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The Permanent Mission of the Republic of Bulgaria to the United Nations and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and referring to a letter by the Chair – Rapporteur of the Working Group on the discrimination against women in law and in practice, pursuant to Human Rights Council resolution 15/23, dated 8 December 2011, has the honour to transmit the information provided by the Bulgarian authorities with regard to the best practices, policies and legislation on issues related to preventing discrimination against women.

The Permanent Mission of the Republic of Bulgaria avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Annex: in accordance with the text – 7 pages.



**Office of the United Nations
High Commissioner for Human Rights
Geneva**

OHCHR REGISTRY

24 FEB. 2012

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**INFORMATION
PROVIDED BY THE BULGARIAN AUTHORITIES
WITH REGARD TO THE BEST PRACTICES, POLICIES AND LEGISLATION
ON ISSUES RELATED TO PREVENTING DISCRIMINATION AGAINST WOMEN**

Equal opportunities without discrimination of women and men are guaranteed by the Bulgarian legislation.

The *Constitution of the Republic of Bulgaria* guarantees fundamental human rights and freedoms for all Bulgarian citizens without gender based discrimination.

In addition, the *Protection against Discrimination Act* strengthens these guarantees and provides for a special mechanism for protection, including the opportunity to lodge individual or group complaint before a national human rights institution like the *Commission for Protection against Discrimination*.

The implementation of the fundamental human rights principles is regulated by the general and special laws of the state, which create the necessary conditions for enhancement of women's participation in all fields of political, social and economic life

As a new development, in 2011 *the Labour Code* was amended to include the concepts of distance working and home working. The amendments introduce a legal definition of distance working, including the requirements regarding the work place, the technical equipment and its maintenance. They guarantee equal rights and obligations for distance workers, access to training, career development, and right to quality work place. Introducing the flexible work schemes is a step ahead towards promoting reconciliation of family and professional life of working women and men.

Also in 2011, the Ministry of Labour and Social Policy, together with the Ministry of Economy, Energy and Tourism of the Republic of Bulgaria spread up the initiative '*Women on Boards - Pledge for Europe*' launched by the Vice-President of the European Commission Ms. Vivian Reding among all their business partners (130 public private companies and 51 companies where the government holds more than 50 % of the shares).

The following 13 Bulgarian companies have signed the Pledge:

Public private companies:

1. Vidachim AD, Vidin
2. Yuri Gagarin PLC, Plovdiv
3. Hydro Pneumo Technica AD, Kazanluk
4. Plant of Large Dimension Machine Tools AD, Pernik
5. Drujba Glassworks SA, Sofia
6. Asenova Krepost AD, Asenovgrad
7. Vaptzarov Holding JSC, Sofia

Companies where the Government holds more than 50 % of the shares:

8. Kozloduy NPP PLC, Kozloduy
9. Maritsa East 2 EAD Thermal Power Plant, Kovachevo village
10. Vazovski Mashinostroitelni Zavodi (VMZ Co.), Sopot
11. The Bulgarian National Wine and Spirituous beverages Institute Ltd, Sofia
12. Electricity system operator EAD, Sofia
13. Bulgarian Export Insurance Agency EAD

These companies are to be awarded with special *Equality labels for contributing to promote gender balance in business leadership positions* by the Ministry of Labour and Social Policy. The ceremony is to take place during a special Session of the National Council on Gender Equality.

Regarding the Bulgarian companies where the government holds more than 50 % of the shares falling within the system of the Ministry of Economy, Energy and Tourism (51 companies), as per 1 November 2011 43 % of the board members are women.

Furthermore, the Ministry of Labour and Social Policy transposes in national legislation the new *Directive 2010/41/EC* of the European Parliament and the Council of the EU on the application of the principle of equal treatment between women and men engaged in an activity in a self-employed capacity.

Special attention should be drawn to the fact that since 2008, the unified national policy on equal treatment of women and men has been formulated as a *Strategy for Promotion of Gender Equality (2008 – 2015)*, adopted on the level of the Council of Ministers (2008). The Strategy is in accordance to the European Road Map for Gender Equality (2006 - 2010), the European Pact for Gender Equality and the new social vision for Europe. The Strategy is consistent with the commitments of Republic of Bulgaria for promotion of equal treatment of women and men, including the UN Convention on the Elimination of All Forms of Discrimination against Women.

The leading vision of the Strategy is to achieve a real social change through anti-discrimination legislation measures and strengthening of the institutional mechanisms for promotion of gender equality and equal treatment, combined with special incentive measures for adopting new models of behavior. The main aim of the Strategy is to guarantee equal rights, equal treatment, equal access to public resources and equal participation in decision-making for women and men in Bulgaria with a view to their successful personal and social life and promotion of gender equality in all spheres of social, economic and political life.

The Strategy is being implemented through annual Action Plans. In December 2011 the Council of Ministers adopted the *National Action Plan for Promotion of Gender Equality* in 2012. It aims at joining the efforts of the institutions for implementing the policy for equal opportunities for women and men in all spheres of economic, political and social life. The actions envisaged in the plan are directed towards the whole society and encourage equality in decision making, awareness raising and elimination of gender stereotypes for the roles of women and men. This is a document where the gender based violence is highlighted in an individual chapter and joint efforts at all levels are made visible.

The effective legislation in Bulgaria provides for equal pay for equal work and work of equal value. Legal guarantees have been provided to prevent gender pay gap for workplaces (duties or positions) requiring work of equal complexity and responsibility and the same level of education, vocational qualification and performance. The pay systems, salary and wage formation rules, including additional incentivizing pay (bonuses) existing nationally and in the different organizations do not provide for gender pay gap. Similar is the situation with the collective and individual employment contracts.

In addition, the Ministry of Labor and Social Policy has undertaken in cooperation with the other institutions and the social partners a number of measures to improve the balance of representation of women and men through policies for non-discrimination, equal opportunities, including equal pay for equal work, which aim to eliminate the differences by gender in employment. Working women in Bulgaria are well aware of their labor rights. However, the labor market segmentation poses certain problems. Education, healthcare, the sewing industry and different activities financed from the local budgets and the state budget remain feminized. In these sectors the pay is usually lower even for a more qualified labor.

According to data by the National Social Security Institute (NSSI), the average contributory income (CI) of women increased from 89.1% of the national average to 93.6% in 2009. In the same year the contributory income of men is 106.1% of the national average. A closing of the gap between the CI of women and men is registered. In 2010, CI of women registers slight decrease to 93.2%, whereas CI of men increases to 106.6%. The difference between the CI of women and of men is 13.4%.

According to EUROSTAT, in 2010 the gender pay gap in Bulgaria was 13.7%, compared to an EU average of 18%.

In June 2011, the first Monitoring of the progress towards the employment targets set in the National Reform Programs of Member States identifies as a good practice for Bulgaria the identified low gender employment and pay gap.

According to data provided by the National Statistical Institute, in the second half of 2011 the employment rate of women in the age group 20-64 is 60.6%. The gender employment gap is 5.7 percentage point and the value of the indicator for men stands at 66.3%. In 2010, the employment rate of women in the 20-64 age group is 61.7%, and of men – 69.1%. Compared to the previous year, the employment rate of women decreases by 2.3 percentage points and of men – by 4.7 percentage points. The value of the employment rate indicator for women in Bulgaria is only 0.4 percentage points below the EU average.

According to data provided by the National Statistical Institute, in the second half of 2011 the unemployment rate of women in the age group 15 – 64 is 10%, by 2.4 percentage points lower than the value of the indicator for men. In 2010, the value of the indicator is 9.5% for women and 11% for men. The increase of female unemployment compared to the previous year is 2.8 percentage points whereas male unemployment is up by 3.9 percentage points. The EUROSTAT data shows that in July 2011 female unemployment in Bulgaria stood at 10.5%, only 0.8 percentage points above the EU average.

Participation of women in paid labor is determined by many factors, including structure of the economy and economic cycles, educational attainment and vocational qualification, established and legally guaranteed opportunities to work, family status, household income, etc. An important factor is also the traditions, the established stereotypes of the role of women and men in the family and in the raising of the children, the participation in the socioeconomic and political life.

Article 9 (2) items 1 and 2 of the *Social Insurance Code* (SIC) explicitly provides that the periods of paid and unpaid child-care leave, paid and unpaid leave for temporary disability and of pregnancy and child-birth leave shall count as contributory service without making social insurance contributions.

The time during which a non-working mother has taken care of a child until attainment of the age of three shall also count as contributory service at retirement. Social insurance contributions for such periods shall be remitted at the rate for the Pensions Fund for the account of the executive budget on the minimum wage applicable at the date of granting of the pension /Article 9 (7) of the *Social Insurance Code* /.

Thus mothers, whether working or not, acquire contributory length of service also for the time in which they take care of a small child.

Furthermore, in order to prevent the unfavorable effect of these periods when determining the amount of the pension of women who have not worked during certain time intervals – child care, special provisions on determining the income on the basis of which the pension is calculated have been provided. According to Article 702 (2) items 2 and 3 of the Social Insurance Code, upon determination of the average monthly contributory income, the income during periods of child-care leave during which a benefit has been received and of the time counting as contributory service for non-working mothers shall be ignored.

These provisions are included in order to prevent a lower amount of the pension due to inclusion of lower income in the first case (the amount of the ordinary child-care benefit is close to the minimum wage) or due to inclusion of periods in which the person is not entitled to any compensation – in the second case in which the time counts as contributory service of non-working mothers.

More favorable is also the method of determining the average monthly contributory income for the time of temporary disability leave or pregnancy and child-birth leave during which a cash social insurance benefit has been received – the income on which the benefit is calculated is taken into account as it is always higher than the benefit itself.

The Bulgarian legislation allows for women to work after they reach retirement age, and the contributory years after that age have greater weight than the other contributory period in determining the amount of the pension. Each woman has an opportunity to continue

working and adding contributory time towards reaching an acceptable level of the pension income compared to that of men. Bulgarian legislation allows individuals to work and at the same time receive the full amount of their pension.

The provisions of the *Labor Code* reflect the principles of equality of women and men in the labor and family duties related to child-care. This approach is applied also in the regulation of maternity leaves.

Mothers insured for general illness and maternity are entitled to cash benefits for pregnancy and child-birth for a period of 410 calendar days, including 45 days before child-birth, at an amount of 90% of the average daily gross labor remuneration for the previous 18 months. If the mother decides to continue her professional career and go back to work, this benefit can be paid to the father if he is insured for general illness and maternity, after the child reaches the age of 6 months, for the time remaining until completion of 410 calendar days.

After the lapse of the period of entitlement to a benefit for pregnancy and child-birth (after the 410 days) until the child reaches the age of 2 years the mother is paid a monthly cash benefit at an amount determined annually in the Public Social Insurance Budget Act. This benefit can be paid to the father or to another person who undertakes responsibility for caring of the child when the mother goes back to work.

Since 1 January 2009, fathers insured for general illness and maternity are entitled to 15-day leave and a public social insurance benefit for child-birth. This encourages fathers to take higher responsibilities for caring of their child from the first days after birth. This innovation is an important step towards overcoming some gender stereotypes. The decision to grant fathers the right to such leave and benefit not only when the mother and father live in a marriage relationship but also when they are in a cohabitation relationship in one household is in line with the modern views. Care is focused on the child and it doesn't matter whether the child is born in actual marital cohabitation. The leading idea is on one part equality of the mother and the father (the woman and the man) and on the other – to guarantee the best interest of the child to receive care from two responsible parents.

The provision of Article 164 (1) of the *Labor Code* stipulates that after the leave for pregnancy, childbirth or adoption has been used, in case the child is not placed in a child-care establishment, the female employee shall be entitled to an additional leave for raising a first, second and third child until they reach 2 years of age, and 6 months for each subsequent child. With the consent of the mother (adoptive mother), this leave can be granted to the father (adoptive father) or to one of their parents in case they work under an employment relationship.

The *Labor Code* contains an explicit provision – Article 165, which stipulates that after having used the leave under Article 164 (1) of the *Labor Code*, the family worker or employee having four and more children, upon request, shall have the right to an unpaid leave until the child reaches 2 years of age, if the child has not been placed in a child institution. With the consent of the mother, this leave may be used by the father or by one of their parents when they work under an employment relationship.

According to Article 167a (1) of the *Labor Code*, after having used the leaves under Article 164 (1) and Article 165 (1) of the *Labor Code*, any of the parents (adopters), if they work under a labor contract and the child has not been placed in an institution on full public support, shall, upon request, have the right to use unpaid leave up to 6 months for taking care of a child before he/she becomes 8 years old. In the light of the above, the legally regulated measures for reconciling work and family obligations are applied not only to mothers but also to fathers.

The structure of the benefits until lapse of the 410 days (including pregnancy, child-birth and care of the child until he/she reaches one year of age) is characterized by full dominance of women and a negligible share of the men. Following the regulatory changes in the spirit of gender equality promotion, the share of men using benefits in the cases provided by law increased from 0.1% in 2008 to 2.5% of the benefit users in 2010. In absolute terms