



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Pre-sessional working group

5-9 December 2011

## Implementation of the International Covenant on Economic, Social and Cultural Rights

### List of issues to be taken up in connection with the consideration of the combined fourth and fifth periodic reports of Bulgaria concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BGR/4-5)

#### I. General information

1. Please provide examples of cases where the Covenant has been invoked in national courts of law. Please also provide information on the availability of effective remedies, for individuals claiming a violation of the rights under the Covenant. In case the provisions of the Covenant have not been invoked in courts, please provide information on any obstacles encountered.
2. Please provide information on the follow-up to the 1999 recommendations of the Committee's concluding observations, especially with regard to recommendations 11, 12, 19, 27 and 34 (E/C.12/1/Add.37).

#### II. Issues relating to the general provisions of the Covenant (arts. 1-5)

##### Article 2, paragraph 2 - Non-discrimination

3. Please provide information, including statistical data, on the progress achieved since the examination of the State party's third periodic report in 1999, in combating discrimination faced by the Roma and the Turkish populations in the enjoyment of economic, social and cultural rights, particularly in the fields of education, housing, health and employment. Please indicate the measures taken by the State party to address the problem of recurrent demonstrations against the Roma population.

4. Please provide information on measures taken to realize the right to work, the right to health, and the right to education of persons with disabilities.

### **Article 3 - Equal rights of men and women**

5. Please inform the Committee of the measures taken to prevent gender stereotypes, including in the media, and on the steps taken to adopt a specific legislation on equal opportunities between women and men.

6. Please describe the measures adopted to avoid gender segregation in the economy, whereby certain economic sectors are reserved for women, and whereby only a smaller percentage of women obtain leadership and management positions as compared to men.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 - The right to work**

7. Please give details on existing restrictions with regard to the access to the labour market for non-nationals and on work-related services available to them.

8. Please provide information on the measures adopted to monitor the enforcement of labour laws and to protect children from economic exploitation, especially within the informal sector, work on the streets and domestic work. Please describe the strategies and measures implemented to strengthen awareness, prevention and assistance programmes on this issue.

### **Article 7 - The right to just and favourable conditions of work**

9. Please provide information on the measures taken to increase the minimum wage, thereby providing a decent living to workers and their families. Please provide up-to-date information on the wage differences between men and women by sectors, and indicate what measures have been taken to ensure equal pay for work of equal value.

10. Please describe the measures taken to prevent, address and prosecute violations of occupational safety and health standards in the workplace. Please also provide information as to whether sexual harassment in the workplace is criminalized and, if so, the number of cases where such offence has been prosecuted and punished.

11. Please provide information on the steps taken by the State party to amend section 163(7) of the Labour Code, which conditions paternity leave on the father being married to the mother, thereby giving rise to discrimination between married and unmarried couples.

### **Article 8 – Right to form and join trade unions and right to strike**

12. Please provide information on the progress realized to review the legislation on the right to strike of civil servants and to resolve the issue of the right to strike in the railway transport sector.

### **Article 9 - The right to social security**

13. Please inform the Committee about the eligibility criteria regulating the access to social assistance benefits, and indicate whether any of these benefits is based on non-contributory schemes. Please inform the Committee on the measures taken, legislative or otherwise, to ensure that the granting of social assistance benefits is made according to the needs of the beneficiaries.

14. Please provide information on the social assistance schemes as well as the conditions applicable to: persons who are not economically active; self-employed persons who are not eligible to the mandatory sickness and pension insurance; persons working in the informal economy; and non-nationals, including asylum-seekers and refugees.

### **Article 10 - Protection of the family, mothers and children**

15. Please indicate whether de facto unions between men and women are regulated and protected by law, and provide information on the status of children born as a result of those relationships.

16. Please inform on the measures taken to extend the coverage of the child protection and social service systems to support the most disadvantaged and marginalized households, and to avoid the placement of their children in institutional care, especially in the case of children with disabilities, and children of Roma families. Please also specify the measures taken to adopt and implement an independent and periodic review procedure of the placement of children in social care homes.

17. Please specify the social services that are available for older persons in order to provide them with access to an adequate pension, and health and social care, in line with the Committee's previous concluding observations (E/C.12/1/Add.37, para.26).

18. Please specify the measures taken to implement the 2003 law and the activities carried out by the National Anti-Trafficking Commission to combat and prevent trafficking in persons, especially in women and children. Please indicate the number of complaints received for such cases; the number of investigations carried out; the types of penalties imposed; the compensation awarded to the victims; and the measures taken to protect and rehabilitate all victims of trafficking.

### **Article 11 - The right to an adequate standard of living**

19. Please provide information on the measures taken to ensure the connection of all houses to public sewerage, and to enable their access to sanitation and running water. Please indicate whether social housing units are made available to low-income persons and families, and especially to disadvantaged and marginalized individuals and groups.

### **Article 12 - The right to physical and mental health**

20. Please inform on the measures adopted to ensure the necessary care to mental health patients, as well as to promote community care. Please provide information on the steps taken to ensure that all health-care services are based on the free and informed consent of the persons concerned and that involuntary treatment and confinement are not permitted in law and in fact. Please also inform the Committee on difficulties faced by the State party in that regard.

21. Please inform the Committee on the measures taken to reduce the risk of maternal mortality and the risk of mortality in the neonatal period. Please provide information about the rate of abortion among women and teenagers and indicate the measures taken to promote sexual and reproductive health, and the related services available.

22. In view of the high prevalence of tobacco consumption in the State party, please inform the Committee on measures taken to enhance the enforcement of the smoke-free legislations, and to incorporate surveillance and evaluation of tobacco control in the Health Act, the National Health Strategy and the National Health Map.

### **Articles 13 and 14 - The right to education**

23. Please provide information on the proportion of public expenditure dedicated to education since the last periodic report of the State party. Please describe the measures that have been taken to improve the quality of education, especially in high schools, including through the introduction of an effective teachers' qualification and career development. Please also describe the measures taken to create an independent system for the evaluation of the quality of education.

24. Please provide information on the measures taken to reduce the high levels of dropout rates of Roma children, mainly in the rural areas. Please also specify the measures taken to integrate Roma children into the general school system.

### **Article 15 - Cultural rights**

25. Please provide information on steps taken by the State party to guarantee and encourage participation in cultural life and access to cultural goods and services for all, especially for disadvantaged and marginalized individuals and groups, such as older persons, persons with disabilities and all minorities.

26. Please specify the measures taken by the State party to recognize and guarantee cultural diversity, disseminate knowledge of the cultural heritage of ethnic and linguistic minorities, and create conditions conducive to the preservation, promotion, expression and dissemination of their identity, history, culture, language, traditions and customs.

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