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SUMMARY RECORD OF THE 133rd MEETING

Held at Headquarters, New York,
on Monday, 16 April 1979, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 AND 1978 (continued)

Bulgaria (continued) (CCPR/C/1/Add.30)

1. The CHAIRMAN requested Mr. Janca to convey to the Government of Yugoslavia the heartfelt sympathy of the Committee on the earthquake which had struck Yugoslavia and Albania; its sympathy was also extended to the Government of Albania.
2. At the invitation of the Chairman, Mr. Yankov (Bulgaria) took a seat at the Committee table.
3. Mr. YANKOV (Bulgaria) observed that the valuable observations and questions put by the Committee members indicated that it had embarked on a fruitful and constructive dialogue with the Bulgarian Government. The Bulgarian Government had always considered that the adoption of the International Covenant on Civil and Political Rights constituted an important stage in the development of international co-operation in the promotion of universal respect for, and observance of human rights and the Committee could be an efficient instrument in the achievement of those noble objectives.
4. Some of the questions put at previous meetings had been aimed at clarifying or broadening the scope of the relevant information. In other cases, they had explicitly or implicitly referred to possible improvement of measures which could be taken in accordance with the Bulgarian constitutional process and practice within the terms of the Covenant. Accordingly, the Bulgarian Government would give serious consideration to those questions with a view to improving the legislation and the functioning of the judicial and administrative institutions dealing with the protection and observance of civil and political rights.
5. During the discussion on the report of Bulgaria, there were also some comments based on divergent political and legal concepts which occasionally went beyond the scope of the Covenant's provisions. In order to avoid ideological or academic polemics and given the limitations of time, he would refrain from any assessment of the philosophical background and political motivations of the members who had made those comments.
6. With regard to questions of a general nature, he addressed himself first to the impact of the socio-political and legal system in Bulgaria on the promotion and observance of the civil and political rights recognized in the Covenant. The Bulgarian Government had consistently maintained that the economic and social conditions created by the socialist system constituted the basic prerequisite for the effective protection of the fundamental rights and freedoms of the people. While that did not imply overlooking legal measures and remedies of a judicial and administrative nature, even the most sophisticated legal system would be ineffective and the rights and freedoms guaranteed in theory would remain empty

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promises if there was inflation and unemployment, no social justice or an effective system of social security and financial barriers to free access to education. Unfortunately, that was the case in some affluent countries where, owing primarily to social causes, economic insecurity was matched by insecurity inside and outside the home. Bulgaria, despite its limited resources, provided the social and economic conditions necessary to enable the whole population to enjoy its civil, political, economic, social and cultural rights.

7. With regard to the relationship between the State and the individual, it had been asked whether the Bulgarian Government shared the view that the main objective of the Covenant was to protect the interests of the individual against those of the State. The reply to the question would vary depending on differences in socio-political systems. For his part, he did not believe that the interests of the individual and the State were, by definition, in opposition or that they conflicted in all cases; there was no such conflict, for example, in States which had abolished social injustice and the exploitation of man by man and which had secured social equity and the well-being of the population and provided all kinds of social, educational and cultural facilities.

8. He went on to deal with some characteristic features of the Bulgarian political system and the functioning of socialist democracy in that country. The basic elements which determined the nature of social democracy were the economic and social principles on which the political organization of society was based, including the form of organization of the socialist State, the scope and content of the rights and freedoms of its citizens and the ways and means to promote and consolidate law and order. Socialist democracy, based on public ownership of the means of production, represented self-government by the working people in the economic, social, political and cultural fields, and provided material and legal guarantees for the observance of the political rights of the people. Socialist democracy therefore embraced both political and economic democracy. Replying to the question whether there were any legal provisions governing the participation of the workers in the management of industry, he pointed out that article 24 of the Constitution provided that the collectives of workers participate directly and through bodies elected by them in the management of the economy. That general constitutional provision had been embodied in several legal instruments relating to the economic organization, which provided direct and representative participation of workers' and farmers' co-operatives in the management of their respective production units.

9. With regard to the role of political organizations and, more specifically, of the Bulgarian Communist Party, and their relationship to political rights or the right to free expression of political views, it should be noted first that political pluralism per se was not convincing evidence of real democracy. There had been many instances in history where political pluralism had not automatically ensured effective promotion and observance of human rights. The main objective of the Covenant was not to enshrine political pluralism but to guarantee and promote the observance of civil and political rights. Moreover, in a socialist society,

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with the abolition of antagonistic social classes, political pluralism as a prerequisite for democracy lost the significance it had in a capitalist society. That was the case in Bulgaria where the two political parties, the Communist Party and the Bulgarian Agrarian Union, worked in close co-operation, united by the common programme for building a socialist society. As a matter of fact, in the early years following the socialist revolution in Bulgaria, there had been several political parties. Of those groups, the Social Democratic Party had merged with the Communist Party while the other parties had joined the Fatherland Front or ceased to exist.

10. The Bulgarian Communist Party, founded in 1891, had played a prominent role in the struggle against capitalism and fascism. Its present membership was over 800,000, or 10 per cent of the population. The political decisions of the Party organs were guidelines and were not legally binding, although they were reflected in legislative acts and in the decisions of the executive and administrative organs.

11. The Bulgarian Agrarian Union occupied an important place in the political system of Bulgaria. Originally founded as a political organization of the Bulgarian peasantry, it now had over 120,000 members. Its representatives were actively involved in the Government, the National Assembly, the State Council, the local government institutions and the Council of Ministers. The Union also worked closely with the Communist Party in all fields of social life, economics, politics, cultural affairs and international relations.

12. The Fatherland Front had over 4 million collective and individual members. The collective members were the political organizations, the trade unions, the youth and women's organizations and the professional, cultural and other public organizations. According to article 80 of the Constitution, the National Council of the Fatherland Front also had the right to initiate legislation. The Fatherland Front took an active part in the preparation of general and local elections, nominated candidates for representatives in the National Assembly and local State organs, promoted nation-wide discussions of draft legislation, took part in the exercise of public control and contributed to the enhancement of socialist legality. It was one of the main driving forces in the organization of national, local and neighbourhood activities of a social, economic, educational and cultural nature, including environmental protection, the promotion of educational and cultural work among national minorities and other activities of common interest.

13. In that context, it should be noted that membership in the Communist Party or the Agrarian Union did not connote any special privileges. Both the Constitution and the legislation stipulated that all citizens enjoyed political equality without discrimination. Access to public office depended on personal merit and not on affiliation with the Communist Party or the Agrarian Union.

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14. With respect to the educational role of the law in the promotion and observance of political rights, the Bulgarian Government, the Ministry of Justice and other competent institutions were actively involved in publicizing domestic and international law with special reference to human rights.

15. As to the communist education of children, article 38 of the Constitution should not be interpreted as a strict legal rule, since there were no sanctions of any kind which would derive from it. No one was in a position de facto or de jure to interfere with the duties of parents to bring up their children. The notion of Communist education embraced universally recognized moral values and ethical tenets which promoted the harmonious formation of the human personality and were among the foundations of the socialist lifestyle. What was characteristic of Communist education was the emphasis it placed on the concept of harmony between the common good and individual considerations and on the supremacy of the interests of society over the interests of the individual. Therefore, his delegation could not share the view that such moral tenets taken together under the notion of Communist education were not in line with the spirit of the Covenant.

16. Regarding the questions about article 2 of the Covenant, and in particular about the publicity given to the Covenant in Bulgaria, he said that the full text had been published not only in the Official Gazette, but also in the review International Relations, in books intended for law students and in other publications. In addition, human rights questions were part of the curriculum in secondary schools and law faculties. The anniversary of the Universal Declaration of Human Rights, 10 December, was an occasion for marking the significance of the two Covenants and the other international and domestic acts pertaining to the protection of human rights. A considerable amount of work in the field of human rights was being carried out by such organizations as the Union of Bulgarian Jurists, the Bulgarian International Law Association and others.

17. Although the Covenant was not automatically enforced in Bulgaria's domestic legislation, there were no obstacles to its being quoted in the courts and before administrative bodies. Bulgaria's commitment to the Covenant had a direct bearing on the interpretation of its internal legislation. It was of course out of the question even to mention the possibility of punishing persons who referred to the Covenant and demanded that it should be observed.

18. Also in connexion with article 2 of the Covenant, he said that anyone could freely raise questions relating to legislative changes. As was stated in article 80 of the Constitution, the right of legislative initiative was vested in the State Council, the Council of Ministers, the standing committees of the National Assembly, the national representatives, the Supreme Court and the Chief Public Prosecutor. Public organizations in the person of the National Council of the Fatherland Front, the Central Council of Trade Unions, the Central Committee of the Dimitrov Young Communist League and the Managing Board of the Central Co-operative Union also enjoyed the right of legislative initiative on questions pertaining to their activities.

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19. In reply to a question about the legal value of norms prohibiting slavery, servitude and forced labour, he pointed out that their prohibition derived directly from the constitutional principle of the freedom of the individual. Therefore, any legislation that would breach the prohibition on slavery, servitude and forced labour would be unconstitutional.

20. As was pointed out in Bulgaria's report (p. 5) equality of rights of citizens was an underlying principle on which rested all the rights and freedoms in Bulgaria. In the light of that universal principle, proclaimed in article 35, paragraph 1, of the Constitution, article 35, paragraph 2, also had to be interpreted. Bulgarian legislation did not contain provisions which would justify discrimination on purely political grounds. The very fact that in conformity with article 52, paragraph 1, of the Constitution, Bulgarian citizens had the right to set up political organizations was also further confirmation of that principle.

21. It should be noted that article 6, paragraph 3, of the Constitution contained a non-exhaustive enumeration of circumstances which could not become a cause for discrimination, since it provided that: "Electors and eligible are all citizens of the People's Republic of Bulgaria who had attained eighteen years of age, irrespective of sex, nationality, race, creed, education, occupation, official or social status and property status, with the exception of those placed under complete tutelage." Article 2 of the 1973 electoral law omitted some of those circumstances, such as occupation, but that did not have legal implications.

22. With regard to the questions concerning the means which the legislation granted the individual in the event of violation of his or her rights, including cases when the violation had been committed by administrative bodies or agents, he stated that the right to enter complaints and present grievances, provided for in article 55 of the Constitution, was expounded at large in a 1960 decree. People could resort to that right not only for the protection of their interests against illegal actions by State bodies, but also with a view to improving the system of governmental management and in defence of the society's interests. The existing legislation obliged organs to which the complaints were addressed to examine them and rule on them objectively and in accordance with the law, and to take steps for due implementation of the decisions adopted. The complaints were to be considered not by offices or persons against whose actions or lack of action they were directed, but by higher authorities. No one could be punished for having entered a complaint, and its presentation and consideration did not require any fee or special procedure.

23. As to the right to criticism in the press and the other mass media, in recent years such criticism had broadened its scope and did not spare State organs or State leaders.

24. Another instance where individuals could apply for protection of their rights was the system of State and popular control, whose functions and composition were stipulated in the State and Public Control Act of 1974. The organs for State and

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popular control supervised the conformity to the law and the advisability of the activities of organs and officials, and saw to the timely consideration and settlement of complaints by citizens, with a view to preventing abuse of position and providing remedies. In that connexion, Bulgaria possessed the institution of the ombudsman of which the Nordic States were so justly proud.

25. The State organs of control used the press and the other mass media for giving publicity about wrongdoing and the measures taken accordingly. They could act on their own initiative or upon request by citizens and organizations, and they formed a unified institutional system headed by the Committee for State and Popular Control of the Council of Ministers. Popular control over the activities of State organs was carried out through elective public organs. They were part of the system of State and public control and were set up in communities, villages, cities, administrative offices and places of work. If it was found that serious offences had been committed which required disciplinary action or entailed liability before the law, the control organs sent the material of their examination to the Committee which had the authority to impose sanctions or seize the Prosecutor's Office with the case.

26. With respect to the questions regarding the role of the Prosecutor's Office, particularly in connexion with the defence of civil and political rights, he stated that by virtue of article 133 of the Constitution, the Chief Public Prosecutor exercised control over the strict implementation of the law by ministries and other State organs, business and public organizations, functionaries and citizens. The Prosecutor's Office consisted of a Chief Prosecutor's Office and regional, city and district prosecutors' offices. The chief Public Prosecutor was elected for a five-year term by the National Assembly and was subordinate only to it. That was a guarantee for the independence of the Prosecutor's Office. The Office was also responsible for ensuring strict respect for procedural norms in the initiation of court action against persons who had committed crimes, as well as respect for lawfulness in all stages of the criminal prosecution, and for the protection of the rights and legitimate interests of persons participating in the criminal prosecution.

27. Although the Prosecutor's Office could establish violations of the law and of the subjective rights, it was not empowered to impose sanctions. Under the law, the Public Prosecutor could render void an illegal administrative act for detention of an individual, or it could rule in certain cases on the suspension of the effects of that act pending a decision on its legitimacy. Supervision by the Public Prosecutor's Office over the legitimacy of administrative actions was an important means of defence of the rights of individuals and organizations.

28. Another means of administrative protection of the rights of citizens was the non-contentious procedure provided for in the Act on Administrative Procedure referred to on page 3 of the report. The purpose of that procedure was to have the administrative bodies provide, before the issuance of administrative acts, an opportunity for citizens and organizations whose legitimate interests might be affected to defend themselves.

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29. With regard to the questions concerning legal responsibility, he stressed that Bulgarian legislation was built on the basic premise that every official was answerable for the harm he inflicted and the crimes he committed in performing his duties. That principle was embodied in article 125 (para. 1) of the Constitution. The Penal Code provided for judicial protection against crimes committed against the individual, and citizens had the right to submit claims for compensation, both material and moral, as provided for in the Civil Code, if their legitimate rights and interests had been infringed upon. In that connexion mention should be made of articles 2 and 97 of the Act on Civil Procedure, which ensured the possibility of giving effect to the principle set forth in article 56 of the Constitution.

30. With reference to the question regarding administrative jurisdiction in Bulgaria, he said that, in accordance with article 45 of the Act on Administrative Procedure, all administrative acts could be appealed before the relevant courts, subject to the exceptions expressly provided for in that Act. He explained that the scope of the Act on Administrative Procedure did not cover acts issued by the State Council or the Council of Ministers or acts pertaining to national defence, the security of the State or socio-economic planning. In 1977 the Supreme Court had found for the plaintiff in 49 per cent of the 217 suits brought under that Act. In 1976 the plaintiff had been given satisfaction in 30 per cent of the actions brought. In accordance with article 70 of the Act, no fees were collected from plaintiffs, except for those relating to the gathering of evidence in cases where the claim was rejected.

31. With regard to article 3 of the Covenant, several members of the Committee had asked questions concerning the equal rights of men and women. One of the first legislative acts of the People's Government after the victory of the socialist revolution in 1944 had been the adoption of the Decree on Equal Rights for Women and the principle had become part of the Constitution in 1947.

32. The profound changes in the status of Bulgarian women was mainly connected with their ever-increasing participation in all spheres of life. In present-day Bulgarian society women worked, created and participated in the socio-political and cultural life of the country on an equal footing with men. In the country's industrialization process, the number of women employed in the national economy had risen from 382,000 in 1956 to nearly 2 million at the present time. Today 41.8 per cent of the university graduates and 56.7 per cent of the secondary vocational school graduates were women. In some key occupations the percentages of women specialists were: educators 64.8 per cent; agricultural specialists 40.8 per cent; economists 40.7 per cent; physicians 45.8 per cent; and engineers 32.8 per cent.

33. With regard to the participation of women in legislative bodies, he said that in 1977 19.5 per cent of the members of the National Assembly and 37.4 per cent of the elected members of the local government bodies had been women. Women were represented at all levels of government and public administration, including diplomacy. He added that it had always been his country's policy to facilitate for

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women the combination of their social functions and obligations in such a way as to provide a special stimulus for their role as mothers and members of society. The socialist Government respected and valued motherhood as the main social function of Bulgarian women and assisted mothers and families in raising and educating children.

34. In reply to questions relating to articles 6 and 24 of the Covenant, he noted that one of the main functions of the social security system of Bulgaria was to ensure better conditions for all children to achieve a happy and meaningful life, without exception on grounds of race, sex, language, religion, political affiliation or civil or property status of the parents. All children enjoyed special protection under the law and were guaranteed everything necessary to develop their physical, intellectual and moral qualities in conditions of freedom and respect for human dignity.

35. The Bulgarian State had established a system which catered for the child even before its birth. Maternity leave began 45 days before delivery and lasted 10 to 14 months, which enabled the working mother to look after her baby during the most crucial months of his physical and mental development. Although working mothers usually remained at home when their maternity leave expired, they could choose to send children who were at least eight months old to crèches. In 1977 the system of crèches and kindergartens in Bulgaria had accommodated 72,500 infants less than one year old and 357,000 children more than one year old, and it was expected that by 1990 it would be able to provide adequate services for 93.5 per cent of the child population.

36. Bulgaria held a leading place in the world with regard to the protection of mothers and children. As a result of the improvements in medical care, the rate of infant mortality had dropped from 120.6 per 1,000 live births in 1944 to 22.9 in 1977. According to figures published in United Nations documents, the annual rate of decline of infant mortality for the past 20 years was 6.4 per cent, which was considered to be above average even for developed countries.

37. With regard to capital punishment, he referred members of the Committee to page 6 of the report, which indicated that the Penal Code allowed for the death penalty as a provisional and exceptional measure applicable only to the most serious crimes. With regard to the economic (white-collar) crimes dealt with in chapter VI of the 1968 Penal Code, he stated that the death penalty did not apply to such crimes; the most severe punishment in such cases was imprisonment for up to 15 years for currency counterfeiting.

38. With regard to article 7 of the Covenant, he noted that a question had been asked as to the circumstances under which a person could be interned in a psychiatric establishment. The problem was dealt with in articles 36, 59, 61 and 64 of the Act on Public Health of 1973. Placement in such establishments was subject to a decision by a court meeting in open session at the request of the district Public Prosecutor's Office and in the presence of the person concerned,

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who had the right of defence. Article 142 of the Penal Code stipulated that anyone who deliberately placed a sane person in an establishment for the mentally ill was punishable by imprisonment for one to five years.

39. The question had also been raised, in relation to article 7 of the Covenant, as to whether article 287 of the Penal Code provided sufficient grounds for considering that torture was prohibited. That article, which was also found in the Code of Criminal Procedure, expressly prohibited the use of coercion to extort confessions; however, the ban had a much wider significance. The ban on the use of coercive means in general, and torture in particular, stemmed also from article 48 of the Constitution, which guaranteed the inviolability of the human person, and from article 15 of the Code of Criminal Procedure, which stipulated that no coercive means could be used against persons participating in criminal proceedings, except in the cases provided for in the Penal Code.

40. With regard to article 8 of the Covenant, he noted that, although there were no specific provisions in Bulgarian legislation concerning slavery and forced labour, the ban on such practices derived both from the Constitution and from article 143 of the Penal Code. Furthermore, Bulgaria had ratified the international instruments concerning the elimination of slavery, the slave trade and similar institutions and practices. The obligation set forth in article 59 of the Constitution was not in contradiction with the prohibition of forced labour, since the fulfilment of labour obligations was free, from both the social and the legal points of view.

41. Some questions had been raised, in connexion with article 9 of the Covenant, concerning the grounds for the detention of persons and the time-limit for detention as a preventive measure. Article 152 of the Code of Criminal Procedure provided for preventive detention in connexion with crimes punishable by 10 or more years of imprisonment or capital punishment; however, even in those cases it was stipulated that detention was not permissible if there was no danger that the accused would evade justice or commit further crimes. If there were sufficient grounds to believe that the accused would seek to evade justice or commit further crimes, or if the accused had no permanent residence or his identity could not be established, he was taken into custody, a measure which could be taken only with the consent of the Prosecutor's Office. The accused had the right to appeal that measure to the Public Prosecutor's Office and in court. In accordance with article 15 of the Code of Criminal Procedure, the Public Prosecutor's Office, the courts and the authorities responsible for preliminary investigations must release any person unlawfully deprived of his liberty.

42. According to articles 40 and 147 of the Code of Criminal Procedure, the accused was entitled to know what he was accused of. Bulgarian legislation did not allow for prisoners to be held in secret or to be punished by forced labour. There were no other forms of detention than those specified in the Code of Criminal Procedure and no one was held in prison only for having expressed his dissatisfaction.

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43. With regard to article 10 of the Covenant, he pointed out that Bulgarian law recognized the right of detainees to maintain contact with their relatives and to receive visits. More significant constraints applied to accused persons, who could receive relatives only with the permission of the Prosecutor's Office.

44. In reply to questions put concerning article 12 of the Covenant, he observed that the rapid urbanization accompanying Bulgaria's industrialization had given rise to many complex social problems, in such areas as housing, transportation and health care, requiring government action. It was only natural that some cities had been compelled to place certain limits on the flow of people, but that had no discriminatory implications whatsoever for freedom to choose one's place of residence or for liberty of movement. Freedom to choose one's place of residence was exercised by filing an application with the local council; not all applications could be considered favourably immediately and, in some cases, there was a wait of several years. Applicants were generally given temporary permits to live and work in the city. But the primary consideration of the competent authorities was the welfare of the persons themselves.

45. With regard to foreign travel, Bulgaria pursued an "open-door" policy not only towards visiting foreigners but also towards its own citizens. In 1978 more than 800,000 Bulgarian citizens had visited other countries. As a result of steadily rising living standards, a constantly growing number of Bulgarian citizens were visiting not only socialist and neighbouring countries but Western countries as well. However, there were still some difficulties to be overcome before the State would be in a position to spend more foreign currency for the promotion of tourism abroad. The restrictive provisions of the Act on Passports for Travel Abroad were fully in conformity with the Covenant and could not be considered a means of discouraging travel. There were no penal consequences for those who did not convey knowledge of relatives who were abroad illegally.

46. With regard to the question of nationality, article 20 of the Bulgarian Nationality Act provided that a person could be deprived of nationality, inter alia, for illegally leaving the country, failing to return six months after the date of expiration of his passport, failing to serve the time prescribed by law in the armed forces. There were no restrictive provisions with respect to the possibility of regaining nationality.

47. With regard to article 13 of the Covenant, the right of asylum was recognized in article 65 of the Constitution and in Decree 520. Under article 3 of the latter, the right of asylum was not granted when to do so would be in contradiction with obligations assumed under international agreements or with the purposes and principles of the United Nations.

48. With regard to article 14, he said that the judges of district and municipal courts were elected directly for a term of five years and judges of the Supreme Court were elected by the National Assembly for a similar term. The dismissal of

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judges was governed by article 79 of the Judicial Organization Act. Lawyers were organized into voluntary associations and were not public officials. An accused person was free to choose his counsel, who could conduct his defence from the preliminary investigation to the end of the trial. In some cases (juvenile delinquents, the mentally ill, etc.) the lawyer could assist the accused from the moment he was charged. The Code of Criminal Procedure provided broad scope for participation by the accused in the proceedings and allowed him, for example, to question witnesses and the prosecutor. Juvenile delinquents in prison received more favourable treatment in several respects than other detainees. There were military tribunals to deal with offences committed by members of the armed forces. Various bodies for conciliation or for consideration of labour disputes embodied a special jurisdiction in the domain of labour law.

49. With regard to article 17 of the Covenant, some questions had been raised regarding the exceptions allowed to the rule of inviolability of the home and secrecy of correspondence. Inviolability of the home could be restricted in accordance with articles 133 and 137 of the Code of Criminal Procedure. Under article 139 of that Code, only the court or the Prosecutor's Office could order correspondence to be held or seized.

50. In connexion with article 18 of the Covenant, he stressed that relations between Church and State in Bulgaria were a manifestation of the truly democratic nature of the socialist State. After the separation of Church and State in 1944, conditions had been created for the restoration of the Patriarchy. The Bulgarian Eastern Orthodox Church now had 3,700 churches and chapels, 120 monasteries, a seminary and a theological academy. It also had a printing-house and published, among other things, a weekly newspaper and a monthly magazine. All religious groups enjoyed the same rights and the same protection by the State. A citizen could profess the religion of his choice, belong to a religious community or not, or be an atheist. The Constitution allowed both religious and atheistic propaganda. The prohibition of the use of the Church and religion for political ends was designed only to prevent possible misuse and implied not the slightest prohibition of participation by the Church or its believers in political activities.

51. In reply to a specific question on article 19 of the Covenant, he said that there were no political prisoners in Bulgaria, although some might attempt to attach that term to those convicted under ordinary law.

52. In connexion with article 20 of the Covenant, he wished to reiterate the deep conviction of the Bulgarian Government that the exercise of human rights and fundamental freedoms required the safeguarding of lasting peace and security throughout the world. The Constitution of Bulgaria proclaimed the resolve of the Bulgarian people to co-operate to further the consolidation of world peace and prohibited war propaganda and incitement to war. Article 407 of the Penal Code prescribed imprisonment for up to eight years for the crime of war propaganda and up to three years for direct or indirect incitement to war.

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53. With reference to article 22, it had been asked whether members of the Communist Party could hold divergent views. There was no doubt that they could, until a decision was adopted; thereafter, they had to conform with the decision in accordance with party discipline.

54. With regard to article 22 of the Covenant, relating to freedom of association, he said that article 52 of the Constitution of the People's Republic of Bulgaria expressly guaranteed citizens the right to form organizations of different kinds, including political organizations. As an exception, both the law and the Constitution itself prohibited organizations whose purpose was to overthrow the socialist régime or to propagate a Fascist or anti-democratic ideology. The new Penal Code included special provisions concerning racial discrimination and apartheid, and no political or other organization which professed apartheid, racial discrimination or like ideologies could be established in Bulgaria. The political organizations referred to in article 52 of the Constitution could also be, specifically, political parties; it was up to any citizens who might be interested to decide on the establishment of new political parties.

55. He recalled that several questions had been raised regarding trade unions and pointed out that in Bulgaria unions were public organizations with no particular political affiliation, bringing together workers and employers on a voluntary basis and without distinction as to political persuasion, race, ethnic origin, religion, sex or for any other reason. Trade unions were fully competent with respect to all problems relating to industrial relations and social security. Both the Constitution itself and other special laws, including the Labour Code, guaranteed citizens the freedom to establish unions without legal, administrative or other restrictions, except those laid down in article 52 of the Constitution, and without need of prior authorization. The membership, functioning and leadership of unions were governed by their respective by-laws.

56. With regard to article 23 of the Covenant, dealing with protection of the family, a question had been raised regarding the names of spouses and children. The situation in that respect was very flexible in Bulgaria. Many women, for professional reasons or purely by preference, kept their maiden names. However, a special provision required that a woman use her father's name as her middle name. Normally, a woman used her father's name after her first name and, finally, her husband's family name. At all events, there was great flexibility in the matter and there were no legal restrictions. Children had their father's last name, but nothing prevented them from using their mother's last name. That type of problem was dealt with in the Act on the Status of Citizens.

57. With regard to the right of citizens to take part in public affairs, laid down in article 25 of the Covenant, the Constitution and the laws of the People's Republic of Bulgaria recognized extensive rights relating to the election of representatives to the National Assembly and local bodies, as well as with respect to the recall of representatives by means of a decision made by the electorate, in

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accordance with the procedure prescribed by law. With regard to the possibility of there being more than one ballot-list or list of candidates, article 43 of the Electoral Act expressly provided that in each constituency there might be an unrestricted number of candidates to the National Assembly or local bodies.

58. Replying to an inquiry concerning guardianship, he said that provision was made for that question under article 5 of the Act on the Status of Persons and the Family, and it was applicable to minors and persons incapacitated by mental illness or other diseases.

59. In accordance with Bulgarian law, there were no restrictions with regard to access to public employment for reasons of a political or any other nature, barring the exceptions for which the law made specific provision.

60. With regard to article 27 of the Covenant, he wished to reiterate that his Government's consistent policy in that respect was based on the principles of self-determination, equal rights and non-discrimination incorporated in the Constitution and domestic legislation, and it was in full conformity with his country's international commitments, including those under the International Covenant on Civil and Political Rights. Accordingly, all persons belonging to ethnic, religious or linguistic groups enjoyed all the rights provided for in article 27 of the Covenant, and they took an active part on an equal footing in the life of society, together with all other citizens of his country. In accordance with Bulgaria's socio-political and legal system, the fact that a person belonged to one of those groups had no legal or other implications.

61. With regard to the question as to whether ethnic groups had the right to use their respective languages, the reply was to be found in the report itself (CCPR/C/1/Add.30, p. 5). In accordance with article 45, paragraph 7, of the Constitution, and existing regulations and practice in schools, special language classes for teaching the respective languages could be established if the children's parents so wished. The Government provided all the necessary facilities, including teaching staff, textbooks and educational material, entirely free of charge.

62. Replying to the question as to whether there was special legislation with regard to the legal status of minorities, he cited articles 5, 6, 35, 45, 52 and 54 of the Constitution, in addition to the information contained in the report, and said that other laws and normative instruments dealt with different aspects of the rights and legal status of minority groups.

63. A member of the Committee had asked several questions relating to minority groups other than those mentioned in the report and had requested an explanation of what he had described as the drastic change or disappearance of an ethnic group. He (Mr. Yankov) dismissed that attempt to make totally unjustified comments and draw totally unfounded conclusions, and he deplored the fact that a member of the Committee should have deemed it opportune to take sides in a

(Mr. Yankov, Bulgaria)

political issue involving that member's country and another State party to the Covenant. With regard to the substance of the issue raised, there were in fact some difficulties and problems between his country and Yugoslavia stemming from Yugoslav claims with respect to the so-called Macedonian minority in his country. A declaration by his country's Ministry of Foreign Affairs, of 24 July 1978, on relations between Bulgaria and Yugoslavia emphatically refuted the existence of a Macedonian minority in Bulgaria and emphasized the importance of free expression of national identity in accordance with the principle of self-determination. With regard to the reference to the census carried out in his country in 1956, that census and other censuses conducted after the Second World War had been influenced greatly by political circumstances arising from the idea of setting up a southern slavic federation. The outcome of the 1956 census had been due to the abnormal political situation prevailing at that time. Subsequently, when the necessary conditions for a free expression of will had been created, that same population, which had by no means disappeared, had chosen explicitly and firmly to express its Bulgarian national self-awareness, which it maintained to the present day, as an indivisible part of the Bulgarian nation.

64. It should be pointed out, furthermore, that no reference whatsoever to the so-called Macedonian minority was to be found in any bilateral or multilateral treaty in force to which his country and Yugoslavia were parties. His Government's consistent policy was to promote national unity on the basis of free expression of the will of the people. Any outside attempt to impose or determine the ethnic composition of the population running counter to its own national self-awareness should be considered as interference in his country's domestic affairs, in violation of the principle of sovereign equality, non-interference and self-determination, which would harm the interests of good-neighbourly relations. His Government had sought a constructive solution to the outstanding problems with Yugoslavia. With regard to the ethnic composition of his country's population and the application of the Covenant in that respect, any member of the Committee could see for himself how his country honoured its international commitments and that the entire population lived in harmony, including in the district of Blagoevgrad, in connexion with which Yugoslavia had advanced unjustified claims.

The meeting rose at 1.20 p.m.