

■ BULGARIA

Stagnation of socioeconomic rights



In 2007, the country's first year as a full member of the European Union, the Government failed to present a consistent policy for better protection of citizens' socioeconomic rights, the inclusion of disadvantaged groups and improving access to education, employment, health, housing and decent living standards. One immediate result of EU membership has been a growing appetite for "more efficient" ways of absorbing EU structural funds. More positively, EU membership is making the Government more familiar with the concept of Development Cooperation Policy and the population more familiar with the concept of civil action.

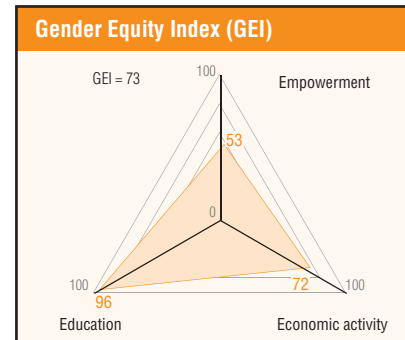
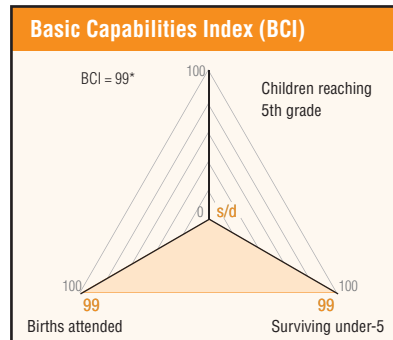
The Bulgarian Gender Research Foundation
in cooperation with the Bulgarian-European
Partnership Association

Last year was Bulgaria's first as a full member of the EU. However, as far as the Government was concerned, implementation of the human rights guaranteed in the Constitution and compliance with related international instruments remained minor concerns. In fact, corruption, judicial inefficiency and low administrative capacity continued to have a negative impact on human rights and the mechanisms for implementing them. This has severely restricted the socioeconomic rights of Bulgarians and made raising their income to the level enjoyed by other EU countries more difficult.

In 2007, the Government failed to propose a consistent policy to strengthen protection of citizens' rights, particularly socioeconomic rights such as the inclusion of disadvantaged groups and improving access to education, employment, health, housing and decent living standards. It showed far greater interest in absorbing EU structural funds. Similarly, the fall 2007 local elections became a fierce battle for access to these funds; the level of corruption they generated was unprecedented. The massive vote-buying constituted a serious violation of human rights, according to the 2007 US State Department "Human Rights Report" for Bulgaria; about EUR 100,000 was distributed, according to the Centre for the Study of Democracy. The money came from business circles and organized crime elements seeking access to European funds.

When citizens make legitimate claims for rights, the Government reacts with complacency and even dismissal, based on the premise that Bulgaria is now in the EU, has passed major laws for protecting human rights and has more or less harmonized its legislation with EU standards. However, the Government has no interest in putting those laws into practice and no real concern that Bulgarians continue to be at the bottom of EU living standards. According to EUROSTAT 2008, the per capita GDP in Bulgaria is the lowest in the EU – considerably below that of other East European members: EUR 2,764, compared to EUR 3,667 in Romania, EUR 13,834 in Slovenia, EUR 6,385 in Poland, EUR 9,758 in the Czech Republic, EUR 8,794 in Hungary, EUR 7,082 in Slovakia, EUR 8,208 in Estonia, EUR 6,020 in Lithuania, and EUR 5,642 in Latvia.

* One of the BCI components was imputed based on data from countries of similar level.



The overall positive impact of national human rights institutions – the Ombudsman and the Commission for Protection against Discrimination, both established in 2004 – cannot compensate for the lack of adequate governmental policies aimed at fulfilling socioeconomic rights. The alarming number of overdue Government reports to the Treaty Bodies that the government had failed to submit by the end of 2007 exemplifies its lack of commitment to complying with internationally recognized standards of human rights. The Government did not present two reports to the Committee on Economic, Social and Cultural Rights, three reports to the CEDAW Committee, and five reports under the UN Convention for the Elimination of Racial Discrimination (CERD) on time or at all. (It finally presented a consolidated CERD report February 2008.)

The Government's policies regarding the right to education and the right to work, with a focus on ethnic minorities and gender, are indicative of its low level of commitment and respect for human rights.

Education, an overlooked right

Government policies reveal a lack of appreciation of the empowerment that education provides as a basic social and economic right, and its essential role in the realization of other human rights and in protecting citizens from poverty and exploitation. UNESCO Institute for Statistics' *Global Education Digest 2006* noted a shift from public to private financing, and encouragement of schools to rely on their own resources during the transition period. Increasing costs reduced enrolment beyond the fourth year of compulsory education to 87%.¹ As in other

countries of the region, compulsory education has been de-universalized. Those with low or no purchasing power could no longer attend. The ultimate result of this reform was the economic exclusion of vulnerable groups with distinctive ethnic characteristics. This systemic problem cannot be remedied through financial incentives such as free textbooks, free meals, etc.

These negative trends have continued over the last two years, with more and more schools closing down and continuing lay-offs. More than 1,500 schools have closed down and more than 13,000 schoolteachers and 8,000 auxiliary personnel have been laid off in the last ten years, according to data from the Trade Union of Teachers.

The lack of effective integration policies for children and students from minorities remains a severe human rights issue. The 2004 Strategy and Action Plan of the Ministry of Education and Science (MES), aimed at the educational integration of children and students from ethnic minorities, and the National Programme for the Development of School Education and Pre-school Upbringing and Preparation (2006-2015) have achieved no positive results. Nor have the MES 2004 National Plan for the integration of children with special educational needs and/or chronic diseases in public education, the work of the Centre for Education and Integration of Children and Students from Ethnic Minorities, and the special Consultative Committee – an advisory body to the Ministry, established in May 2006 within the MES.

Trends identified in previous years remain a problem: In 2004, when 95% of girls and 96% of boys of primary education age were enrolled, only 46.2% of Roma children finished primary education. The overall secondary school completion rate was 87% for girls and 90% for boys; for Roma children

¹ OECD (2003). *Reviews of National Policies for Education: South East Europe*, Vol. 1, Paris, pp. 176-178.

the rate was 7.4%. The overall tertiary education enrolment rate was 41%, but only 0.2% for Roma.²

Roma women finish secondary education four to five times less frequently than Roma men. Although this gender gap in Roma literacy is still ignored, closing it is essential to poverty eradication and the realization of the human rights of children and women.

These alarming trends reflect the very low percentage of GDP allocated to education: 3.9% in 2007 and a planned 4.22% for 2008. The slight increase is due to a teachers' strike in the fall of 2007, a unique civil action: teachers from all over the country struck for 40 days, demanding better pay and an increase in budget allocations. An additional result was a promised increase in the average teacher salary to up to BGN 650 (about EUR 325), due to start in mid-2008.

Despite its agreement to these increases, the Government, which is not used to citizen pressure, adopted a package of proposals for further reforms in the educational system that will have the effect of penalizing civil action. These measures, in keeping with a progressive adoption of principles of efficiency and competitiveness in this highly sensitive sector, altered the mechanism for financing public education. From 2008 on, the Government budget will distribute all education funding through the municipalities, which will have to decide how to survive within tight financial parameters. Teachers' salaries will depend on the 'efficiency' of their work and on the 'entrepreneurship' of school directors. 'Inefficient' schools will have to close down, and teachers will be even more insecure about their remuneration and overall status.

In this sphere as well the gender implications are being neglected. More than 80% of teachers are women; their marginalization by the State represents a severe case of labour segregation and gender discrimination.

Ineffective policies for guaranteeing the right to work

Programmes and projects implemented over the last 15 years have had very little success in improving the status of the Roma population. The protection and integration of minorities has remained an issue of major concern since Bulgaria joined the EU. According to official statistical data, 87% of Roma households live at or below the poverty threshold of BGN 102 (USD 80) per month (as of 1 January 2009, the poverty line will be increased to BGN 166 -USD 130). Life expectancy for the Roma is five to six years shorter than for the other Bulgarian groups; their child mortality rate is twice the national average.³ Although the Roma have a settled lifestyle, most do not possess land or housing or have a regular income.

2 Data from UNESCO Institute for Statistics and from *Monitoring Education for Roma*, a statistical report for Central, Eastern, and South Eastern Europe of the Open Society Institute, Education Support Programme, December 2006.

3 Bulgarian Helsinki Committee. "Can a demographic policy be put in place?" in *Obektiv*, Obektiv Discussion Club, Issue 131, April 2006. Available at: <www.bghelsinki.org/obektiv/2006/131/131-13.pdf>.

The problems faced by the Roma received more attention from state institutions, political parties, and NGOs during the first year of EU accession. The main criticism of the Government, raised also by the European Commission (EC), has been that the documents and actions it has adopted remain largely on paper, while related programmes and plans lack adequate coordination and finance and a strategic approach. Despite some trends towards better coordination and more comprehensive planning in the last two-three years, the issues of major concern have not changed: the Roma's high rate of unemployment, poverty and deteriorating education and healthcare.

In 2006 the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe expressed concerns about discrimination and exclusion suffered by the Roma in employment.⁴ In fact, in regions with a concentrated Roma population, 65% to 75% of adults are still out of work. The rate is 49% for men and 71% for women, reflecting both gender differences in labour market trends and the absence of concrete, gender-sensitive policies.

The low level of education and professional training is the main factor contributing to unemployment and isolation.⁵ Unless this situation is ameliorated, the Roma workforce will remain unqualified and without training – that is to say, non-competitive.⁶

This situation reveals the shortcomings of the National Programme for Improvement of the Living Conditions of the Roma for the period 2005-2015 (aimed mainly at ensuring the right to housing for the Roma population), adopted in March 2006 by the Council of Ministers. Other initiatives for promoting training, job opportunities and entrepreneurship, such as the National Action Plan on the Decade for Roma Inclusion, have achieved no better results.

One of the reasons for the Government's failure in this area, identified in the *State of the World's Minorities 2007* report,⁷ was insufficient participation of the Roma in formulating policies that directly affect them. The appointment of 27 experts of the National Council for Cooperation on Ethnic and Demographic Issues on minority issues in the regional administrations and the nomination of experts in half of all 264 Bulgarian municipalities⁸ have had no visible impact.

4 Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Bulgaria, Adopted on 27 May 2004, Strasbourg, 5 April 2006, available online at: <www.coe.int/t/e/human_rights/minorities/2_framework_convention_%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/1_first_cycle/1st_OP_Bulgaria_eng.asp#TopOfPage>.

5 About 70% of Roma have no training and can only engage in the most menial professions. Eighty percent have a fourth-grade or lower educational level and experience difficulty in finding any job, given the enhanced requirements of today's labour market.

6 Friedrich Ebert Foundation – Sofia Regional Bureau (April 2007). "The Roma population in Bulgaria: the new challenges (Analytical report)", Sofia.

7 Minority Rights Group International (2007). *State of the World's Minorities 2007*, pp. 101-102.

8 Data from National Council for Cooperation on Ethnic and Demographic Issues.

Challenges and new trends in the protection of human rights

The 2007 Government budget surplus amounted to 3.8% of GDP and the projected surplus for 2008 is again quite high, at 3%. This tight financial policy was recommended by the EC, which replaced monitoring in previous years by international financial institutions. The EC recommended that Bulgaria put aside any revenues obtained from over-fulfilment of budget forecasts and strict adherence to expenditure ceilings. The EC also urged the Government to resist inflationary pressures by keeping a tight lid on wage increases, especially in the public sector, and increase efficiency in public outlays, mainly through strict programme budgeting, more rigorous administrative oversight and healthcare reform. This means keeping the personal income as low as possible and thus, as the Confederation of Independent Trade Unions declared, ensuring that the absence of "socialization of economic growth" would continue. Public investment in social sectors such as education and health will continue to be well below the rate of 5% to 6% that is required.⁹ As a result, progress toward basic human rights will be frozen or be reversed.

A new challenge and positive impetus emerged with full accession to the EU: adoption of the Concept on Development Cooperation Policy in mid-2007.

Given the financial constraints noted above, the planned Official Development Assistance of 0.17% of GDP for 2010 and 0.33% by 2015 seems unrealistic. However, Bulgaria, like the other New Member States, is required to align itself with the EU development policy and the principles of the Paris Declaration on Aid Effectiveness. The main goal of the Bulgarian Development Cooperation Policy will be poverty eradication through good governance, protection of human rights and gender equality. The EU will give priority to the countries of Southeast Europe and the Black Sea region. At the same time, Bulgaria will support the African development initiatives. Priority areas of support will include education, economic, social and health reforms, cultural diversity and tolerance, and preservation of the environment. The Inter-Ministerial Council on International Development Cooperation, created in July 2007, will develop the Development Cooperation Policy and be open to talk to civil society representatives, media representatives, etc.

Another positive outcome of the first year of EU membership was the emergence of public protests. These included strikes by health professionals, public transport drivers, teachers and other workers seeking more just remuneration for their work and actions to protect the environment, especially by environmentalist youth groups. ■

9 Opinion of the Confederation of Independent Trade Unions on the Draft Law on the Bulgarian Budget for 2008.