

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1997

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16
and 17 of the Covenant in accordance with the programmes established
by Economic and Social Council resolution 1988/4

Addendum *
BULGARIA

[16 September 1996]

* The second periodic report concerning rights covered by articles 6 to 9 submitted by the Government of Bulgaria (E/1984/7/Add.18) was considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1985 session (see E/1985/WG.1/SR.9 and 11). The second periodic report concerning rights covered by articles 10 to 12 (E/1986/4/Add.20) was considered by the Committee on Economic, Social and Cultural Rights at its second session (see E/C.12/1988/SR.1719) in 1988.

* * *

332. The right of everyone to enjoy the benefits of scientific progress and its applications is a basic constitutional right of the citizens of the Republic of Bulgaria. This is proclaimed in article 54, paragraphs 2 and 3, of the Constitution, the provisions of which read as follows:

"Article 54 ...

"(2) The freedom of artistic, scientific and technical creativity is recognized and protected by the law."

"(3) Inventors', authors' and kindred rights are protected by the law."

333. The promotion of freedom of scientific and technical creativity and related rights are regulated in a number of laws and normative acts of the Council of Ministers. Among them are the Law on Scientific Degrees and Scientific Titles of 1973 (analysed in previous reports), the Penal Code of 1968 (analysed in previous reports), the Copyright and Kindred Rights Law of 1993, the Patent Law of 1993, and others. In addition to the legislative measures, the State also takes other measures for the exercise of these rights such as the financing of scientific and technological research, the creation of special research and technology centres, the development of international cooperation in the field of scientific and technological progress, etc.

334. Over the past few years, however, it has been increasingly difficult for public and private production to utilize the accumulated scientific potential. The causes for this are technological underdevelopment, the restructuring and diminishing of production, and the lack of need for highly qualified and intellectual labour. As a result, over the past four years in industry, no new products and technologies designed in Bulgaria have been introduced. All this is dooming the competitiveness of the "madeinBulgaria" production, signalling further decreases in output levels and technological relevance.

335. The measures taken to ensure the application of scientific progress for the benefit of everyone, including measures aimed at the preservation of mankind's natural heritage and at promoting a healthy environment and information on the institutional infrastructures established for that purpose, are manifest, above all, in State-provided financing, State control over the impact of new technologies on the citizens' health and the environment, organization of thematic exhibitions, etc.

336. The measures taken to promote the diffusion of information on scientific progress include development of specialized publications, subscription of the scientific libraries to the foreign specialized editions, sponsorship of the participation of Bulgarian experts in international forums, etc.

337. The measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy and the like, include the measures described above in paragraph 334.

338. As a matter of principle national legislation does not allow restrictions of this right.

339. The legislative setup of the right to protection of the moral and material interests resulting from scientific, literary and artistic work was dealt with above. The more substantial practical measures for full application of this right, including the creation of conditions necessary for scientific, literary and artistic creative work and protection of intellectual property as a result of these activities, are also indicated above.

340. The steps taken by the Government for the conservation, development and diffusion of science and culture have been described above.

341. An important means of preserving and promoting culture, science and artistic creativity is the right to participation in the creation and use of the achievements of culture and the development of scientific and technical progress. As pointed out earlier, this right is included in the basic constitutional rights of citizens. It has been further promoted in the current legislation, as described above. As to the national educational system, this matter was dealt with in article 13. The mass media and the communications media play a role through popularization of technical achievements, dissemination of specialized publications, radio and television broadcasts, etc.

42. The other practical steps taken to promote such conservation, development and diffusion is the setting up and maintenance of exhibitions, museums, libraries and the like, sponsorship of amateur artistic groups, the holding of festivals of professional and amateur art, sponsorship of cultural centres etc.

343. The respect and protection of the freedom indispensable for scientific research and creative activity is a basic constitutional right enshrined in article 54 of the Constitution. This point has been frequently stressed in this report.

344. The measures designed to promote enjoyment of this freedom, including the creation of all necessary conditions and facilities for scientific research and creative activity, are realized above all through legislative means. They are laid out in the laws (mentioned above) such as the Copyright and Kindred Rights Law and the Patent Law. Both laws conform to the legislation of the developed European States, as well as to the relevant international conventions to which Bulgaria is a party. A Bill on the promotion of scientific activity is currently being drafted and will be dealt with further on. As to the practical measures to implement the legal setup, these include the activities of the Copyright Agency and the associations in the creative fields.

345. The freedom to exchange scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions is not restricted by any normative acts. The only obstacle at present is the lack of financing and updated equipment, which diminishes the possibilities for relationships of the necessary intensity and complexity among the creative and scientific intelligentsia.

346. The measures taken to support learned societies, academies of science, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities are based on the right to association as a basic right of citizens (art. 12 of the Constitution). On the practical side, this means alleviated regimes for the societies and the professional associations under the existing legislation, coupled with State-funded research activities, etc. The essential difficulties encountered in the exercise of this freedom are related to the economic difficulties of the country. As a result of these difficulties over the past years several application-oriented scientific and research institutes were closed down. The promotion of young creators, particularly in the field of science, has been greatly hindered. The State has had to severely curtail the funds allotted to finance important economic and scientific research.

347. The encouragement and development of international contacts and cooperation in the scientific and cultural fields is a prime goal of the Bulgarian State and its Government. The fullest utilization of the facilities afforded by Bulgaria's adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields is guaranteed by the legislation and is observed in practice. The participation by scientists, writers, artists and others involved in scientific research or creative activity in international scientific and cultural conferences, seminars,

symposiums, etc. is a successful one in terms of quality, but in recent years this participation has suffered in terms of quantity due to severe financial difficulties.

348. The promotion of international cooperation in this field is influenced by several factors. Most important are the difficult financial situations of the country, the insufficient attention paid by State bodies to the problems of science, arts, culture, and others. The Government has adopted programmes for cooperation in the fields of education, culture and science with the United Kingdom, Greece, Spain, Jordan, China, Nigeria and other States. Specifically in the field of cinema, mention should be made of Bulgaria's joining of the 1988 Resolution No. 88/15 of the Committee of Ministers of the Council of Europe. Thus, Bulgaria entered the Euroimages Transeuropean Fund designed to assist the creation and diffusion of European films, as well as the Joint Film Production Agreement concluded between the National Film Centre and the Cinematography Committee of the Russian Federation.

349. During the reporting period serious changes have occurred in the social and legislative reality of Bulgaria, which have affected the exercise of the rights enshrined in article 15, as well as other rights. The transition to a market economy produced a negative impact, as mentioned throughout the exposé on article 15. To overcome it is an important and difficult task requiring arduous efforts on the part of the executive power for a long time to come. With a view to coping with this situation, in 1995 the Ministry of Culture, Science and Technologies started drafting a bill on the promotion of scientific activity so as to regulate the development, goals, structure, organizational setup, functioning and statutes of research organizations, and the financing and the economic regulators to stimulate scientific research. In this way the legislation shall be brought into line with the realities and needs of the country with respect to an accelerated development of science. This will also lead to the creation of a system of institutions designed to form and conduct the national scientific policy. Special attention shall be paid to protecting the freedom of scientific research, guaranteeing the free exchange of scientific information, and supporting learned societies, academies of sciences, professional associations and other institutions connected to the pursuit and application of scientific research.

350. As to the field of culture and the arts, the most substantial development in the past years has been the promotion of creative freedom.

351. The Government considers it necessary to exert efforts to overcome the stalemate in the field of scientific and applied research and technological development. Being drafted is a strategy for scientific and applied research, which is designed to become the basis for national programmes. The Government shall stimulate the setting up of organizations for technological transfer and shall promote initiatives and actions by public organizations, economic enterprises and other structures. Furthermore, the Government shall review the forms of budgetary financing and shall study and carry out other forms of financial assistance and ease the financial burden.

352. In the field of culture the Government has defined as an underlying principle of its policy the preservation, enrichment and promotion of the cultural estate. There will be created, among others, better conditions for the protection of cultural and historic monuments and archives, for the existence of Bulgarian literature, painting, cinema, theatre and music, cultural clubs and libraries, and for enhancing the level of State art schools.

353. A predominant principle in the field of spiritual culture will be the enjoyment of cultural achievements by the various social strata in accordance with their needs.

354. A particularly important task is the protection of Bulgarian creators and creative workers in the arts.

355. The role of international assistance in the full realization of the rights enshrined in article 15 of the Covenant was described above. Mention should be made at this point of the existence of a number of projects within the framework of programmes such as PHARE, TEMPUS, and others. Highly important also is the bilateral cooperation with scientific organizations, cultural institutes and others.