

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



12 December 2008

Case document No. 4

European Roma Rights Centre v. Bulgaria
Complaint No. 48/2008

**LETTER FROM THE EUROPEAN ROMA RIGHTS
CENTRE CONCERNING NEW LEGISLATION IN
BULGARIA**
(English only)

Registered at the Secretariat on 2 December 2008



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25 November 2008

Mr. Regis Brillat
Executive Secretary of the European Committee of Social Rights
Direction General II
Council of Europe
F-67075 Strasbourg Cedex

Re: Collective Complaint 48/2008

Dear Mr. Brillat:

The ERRC is writing the Committee today in relation to the Collective Complaint No 48/2008 submitted by the European Roma Rights Center against Bulgaria. As indicated in our last response to the submission of the Government of Bulgaria in reply to the Collective Complaint, the Minister of Labour and Social Policy, Ms. Maslarova, declared that she planned to propose a further reduction of the period for continuous social assistance for unemployed persons of working age from 12 months to six months as of 1 January 2009.¹ Only a few months after the declaration of the Minister of Labour and Social Policy, on 5 November 2008 the National Assembly of the Republic of Bulgaria adopted a new amendment to the Social Assistance Act (SAA) which provides that the period for continuous social assistance for unemployed persons of working age shall be decreased from 12 to six months.

According to information available on the National Assembly's official Internet site, "the aim is to activate the initiative of the unemployed to search for jobs and increase their education and skills."² However, as the ERRC has maintained in previous submissions on this Complaint, these measures have a disparate impact on Roma who are substantially overrepresented among the beneficiaries of monthly social assistance and certainly will

¹ See the following media reports on Ms Maslarova's statement: "В България няма безработица, отсече Масларова", at: <http://www.dnes.bg/article.php?id=54430>; "Масларова отпуска помощ „Инфляция\"", at: [http://www.novinar.net/?act=news&act1=det&sql=MjczNzszNA==&mater=MjczNzs3Ng](http://www.novinar.net/?act=news&act1=det&sql=MjczNzszNA==&mater=MjczNzs3Ng;); "Социалното ведомство се отчете", at: <http://www.focus-news.net/?id=n1030068>. All web sites accessed on 12 September 2008.

² Press Center – News. "National Assembly Adopts at First Reading Amendments to the Social Welfare Act" from 5 November 2008. Available at: <http://www.parliament.bg/?page=news&lng=en&SType=show&id=1620>. Accessed on 20 November 2008.


speed up the process of social exclusion of poor people, especially Roma, who are the most vulnerable and marginalised group in the Bulgarian society. Moreover, the amendments to the SAA establish different benefits for women and men who are child care providers. For women providing home care for children under three years of age, the social allowance will not be cut after six months; men are not accorded a similar reprieve from the time limitation. This disparate treatment can have negative implications on the employment and career advancement of female family members, especially unemployed women and women from poor families, who will be coerced through this financial incentive to stay home longer than their male counterparts to take care of the children.

In addition, the time limit of the new amendment will also apply to state-sponsored medical insurance and will limit even more the ability of Roma to seek health care.

The ERRC requests that the the European Committee of Social Rights take into consideration the latest legislative and policy developments in Bulgaria when deciding on the merits of Collective Complaint No 48/2008 (ERRC v. Bulgaria). The ERRC reiterates the above measures violate Article 13, Paragraph 1 of the Revised European Social Charter, under which the contracting parties undertake to ensure the right to adequate social assistance to any person who is without adequate resources and who is unable to secure such resources either through his/her own efforts or from other sources. They also violate Article E in conjunction with the above article. They discriminate on the basis of an association with a national minority, as well as on the basis of gender, as they have a clear disparate impact on Roma and a likely discriminatory effect on women.

Thank you very much in advance for your cooperation.

Sincerely,


Robert Kushen
Managing Director