



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women  
Fifty-second session**

**Summary record of the 1046th meeting**

Held at Headquarters, New York, on Thursday, 12 July 2012, at 3 p.m.

*Chair:* Ms. Pimentel

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Convention (*continued*)

*Combined fourth to seventh periodic reports of Bulgaria (continued)*

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

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Combined fourth to seventh periodic reports of Bulgaria (continued) (CEDAW/C/BGR/4-7; CEDAW/C/BGR/Q/4-7 and Add.1)*

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

2. **The Chair** invited the delegation to continue replying to questions on articles 1 to 6 of the Convention raised at the previous meeting.

3. **Mr. Tafrov** (Bulgaria) said that Bulgaria did provide for the social reintegration of victims of human trafficking; he would supply further information in writing, along with data on women benefiting from state-run shelters for adult victims of trafficking.

4. **Ms. Masheva** (Bulgaria) said that sexual exploitation and the exploitation of prostitution had been criminalized in 1982, with legislative amendments in 2002, 2004 and 2006 to improve enforcement. The related offences were punishable by imprisonment and heavy fines. The prosecution of the identified victims of human trafficking for offences committed as a result of their exploitation was not expressly prohibited by the law but, thanks to good judicial practices, never took place. In any case, Bulgaria was obliged to bring its legislation into line with the European Union directive on human trafficking and the protection of its victims.

5. Turning to the questions on domestic violence, she said that, in response to the Committee's recommendations regarding Communication No. 20/2008, a working group had been set up under the auspices of the Ministry of Justice to amend existing legislation on protection from domestic violence, by, inter alia, extending the one-month time limit and setting up a national mechanism for compensating victims. Another working group had been established to examine compliance with all related international conventions, including the Council of Europe Convention on preventing and combating violence against women and domestic violence.

6. **Mr. Anchev** (Bulgaria) added that national programmes for the prevention of and protection

against domestic violence had been implemented since 2006, thanks to cooperation between the Ministry of the Interior and several other ministries; a standing working group had been set up to monitor their implementation. The Ministry of the Interior had issued guidelines on domestic violence to the police; a network of national and regional coordinators ensured their application while cooperating closely with social services and psychologists in offering support for victims. Furthermore, a special centre had been set up in Sofia to combat domestic violence and assist its victims.

7. **Ms. Schulz** said that her own experience in Switzerland had shown that allowing gender equality to take its natural course, as seemed to be the approach in Bulgaria, would take several decades if not centuries. Reminding the delegation that temporary special measures could assume many different forms besides quotas, she urged Bulgaria to consider taking such measures in order to bring about gender parity at every level of public and economic life as soon as possible.

8. **Ms. Šimonović** recalled that, with respect to Communication No. 20/2008, she had asked whether the Committee's views and recommendations had been translated into Bulgarian and widely distributed in order to reach all relevant sectors of society.

9. She asked if a provision in the Penal Code exonerating the perpetrators of acts of sexual assault and rape if they married the victim had been repealed and, if not, when it would be repealed, in keeping with the Convention.

10. **Ms. Açar** asked whether marital rape had been criminalized and whether domestic violence was a specific offence under the Penal Code. What was the meaning of the "crimes against sexual morality" mentioned in the Penal Code? She requested data on the shelters and other services offered to adult women who were victims of domestic violence and details about the burden of proof in domestic violence cases. She wished to know when it was envisaged that Bulgaria would ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.

11. **Ms. Neubauer** repeated her questions about prostitution in Bulgaria: what were its extent and nature; what was the profile of the women involved; and were there any State programmes to help women

abandon such activities? She also wished to know how sexual harassment was sanctioned under the anti-discrimination legislation.

12. **Ms. Popescu** recommended that separate shelters should be provided for the victims of domestic violence and human trafficking, since their needs were not the same.

13. **Mr. Tafrov** (Bulgaria) said that he was sure that the Committee's recommendations on temporary special measures would be taken into account by the Government but currently the issue was not even being discussed in Bulgaria. With respect to Communication No. 20/2008, he said that the Committee's recommendations had been translated into Bulgarian and made available to the judiciary.

14. **Ms. Masheva** (Bulgaria) said that the Penal Code had been amended to criminalize non-compliance with protection orders with regard to domestic violence while the Protection against Domestic Violence Act provided the general framework for the prevention of domestic violence and the protection of its victims. Other acts of violence against women, including marital rape, were covered by the Penal Code. It was true that, under the existing Penal Code, the perpetrators of sexual assault and rape were exonerated if they married the victim. A new Penal Code had been drafted and would be submitted to Parliament by the end of the year.

15. **Mr. Tafrov** (Bulgaria) said that he was sure that the provision on exoneration would be removed from the Penal Code, along with the reference to "crimes against sexual morality".

16. The reason why the figures on shelters provided in the report seemed to be focused on children was that the victims of domestic violence often had children in their care, who also needed to be assisted. In smaller towns, there were insufficient resources to provide separate shelters for the victims of domestic violence and those of human trafficking.

17. The ongoing national policy debate on prostitution had not reached a final conclusion and a nationwide study of the phenomenon by an NGO had proved inconclusive. He would provide statistical data on prostitution in writing, including specific information on Roma women, along with more detailed information on women in decision-making at all levels in Bulgaria.

18. **Ms. Georgieva** (Bulgaria) said that sexual harassment was legally defined as an act of discrimination in Bulgaria. The Commission for Protection against Discrimination had determined that sexual harassment should be punished by fines and other penalties.

#### *Articles 10 to 14*

19. **Ms. Açar** commended Bulgaria on its achievements at every level of education from the gender perspective. The female population was highly educated by international standards and the only noteworthy problem lay in the reported gender segregation in terms of subjects studied, especially in vocational secondary schools. That segregation both reflected and entrenched gender-based stereotyping and might result in an imbalance in potential earnings. The report suggested that women tended to dominate the teaching profession while men preferred better paid business-related jobs.

20. The percentage of women teaching in tertiary education was impressively high by international standards but fell short of the goal of parity under the Convention; she asked for an explanation of the 25 per cent figure given in paragraph 161 of the report. The report also mentioned gender quotas approved by the Council of Ministers. She asked whether those were a form of temporary special measure and whether they were applied. Had specific policies been adopted to address the educational underachievement of Roma children and its causes and, if they existed, what results had been obtained?

21. **Mr. Bruun** said that segregation of the labour market, similar to that found in education, was of concern, as was the very wide gender pay gap. Whereas in most countries the divide was wider in the private sector, in Bulgaria the greater wage differential could be found in the public sector. He asked for an explanation of that difference and a description of any measures taken to remedy the situation. He wished to know how many cases had gone before the courts and with what outcome.

22. Although unemployment seemed to be affecting men more than women, he asked whether the latest data demonstrated the usual trend whereby long-term joblessness hit women harder, and how the Government measured the impact of unemployment on women.

23. How many cases of sexual harassment, in the workplace and elsewhere, been detected and how many convictions had there been? In view of their success in other countries, he wondered whether Bulgaria had run any awareness-raising campaigns. He asked for more information on paternity leave, noting that the take-up rate was very low in Bulgaria.

24. According to independent reports, the situation of Roma women in the labour market, as a result of exclusion from education, was alarming. He requested information on specific measures taken to help Roma women, women from other minority groups and women with disabilities to find jobs.

25. **Ms. Rasekh** said that according to the report, the Constitution entitled all Bulgarians to health insurance guaranteeing them affordable medical care, but she wished to know if that entitlement was honoured in practice. Information from independent sources indicated that many women, minorities in particular, suffered from negligence and maltreatment during health care, sometimes resulting in misdiagnosis or even death. It would appear that health-care providers were protected from accusations of malpractice whereas women patients were denied access to justice. Strict limitations on the number of consultations and the health problems qualifying for free medical care often forced women, especially those who could least afford it, to seek private treatment.

26. She wished to know whether the legislation on sex education in schools and access to contraception, in particular for young women, was being enforced. She requested information on women's access to mental health care and disabled women's access to health care, both in terms of physical infrastructure and equal treatment.

27. **Ms. Popescu** said that independent sources had indicated that poverty continued to affect women in Bulgaria, especially those in risk groups. In view of the current economic crisis, she asked what specific measures were being taken to assist women from a gender perspective and how they were funded. Were women facing problems in gaining access to social protection at a time when it was being cut throughout the region?

28. She asked whether Bulgaria was considering aligning women's retirement age with men's and if rural women received special pensions and had access to microcredits and other loans. She sought

clarification of the claim, made in the introductory statement, that implementation of the programme for the promotion of female entrepreneurship in agriculture had led to a 41.5 per cent increase in the number of young female farmers.

29. Commending Bulgaria on its ratification of the United Nations Convention on the Rights of Persons with Disabilities, she requested more information on measures taken to help women with disabilities.

30. Lastly, in view of Bulgaria's recent denials of asylum to women asylum-seekers on the grounds that their gender was not a motive for persecution, she asked whether the Government planned to amend the asylum legislation. There had been a shift in international policy recently towards recognition of vulnerability to rape and other serious violations of women's rights as factors in persecution.

31. **Mr. Tafrov** (Bulgaria) said that it was not always easy to examine issues such as health care from a gender perspective since both men and women faced the same difficulties. The Committee was not the appropriate forum for discussing problems in the Bulgarian health service. Moreover, there was no health expert in the delegation to answer such questions with authority.

32. To refer to gender imbalances among teachers and students in Bulgarian vocational secondary education as "segregation" was an exaggeration and a distortion of the facts. There were traditionally high numbers of women in the teaching professions at every level of education in Bulgaria.

33. The gender quotas mentioned in the report were not temporary measures, but had systematically been applied over a long period to ensure that people of both genders enrolled and taught in all disciplines. For example, without such quotas only girls and women would study and teach the humanities.

34. **Ms. Ivanova** (Bulgaria) said that the high school drop-out rate among Roma children was due mainly to the extent of early marriage among Roma girls, at the age of 12 or 13 years, and a perception in the Roma community that academic success did not offer direct practical benefits. The National Council for Cooperation on Ethnic and Integration Issues had produced a detailed report on school drop-out by gender; the Ministry of Education, Youth and Science had elaborated a special strategy with over 12 million

leva in State funding. Two institutions, operating at the European and national levels, had gathered information on the numbers of Roma children enrolled in every tier of education in Bulgaria; she could provide the data in English. The gender ratio of teaching assistants, who helped both teachers and students from ethnic minorities, currently stood at 1:1.

35. **Ms. Kaydzhyska** (Bulgaria) said that the gender pay gap was not as wide as suggested. According to the latest figures from Eurostat there had been a slight increase in the gap in recent years, owing to the economic crisis, but the Government had a policy to mitigate the effects.

36. **Mr. Tafrov** (Bulgaria) added that the gap was rather smaller than the European Union average. He rejected the term “segregation” when applied to the labour markets.

37. **Mr. Bruun** said that there were clearly employment sectors where one gender or the other dominated. The sectors where men outnumbered women by far, such as construction, tended to be better paid.

38. **Ms. Açar** explained that “segregation” was a technical term; it did not imply that members of either sex were excluded from certain professions.

39. **Mr. Tafrov** (Bulgaria) said that there were sectors, such as health and education, that traditionally attracted more women and tended to offer lower remuneration. However, the pay gap was clearly narrowing in Bulgaria.

40. **Ms. Georgieva** (Bulgaria) said that 90 per cent of reported acts of sexual harassment occurred at the workplace. The Commission for Protection against Discrimination had run an awareness-raising campaign aimed at women, with emphasis on the need to bring cases before the Commission to prevent victimization and persecution. The number of cases brought before the Commission had increased every year, which should be seen in a positive light.

41. **Ms. Ivanova** (Bulgaria) said that the Government’s 2012 employment action plan, aimed at helping unemployed Bulgarians find work, had been allocated 73 million leva. Under the plan there were 86 labour mediators of Roma origin, of whom 49 were women; 12 of the women had attended university. According to the latest World Bank report, 28 per cent of Bulgarians of working age were of Roma origin. She

could provide more detailed information in writing on Government spending to help Roma, including women, enter the labour market.

42. **Mr. Tafrov** (Bulgaria) said that contraception was easily available, as the Bulgarian Orthodox Church was not opposed to it. Sex education was part of the school curriculum and mental health care was generally accessible to women. The claims that some women had been required to make extra payments immediately before childbirth under duress in a Bulgarian hospital had received much media attention and, following investigations, the culprits had been suspended from their duties.

43. Specific measures had been envisaged to assist women in poverty from a gender perspective but the economic crisis had restricted budgetary resources. His delegation would remind the Government of the Committee’s recommendations on poverty reduction.

44. Turning to the statutory retirement age, he said that women and groups representing them were opposed to plans to raise women’s retirement age with a view to achieving parity. There was an ongoing political debate in Bulgaria as in other countries and no final decision had been made. Further information on rural women would be provided in writing.

45. **Ms. Ivanova** (Bulgaria) said that the Government had taken a number of measures to improve outreach to the Roma community in terms of health and employment. An official report monitoring Roma integration and poverty reduction had been produced and she could provide the Committee with the synopsis in English, which contained comprehensive data and details of all the relevant initiatives.

46. **Mr. Tafrov** (Bulgaria) said that, following the cases of denial of asylum mentioned by Ms. Popescu, practices were being reviewed and draft amendments to the asylum legislation, along the lines she had suggested, were already at the committee stage in Parliament. He hoped they would be passed in the foreseeable future.

47. **Ms. Rasekh** said it was disappointing that there was no health expert in the delegation, in view of the importance of women’s health issues under the Convention. The situation in Bulgaria seemed to be one of declining standards. Above all, women suffered more than men from the lack of a bill of rights for patients. There had been reliable reports of women

being abused or maltreated while in care by male doctors exercising their power over them. She hoped that, in its next report, Bulgaria would be able to announce gender-sensitive health policies that were being properly implemented.

*Articles 15 and 16*

48. **Ms. Halperin-Kaddari** commended Bulgaria on its very impressive Family Code, which had entered into effect in 2009. Some of its provisions were exemplary, but enforcement was crucial.

49. The new Code had introduced three marital property regimes: matrimonial community property as the default, separate property and a contractual regime agreed under a marriage contract. How were women informed of the implications of their choice of regime? She wished to know whether intangible or future assets were taken into account when calculating marital property. Noting that, according to the report, if the parent who had custody of the children experienced difficulties as a result, he or she might receive a larger share of the common property, she asked for more information on that provision.

50. Having learned from alternative sources that the Government offered social benefits when the non-custodial parent failed to provide financial support, she asked how much that benefit was. She had also been given to believe that the administrative procedures for obtaining family support from absent parents were cumbersome. She asked for details of those procedures along with information on legal aid for women with regard to divorce and child support payments.

51. She noted that, according to the report, the Family Code encouraged parents with differences to try to reach agreement, including through mediation, and to approach the court only as a last resort. She wished to know if special provisions and practices existed in cases of domestic violence, where the victim was in a vulnerable position when it came to mediation.

52. Finally, she wished to know more about the phenomenon of early marriage in the Roma community and among practising Muslims along with any Government measures to end the practice.

53. **Ms. Ivanova** (Bulgaria) said that education was the main factor in the prevalence of early marriage among Roma girls, followed by economic status and living conditions. Although many Roma clung to their

traditional, patriarchal mentalities, increasing numbers of Roma were adopting a more modern approach to family values.

54. **Mr. Tafrov** (Bulgaria) said that the delegation would be providing detailed answers to Ms. Halperin-Kaddari's remaining questions in writing. For all outstanding issues, replies would be supplied at the earliest opportunity.

*The meeting rose at 5.05 p.m.*