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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE  
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII  
of the Convention

Addendum

BULGARIA

[4 January 1978]

Both in her foreign and domestic policy, the People's Republic of Bulgaria has always strived to promote the development of all-round and friendly relations with all nations, regardless of their race, and to support the progressive liberation movements of the peoples that still suffer under the yoke of colonialism, racism, racial segregation and apartheid. Bulgaria has taken an active part in the elaboration of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

I. Legislative measures

These basic principles of the foreign policy of socialist Bulgaria have found legal expression in the existing legislation. A long time before the General Assembly of the United Nations had adopted the International Convention on the Suppression and Punishment of the Crime of Apartheid, the basic principles of that international act had already found legislative embodiment in the Constitution, as well as in the Criminal Code. Consequently, the People's Republic of Bulgaria was among the first to ratify the Convention in May 1974. Immediately after the ratification, special provisions have been included in the Criminal Code to regulate the legal defense against racial discrimination, segregation and apartheid. With these latest amendments to the Criminal Code, dated December 1975 (State Gazette No.95 of 1975), the Bulgarian penal legislation comes into full accord with the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

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Following are the major legal provisions relating to these issues:

A. Constitution of the People's Republic of Bulgaria (1971):

Article 35

(1) All citizens of the People's Republic of Bulgaria are equal before the law.

(2) No privileges or limitations of rights based on nationality, origin, creed, sex, race, education, social and material status are allowed.

(3) The state secures the equality of the citizens by creating conditions and opportunities for the exercise of their rights and the fulfilment of their obligations.

(4) The propagation of hate or humiliation of man because of race, national or religious affiliation is forbidden and shall be punishable.

B. Penal Code (1968, as amended in 1975):

1. One whole section (Section I, Chapter III) deals with offences and crimes against national and racial equality:

Article 162

(1) Any person who advocates or incites racial or national hatred or enmity or racial discrimination, shall be punished by imprisonment for a period not exceeding 3 years and by public censure.

(2) Any person who uses violence against another person or inflicts damages on his property because of his nationality, race, religion or political opinions, shall be punished by imprisonment for a period not exceeding 3 years and by public censure.

(3) Any person who forms or leads an organization or a group whose purpose is to commit acts under the preceding paragraphs, shall be punished by imprisonment for up to 6 years and by public censure.

(4) Any person who is a member of such organization or group shall be punished by imprisonment for a period not exceeding 3 years and by public censure.

Article 163

(1) Persons who participate in a mob whose purpose is to attack groups of the population, individual citizens or their property because of their nationality or race, shall be punished as follows:

i. The instigators and leaders - by imprisonment for a period not exceeding 5 years.

ii. All others - by imprisonment for a period not exceeding 1 year or corrective labour.

- (2) If the mob or any of the participants are armed, the punishment shall be:
- i. for instigators and leaders - imprisonment for a period of 1 to 6 years.
  - ii. for all others - imprisonment for a period not exceeding 3 years.

(3) If an attack has been carried out, causing serious bodily harm or death, the instigators and the leaders shall be punished by imprisonment for a period of 3 to 15 years, and all others by imprisonment for a period not exceeding 5 years, if not liable for an offence providing a heavier punishment.

2. Under the latest amendment to the Criminal Code dated December 1975, special provisions were included in special Section III, Chapter XIV, relating to the punishment of the crime of apartheid, which are in conformity with the text of the International Convention. Following is the new wording of Section III: Destruction of population groups (genocide, apartheid).

Article 416

(1) Any person who, for the purpose of destroying, in whole or in part, a national, ethnical, racial or religious group:

- i. causes death, serious bodily harm or permanent mental derangement of a person belonging to such a group;
- ii. places the group in such conditions of life calculated to bring about its physical destruction in whole or in part;
- iii. imposes measures intended to prevent birth within such a group;
- iv. forcibly transfers children from one group to another, shall be punished for genocide by imprisonment for a period of 10 to 20 years or by death.

(2) Any person who carries out preparations for genocide, shall be punished by imprisonment for a period of 2 to 8 years.

(3) Any person who openly or directly incites to genocide, shall be punished by imprisonment for a period of 1 to 8 years.

Articles 417 and 418, as amended (December, 1975)

Article 417

Any person who, for the purpose of establishing and maintaining domination of one racial group of persons over any other racial group of persons and systematically oppressing them

- i. causes death or serious bodily harm to one or more persons of this group,  
or
- ii. imposes on a racial group living conditions calculated to cause its physical destruction in whole or in part, shall be punished by imprisonment for a period of 10 to 20 years or by death.

Article 418

Any person who, for the purposes enumerated in Article 417:

i. unlawfully deprives of freedom a racial group of persons or members of it, or submits them to forced labour;

ii. brings into effect measures to prevent a racial group of people from participation in the political, social, economic and cultural life of the country, and to deliberately create conditions preventing the full development of such a group of persons, in particular by denying its members the basic rights and freedoms of citizens;

iii. brings into effect measures designed to divide the population along racial lines by the creation of reserves and ghettos, prohibition of mixed marriages among members of various racial groups, and expropriation of landed property belonging to them;

iv. deprives organizations and persons of fundamental rights and freedoms, because they oppose apartheid, shall be punished by imprisonment for a period of 5 to 15 years.

II. Administrative measures

The acts and provisions laid down above, have not so far been violated, and the courts have not dealt with such cases. There has been no necessity for adopting administrative measures.

The People's Republic of Bulgaria fulfils its obligations under the Convention not only by embodying respective provisions in its domestic legislation but also by their practical implementation. Such facts as the number of mixed marriages between Bulgarian citizens and persons of other races from Asian, African and Latin American countries (for the period 1972/1975, a total of 237 mixed marriages, among which with citizens of Kenya, Nigeria, Sudan, Japan, Indonesia, Mexico, Peru, Sri Lanka etc.) may serve as a proof of the above-said.

The People's Republic of Bulgaria applies the United Nations decisions and recommendations for the imposition of economic, diplomatic and other measures against the racist regimes in Southern Africa, with which Bulgaria maintains no relations. The Bulgarian authorities refused the representatives of racially segregated sports organizations of South Africa participation in the world gymnastics championship held in Varna in 1974.

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