher Education and other legal regulations in the sphere of education.

2. In the system of education the access to professions and majors is free and is in compliance with the choices and abilities of the people applying for education. According to article 4 paragraph 2 of the Law on Public Education no restrictions or privileges based on sex are admissible; while the admission procedure and requirements do not have restrictive character.

3. The Law on Higher Education (1995) guarantees legal and factual gender equality, as well as conditions and positive prerequisites for the adequate participation of women in the process of obtaining higher education. Article 4 of the Law on Higher Education does not admit any privileges or restrictions based on **sex**. Article 8, items 3 and 4 ensure equal rights of women in financing their studies in state institutions of higher education, as well as in providing credits at certain terms, scholarships and other social benefits.

The Law on Higher Education gives the following legal opportunities to women (article 70, paragraph 1, items 6,7 and 12):

- to be elected to the governing bodies of the institution of higher education
- to use hostels, canteens, medical services, public and international transport reductions, as well as all premises and equipment of the higher school regarding its educational, research, sports and cultural work.
- women students have the right of association in educational, scientific, cultural and sports communities for protecting and satisfying their interests, as well as to become members of international organisations if their activity does not contradict the laws of the Republic of Bulgaria.
- mothers with children up to the age of 6 have guaranteed rights to special facilities when they apply for admission at higher schools. The Higher military schools in Bulgaria also offer admission for women to suitable specialities specified in their catalogues (regulation acts).

4. The Ministry of Education and Science issued Regulation N-5, dated 29.12.1996 concerning the requirements for improving teachers' qualifications in the system of public education and the order of acquiring professional qualification degrees. It provides for complete equality of women regarding career planning and professional development.

No privileges or restrictions based on sex are allowed in any educational level.  
This is proved by the following correlation between studying men and women:  
(Percentage of women in the total number of students)

<b>Level of education</b>	<b>1994/95</b>	<b>1995/96</b>	<b>1996/97</b>	<b>1997/98</b>
Elementary	47.64	47.56	47.57	47.69
Secondary	50,2	50.07	49.94	49.46
Higher	58.94	60.72	61.45	61.09

### **Programmes**

The necessary prerequisites (normative and methodological) for expanding access to graduated adults' education and training in evening, shift or extra-mural forms of education are being created in the system of professional education and training. There are opportunities for taking part in short-term profession training courses, or qualification improvement, re-qualification or specialisation courses.

In Bulgaria there is a system of professional orientation on three levels - national, regional, local (at schools). 27 pedagogical consulting offices have been carrying out basic activities of professional orientation and consultation. Girls and women refer to them for advice concerning education, access to secondary and higher education opportunities, orientation in the labour market and possibilities for career development.

The correlation between girls and boys in secondary education according to types of schools is as follows:

	<b>girls</b>	<b>boys</b>
Schools of general education	523355	504099
Polytechnic schools	38916	71468
Technical schools	44435	66894

This correlation varies for the different professions and majors appropriate for girls. The application procedures and admission requirements for vocational schools and schools of general education do not restrict student's educational choices. The list of majors and professions for vocational schools is open to inclusion of new professions if there is a necessity on the labour market and a request on the part of the employers. This list provides girls with a large choice of professions structured on the principle of modules, for example: designing tailor, secretary-administrator, economist-organiser, etc.

The total number of women lecturers with an academic title at universities is as follows:

<b>Women lecturers with an academic rank at universities</b>	<b>Total</b>	<b>Women</b>
<b>Professors</b>	909	130
<b>Associate professor</b>	2712	767
<b>Assistant</b>	6949	3270

## **2.2. New initiatives**

Educational documentation for new subjects which will be included in the process of education in the pre-professional preparation at general schools from the 1999-2000 school year has been worked out in the Ministry of Education and Science. It includes: ecology, marketing communications, medium and small sized enterprises information supply. Women and girls, housewives and mothers taking care of their children can be trained successfully in these subjects in the form of school and out-of-school training.

The Ministry of Education and Science together with PHARE Programme has been working on a project called "Improvement of the professional education" including "Improvement of the labour market necessities" in order to connect professional education and training together. Considering the data received about the necessity of skilled manpower, collected in two pilot project communities - Plovdiv and Pleven - programmes will be prepared together with the social partners - employers, branch organisations, etc.

## **2.3. Commitment to further actions**

### **New legislation**

A Draft law on Vocational Education and Training, which will regulate social relations concerning the right of vocational education and training according to personal interests, needs and abilities, is in the process of consideration. It will include the right of equal access to vocational or higher education and training of girls and women.

### **Programmes**

Programmes for distance education, which will increase the access of mothers and housewives to professional training, language or computer courses, etc. are in the process of elaboration.

## **3. Women and health**

The government's main objective in this field is to ensure equal access of women to health care and medical services.

### **3.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

#### **New legislation**

1. The Law on Health Insurance was adopted in Bulgaria in 1998. In compliance with its provisions a National health insurance system was established. It will start functioning by stages: fund raising through health insurance instalments starts on 1<sup>st</sup> July 1999 - the full set of services starts on 1<sup>st</sup> July 2000. Until then the resources for medical aid will be provided by the republican and municipal budgets. The following will continue to be covered by the state budget after that: emergency aid, hospital and psychiatric aid, haemotrasphysiology, obligatory immunisations, epidemiological examination, health programmes, state sanitary supervision, etc.

The law provides that the health insurance be obligatory and voluntary. The obligatory insurance is assigned to a health insurance fund, while the voluntary insurance - to special joint-stock companies. All Bulgarian nationals, foreign nationals and the people permanently residing in the Republic of Bulgaria, as well as the persons granted asylum are subject to obligatory insurance. The National health insurance fund

guarantees the provision of medical and dental aid, medical rehabilitation, medicines and medical equipment for home treatment, etc. With the obligatory insurance the health insurance instalment is paid on the basis of compensation for temporary incapacity for work due to pregnancy, birth and child care. When the mother is on unpaid leave for bringing up children, this instalment is determined on the basis of 70% of the fixed minimum salary for the country, and is paid from the municipal budget according to place of residence. The medical aid with obligatory health insurance includes medical care in case of pregnancy, birth and motherhood, as well as abortion following medical evidence or pregnancy following rape.

2. The Law on the Amendment to the Public Health Act (1999) envisages that abortions for medical reasons and pregnancy following rape are free of charge at public health institutions and social care institutions. Health institutions provide free social and legal assistance to pregnant women, mothers with small children, minors and people suffering from mental diseases and drug addicts.

3. The Law on Social Insurance Fund (1999) envisages the establishment of an independent fund of the resources for state social insurance, according to section III of the Labour Code, the Pension Act and the Birth Encouragement Decree.

Dispensary registration and regularity of examinations, both during pregnancy and different gynaecological diseases, are regulated through legal acts. Besides the basic laws for medical reform implementation, the main package of services, which the general practitioners have to provide, is also regulated. It includes prevention of cancerous gynaecological breast diseases, examination of pregnant women and implementation of contraceptive policies. The efforts of the Ministry of Public Health are directed toward providing good training for the general practitioners on these issues.

### **Programmes**

There are 492 women's health centres and 1606 joint children and women's health centres in the country, where pregnant women are examined and gynaecologically ill women are taken care of. Expectant mothers are prepared for delivery and feeding the baby and watched during the post-natal period in women's health centres. However, the number of medical check-ups of women has gone down from 2027903 in 1985 to 699471 in 1997 for the last years, which to a certain extent is due to the establishment of a number of private gynaecological clinics which women visit for check-ups.

There are, however, some alarming tendencies in Bulgaria, concerning women's illnesses. The frequency of the new-found illnesses has increased - 73.3 gynaecological diseases per 1000 women in 1996 and 95.5 in 1997, 3.3 malignant neoplasms per 1000 women in 1996. For example, the correlation between the advanced and early forms of cancer of cervix is 3:1, opposite to the tendency in the West European countries. The death rate due to breast cancer has increased - 28.1 per 100000 women and to cancer of cervix - 7.6 per 1000.

Six medical genetic consulting centres within the University hospitals and 28 regional centres of the same type function in the country. Screening on a large scale for congenital hypothyroidism and phenylketonuria with new-born babies is being carried out in the country.

A pilot project is being implemented on the territory of Sofia along with the introduction of the "EUROCAT" European system for registering congenital anomalies, which will create conditions for comparing the data with that of the other European countries.

The National oncology programme, an essential part of which is the struggle against these illnesses of women, is undergoing a process of consolidation.

Efforts for the prevention of cardio-vascular diseases which, in terms of frequency, draw level between women and men during the period of menopause are being pursued. Experts from various medical spheres have been working on the prevention of climacteric - gynaecologists, endocrinologists, rheumatologists in co-operation with companies producing and distributing medication, as well as the Ministry of Public Health, associated in several NGOs: Menopause Association, Histerectomed women, etc.

The implementation of a **Family Planning Project** within the PHARE programme of the European Union started in 1995. The main objective of the project was to lay the foundations of a national policy of protecting the reproductive and sexual health through increasing the use of modern methods for contraception and for decreasing abortion rates. It was elaborated in conformity with the Programme of Action of the Cairo Conference (1995) of the UN Population Fund and the Fourth World Conference on women in Beijing (1995). The main efforts were directed at the extension and improvement of the clinical, information and consulting services concerning family planning; ensuring equality in the access of disadvantaged to contraceptives; increasing the level of information for the population through the provision of adequate information materials; active participation of the mass media and the active commitment of non-governmental organisations.

As a result of the implementation of this project:

- Training courses for over 500 health and other specialists were organised on consulting, ways of communication, etc. National standards for updating training in medical universities and colleges concerning the problems of family planning, reproductive and sexual health, as well as for post graduate qualification of doctors, obstetricians and nurses were approved;
- after 1996 free contraceptives were given to disadvantaged women and to minor girls. 21 000 IUDs, 201 000 series of hormonal contraceptives and about 6 million condoms were received as humanitarian aid from the UN Population Fund. At the same time, during the second half of 1996 through the Family Planning Project, 335 000 series of hormonal contraceptives and 90 000 IUDs were purchased;
- over 30 information centres related to women's organisations and to the Bulgarian Family Planning Association have been opened;
- written and audio-visual materials have been created, addressed to different population groups, including minors
- an information system for the registration, monitoring and assessment of the family planning activities has been prepared, and included in the National Health Information System.

The National Centre for Medical Science and the Hygiene-epidemiological inspectorates, national and local mass media, as well as the Family Planning and Sexual Health Association and a number of non-governmental organisations have taken part in the implementation of measures aimed at increasing the information and the knowledge of the population in the field of family planning and preserving the reproductive and



sexual health. At the end of 1997 a one-month mass media campaign for promoting contemporary methods of contraception, with the participation of national and local mass media was organised.

On a regional level the Family Planning Project is headed and co-ordinated by the hygiene-epidemiological inspectorates through their prevention and health promotion departments. The Family Planning and Sexual Health Association and women's non-governmental organisations work actively among students in and outside schools.

Up to the moment gynaecologists have been pursuing both reproductive health policies and policies of family planning, contraception, breast and cervix cancer prevention.

As a result of these policies, abortions have been reduced from 48,1 per thousand women in fertile age to 43,2 per thousand for the last year.

Within the framework of the health reform, which is being carried out, family planning is included as a basic element in the compulsory scope of activities of primary health care.

### **3.2. Examples of obstacles encountered**

The economic difficulties, which Bulgaria has been experiencing, have affected the health care system. This is a lack of contemporary medicines, equipment and consumer products, a sharp rise in prices of medicines, the introduction of paid medical care.

The unfavourable tendency in the state of health of the population can be determined according to the following indices:

diseases of the population according to the sex in cities and villages

#### **1995**

<b>Index</b>	<b>Total number for the country</b>			<b>Cities</b>			<b>Villages</b>		
	<b>Total</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
Total number of diseases (001-999)	<b>1065</b>	<b>609</b>	<b>456</b>	<b>705</b>	<b>397</b>	<b>308</b>	<b>360</b>	<b>212</b>	<b>148</b>
Diseases (001-799)	<b>1023</b>	<b>584</b>	<b>439</b>	<b>676</b>	<b>377</b>	<b>299</b>	<b>347</b>	<b>207</b>	<b>140</b>
Traumas and poisoning (800-999)	<b>42</b>	<b>25</b>	<b>17</b>	<b>29</b>	<b>20</b>	<b>9</b>	<b>13</b>	<b>5</b>	<b>8</b>

## 1996

Index	Total number for the country			Cities			Villages		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Total number of diseases (001-999)	1125	665	460	752	443	309	373	222	151
Diseases (001-799)	1075	632	443	727	429	298	348	203	145
Traumas and poisoning (800-999)	50	33	17	25	14	11	25	13	6

## 1997

Index	Total number for the country			Cities			Villages		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Total number of diseases (001-999)	1123	634	4489	719	413	306	404	221	183
Diseases (001-799)	1070	605	465	692	397	295	378	208	170
Traumas and poisoning (800-999)	53	29	24	27	16	11	26	13	13

### 3.3. Commitment to further action

A reform in the primary aid and its separation from specialised pre-hospital aid is forthcoming.

#### Programmes

The implementation of a national programme on reproductive health is forthcoming and will be put into practice with the assistance of the World Health Organisation and the UN Population Fund.

### 4. Violence against women

The main objective of the government in this field is the prevention and elimination of all forms of violence against women.

#### **4.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

##### **New legislation**

The Penal Code contains a number of provisions, directly related to the violence against women. The relevant chapters entitled “Crimes against the Person”, “Crimes against Marriage, Family and Youth” contain provisions related to women, for instance abducting a person of the female sex for the purpose of forcing her to enter into marriage (article 177, paragraph 2) or a parent or other relative receiving payment to permit his daughter or relative to conclude a marriage (article 178, paragraph 1), violating an obligation to a spouse, a relative in an ascending or descending line, incapable of caring for himself/herself and thereby placing him/her in a position of difficulty (article 181), living in concubinate with a female person under 16 years of age (article 190, 191 and 192); procuring for performances of acts of lewdness or sexual intercourse, as well as abducting a person of the female sex for the purpose of her being placed at disposal for acts of debauchery, (articles 155 and 156) etc.

With the entering into force of the Law on the Amendment to the Penal Code in 1997 the fines under article 155, paragraph 1 of the Penal Code for a person who persuades a female to practise prostitution or acts as a procurer for the performance of acts of lewdness or sexual intercourse have been increased - instead of “up to 6 thousand BGL” it is now “from 100 000 up to 600 000 BGL” and under article 156, paragraph 1 of the Penal Code - for abducting a female for the purpose of her being placed at the disposal for acts of debauchery - the fine is up to one million BGL”. The punishment for abducting a female under 18 years of age, for the purpose of her being placed at the disposal for acts of debauchery or when the abduction has been carried out for the purpose of placing her at disposal for acts of debauchery beyond the borders of the country the punishment shall be deprivation of liberty for three to twelve years.

The Penal Code envisages legal protection for women in case of sexual harassment in the work place by taking advantage of economic dependence or official position. The dependence on the employer or other higher-ranking officer is a specific element of the substance of article 153. It exists when the woman concerned is officially subordinated to the accused. The punishment for this crime is deprivation of liberty for up to 3 years. There are precedents in the practice of the Supreme Court involving the provisions of the above-mentioned article.

In cases of domestic violence against women perpetrators are liable for inflicting severe, medium and light physical injury while the latter may be pain or suffering without any health consequences. Only in the cases of light bodily injury a criminal proceedings may be started if the victim files a complaint. In the rest of the cases it is prosecuted as a general crime. Women, victims of sexual harassment, can lodge a civil claim to be compensated for damages suffered in criminal proceedings or before a civil court.

The fines have been increased for a punishment under article 144, paragraph 1 of the Penal Code - up to BGL 100 thousand for threats towards someone with a crime against his physical entity or property or against the physical entity or property of his next-of-kin (spouses, in ascending or descending line, including adopted, stepbrothers and stepsisters and their spouses, the lateral branch of the family to the fourth degree) when this threat could evoke justified fear of its implementation. This is one of the forms of violence against women.

### **Programmes and Researches**

1. The Council of Ministers adopted a National strategy for countering crime on 16<sup>th</sup> July 1998.

2. The Criminology Research Institute of the Ministry of the Interior carried out research, on the subject of Crime prevention of the police regarding violence against women and children. The research showed that violence against women in Bulgaria is a serious problem, which affects all strata of society and attracts the attention of different state institutions and non-governmental organisations and yet it is not well studied. The results of this research could be useful in order to change the legal regulation of this problem with a view to: giving more rights to the police authorities in opposing violence against women and particularly for restricting domestic violence; improving the interaction of the police with the state institutions; improving the interaction between the police units and the non-governmental organisations working with victims of violence.

Among the reasons for manifestations of violence against women are the difficult economic situation, improper upbringing, education, etc. Information policy, educational programmes in the mass media, promoting the activity of foundations and non-governmental organisations for protecting women's rights and so on, are of main significance among the practical measures for overcoming these acts.

Some of the proposals for changes in the Penal Code aiming at treating home violence as a crime of general character were made at seminars with the participation of women's non-governmental organisations.

3. Bulgaria participates in the 1998-2001 La Strada Programme for prevention of trafficking in women and girls in Central and East Europe. This programme has three main objectives:

- awareness raising and influencing public opinion and the media to address the violation of human rights of women;
- prevention and education of women and girls against possible dangers of trafficking;
- referring the victims of trafficking.

The co-ordinator for Bulgaria for La Strada Programme is the Animus Association.

### **4.2. Commitment to further action / new initiatives**

#### **Programmes and research:**

1. A research, concerning the level and intensity of violence against women, the specific victim factors which exist, including at the work place, the rate of women's criminality and its role for victimising women, as well as crime factors which determine it, the connection between women's and children's victimity and the possible measures for their restriction, is forthcoming.

2. A Programme for systematic improvement of the police officials qualification for working with women, victims of domestic violence and rape is in the process of preparation, with the purpose of preventing second victimising, as well as increasing the number of police officials qualified to work with women-victims. The elaboration of theoretical and practical studies and realisation of out training courses for developing

communicative skills and work in a team through making the most of the experience, opinions and proposals of the non-governmental organisations in our country; and the training of specialised police officials dealing with the prevention of crimes and violence against women are also on-going.

3. An inter-disciplinary study on the problems of violence against and violence committed by women is forthcoming, involving experts in different fields and from various institutions.

4. IOM initiated the organisation and realisation of a preventive campaign regarding trafficking in women and girls in Bulgaria. The campaign is a part of series of similar events directed towards Central and East European countries and financed by European Union and USA. In our country this campaign is financed by the American government and amounts to 300 000 USD. IOM is going to involve Bulgarian governmental institutions and non-governmental organisations in its implementation. The campaign will last for one year, the first three months will be used for analysing the situation in Bulgaria and defining the vulnerable groups of the population, which it will be directed at, as well as determining specific forms of influence - seminars, posters, brochures, radio and television programmes, etc.

## **5. Women and armed conflicts**

The Law on Defence and Armed Forces of the Republic of Bulgaria adopted in 1995 regulates women's participation in the defence system of the country.

Article 116, paragraph 2 of this law stipulates that women in Bulgaria are not required to do military service. However, women can be accepted for regular military service in the armed forces, performing duties determined by the Minister of Defence, on the proposal of the head of the General Staff or the head of another department - in compliance with article 88 of the same law. Women who are registered in the military record are obliged to serve in the reserve according to article 140, item 4 of the above mentioned law.

The Law on Defence and Armed Forces determines a lower age limit for service in the reserve for women officers in comparison with men officers:

55 years of age for men line officers

60 years of age for men senior officers

55 years of age for women officers (article 142, paragraph 1)

At the same time, the age limit for service in the reserve for soldiers and sergeants, including those of the Naval Forces is:

55 years of age for men

45 years of age for women (article 142, paragraph 2)

Women in the army are entitled to special protection, according to the Labour Code except for the right of work done at home (article 210).

Women on regular duty in the army have the right of a leave by reason of pregnancy, birth and adoption, bringing up a child, breast-feeding and feeding a child and an additional leave for two and more alive children under the terms of the Labour Code (article 260). Men on regular duty in the army have the same rights in cases of death or serious illness of their spouses.

When military women are allowed a leave for bringing up a child under the terms of the Labour Code and the leave is terminated, financial compensation of 50% of the

minimum working salary established in the country is paid to the military woman, apart from her remuneration (article 261).

Women can apply for and be educated in all higher military schools in the country. A growing interest among women in acquiring higher military education can be noticed in the last few years.

## **6. Women and economy**

The government's main objective in this field is ensuring equal access of women to economic life, as well as extending the opportunities for economic activity of women.

Equality between women and men is guaranteed in the field of employment and conditions of work. This issue is regulated in the Constitution - article 48-51- without any difference for women and men. This also applies to the provisions of the Labour Code - article 8, paragraph 3 provides that in exercise of labour rights and duties no discrimination, privileges or restrictions based on sex are allowed. The only exception to the principle of equality could be found in particular provisions, which refer to women – i.e. positive action.

Women may apply for jobs they are qualified for, provided there are no explicit restrictions for health reasons. The Labour Code regulates the prohibition of some kinds of work for women that are injurious to their health and maternal functions (article 307 of the Labour code). On the basis of that text the Ministry of Labour and Social Policy and the Ministry of Health adopted (in 1993) a Special Regulation No.7 specifying the activities that are to the detriment of women's health and their maternity functions. The prohibition concerns only the kinds of work listed therein.

In 1995 women represented 51.1% of the Bulgarian population. Their relative share in the total number of employed persons was more or less stable in the period 1990-1998 - about 47%. The highest economic activity is noted in the age group between 25 and 49 years. The percentage of employed women in active age is the lowest in the groups with primary and lower education.

The existing legislative and other regulations do not discriminate between sexes with regard to payment for equal work. This is valid for both the public and the private sector. It has to be pointed out that the Republic of Bulgaria ratified Convention N100 on equality in paying men and women for equal work in 1951 and it is a part of our internal legislation in accordance with Art.5 para.4 of the Constitution.

The difference in the average wage of men and women in the country is due to a great extent to the fact that men occupy jobs, characterised by such conditions of work that are more heavy and injurious to health, and are better paid, respectively. The lower average wage of women is due also to the large number of women employed in sectors with relatively lower wages - the textile and the sewing industry, education, healthcare, etc.

According to data supplied by the National Statistical Institute, as of March 1998, the average salary for the country in BGL is as follows:

	<b>Total</b>	<b>Women</b>	<b>Correlation</b>
<b>Total for the country</b>	<b>1719307</b>	<b>146183</b>	<b>85%</b>
<b>State enterprise</b>	<b>190686</b>	<b>156170</b>	<b>82%</b>
<b>Private enterprise</b>	<b>140137</b>	<b>127626</b>	<b>91%</b>

## **7. Women in power and decision making**

The main objective of the government in this sphere is juridical and factual equality and real participation of women in the decision making process.

The citizens of the Republic of Bulgaria, regardless of their sex, have the right to participate in the government of public affairs and the country's political life, either directly or through freely elected representatives. This right found its complete realisation after 1989 when political pluralism was established in the country.

Women play leading roles in certain spheres, and occupy important decision-making positions in the Government and the public administration.

When electing MP or local authorities, the political parties are not guided by definite quotas in distributing the seats between men and women. Personalities, who have achievements in social and political life and enjoy the confidence and respect of society, are nominated for election.

<b>National Assembly</b>	<b>Total</b>	<b>Women</b>
Grand National Assembly - 1990 elections	400	34
36 <sup>th</sup> National Assembly – 1991 elections	240	32
37 <sup>th</sup> National Assembly – 1994 elections	240	32
38 <sup>th</sup> National Assembly – 1997 elections	240	26

In the 38<sup>th</sup> National Assembly, there are 26 women out of a total of 240 deputies, which constitutes 11%. The chairperson of the Parliamentary Group of the Union of Democratic Forces is a woman, as well as the deputy chairperson the National Assembly; there are women in the governing bodies of almost all political parties, represented in parliament. A woman also heads the biggest agrarian party in the country.

In the present Government of the Republic of Bulgaria three of the sixteen ministers are women - of foreign affairs, of culture and of environment – almost 20 per cent. A number of deputy-ministers are women (due to the periodic changes their exact number varies). The Chief Secretary of the Council of Ministers is also a woman. Of the 8 heads of departments in the Council of Ministers, 6 (or 75%) were women in 1998. Women account for 61% of the total staff of the Council of Ministers.

Recently the number of women involved in the executive branch has considerably increased: 70% in the Ministry of Culture, 65% in the Ministry of Labour and Social Policy, 58.1% in the Ministry of Education and Science, etc. As a whole women occupy about 30% of the senior positions in the State administration.

Women in the legal profession mark considerable progress as well. Women employed in regional and district courts (judges, officers of the court and notaries) are 842 or over 60% of the total number of 1398.

Women equally with men represent Bulgaria at international fora and participate in the work of international organizations. 1/5 of the staff of the diplomatic representations of Bulgaria abroad are women, and their number constantly increases. Almost half of the staff and 50% of the higher decision-making posts in the Ministry of Foreign Affairs are occupied by women.

## **8. Institutional mechanisms for the advancement of women**

The implementation of the National Action Plan envisages that both the Governmental and non-governmental organizations, as well as other institutions in the country operate in co-operation and separately.

The National Action Plan determines the major institutions, which play key roles for the implementation of the strategic objectives and priorities:

1. **The National Assembly** - adoption of the relevant Acts and the ratification of various international conventions, for compliance of adopted Acts and other decisions with gender equality.
2. **The Government** - development and implementation of the National Action Plan, inclusive strategies, draft laws and others regulative acts, programmes and projects.
3. **The Judicial power** - in the fight against violence, crime, discrimination
4. **Non-governmental organisations** - preparation, control of implementation and realisation of the National Action plan
5. **Trade unions**, including Commissions, attached to them for protection of the rights and interests of working women and young people, as well as the National Council for Tripartite Co-operation.
6. An advisory Council of experts on problems of women within the National Council of Ethnic and Demographic Issues.

The observance and protection of human rights is a constitutional duty for all State institutions at national and local level. It would be evident in these circumstances that specific national machinery to promote gender equality women and men had not been constituted as a separate single mechanism. In fact these functions are performed by all government ministries and agencies (e.g. Ministry of Labour and Social Policy, Ministry of Health etc.), as well as at the local level.

## **9. Human rights of women**

### **9.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

In the Constitution of the Republic of Bulgaria adopted by the Grand National Assembly on July 12, 1991, the equality of citizens before the law was reconfirmed as constitutional principle being the basis of civil society and the state. Article 6, paragraph 2 provides that: "All persons shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status." This principle is further elaborated in the other legislation and is valid for the entire legal system of Bulgaria.



The rights of women are considered an integral part of the whole complex of human rights.

The provisions of the Constitution are directly applicable. Therefore, even without special legal regulation, all provisions of the Constitution with regard to human rights are directly applicable.

There are no limitations of rights based on sex distinction, neither are there spheres of activities reserved exclusively for women or men. They enjoy equal civil, political, economic, social and cultural rights.

The Penal, Civil and Family Codes, as well as the Labour Code guarantee the equality of all persons before the law and their equal opportunities to defend their rights in court in case of violation of those rights. In order to go to court Bulgarian women do not need the approval of their husbands, fathers or other relatives, except in cases where common interests are concerned, such as common property of both spouses.

Women and men are equally protected against damages caused by institutions or officials of the public administration. In 1988 the National Assembly adopted a special law according to which the State shall be held liable for any damage caused by illegitimate ruling or acts on the part of its institutions or officials. Consequently, the State should pay compensation to citizens in cases of moral or material damage caused on the part of its officials. This law provides additional protection to women and men alike besides the protection provided by the Labour Code and other relevant legislative provisions.

The Republic of Bulgaria is a party to most international instruments on human rights as well as to international conventions on the rights of women such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, the Convention on the Nationality of the Married Women, the Slavery Convention, the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, as well as to most of the ILO Conventions regarding the labour conditions of women.

The Constitution regulates also the protection of motherhood, the recognition of its social function and the joint responsibility of men and women in parenthood. According to article 14, "the family, motherhood and childhood shall enjoy the protection of the state and society". Article 47, paragraph 2 reads: "Mothers shall be the object of special protection on the part of the State and shall be guaranteed prenatal and postnatal leave, free obstetric care, alleviated working conditions and other social assistance".

Gender equality in the family relationship is provided for in the Family Code. One of its basic principles is the equality between woman and man, which begins with entering into marriage and continues in rights and obligations as spouses, parents and members of the family.

No separate special institution a judicial or non-judicial to monitor the observance of human rights, including women's rights, exists at present. This is a constitutional duty of all judicial and other State institutions at national and local level.

A large number of non-governmental organizations active in the field of Human Rights are registered in the country, including women's organizations: the Bulgarian Women's Union, the Democratic Union of Women, the National Women's Forum, the Union "We, Women for Dignity and Equality", the National Movement "Women and Mothers against Violence", the Christian Women's Movement, the Association of Women with Juridical Professions, the Association of University Women, the Association "Animus", the Foundation "Gender project for Bulgaria", the Association "Bulgarian Woman", the Foundation "Guyven - Trust", the Center "Nadja", a number of women's clubs in different spheres, etc.

These organizations contribute to the realization of women in social life and the observance of their rights, elaborate and implement programs and projects on the problems of women, their development and progress, engage in cultural, educational, charity and international activities, assist women in business and scientific and research work, provide legal and psychological assistance to victims of violence, etc.

#### **New initiatives**

A subject of discussion is the establishment of the ombudsman institution, which would have responsibility for the rights of women.

### **10. Women and media**

The Law on Radio and Television, adopted in 1998, does not allow the broadcast of commercials containing pornography or such inciting violence or conduct which violates social order or standards of behaviour (article 76 paragraph 1).

The same prohibits circulation of commercials based on sex discrimination.

The Law on Radio and Television determined the formation of a National Radio and Television Council, which is authorised to monitor the radio and television broadcasters. This Council consists of 9 members, 2 of which are women.

The prevailing part of the media reporters on a national and regional level are women.

The current executive director of the Bulgarian National Television is also a woman.

### **11. Women and the environment**

The main objective of the government in this sphere is to ensure the equal participation of women in protecting the environment and reducing the ecological risks to their health.

#### **11.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

##### **New legislation**

1. Article 55 of the Constitution regulates the right of citizens to a healthy and favourable environment in compliance with the established standards and norms.

2. The Law on Environment Protection promulgates the right of access to public information concerning the environment conditions. Article 9 of this law provides for the access of all citizens to the available environment information. This may include: data about the result from activities resulting in pollution or harming the environment or its elements; data about the activities and actions for protecting and restoring the environment; information on possible consequences for the environment and human

health and recommendations for people's behaviour in case of expected negative effects. According to article 15 paragraph 1 of the Law on Environment Protection if a request for access to public information is rejected without any legal ground or the access public information has been illegally restricted or the information is considered misleading citizens may ensure the defence of their rights through administrative and legal proceedings.

### **Programmes**

1. The Ministry of Environment and Waters is in the process of implementation of 3 national campaigns:

- "To clean Bulgaria"
- "Stimulating the use of unleaded petrol"
- "Against ozone layer destruction"

2. The Ministry of Environment and Waters is in the process of negotiation with the office of JOCV/JICA in Sofia for possible financial support for an environmental programme "Women's participation in the process of environment protection", which is similar to the one already implemented in Japan.

3. The Ministry of Environment and Waters helps methodologically and financially the realisation of projects, oriented to women's participation in activities in the field of environmental protection - protecting nature, ecotourism, planting, environmentally friendly agriculture. A Partnership has been established between the Ministry of Environment and Waters and the Black Sea Association of Women in Bourgas.

4. A new environmental project - Women in Defence of the Biodiversity Project is in the process of implementation. According to the National Action Plan for Protection of Biodiversity, during the next five years this project will require about 25 million BGL.

5. An international project - Agricultural ecology - quality of the waters in the basin of the river Yantra has been elaborated. It is financed by USAID and is aimed at training women from rural regions in composting green refuse, household waste and manure. It could prevent additional pollution resulting from agricultural activities, i.e. it could provide the basis for development of environmentally friendly agriculture in Bulgaria. Training of local women in how to exercise control over the waters draining from the farmyards has been carried out.

6. In the system of vocational education and training a new subject has been introduced - Environment protection technology. For the school year 1998-99, 1274 students were trained in this job. The percentage of girls is higher than that of boys - 72% to 28%

### **New initiatives**

A fund of 650 million BGL will be established for elaboration of a project "Women in Defence of the Biodiversity" with two basic directions, implemented mainly by women:

a. Education in nature protection oriented to:

- creation and implementation of environmental methodological studies and knowledge on protection of the biodiversity. These courses will be included in the existing curricula at elementary and secondary schools
- elaboration of a methodology and introduction in schools of ecological knowledge concerning the "Central Balkan", "Rila" and "Pirin" National parks
- practical activities, aimed at protection of the biodiversity. These activities could be performed in lessons and the extra-curricular activities - the day of the Planet Earth,

holidays of the forest, mountain excursions, club activities, laboratory practice, nature protecting work, schools in the open, summer camps, etc.

b. Public relations oriented to:

- organising and co-ordinating the relations with the mass media
- organising public events and campaigns
- co-ordinating public events

## **11.2. Commitment to further action / new initiatives**

### **New legislation**

1. The Ministry of Environment and Waters has elaborated a draft regulation (which will be proposed to the Council of Ministers) referring to collection of information about the environmental conditions and ensuring access to public information of all citizens, including women. Before putting it forward in the Council of Ministers, the draft regulation will be discussed in public. The comments and observations of representatives of non-governmental environmental organisations will be taken into consideration.

2. A regulation of the Council of Ministers on information about the environmental conditions in Bulgaria and access to public information will be adopted.

3. An environmental project – Involvement of Unemployed Women in Ecological Activities is worked out in co-operation between the Ministry of Environment and Waters and the Ministry of Labour and Social Policies. This project is aimed at creating seasonal jobs for unemployed women in planting and cleaning campaigns, mushroom and herb gathering, or in activities related to ecotourism. This project combines the favourable results in the field of environment protection with a considerable social effect by ensuring work for the unemployed women. The National Fund for Environment Protection can participate in the project financially.

## **12. Girl child**

### **12.1. Examples of successful policies, programmes and projects to implement the critical areas of concern of the Beijing Platform for Action**

#### **Legislative measure**

The Republic of Bulgaria strives to guarantee the rights of the child and fulfil the obligations pursuant to the Convention on the Rights of the Child, ratified in 1991. Along with the constitutional principle of equality of citizens and prohibition of discrimination, the Family Code also reflects the principle of equality in connection with birth and origin of children born in wedlock and out of wedlock, or adopted children. The concern about the best interests of the child and their protection is a basic objective and principle of the family legislation – article 2-3 of the Family Code. This principle has been reflected in the labour legislation by means of special protection of minor workers and employees - chapter XV, section I of the Labour Code.

The Penal and Penal procedure legislation also set a number of specific provisions for minors as either crime objects or subjects - the right to a defender (counsel) upon arrest (article 70, paragraph 1, section 1 and article 73 of the Penal Procedure Code), an obligatory participation of a pedagogue or a psychologist during interrogation of minors (article 380 of the Penal Procedure Code), resorting to “deprivation of freedom” only as ultimate measure and restricting to special boarding schools for minors, etc.

The right to life, as an irreversible constitutional right of citizens is regulated also in the special penal norms for the protection of the child, which envisage (qualified) *corpus delicti* in cases of murder and body injury, inflicted on children, of kidnapping and illegal deprivation of freedom of a child, discrediting of a minor, lewdness, rape, incest, homosexual acts with minors, etc. The Law on Public Health and the Regulations for its implementation, the Regulations on the organisation and management of social care homes, the Decree on Mother and child homes, etc. also provide special rules for protection of children.

A number of provisions of the Civil Procedure Code, the Family Code, etc. reflect the respect for the views of children and provide possibilities for them to participate in the solution of problems of their concern, to lodge claims, to participate in the achievement of a specific legal result, etc.

The Family Code envisages a number of rights and obligations for persons responsible for the child - parents, grandparents, guardians or trustees, related to presenting the child, the exercising of parental rights, the persons entitled to provide support money, etc. Shared responsibility of parents for raising and upbringing their children is envisaged in Article 47 of the Constitution and articles 3-5, 68, 72-73, 101 and 106 of the Family Code.

The Constitution (Articles 46 and 47) and the Family Code contain a number of legal provisions for partnership and equal opportunities of both parents in providing financial support for the family, in raising and upbringing children in order to encourage women to participate actively in social life and decision making. The latter envisages that both spouses are free to choose a job; to take care for the family; to provide for the welfare of the family according to their abilities, property and income; and are responsible for raising, upbringing and supporting their children.

The Family Code envisages restrictions and deprivation of parental rights in cases when the parent is incapable of exercising his duties, without severing contacts with the child. Special rights are envisaged in the Law on Social Assistance for persons and families with children who have serious material difficulties. Children who are permanently or temporarily deprived of a family or are banned from their family in view of their best interests are provided with alternate care – homes for children, adoption, guardianship, trusteeship, substitute parents, family homes.

The Law on Radio and Television (1998) envisages that all commercials intended for children or with the participation of children should avoid elements that could affect negatively children's physical, mental and moral development. Furthermore, a commercial intended for minors should neither show them in dangerous situations, nor take advantage of the special trust they place in their parents, teachers, etc.

**Practical measures.** Unfortunately, the solutions of some practical problems concerning children have been delayed. According to the constitutional requirement for special protection of children (Article 47 paragraph 1 and 4 of the Constitution), the state takes care for children in disadvantaged social position due to loss of relatives or family care, unfavourable health condition and other similar reasons by means of:

- Mother and child homes - these shelter children under 3 of age, who have no relatives or have been left without the care of their family, as well as children who need special care. When they are 3 years old, children are returned to their parents or are sheltered in special homes for children of pre- school age or social care homes.
- Orphanages - these are specialised homes for temporary stay of children from the age of 3 to 16, who are not taken care of by their parents. The maximum stay period in the orphanages is 3 months, or as an exception - up to 6 months. After this period

children are returned to their family. If impossible, they are sent to a specialised health centre or social-pedagogical boarding school.

- Social-pedagogical boarding schools - they shelter minors who are not taken care of by relatives until they reach 18.
- Homes for physically disabled children or children with chronic illnesses - these are specialised homes for children suffering from physical disease which have resulted in disability, if the active treatment has finished.
- Homes for mentally retarded children - they shelter mentally retarded children when their state of health and behaviour do not allow them to remain in the family.

Children without parents are entitled to more social aid than other citizens. The number of children in family also leads to increasing the amount of social benefits. Students, whose families are in an unfavourable financial situation, are granted state scholarships.

A national network of 80 Health schools has been set up, where children are trained in the prevention of drug addiction, sexual problems and children's prostitution, etc.

A programme on nutrition training of orphans and children of low social status sheltered in children homes has been prepared.

### **Examples of obstacles encountered**

The rise on unemployment and the impoverishment of the population have had a negative impact on the situation of children over the last years – resulting in a rise in the number of abandoned children, ill-treatment and violence against children, sexual abuse. The government is aware that there are still a number of unresolved problems such as family consultation, establishment of a state body (mechanism) which will co-ordinate the policy of raising and upbringing children. The Government will further pursue its efforts aimed at resolving these problems. The measures undertaken by the government for overcoming these negative tendencies are legislative and practical (see p.26 and 27).

## **12.2. Commitment to further action**

### **Legislative measures**

1. A draft Family Code is being elaborated
2. A draft law on the protection of children and a draft law on the prevention of juvenile criminality are in the process of discussion at the National Assembly.