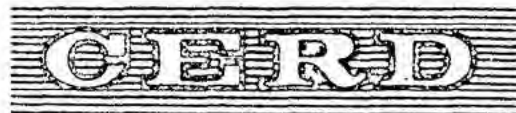


**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



MAR 11 1985



Distr.
GENERAL

CERD/C/118/Add.17
18 October 1984

Original: RUSSIAN

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirtieth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

Eighth periodic reports of States parties due in 1984

Addendum

BULGARIA 1/

[15 August 1984]

1/. This report constitutes the seventh and eighth periodic reports of Bulgaria due on 5 January 1982 and 5 January 1984 respectively, which have been combined in one document in accordance with the request made by the Committee at its twenty-ninth session (see CERD/C/SR.674).

For previous reports submitted by the Government of Bulgaria and the summary records of the meetings of the Committee at which the reports were considered, see:

- Initial report - CERD/C/R.3/Add.7 (CERD/C/SR.33, SR.35 and SR.56);
- Second periodic report - CERD/C/R.30/Add.12 (CERD/C/SR.132-133);
- Third periodic report - CERD/C/R.70/Add.25 (CERD/C/SR.213);
- Fourth periodic report - CERD/C/R.90/Add.9 (CERD/C/SR.296 and SR.297);
- Fifth periodic report - CERD/C/20/Add.19 (CERD/C/SR.413 and SR.414);
- Sixth periodic report - CERD/C/66/Add.28 (CERD/C/SR.514 and SR.515).

This document covers the period from 1980 to 1983. In accordance with the Secretary-General's note 6/30 237/2/2, of 20 September 1983, it combines the seventh and eighth periodic reports of the People's Republic of Bulgaria.

The structure of the present report is as recommended in the revised general guidelines adopted by the Committee on the Elimination of Racial Discrimination on 16 March 1980 and supplemented on 17 March 1982, concerning the form and content of reports of States parties to the Convention. In response to the request made in the guidelines, this report contains data which has appeared in Bulgaria's previous reports and at the same time supplements the information requested. In addition, the relevant sections of the report contain further clarifications regarding matters raised during the consideration of the sixth report of the People's Republic of Bulgaria.

I. General

1. Political and legal framework for the prohibition of racial discrimination in Bulgaria

During the period covered by this report, the People's Republic of Bulgaria has continued the consistent implementation of the policy outlined in previous periodic reports as regards the elimination of racial discrimination. This policy, at both the domestic and the international level, is closely linked with the character of the socialist society which has been developing in our country for 40 years now, and also with the democratic traditions of the Bulgarian people.

Racial discrimination is incompatible with the theory and practice of socialism, the aim of which is to ensure the true equality of all citizens, in all spheres of life, and to eliminate all discrimination. In addition, in the history of the Bulgarian State over the past thirteen centuries there has been no instance of hysterical behaviour by the Bulgarian people towards other nationalities or ethnic groups, despite the fact that during periods of foreign slavery and occupation it itself was repeatedly subjected to cruel discrimination and attempts at forced assimilation. A vivid illustration of these democratic traditions was the violent protest of all sectors of Bulgarian society against the attempts of the fascist authorities to hand over Bulgarian Jews to the Hitlerite forces of occupation during the Second World War. This wave of nationwide indignation saved the lives of tens of thousands of people and prevented them from sharing the terrible fate of other Jews in the Hitlerite-occupied territories.

The Constitution and laws of the People's Republic of Bulgaria, the socialist structure of society and the policy of the Bulgarian Government guarantee every citizen a wide range of civil, political, economic, social and cultural rights, in keeping with Bulgaria's international obligations.

In this spirit, the necessary preconditions have been created for the genuine realization of the principle of full equality of citizens, all of whom enjoy the same rights and have the same responsibilities. The Constitution and laws proclaim and guarantee identical rights for all citizens of the People's Republic of Bulgaria

without any distinction, exclusion, limitation or privilege and, at the same time, prohibit and punish any manifestation of discrimination, including discrimination based on race, nationality or ethnic origin.

For example, article 35 of the Bulgarian Constitution of 1971 states:

"(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 ensures the equality of citizens by creating conditions and opportunities for the exercise of their rights and the fulfilment of their obligations.

(4) The propagation of hatred or humiliation of man because of race, or national or religious affiliation is prohibited and punishable by law."

One of the main tasks of the socialist State, as laid down in article 3 of the Constitution, is to serve the people by "ensuring the free development of man, guaranteeing his rights and protecting his dignity."

The principle of equal rights and the prohibition of all forms of discrimination proclaimed in article 35 of the Constitution are given further legal substance in a number of other constitutional norms and in all branches of Bulgarian law - State, administrative, civil, labour, criminal, etc. They contain norms which develop and give concrete form to this principle, by proclaiming and guaranteeing the equal rights of citizens and banning discrimination from the various spheres of social relations governed by those norms; by stipulating penalties for violation of the principle of equal rights and measures to ensure observance of that principle; by extending to citizens the possibility, and establishing appropriate procedures, for the registration of complaints about acts of discrimination, restoration of violated rights and compensation for injuries suffered.

The specific legal norms and the measures aimed at prohibiting discrimination and assuring the individual of recognition and the opportunity to enjoy, on the basis of equality, all basic rights and freedoms in the various spheres of social life, are dealt with in part II of this report, in connection with the relevant articles of the Convention.

For a presentation of the general legal framework within which the Bulgarian Government's policy of affirming equal rights and prohibiting any form of racial discrimination is implemented, it is necessary to describe the development of Bulgarian legislation over the past four years, which is covered in some detail in this report. The following laws and other normative measures adopted during the period in question have a definite bearing on the problems involved in the prohibition of racial discrimination: the Proposals, Submissions, Complaints and Petitions by Citizens Act of 1980; the Consultation of the People Act and the Decree implementing it of 1983; and the 1982 amendments to the Administration of Justice Act and the Electoral Act. In part II of this report, mention is made of a number of more recent changes in these normative measures.

As far as the development and improvement of Bulgarian legislation is concerned, of particular significance is the Decision of the National Assembly of 31 March 1982 concerning the complete reform of Bulgarian legislation. In implementation of this Decision, in May 1984 the State Council discussed the basic orientations for the development of the legislation of the People's Republic of Bulgaria and a programme for the complete reform of socialist legislation. It is planned to draw up and to submit to the National Assembly for consideration legislation of such fundamental importance for the development of a socialist society as a Labour Code, Economic Code, Family Code, Civil Code, etc. The implementation of this programme will create the necessary conditions for improving the legal super-structure, broadening socialist democracy, and strengthening legality and legal procedures in the People's Republic of Bulgaria.

The drafting of some of these legislative acts has already begun and it testifies to the regard being given to the need for consistent implementation of the principle of equal rights for all citizens and non-discrimination in all of these acts. In this connection, the preparation of the new Labour Code is highly significant. The report on the basic principles of the new Labour Code's structure, presented by Todor Zhivkov, General Secretary of the Central Committee of the Communist Party of Bulgaria, at the December 1982 Plenum of the Central Committee of the Bulgarian Communist Party and subsequently submitted for nationwide discussion, provides, as one of the principle bases of the new Code, for its conformity with Bulgaria's international obligations. The version of the draft Code drafted thus far contains norms proclaiming and guaranteeing equal rights and non-discrimination along with the implementation of labour rights and obligations.

The pending process of review of Bulgarian legislation over the next few years offers possibilities for improvement of the legal guarantees for barring phenomena of racial discrimination.

2. Implementation of the Convention in Bulgaria's internal legal system

In principle, the implementation of international treaties in the internal legal system of the People's Republic of Bulgaria requires the adoption of relevant laws or other normative acts. This is regulated by a special provision of the Constitution. Article 23 of the Decree of 1975 on the participation of the People's Republic of Bulgaria in international treaties provides that "if an international treaty requires the promulgation of a normative measure, the Council of Ministers takes a decision on matters within its competence, while on other matters it makes a proposal for the adoption of a decree or law". This procedure is that followed by most countries and fully complies with the norms of international law. Like other treaties in the field of human rights, the International Convention on the Elimination of Racial Discrimination is not directly applied in the Bulgarian legal system, but in those cases where the legal norms required by the convention did not exist, the necessary normative provisions have been introduced into the system of internal law.

Bulgaria strictly adheres to conscientious fulfilment of international treaties, and its internal law consistently complies with its international obligations, including those concerned with the protection of human rights. It should also be noted that there are exceptions to the principle that international treaties are not

directly enforceable in Bulgarian law. In some cases, Bulgarian normative measures contain references to international treaties to which Bulgaria is a party, or to international law in general. For example, article 2 of the 1972 Presence of Aliens in the People's Republic of Bulgaria Act provides that aliens in its territory have rights and obligations in accordance with Bulgarian laws and international treaties to which Bulgaria is a party. In this particular case, some provisions of the Convention which do not require additional penalties, implementation measures, etc. by way of action in internal legislation, could be directly enforced by the competent State authorities. Bulgarian judicial and administrative practice does not exclude the possibility of invoking the international treaties in force on the territory of Bulgaria and of taking them into account in the interpretation of a number of provisions of domestic law.

3. Information on the demographic composition of the population

According to the statistics of the 1975 census, the population of the People's Republic of Bulgaria totalled 8,750,000. The composition of the population is relatively homogeneous since the bulk of the population (over 90 per cent) consists of Bulgarians. They are the only Slavic ethnic group in Bulgaria. A considerable number of Bulgarians live outside the borders of the People's Republic of Bulgaria: in Yugoslavia, Greece, Romania, the Soviet Union, Hungary, Czechoslovakia, the United States of America, Canada, South Africa, Australia, etc. Also living in our country are Bulgarian citizens of Turkish, Gipsy, Armenian, Jewish, Greek and other origins.

No nationality or ethnic conflicts or enmity exist in Bulgarian socialist society. Bulgarian citizens, irrespective of origin, enjoy uniform rights and participate actively in the construction of socialist society. The 1975 Civil Status Regulations did not include national affiliation in the list of factors determining the civil status of persons. The affiliation of an individual citizen to a particular nationality has no legal consequences whatsoever for his civil status. In keeping with this approach, based on the complete equality of rights of all citizens, no information was collected concerning the national origin of Bulgarian citizens when the population census was taken in 1975. However, any citizen may, if he so wishes, declare his national affiliation, which, as we shall see later, has certain effects in the areas of language and tradition, education, religion, cultural activity and other spheres of social life. In these areas, the organs of the State extend the necessary assistance.

Under Bulgarian law, citizens of foreign States or stateless persons enjoy, irrespective of race and national or ethnic origin, the same rights and have the same obligations as citizens of the People's Republic of Bulgaria, except for those rights and obligations which are inherent in Bulgarian citizenship (the right to vote and other forms of participation in the country's administration, the right to perform military service, etc.). The principle of non-discrimination also applies to all persons, not Bulgarian citizens, who are staying in the territory of the People's Republic of Bulgaria.

II. INFORMATION IN RELATION TO ARTICLES 2 to 7 OF
THE CONVENTION

Article 2

A.(1) and (2). The social foundations and legal framework of the Bulgarian Government's policy, aimed at strengthening the equality of rights of all citizens and non-discrimination, have been outlined in very broad terms in part I of this report. They show that social, legal and other conditions have been created in Bulgaria which to a very high degree exclude the possible emergence of any form of racial discrimination. Constitutional and other normative provisions prohibiting racial discrimination are binding on all State authorities, both national and local. The compliance of the activities of the State organs of power and administration with this requirement is ensured by the hierarchical relationships established between these organs, which enable the higher organs to annul unlawful acts by their subordinate State organs. A definite role in the prohibition of acts of discrimination by State organs is played by the Office of the Public Prosecutor and the Committee of State and People's Control, which are responsible for supervizing the observance of legality by all institutions, organizations and citizens. Lastly, citizens too have at their disposal means of complaining against illegal actions by State authorities that violate the principle of equal rights and non-discrimination (see also the data below with regard to article 6 of the Convention).

A.(3). Neither before nor after Bulgaria became a party to the Convention have its policies and legislation conflicted with the requirements of the Convention and therefore the need has not arisen to review those policies or to rescind any existing laws and regulations.

A.(4). The undertaking deriving from article 2.1(d) of the Convention, which provides for the prohibition of racial discrimination by any persons, groups or organizations, has been met by the People's Republic of Bulgaria, in view of the regulations implementing article 35(2) and (4) of the Constitution of the People's Republic of Bulgaria cited in part I of this report, and of articles 162 and 163 of the 1968 Penal Code of the Republic annexed to Bulgaria's fourth periodic report (CERD/C/R.90/Add.9, of 16 March 1976). Under article 162(1) and (2) of the Penal Code, any person who advocates or incites to racial or national enmity or hatred or to racial discrimination, and any person who commits violence on another person or causes damage to his property because of that person's national, racial or religious affiliation or because of his political convictions is punishable by deprivation of liberty for a period of up to three years and by public reprimand. Article 162(3) provides for punishment by deprivation of liberty for a period of up to six years for any person who creates or leads an organization or group whose aim is to commit the acts referred to in paragraphs 1 and 2 of that article, and for a period of up to three years for any person who was a member of such an organization or group. Under article 163(1), any person participating in a crowd which has gathered for the purpose of attacking a population group, individual citizens or their property on account of their national or racial affiliation is punishable by deprivation of liberty for a period of up to five years for the instigators and leaders, and up to one year or by corrective labour for all other participants. Heavier punishment is provided for (paragraphs 2 and 3) in cases in which the crowd or

some participants are armed (deprivation of liberty for a period of one to six years for the instigators and leaders and up to three years for all others) or in which the attack is actually perpetrated and causes serious bodily harm or death (in which case the perpetrators and leaders are punishable by deprivation of liberty for a period of 3 to 15 years and all other participants for up to five years unless they are subject to a more serious penalty).

The Penal Code (articles 418 and 419) provides for even more severe punishment for the most dangerous forms of racial discrimination - genocide and apartheid (see also the data below in connection with article 3 of the Convention).

Up to the present time there have been no cases in Bulgaria of violation of the undertaking to prohibit racial discrimination justifying application of the above-mentioned criminal penalties.

A.(5). In connection with the undertaking in article 2(1)(e) of the Convention, it must be stated that in Bulgaria there are no integrationist multi-racial organizations or movements for the Government to encourage. However, as outlined in the present report, the whole policy of the Bulgarian Government aims, in keeping with the requirements of the Convention, at the elimination of barriers between different races and discouraging anything which tends to strengthen racial division.

B. As regards article 2(2) of the Convention, there has been no need in Bulgaria to take "when the circumstances so warrant" any special measures to ensure the protection of certain racial groups or of individuals belonging to them. However, such temporary measures have been taken to ensure the development of certain groups and individuals, in particular with a view to more rapidly overcoming the backwardness inherited from the past by the Bulgarian population of Gipsy origin. Measures have been systematically taken to improve the way of life and cultural situation of Bulgarian Gipsies and to raise their standard of living. Substantial funds have been expended on the housing-construction needs of Bulgarian Gipsies, the building of children's homes and nurseries, and the inclusion of children in the network of educational institutions, the needs of preserving Gipsy folklore, etc.

The policies pursued by the Bulgarian Government to overcome the backward and undeveloped conditions of certain areas of the country have contributed to a higher standard of living for their inhabitants, including those of non-Bulgarian origin.

Article 3

A. Prior to 1975, manifestations of racial discrimination and apartheid were subject to the prohibition and penalties prescribed by articles 162 and 163 of the Penal Code for offences against national and racial equality.

As already stated in Bulgaria's fourth periodic report, after ratification of the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1975, amendments were added to the Penal Code (articles 418 and 419) categorically prohibiting manifestations of racial segregation and apartheid and providing for punishment by deprivation of liberty for 5 to 20 years, and even the death penalty for acts presenting a particularly high degree of social danger. The Penal Code declares genocide a crime punishable by heavy penalties (article 416).

Manifestations of racial segregation, apartheid and genocide are unknown to Bulgarian socialist society.

B. Faithful to its internationalist, democratic and peace-loving foreign policy, the People's Republic of Bulgaria supports the struggle of oppressed peoples against colonialism, racial discrimination and apartheid. This solidarity is exemplified by Bulgaria's active participation in the initiatives of the United Nations and other international forums aimed at eliminating all forms of racial discrimination incompatible with mutual understanding among peoples and the dignity of the human person.

Bulgaria resolutely condemns the policies of apartheid pursued by the racist regime of South Africa and supports the demands of international public opinion to apply effective sanctions against the Republic of South Africa under Chapter VII of the United Nations Charter. This is the position adopted by Bulgaria at the International Conference on Sanctions against South Africa in Paris (1981), the International Conference in Support of the Struggle of the Namibian People for Independence in Paris (1983) and the Second World Conference to Combat Racism and Racial Discrimination (1983). Bulgaria insists on the immediate withdrawal of South Africa from illegally-occupied Namibia and calls for the settlement of the Namibian question on the basis of Security Council resolution 435 with full respect for the right to self-determination of the Namibian people, whose sole legitimate representative is SWAPO.

The People's Republic of Bulgaria strictly applies the resolutions of the Security Council demanding the complete isolation of South Africa's racist regime and maintains no political, economic, commercial or other relations with South Africa. At the same time, it censures the political, economic and military support which is being extended by some western Governments to the Pretoria regime and which it considers a major obstacle to the elimination of apartheid in South Africa and to a just solution of the Namibian question.

Bulgarian trade unions, the Committee for Solidarity with the Peoples of Asia and Africa, and other social organizations are extending effective aid to the oppressed peoples of South Africa and their national liberation movements, inter alia by furnishing material assistance, sending them medicine, food and clothing, and providing grants for study in Bulgarian educational establishments. In Bulgaria there is considerable public activity in support of the South African peoples and their liberation movements, and this includes commemoration of the international days proclaimed by the United Nations (International Day of the Elimination of Racial Discrimination, International Day of Solidarity with the Struggling People of South Africa, Day of Solidarity with the People of Namibia, etc.). The Bulgarian mass media (press, radio, television) give wide coverage to such events, to the struggle of the South African peoples for their liberation and to United Nations activities for eliminating racism and apartheid.

Article 4

A. Bulgarian legislation satisfies the requirements of article 4 of the Convention. Thus, the relevant part of the Penal Code entitled "Offences against national and racial equality" condemns all the acts covered by this provision of the Convention and declares them offences punishable in accordance with criminal procedure. Some of these matters have already been touched on in the comment concerning article 2 of the Convention.

A.(1). The content of article 162 of the Penal Code coincides with the enumeration of offences appearing in article 4(a) of the Convention, since paragraph 1 of article 162 prescribes punishment in the form of deprivation of liberty for a period of up to three years for any person who advocates or incites to racial or national enmity or hatred, or racial discrimination, while paragraph 2 prescribes the same punishment for any person who uses violence against another person or causes damage to his property because of his national, racial or religious affiliation or political convictions. Under article 21 of the Penal Code these penalties also apply to any person who aids and abets (inter alia by providing financial assistance) the commission of these offences.

A.(2). As to the criminal organizations and types of activity mentioned in article 4(b) of the Convention, under Bulgarian law they too are prosecuted in accordance with the criminal law. Article 162(3) of the Penal Code prescribes punishment in the form of deprivation of liberty for a period of up to three years for persons who are members of an organization or group whose purpose is to promote or incite racial or national enmity or hatred, or racial discrimination, including the perpetration of acts of violence for racial reasons. A person who forms or leads such an organization or group is liable to an even greater penalty - deprivation of liberty for one to six years (article 162(3) of the Penal Code). Article 163 of the Penal Code prescribes various penalties for persons who participate in a crowd which has gathered for the purpose of committing an attack on a population group, individual citizens or their property on account of their national or racial affiliation. Heavier penalties are prescribed for the instigators and leaders of the crowd as well as for cases where some of the participants are armed or where a perpetrated attack has caused serious bodily injury or death.

The fact that Bulgarian legislation covers all of these corpora delicti clearly demonstrates that it regards such organizations, groups or other similar activities as "illegal and prohibited", as required by article 4(b) of the Convention.

This conclusion as it concerns organizations is obviously related to article 52(3) of the Constitution of the People's Republic of Bulgaria, which categorically prohibits organizations which propagate a fascist or other anti-democratic ideology.

An organization which pursues the aims referred to in article 4(d) of the Convention cannot lawfully be created in Bulgaria since that would contravene article 52(3) of the Constitution, and the People's Court must refuse to include it in the court's register (article 136 of the 1949 Persons and the Family Act). If such an organization nevertheless exists (assuming that its illegal aims were not declared at the time of its creation but emerged subsequently), the court is required under article 146 of the Persons and the Family Act to dissolve any such grouping whose activities "are contrary to the law, the Constitution or State and public order". The above-mentioned two articles of the Persons and the Family Act also require the Public Prosecutor in both cases to give his opinion concerning the non-acceptance of registration or the dissolution of such a grouping.

A.(3). As regards Article 4(c) of the Convention, Bulgarian legislation does not permit public authorities or public institutions, national or local, to promote or incite racial discrimination. The prohibitions laid down in this

regard in the Constitution and Penal Code as well as in other regulatory provisions apply not only to individual citizens but also to officials of the State apparatus and of public organizations. The commentary below concerning implementation of article 6 of the Convention gives an idea of the means of recourse open to Bulgarian citizens for complaining about actions reflecting racial discrimination which may have been committed against them, including such actions by State authorities and public organizations.

B. Bulgarian legislation, in particular the 1968 Penal Code, is consistent with the requirements of article 4 of the Convention and has been applied in conformity with them, and consequently there has been no need to supplement it with respect to this question.

C. Texts of specific Bulgarian penal legislation (articles 162 and 163 of the Penal Code) relating to the implementation of the provisions of article 4(a) and (b) of the Convention, appear in Bulgaria's fourth periodic report.

Article 5

The general norms of the Bulgarian Constitution and of its penal legislation prohibiting racial discrimination and guaranteeing the equal rights of everyone irrespective of race or national or ethnic origin, relate to the enjoyment of all of the specific human rights and freedoms enumerated in article 5 of the Convention and are guaranteed by the Bulgarian legal system. What is more, Bulgarian legislation also contains specific regulatory provisions that ensure equality of rights and non-discrimination in connection with the enjoyment of certain concrete rights. In particular cases, administrative measures have been adopted to this end. There are no legislative provisions or other measures that could serve as grounds for inequality of rights and discrimination on a racial or national basis in any sphere whatever.

Here, the relevant information is being supplied in general terms inasmuch as more detailed data will be found in the report submitted by the Bulgarian Government in connection with the implementation of the International Covenant on Civil and Political Rights (document CCPR/C/1/Add.30 of 12 June 1978) and the International Covenant on Economic, Social and Cultural Rights (document E/1984/7/Add.18).

A. The equal treatment of all before tribunals and other organs administering justice is ensured by the following legal norms:

Article 130 of the Constitution provides that "the courts apply the laws strictly and equally with regard to all citizens and bodies corporate" (see also article 35 of the Constitution quoted above).

Article 5 of the 1976 Administration of Justice Act provides that "the courts apply the laws uniformly to all", and this relates to legal proceedings both in civil and criminal and in administrative cases. In criminal proceedings, in particular, the equality of citizens is guaranteed by article 10 of the 1974 Code of Criminal Procedure, which states: "(1) All citizens participating in criminal proceedings are equal before the law. No privileges or limitations based on nationality, origin, religion, sex, race, education, or social or property status, are permitted. (2) The court and the authorities responsible for preliminary proceedings apply the laws strictly and uniformly to all citizens". The Supreme Court, which exercises supreme judicial supervision over

the activity of all judicial organs, ensures, under article 132(1) of the Constitution, strict and equal application of the laws by them. As to aliens in the territory of the People's Republic of Bulgaria, under article 23 of the 1972 Presence of Aliens in the People's Republic of Bulgaria Act, in the protection of their rights and lawful interests they enjoy the same rights as Bulgarian citizens. If the accused does not know Bulgarian, he is assigned an interpreter (article 90(1) of the Code of Criminal Procedure). Amendments in 1982 to the Administration of Justice Act and to the Electoral Act provides that judges of district, regional and military courts (as well as judges of the Supreme Court) are elected and dismissed from office by the National Assembly. This strengthens the independence of judges from local influence. Amendments in 1983 to the Code of Civil Procedure (establishment of the district court as the basic element of the judicial system for considering and determining civil disputes between citizens, and between citizens and socialist organizations; and a considerable expansion in the number of cases in which the court of second instance decides the case independently, finally and on the substance, without referring back to the court of first instance for reconsideration, etc.) are designed to bring justice closer to the people, to render justice more quickly and more effectively and to strengthen the protection of the rights of citizens.

B. Bulgarian legislation conforms to international requirements concerning the right to security of person and its protection by the State, as formulated in the International Covenant on Civil and Political Rights. In the enjoyment of this right there are no privileges or limitations whatsoever based on race or nationality.

The freedom and inviolability of the person are guaranteed to all citizens by article 48(1) of the Constitution. No one can be detained for more than 24 hours without the decision of a court or the Public Prosecutor (article 48(2)). Coercive measures may not be applied to a person involved in criminal proceedings except in the cases and according to the procedure provided for by the Code of Criminal Procedure (article 15(1)). The court and the authorities responsible for preliminary proceedings must release any person who has been illegally deprived of liberty (article 15(3)). The Code of Criminal Procedure regulates in detail the rights of detained persons and defendants. The Penal Code prescribes severe penalties for various offences against the person (murder, infliction of bodily injury, illegal deprivation of liberty, coercion, etc.). In particular, illegal deprivation of liberty employed by an official in violation of his official duties or functions renders the official not only administratively but also criminally liable (article 142(3) of the Code of Criminal Procedure) and, in accordance with article 56 of the Constitution, may serve as a basis for the recovery of damages for the injury caused to the person subjected to illegal detention.

C. Bulgarian legislation guarantees to all Bulgarian citizens equality and non-discrimination in the enjoyment of their political rights, including the rights referred to in article 5(c) of the Convention.

The representative bodies through which the Bulgarian people exercises power (the National Assembly and People's Councils) are elected on the basis of universal, equal and direct suffrage, by secret ballot (article 6(1) of the Constitution). All Bulgarian citizens who have completed 18 years of age, irrespective of sex, nationality, race, creed, education, occupation, official or public position and property status, with the exception of persons deprived of rights in the manner prescribed by law, may elect and be elected (article 6(3) of the Constitution and article 2 of the 1973 Electoral Act).

In every election, Bulgarian citizens of non-Bulgarian origin are also elected to the National Assembly and the local organs of State power - the People's Councils. They are also represented in various branches of the State administration and in the public services, access to which is also based on the Constitutional principle of equality of rights and non-discrimination. As in the case of electoral rights, Bulgarian citizens exercise the right to participate in the existing forms of direct democracy - referendums and nationwide and local consultations of people's opinion. In this connection, the Consultation of the People's Opinion Act (1983) and the Decree regulating its implementation (1983) are of great importance for the improvement of the political system and the further development of socialist democracy. They create possibilities for expanding direct democracy and for involving citizens in the preparation of laws and other State instruments and in the administration of the State and society. Under the Act, a consultation of the people's opinion, which takes place in two forms - discussion and referendum - may be conducted throughout the territory of the country (nationwide consultation) or in the territory of a region, district, locality or a part thereof (local consultation). All Bulgarian citizens having electoral rights are entitled to participate in nationwide consultations and Bulgarian citizens having electoral rights and permanent or prolonged residence in the area concerned are entitled to participate in local consultations.

D. The principle of equal rights and non-discrimination is consistently implemented in Bulgarian legislation regarding the enjoyment of all the rights enumerated under article 5(d) of the Convention.

No limitations on racial or ethnic grounds are permitted with respect to the right of Bulgarian citizens to freedom of movement and residence within the country. Under article 20 of the 1975 Civil Status Regulations, every legally competent person himself chooses his place of residence. If there are certain restrictions concerning movement in a frontier zone (where a special permit is required), they are of a general nature and apply to all Bulgarian citizens as well as to aliens (article 16(1)), although for purposes of ensuring security and public order the Ministry of Internal Affairs may restrict the access of foreign citizens to certain districts or localities of the country (article 16(2)).

Nor are there any discriminatory measures on a racial or other basis with respect to the right of Bulgarian citizens to leave and to return to the country. The cases covered by articles 7 and 8 of the 1969 Passports for Travel Abroad Act, which permit refusal to issue such a passport or its withdrawal (with respect to persons who have been convicted for offences of a general character or persons whose travel abroad endangers the security of the State, etc.), apply to all Bulgarian citizens and are in conformity with the provisions of article 11(3) of the International Covenant on Civil and Political Rights. The Bulgarian authorities adhere to a policy of facilitating the procedure for citizens to obtain the documents needed for travel abroad. The number of Bulgarian citizens who visited foreign countries in 1982 and 1983 exceeded 550,000 and 600,000 respectively, including many Bulgarian citizens of non-Bulgarian origin.

The right to be a citizen of the People's Republic of Bulgaria by parentage or place of birth and the possibility of acquiring Bulgarian citizenship by naturalization are governed by the 1967 Bulgarian Citizenship Act (articles 1-15), which contains no restrictions based on racial, national or ethnic origin. For citizens of foreign States who are of Bulgarian national origin, there is a preferential procedure for acquiring or recovering Bulgarian citizenship (article 10).

As already pointed out (see part I, section 3), all Bulgarian citizens have the right to declare their national affiliation and this gives them the right to study and speak their native tongue, develop their national culture, maintain their traditions, etc.

There are no limitations of a racial or ethnic character with regard to the right to marriage and choice of spouse, which is regulated by the 1968 Family Code. Marriage is by mutual consent of the man and woman expressed in person and simultaneously before an official of the civil registry (article 3). Family relations are regulated in accordance with the principles of the voluntary nature of the marriage tie, complete equality of husband and wife and full protection of children. Various regulations regarding allowances for a new couple and for the support of children apply to all citizens and involve no distinctions on racial, national or ethnic grounds.

All Bulgarian citizens without restriction on racial grounds enjoy the right to own private property and the right to inherit, as laid down by the Constitution (articles 21 and 27) and juridically regulated in the 1973 Citizens' Property Act and in the 1949 Inheritance Act.

Freedom of conscience and religion are guaranteed to all citizens by article 53 of the Constitution, which also lays down the general principles governing relations between the State and the church (primarily, the separation of church and State). Under article 4 of the Religions Act, no one may be subjected to persecution or to limitation of his civil and political rights, or may be released from fulfilment of his obligations under the country's laws, on the grounds that he belongs to a particular religion or does not profess any religion. The Act ensures freedom to build churches and houses of prayer, to engage in spiritual and religious education of believers, to open higher and secondary institutions for training clergy, to send young people abroad for that purpose, to publish various kinds of printed matter (newspapers, periodicals, calendars, books), to receive material assistance or gifts from abroad, etc. The Penal Code (article 165) prescribes penalties for any person who by force or by threat hinders citizens from freely professing their religion or from engaging in religious rites and services. The guarantee of freedom of religion in Bulgaria offers religious Bulgarian citizens a certain possibility for national self-expression. While the majority of religious citizens of Bulgarian nationality are Christians of the Eastern Orthodox Church, religious persons of Turkish and Gipsy origin (as well as Mohammedan Bulgarians) belong to Islam, while those of Jewish or Armenian origin profess Judaism or the Gregorian faith.

The Constitution guarantees all citizens freedom of speech, press, assembly, meetings and manifestations (article 54). It also guarantees the right of citizens to form political, professional, cultural, artistic, scientific, religious, sports and other organizations for non-economic purposes (article 52). The enjoyment of these rights and freedoms is based on consistent respect of the principle of equal rights and non-discrimination. In Bulgaria there are a number of cultural and educational associations which have been formed on an ethnic basis, such as "Yerevan", the cultural-educational organization of Armenians in Bulgaria. It has a central leadership and 15 branches in major towns. It has clubs, organizes voluntary study of the Armenian language (although the interest of children and young people in the language has recently been declining), publishes a newspaper in Armenian, and organizes theatre troupes and amateur art activities. Jews in Bulgaria also have their cultural-educational organization. In addition to a central leadership in Sofia, it has branches in 10 towns and publishes a newspaper and annual periodical.

E. All of the economic, social and cultural rights enumerated in article 5(e) of the Convention are proclaimed by Bulgarian legislation and are practised on the basis of full equality and non-discrimination.

This applies first and foremost to the right to work and to free choice of employment, which is proclaimed by article 40 of the Constitution and really implemented by the State through a system of political, economic and legal guarantees, as well as to the right to safe and healthy working conditions (article 41(2)), the right to equal pay for equal work (article 41(1), which provides that work is remunerated in accordance with its quantity and quality), the right to recreation (article 42), and the right to social security, a pension and assistance in case of incapacity for work (article 43). Under the Presence of Aliens Act, citizens of foreign countries who have received a resident's permit in Bulgaria can work for Bulgarian institutions, enterprises and organizations (article 19), and have the same rights and duties as Bulgarian citizens in respect of labour relations law, labour agreements, social security and social insurance, medical services and taxation, unless otherwise required by international treaties to which Bulgaria is a party.

The right to form trade unions falls within the framework of the right of association proclaimed by article 52 of the Constitution. Article 2(2) of the Labour Code defines trade unions as mass non-party social organizations of workers and employees who associate on voluntary principles without distinction as to race, nationality, sex or religious convictions.

All citizens are guaranteed the right to housing and the right to public health and medical care without distinction as to race or national affiliation. In accordance with the Constitution, the State devotes all-round care to the people's health by organizing therapeutic, preventive and other health establishments and services (article 47(1)). Every citizen is entitled to free medical care (article 47(3)). In the matter of housing and public health, special concern is being shown, as stressed in part I of this report, for the Gipsy ethnic group, which until the recent past lived under very backward conditions. Nomadism among Bulgarian Gipsies was eliminated long ago and their standard of living is being constantly raised. In 1980, the Council of Ministers of the People's Republic of Bulgaria adopted a new decision concerning improvement of the way of life and the cultural level of Bulgarian Gipsies, which provides for the allocation of considerable funds for housing construction, loans on favourable terms etc. All of them are guaranteed steady employment, housing and a regular income. Tremendous progress in housing construction and public health has been made in some formerly backward areas inhabited both by Bulgarians and by Bulgarian citizens of Turkish origin. In these areas, previously poverty-stricken villages have now become flourishing modern settlements. More than 80 per cent of the housing is new construction. Hundreds of health stations, nursing homes, dispensaries, hospitals, crèches and kindergartens have been built. There is one doctor for every 500 inhabitants in these districts.

Article 45 of the Constitution ranks the right to education among the fundamental rights of citizens. Citizens are entitled to free education in all types and grades of educational establishments under conditions determined by law (article 45(1)). Primary education, covering an eight-year course of instruction, is compulsory (article 45(4)), and the State creates conditions for secondary education for all (article 45(5)) with a three- to five-year course of instruction.

Actually, 95 per cent of primary-school leavers go on to different types of secondary schools, where cadres of various types and specialities are trained for all walks of life. Part of the constitutional right to education is the right to higher education. All of the existing forms of education are available to all Bulgarian citizens under conditions determined by law and without any racial or ethnic restrictions. Nor are there any such restrictions or privileges in the various ways in which the State promotes education, for example by granting scholarships, etc. Under the Constitution (article 45(7)), citizens of non-Bulgarian extraction, in addition to the compulsory study of the Bulgarian language, are entitled to study their own language. This right is ensured by the State, which provides the persons concerned with the necessary funds and material conditions for studying their language in various schools. In practice, this is arranged for those wishing to study the Turkish and Armenian languages. Among the Bulgarian population of Turkish origin, illiterate prior to 1944, there are now many thousands of intellectuals - teachers, doctors, agronomists, engineers, artists, journalists, etc. Evidence of the concern being shown for the Bulgarian population of Gipsy origin is the fact that all children are enrolled in the school system and a considerable part of them are receiving State support. More than 50 per cent of the children of Bulgarian citizens of Gipsy origin live in children's homes.

The right of citizens to equal participation in cultural activities is also ensured by the State, one of whose main tasks is the all-round promotion of culture (article 3 of the Constitution). As emphasized in article 46(1) of the Constitution, creativeness in this field "serves the people"; the State must familiarize the people with cultural creativeness and make its achievements accessible to the people. Considerable care is also shown for the cultural development of Bulgarian citizens of non-Bulgarian (Turkish, Gipsy, Jewish, Armenian, etc.) origin. As already indicated (see point D. of this part), some of them have their own cultural-educational associations. There are widespread amateur artistic activities among them (art groups, folklore musical and dance ensembles, etc.), carried out in houses of culture and reading halls, which are always to be found in every Bulgarian settlement. From among this population there emerge artists and masters of musical and figurative art who give successful appearances in Bulgaria and abroad. Newspapers and periodicals are published for citizens of Turkish, Armenian and Jewish origin. In the Bulgarian radio there is a Turkish translation section, and books of Bulgarian, Turkish and other authors are published in Turkish.

F. In Bulgaria there can be no talk of restricting access on racial or ethnic grounds to any place or service intended for use by the general public (transport, hotels, restaurants, cafes, theatres, parks, etc.). The introduction of such restrictions would be subject to the penalties prescribed by article 162 of the Penal Code.

Article 6

A. and B.

Along with provisions ensuring equal rights and non-discrimination and declaring manifestations of racial discrimination to be punishable offences, Bulgarian legislation provides for, and extends to victims of racial discrimination, effective legal protection for reparation of their violated rights and for obtaining just compensation or satisfaction.

In this connection it should be noted that in Bulgaria there are no special procedures for legal protection against acts of racial discrimination. In view of the fact that the ordinary complaint procedures fully enable everyone within the jurisdiction of Bulgaria to defend their rights and freedoms, it was not considered necessary to create any special procedures for cases of racial discrimination, which, as already underlined, are alien to Bulgarian reality. At the same time, it must also be mentioned that in the process of the development of legislation over the years since the adoption of the 1971 Constitution, considerable progress has been made in improving the legal protection of human rights and in particular the judicial and administrative remedies for violations in this field tolerated either by private individuals or civil servants.

As regards judicial means of protection against acts of racial discrimination, the victims of such acts are accorded the possibility either of bringing a complaint before a civil court or of petitioning for criminal prosecution of the offender. Articles 125 and 133 of the Constitution require the judicial authorities and the Public Prosecutor to protect the rights and legitimate interests of citizens. Article 97 of the Code of Civil Procedure enables any person, irrespective of his racial or national origin (this applies also to aliens) to file suit for reparation of a violated right. The same possibility is open to the Public Prosecutor (article 27). The courts are obliged to examine and take a decision on any statement they receive requesting assistance or protection with regard to their personal and property rights (article 2).

A victim of an act of racial discrimination can also bring about criminal prosecution of the offender either by filing a complaint with the Public Prosecutor, who institutes criminal proceedings against the offender (article 6(6) of the Public Prosecutor Act, article 39 of the Code of Criminal Procedure) or directly by filing a complaint with the court (article 39 of the Code of Criminal Procedure).

The right of a victim of an act of racial discrimination to seek just reparation or satisfaction is guaranteed by article 52 of the Code of Criminal Procedure, which provides that a person who has sustained property or non-property damage as a result of any ordinarily punishable offence is entitled to participate in judicial proceedings in the capacity of a private plaintiff, and by article 60(1) of the Code of Criminal Procedure which enables a person who has suffered damage as the result of an offence, or his heirs, to bring, in case of criminal conviction, a civil suit for reparation of the damage. Under article 45 of the Liabilities and Contracts Act, everyone is required to repair the damage he wrongfully causes another person.

Article 56 of the Constitution of the People's Republic of Bulgaria contains a number of norms which broaden the possibility for persons who have suffered damage as a result of acts of racial discrimination by State bodies or officials to raise the question of the responsibility of such bodies or officials: the State is responsible for damage caused by unlawful acts or unlawful official actions of its bodies or officials; every citizen has the right to demand court proceedings to be started against officials for crimes committed while performing their official duties; citizens have the right to demand compensation by officials for damage suffered as a result of illegal actions in the performance of their official duties.

The 1979 Administrative Procedures Act provides for three types of procedure (described in greater detail in the sixth periodic report of the Bulgarian Government), whose object is to protect the rights of citizens from unlawful administrative actions. The first is a non-adversary procedure which enables the persons concerned to defend their rights in advance, prior to the publication of an administrative instrument. The second constitutes a procedure for complaining to a higher administrative body. The third procedure relates to complaints to the courts. Broad possibilities for defending the rights and legitimate interests of citizens against any violations by administrative bodies or actions by individual officials and citizens are also available under the 1980 Citizens' Proposals, Submissions, Complaints and Petitions Act (for more detail see the sixth periodic report of the Bulgarian Government and the explanations given during its discussion in the Committee).

An important role in the protection of human rights, including rights against possible acts of racial discrimination, is played by the various forms of supervision exercised by the National Assembly, the Council of Ministers, State and people's control bodies, the Office of the Public Prosecutor and the Ministry of Justice.

C. During the period under review there have been no cases of racial discrimination requiring intervention by judicial or other State organs.

Article 7

A. Education and teaching

Characteristic of education and teaching in socialist Bulgaria are their profoundly democratic character, and it is entirely natural that in both these fields great importance is given to combating prejudices which lead to racial discrimination, and to strengthening the spirit of understanding, tolerance and friendship among nations and racial or ethnic groups. The juridical basis of that policy in the field of education and teaching is laid down in the Constitution, whose Preamble expresses the determination of Bulgarian citizens to co-operate for the consolidation of world peace, and for understanding among all nations in the world. Article 5 defines as a basic task of the State the pursuit of a policy of peace and understanding with all countries and peoples, while article 63 makes it the duty of every citizen to help preserve and consolidate peace and declares incitement and propaganda for war heavily punishable crimes.

As already stressed, in Bulgaria the right to education is recognized and uniformly ensured to all Bulgarian citizens irrespective of national or ethnic origin. Numerous long-term measures have been taken in the field of education to overcome the backwardness of the population of Turkish and Gipsy origin. These measures, including a number of incentives - among them, those accorded upon entering higher educational establishments, have helped to create from among those population groups cadres with higher and secondary education who have assumed leading and executive functions in the State apparatus and public life.

School curricula in Bulgaria are imbued with the ideas of internationalism, with respect for the history and culture of all peoples, and with striving for peace and mutual understanding with all nations.

Human rights issues and mutual understanding, tolerance and friendship among nations, appropriately adapted to the learner's age, have a big place at all levels of the educational system, from kindergartens to higher educational establishments. The same humanitarian spirit characterizes the training given in children's and youth organizations. The study of human rights issues in various ways and at various levels of education has an inter-disciplinary character. As yet, these issues are not treated as a separate subject of study (for example, in primary and secondary schools they are studied in conjunction with such subjects as "Knowing your country", "The Constitution", "Ethics", "History", "Principles of Communism"). These problems are studied in greater detail in higher educational establishments concerned with the humanities, especially the law faculty of the University. Great attention is given to these issues in UNESCO-associated schools in Bulgaria and in the activities of United Nations associations and UNESCO clubs among young students. International days fixed by the United Nations General Assembly for United Nations human rights, the struggle against racial discrimination, etc. are regularly commemorated in all educational institutions by lectures, assemblies and meetings.

The training of Bulgarian youth in a spirit of internationalism is also furthered by the fact that many Bulgarian students are studying at universities of other countries (approximately 4,500 in 1980/81) while the doors of Bulgarian educational institutions are wide open to many students from abroad, chiefly from developing countries (almost 5,000 in 1980/81).

B. Culture

The development of culture, which has a profoundly national character, received a particularly strong impulse at the end of the 1960s, when the national and local administration of culture was placed on a joint social and State basis.

Cultural activity in Bulgaria is marked by respect for the cultural achievements of other nations, and by the desire to become familiar with everything of excellence and value created by other peoples in the field of culture. Evidence of the national character of culture and of the participation of the people in its creation and spread is to be seen in the development of amateur artistic activities. These comprise novel forms of development of choreographic and musical art, the preservation and transmission from generation to generation of musical and dance folklore, of traditional clothing and national costumes which are participated in by the amateurs - ordinary workers and farmers studying in their free time. In 1980 there were 24,000 such groups consisting of nearly 500,000 participants. Such groups have also been established among the population of Turkish and Gipsy origin. Among the books published in Bulgaria (6.9 books per capita in 1981) a considerable percentage consists of translated literature - from the ancient Greek classics to the literature of the nineteenth and twentieth centuries. The access of Bulgarian citizens to world culture is also ensured by the theatre and the cinema, in which an important part is played by productions of other nations through the holding in Bulgaria of international cultural events; art exhibits, concerts and guest appearances by distinguished performers, etc. This is promoted by the intensive contacts maintained by Bulgaria with 132 countries in all spheres of art, literature and science, and is further illustrated by the five meetings of writers from all continents under the slogan: "Peace - the hope of the planet", organized in Sofia by the Union of Bulgarian Writers (from 1977 to 1983) and involving famous writers from dozens of countries.

A distinctive form of international cultural contacts among children which has developed in Bulgaria is the "Banner of Peace" movement initiated by Ludmilla Zhivkov. Its object is the active stimulation of the creative capabilities of children all over the world, the rallying of the planet's creative forces in the struggle for peace and human progress. Hundreds of children from more than 100 countries have taken part in two assemblies (in 1979 and 1982, between which there were two meetings in 1980 and 1981), held under the auspices of the Chairman of the State Council of the People's Republic of Bulgaria, Todor Zhivkov, and the Director-General of UNESCO, Amadou Makhtar M'bow. More than 30,000 fine-art and applied-art, literary, musical and art-photography creations of children from 101 countries have been contributed to the "Banner of Peace" fund since 1979. Material from this fund has been used in 52 exhibits in Bulgaria and abroad, and in dozens of albums, almanacs, etc.

The societies for friendship with other peoples, the United Nations Association in Bulgaria, the Committee for Solidarity with Countries of Asia and Africa, the Bulgarian Association for International Law and other associations established in Bulgaria are actively engaged in the development of friendly relations with other peoples and in the elimination of racial prejudices and racial discrimination.

C. Information

In Bulgaria the struggle against racial discrimination and the problems of defending human rights are widely reflected in all mass information media in connection with various anniversaries (United Nations international days in this field are regularly observed) and with current events.

ANNEX

LIST OF NORMATIVE INSTRUMENTS

1. Constitution of the People's Republic of Bulgaria (Przhaven Vestnik (Official Gazette) No. 39/1971)
2. Normative Instruments Act (Official Gazette, No. 27/1973)
3. Bulgarian Citizenship Act (Official Gazette, No. 36/1967)
4. Electoral Act (Official Gazette, No. 54/1973)
5. Consultation of the People's Opinion Act (Official Gazette, No. 25/1983)
6. Persons And Family Act (Official Gazette, No. 182/1949)
7. Family Code (Official Gazette, No. 23/1968)
8. Property of Citizens Act (Official Gazette, No. 26/1973)
9. Inheritance Act (Official Gazette, No. 22/1949)
10. Religions Act (Official Gazette, No. 48/1949)
11. Passports for Travel Abroad Act (Official Gazette, No. 92/1969)
12. Presence of Aliens in the PRB Act (Official Gazette, No. 93/1972)
13. Judiciary Act (Official Gazette, No. 23/1976)
14. Penal Code (Official Gazette, No. 26/1968)
15. Code of Criminal Procedure (Official Gazette, No. 89/1974)
16. Code of Civil Procedure (Official Gazette, No. 12/1952)
17. Administrative Procedures Act (Official Gazette, No. 90/1979)
18. Citizens' Proposals, Submissions, Complaints and Applications Act (Official Gazette, No. 52/1980)
19. Civil Status Regulations (Official Gazette, No. 75/1975)
20. Decree on the Right to Asylum (Official Gazette, No. 21/1975)
21. Decree on the Participation of the PRB in International Treaties and Agreements (Official Gazette, No. 62/1975)