

**INTERNATIONAL  
COVENANT  
ON CIVIL AND  
POLITICAL RIGHTS**



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Initial reports of States parties due in 1977

Addendum

BULGARIA

/27 June 1978/

The People's Republic of Bulgaria embarked upon the path of socialism more than 30 years ago. Its social system is distinguished by its democratic nature. Under socialism, whose supreme goal is the welfare of the individual, democracy is no mere abstract symbol but a vital necessity of social life in all its aspects.

The 1971 Constitution of the People's Republic of Bulgaria proclaims the guaranteed freedom of development of the individual (art. 3, para. 1) and the continuous extension of democracy (art. 4, para. 1) as the State's fundamental goal. It establishes such democratic and humanitarian principles as the sovereignty of the people, socialist democracy and socialist internationalism (art. 5) as the basis of the political system of society.

The democratic nature of the socialist society in Bulgaria is therefore reflected in the guaranteed rights and freedoms of the individual and the citizen. These include all the rights and freedoms protected by the International Covenant on Civil and Political Rights.

The 1947 Constitution and national legislation proclaimed and guaranteed these civil and political rights before the International Covenant was drawn up. Bulgaria was thus able to take its place among those countries which took an active part in drawing up the Covenant and were the first to sign and ratify it.

The new Constitution of 1971 reflects the development and progress of socialist democracy in Bulgaria, and the new political, economic, social and

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cultural conditions there which further encourage the growth and full development of the individual. The rights and freedoms proclaimed by the Constitution are exercised by virtue of the Constitution itself, except where it stipulates that they shall be exercised in conditions and in a manner laid down by law. Certain civil and political rights (e.g. the right to freedom of movement) are governed solely by legislation, while others (e.g. the prohibition of slavery) are not stated explicitly, but derive from the general principles on which the status of the citizen and the individual in the People's Republic of Bulgaria is founded.

It should be pointed out that many rights and freedoms governed by the Constitution and legislation concern not only Bulgarian nationals, but any individual. In conformity with generally recognized international and constitutional practice, political rights and those concerning the government of the State are restricted to Bulgarian nationals.

The status of the individual and the citizen as defined by the Constitution and national legislation draws upon the principles of humanism and socialist internationalism. It is also in accordance with Bulgaria's international commitments relating to the protection of human rights in general, and more specifically to the International Covenant on Civil and Political Rights.

Socialist society creates the conditions and premises for the practical application of civil and political rights and freedoms. Existing economic and political guarantees, such as the collective ownership of the means of production and the elimination of exploitation, play an important role in this respect, as does the fact that in a socialist society power belongs to and is wielded in the interests of the people. These special features of socialist society make it possible to harmonize the interests of society with those of the individual. They also foster the realization of economic and social rights, which is in practice an important condition for the application of civil and political rights, since political democracy and economic democracy are inseparable, and constitute an indivisible whole.

Considerable importance is attached in Bulgaria to legal guarantees. Besides the constitutional and legislative definition of rights and freedoms, these guarantees include sanctions and other legal methods and means of preventing violations of those rights and freedoms, and the means to re-establish them if they are violated. This effective system for guaranteeing and protecting human rights is continuously being expanded and improved, and it meets the requirements of article 2 of the International Covenant on Civil and Political Rights. The protection of human rights and the rights of the citizen is an essential part of socialist legality.

The Penal Code provides effective guarantees against violations of civil and political rights on the part of both citizens and officials. Civil law too protects certain individual rights, by making compensation for injuries caused to another person compulsory (art. 45 of the Act on Obligations and Contracts) and by enabling the courts to determine appropriate compensation for moral injury (art. 52).

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Under the terms of the Constitution and national legislation, the hierarchical control functions designed to ensure compliance with the law performed by the system of State organs, and the activities of the Control Committee of the People and State (a subsidiary body of the Council of Ministers), play a useful part with regard to the Administration's observance of political rights and freedoms. According to the Constitution (arts. 125 and 133) the defence of the legitimate rights and interests of citizens is a matter for the courts and the Procurator's office. The courts discharge their duties in this regard by specific legal means (imposing penalties on offenders, upholding individual and other rights, re-establishing rights that have been infringed, annulling illegal decisions etc.), whereas the Procurator's office performs this function by means of its over-all right to monitor the strict application of the law by State bodies, administrative agents and private citizens, as well as its supervision of all judicial actions, preliminary investigations and the enforcement of judgements.

The non-contentious administrative procedure provided for in the Act on Administrative Procedure offers another way of strengthening legality and protecting the individual rights of citizens. It permits persons whose legitimate rights and interests have been infringed to defend themselves in advance by presenting their explanations and objections before the decision is issued.

Citizens are guaranteed effective means of recovering any civil or political rights which may have been infringed, including in those cases in which the infringement was committed by an administrative agent.

In article 55, the Constitution gives citizens the right to enter requests and complaints. This right has been embodied in legislation.

The two-tier appeal procedure against individual administrative decisions provided for by the Act on Administrative Procedure is of extreme importance for the defence of civil and political rights. Both administrative decisions and the refusal of an administrative body to take a decision or to deliver a document which is of relevance to the recognition or exercise of rights may be the subject of an administrative appeal. The higher administrative body must pass judgement on such an appeal within two weeks of its registration (art. 40).

When the opportunities for appeal through administrative channels have been exhausted, recourse may be had to a judicial appeal. The Act introduces judicial appeals on the basis of a general clause (art. 45), thus creating a very important guarantee of the rights of citizens. When the decision against which the appeal is lodged has been issued by a minister, the head of a central administrative department, or the chief officer of the executive committee of a departmental People's Council, the appeal is heard by the Supreme Court. The Supreme Court also hears appeals against administrative decisions that have been confirmed or amended by a minister or a departmental head having ministerial rank. In all other cases, the Departmental Court hears the appeal (art. 49). The court is concerned only with establishing whether the administrative decision is legal (art. 55), and it can reject the appeal or quash the administrative decision wholly or in part (art. 56). When an administrative body refuses to issue an administrative

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decision, the court's decision can compel it to issue the decision, without giving it specific instructions as to the content of the decision. The court's decision is binding on the administrative body (art. 57). Provision is made for penalties against administrative agents who do not fulfil their obligations with regard to the re-establishment of rights which have been infringed (art. 73). The application of the Act on Administrative Procedure is based on a long-standing practice, which allows the Supreme Court to form comprehensive conclusions and assessments (see, for example, Supreme Court Ordinance No. 4 of 1976, which is a synthesis of experience acquired concerning the problems arising out of the Act on Administrative Procedure).

The role of judicial guarantees for the defence of rights and liberties is strengthened by the Constitution itself, which, in article 56, establishes State responsibility for injuries caused by unlawful decisions or actions of State organs. Any citizen is entitled to demand the prosecution of an administrative agent for any offence he may have committed while carrying out his duties. Citizens have the right to compensation by administrative agents for any injury which the latter have caused them in carrying out their duties.

The international climate has a considerable influence on co-operation between States with a view to fostering general and real respect for the human rights and freedoms provided for both in the Charter of the United Nations and in the International Covenants on Human Rights. Experience has shown that the strengthening of peaceful coexistence and détente in international relations creates a favourable atmosphere for the development of democracy and for progress in the field of human rights and general respect for them. These humane objectives lie at the heart of both the foreign and domestic policy of the People's Republic of Bulgaria.

There follows a brief description of the way in which the rights and freedoms proclaimed by the International Covenant on Civil and Political Rights are guaranteed and exercised in Bulgaria.

#### RIGHT TO SELF-DETERMINATION

(Article 1 of the Covenant)

The existence of the People's Republic of Bulgaria as an independent State and its progress along the path of socialism and communism demonstrate the continuing exercise by the Bulgarian people of their right to self-determination in all its forms.

The People's Republic of Bulgaria also respects this principle in its relations with other States and peoples. As the Preamble to its Constitution stresses, Bulgaria supports the just struggle of peoples for independence and social progress.

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## EQUALITY OF RIGHTS, PROHIBITION OF DISCRIMINATION

(Articles 2, 3 and 26 of the Covenant)

The equality of the rights of citizens is an essential principle on which all rights and freedoms are based in Bulgaria. The principle is set forth in the Constitution (art. 35, para. 1) which stipulates that "All citizens of the People's Republic of Bulgaria are equal before the law". At the same time, the Constitution embodies the other aspect of equal rights - the prohibition of discrimination - when it states (art. 35, para. 2) that "There shall be no privilege or restriction of rights on the basis of nationality, origin, religion, sex, education or social or material status". The State guarantees citizens equal rights by providing them with the conditions and opportunities in which to exercise their rights and fulfil their obligations (art. 35, para. 3, of the Constitution). The same attitude towards the means of production which the socialist system has instilled in all citizens constitutes a very important prerequisite for the enjoyment of equal rights.

A special provision in the Constitution (art. 36) states that "Women and men shall enjoy equal rights in Bulgaria". The socialist system has done away with the unequal status of women in the family and society by guaranteeing them the same rights as men in all spheres of social, economic, political and cultural life and in private law. Naturally, this aspect of equal rights applies to everyone in Bulgaria, not just to Bulgarian nationals.

The principle of equal rights is also expressed in other passages of the Constitution and legislation which will be mentioned below in connexion with various rights and freedoms. The national law in force and the objective conditions of socialist society provide citizens with completely and truly equal rights, and all citizens enjoy the same civil, political, social, economic and cultural rights, while also having the same obligations. These rights cover those proclaimed by the Universal Declaration of Human Rights and by the Covenants on Human Rights, even going beyond them in certain cases.

## RIGHT TO LIFE

(Article 6 of the Covenant)

The right to life, as the fundamental right of the human being, is subject to special protection in criminal matters. The Penal Code provides for severe penalties corresponding to the public danger presented by the offence in the case of premeditated murder (arts. 115-116), other cases of homicide (arts. 118-127), and cases of bodily injury (arts. 128-135).

In accordance with the various international agreements to which Bulgaria is a party, the heaviest penalties are reserved more particularly for homicide, bodily injury, and the subjection of a national, ethnic, racial or religious group to living conditions calculated to cause its complete or partial extermination, which is equated with crimes against peace and humanity (war crimes, genocide, apartheid - arts. 410-417 of the Penal Code).

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The Penal Code permits the death penalty as a provisional and exceptional measure, to be applied only in the case of the most serious crimes, such as crimes against the State (treason, high treason, espionage, sabotage), qualified premeditated murder, robbery associated with murder or attempted murder, crimes linked to military operations, and crimes against peace and humanity. In all cases, the death penalty constitutes an alternative to imprisonment. It is applied only when the crime is exceptionally grave and a lighter penalty would not serve the purposes of crime prevention (art. 38, para. 1).

The death penalty cannot be imposed on an individual who at the time of the crime has not reached 20 years of age or, in the case of members of the armed forces or in time of war, 18 years. It cannot be carried out on a pregnant woman; it must be commuted to 20 years' imprisonment (art. 38, para. 2). It is not carried out until the Council of State has announced its decision on whether the penalty is to be commuted (art. 38, para. 3). The Council of State may, through its right of clemency, waive or commute the death penalty (art. 74).

#### PROHIBITION OF INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT

##### (Article 7 of the Covenant)

Besides penalties for those guilty of inflicting serious or moderate bodily injury, the Penal Code (arts. 128 and 129) provides for penalties in cases of minor injuries which endanger the victim's health (art. 130, para. 1) or which cause pain or suffering without endangering the victim's health (art. 130, para. 2). More serious penalties are imposed when bodily injury is inflicted in a particularly painful manner (art. 131, para. 5).

The inviolability of the human person is proclaimed in article 48 of the Constitution and finds expression in the prohibition of the use of coercion against citizens participating in criminal proceedings (art. 15, para. 1 of the Code of Criminal Procedure), except in the cases provided for in the Penal Code and in accordance with the procedure laid down therein. The Penal Code does not authorize the use of coercion to compel an accused person to participate actively in his trial. A public official who, in the exercise of his duties, employs coercion, whether personally or through the intermediary of a third person, for the purpose of extracting testimony or evidence from an accused person, a witness or an expert, can be punished by imprisonment for a period of up to 10 years or deprivation of the right to exercise his occupation in State service or in society at large (art. 287 of the Penal Code). The Penal Code also provides that punishment shall not be aimed at causing physical suffering or degrading human dignity.

The Penal Code contains specific provisions (arts. 410-417) relating to the penalties for forms of inhuman treatment, including biological experiments which are classified with war crimes, genocide and apartheid.

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## PROHIBITION OF SLAVERY, SERVITUDE AND FORCED LABOUR

(Article 8 of the Covenant)

There are no specific provisions in Bulgarian law expressly prohibiting slavery, servitude and forced labour. These practices are so alien to Bulgaria's social system and its philosophy of the human person and human dignity that it has seemed unnecessary to its lawmakers to include express prohibitions in the Constitution or in national legislation. The prohibition of those practices is derived from the general principles governing the status of the individual and the citizen which stipulate that the State "guarantees the free development of the human being, safeguards his rights and protects his dignity" (art. 3, para. 1 of the Constitution), and that "the freedom and inviolability of the human person are guaranteed" (art. 48).

## THE RIGHT TO LIBERTY AND SECURITY OF PERSON

(Article 9 of the Covenant)

Liberty and security of person are guaranteed by the Constitution (art. 48, para. 1). The Constitution stipulates that no one may be detained for more than 24 hours without the authorization of a court or the Procurator (art. 48, para. 2). Coercion may not be used against persons participating in criminal proceedings except in the cases mentioned in the Code of Criminal Procedure and in accordance with the procedures laid down therein (art. 15). The courts and the authorities responsible for preliminary investigations must release any person unlawfully deprived of his liberty.

The Code of Criminal Procedure (art. 146) provides for the following measures: release of the accused on his own recognizance, release on bail, house arrest and detention pending trial of persons accused of violations of ordinary law. Such measures are ordered when it is necessary to prevent the accused person from evading justice and committing further crimes, or obstructing the revelation of the truth or the execution of a final judgement. In selecting from among these measures, account is also taken of the public danger posed by the crime, as well as other circumstances. The Code of Criminal Procedure (art. 202 and art. 204) lays down the conditions for detention pending trial, which the examining judge may order as an exceptional measure in cases of ordinary law offences. The judge must inform the Procurator of such action within a period of 24 hours. The latter is required to uphold or invalidate the order for detention. In the interest of the preliminary investigation, he may extend the detention by a period of up to two weeks. If, at the end of this period, an indictment against the accused has not been presented, the examining judge must release him.

In accordance with article 147 and article 206 of the Code of Criminal Procedure, a detained or accused person is entitled to know the grounds for any measure taken against him. He is entitled to challenge the decision of a court or other organ of preventive procedure. If detention is ordered during the

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preventive procedure, the court of first instance must automatically meet in chambers to determine whether the safety measure should be modified or rescinded (art. 245, para. 7). Any false or unlawful arrest entails the criminal or administrative responsibility of those who ordered it (art. 242 of the Penal Code) and may, in accordance with article 56 of the Constitution, result in a decision to compensate the victim.

#### HUMANE TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY

(Article 10 of the Covenant)

The right of all persons deprived of their liberty to be treated with humanity and with respect for their dignity is guaranteed by national law.

In accordance with the Regulations concerning the Status of Accused Persons and Untried Prisoners in Places of Detention (art. 8 and arts. 10-17) issued by the Ministry of Justice in 1971, accused persons and untried prisoners deprived of liberty are segregated from convicted persons and are subject to separate treatment in keeping with their status as unconvicted persons. Special rules are applicable to juveniles (arts. 21-26). Under the Act on the Enforcement of Penalties (art. 42 "a"), conditions in places of detention include separate facilities and the segregation of prisoners according to sex, age, the nature of their crime, previous criminal record and the degree of danger they pose to society. The fundamental principle of the policy relating to penalties is expressed in the provisions of article 36 of the Penal Code, which stipulates that penalties, including deprivation of liberty, must not be aimed at causing physical suffering or degrading human dignity. The purpose of deprivation of liberty is to re-educate convicted persons in respect for the law. Special provisions are laid down (arts. 111-127 of the Act on the Enforcement of Penalties) governing the application of the penalty of deprivation of liberty in respect of juvenile offenders. These provisions take into account the need to educate young offenders and prepare them for work useful to society.

#### DEPRIVATION OF LIBERTY FOR INABILITY TO FULFIL A CONTRACTUAL OBLIGATION

(Article 11 of the Covenant)

Bulgarian legislation does not permit detention for the non-fulfilment of a contractual obligation.

#### RIGHT TO LIBERTY OF MOVEMENT AND FREEDOM TO CHOOSE ONE'S RESIDENCE

(Article 12 of the Covenant)

The right to liberty of movement within Bulgarian territory is guaranteed to both nationals and aliens who have entered the country lawfully. A special

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authorization is required for border areas. With a view to guaranteeing security and public order (ordre public) the Ministry of the Interior may restrict the right of aliens to reside in certain areas or population centres in the country (art. 15, para. 5 of the Act on Individuals and the Family (art. 7) and the Ordinance on Civil Status (art. 21, para. 1) of the Council of Ministers). The individual's right to choose his residence is exercised by making an application in writing to be entered in the population register of the place in which the individual concerned wishes to establish his domicile or principal residence. Aliens and stateless persons are entered in a separate register, provided they can prove they have obtained authorization to reside permanently in Bulgaria.

The principal questions relating to the issue of documents necessary to cross the borders of the country are dealt with in the Act on Passports for Travel Abroad and the regulations governing its application. In articles 7 and 8, that Act establishes the cases in which passports for travel abroad may be refused or impounded (for example, in the case of individuals convicted of violations of ordinary law or of persons whose travel jeopardizes State security). The restrictions laid down are in conformity with the provisions of article 11, paragraph 3, of the International Covenant on Civil and Political Rights. The Administration's policy in this matter is to simplify the formalities required for obtaining a passport for travel abroad. The economic development of the country makes it possible to devote increasing sums of foreign currency each year to travel abroad for greater numbers of persons. In 1976 more than 700,000 Bulgarians travelled abroad.

#### EXPULSION OF ALIENS

(Article 13 of the Covenant)

In accordance with the Act on the Sojourn of Aliens in the People's Republic of Bulgaria, expulsion is permitted only in the case of aliens whose presence in Bulgarian territory is considered unlawful. The grounds for expulsion are set out in article 31 and article 37 of the Act on the Sojourn of Aliens (for example, in cases in which the alien's activities have jeopardized the security or interests of the Bulgarian State, or when the alien has committed an offence relating to customs, administrative or currency matters punishable under Bulgarian law. An alien may, in accordance with article 23 of the Act on the Sojourn of Aliens, appeal an expulsion order to the Minister of the Interior, who must take a decision on the appeal within seven days.

In accordance with the Decree on the Right of Asylum (art. 5, para. 1), an alien enjoying the right of asylum in Bulgaria may not be expelled if expulsion would result in prosecution for the reasons stated in article 2 of that Decree and those reasons constituted the basis for granting the right of asylum.

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RIGHT TO EQUITABLE JUDICIAL TREATMENT

(Article 14 of the Covenant)

In the People's Republic of Bulgaria justice is administered on the basis of the democratic principles set out in the Constitution, the Judicial Organization Act, the Code of Civil Procedure and the Code of Criminal Procedure.

The national judicial system established by the Constitution (art. 130) consists of the Supreme Court, departmental courts, district courts (cours d'arrondissements) and military tribunals. There are no special jurisdictions. Judges and jurors are elected. They are independent and act only according to the dictates of the law (art. 128 and art. 129 of the Constitution and art. 3 of the Judicial Organization Act). One of the fundamental duties of judicial bodies is to protect the life, liberty, honour, rights and legitimate interests of citizens (art. 125 of the Constitution and art. 2 of the Judicial Organization Act). The courts apply the law strictly in accordance with the principle of the equality of all citizens and juridical persons before the law (art. 130 of the Constitution and art. 5 of the Judicial Organization Act). All citizens involved in criminal proceedings are equal before the law. There are no privileges or restrictions based on nationality, origin, religion, sex, race, education or economic situation (art. 10 of the Code of Criminal Procedure). The Supreme Court reviews the activities of all courts and guarantees the strict and equal enforcement of the law (art. 132 of the Constitution).

The proceedings of the court are as a general rule public (art. 137 of the Constitution, art. 13 of the Code of Criminal Procedure and art. 105 of the Code of Civil Procedure). Exceptions to this rule are permitted only when proceedings in camera are necessary to protect a State secret, for reasons of morals or to prevent the dissemination of information concerning the private lives of the parties (art. 262 of the Code of Criminal Procedure and art. 105 of the Code of Civil Procedure). Criminal proceedings involving juveniles are as a rule held in camera (art. 383 of the Code of Criminal Procedure). Judgements and orders of the court in civil proceedings are pronounced in public sessions (art. 262, para. 3, of the Code of Criminal Procedure and art. 180 of the Code of Civil Procedure).

The presumption of innocence is a basic principle of the Code of Criminal Procedure (art. 14, para. 2), which stipulates that the accused is considered innocent until a final judgement to the contrary is rendered in criminal proceedings. The accused is not required to prove his innocence. No unfavourable inference may be made if the accused fails or refuses to provide explanations in his own defence or does not substantiate his objections (art. 83). Judgements may not be based on supposition. The court considers guilt to be established when the charge has been proved beyond dispute (art. 301).

The Code of Criminal Procedure guarantees the right of the accused to be informed of the nature and cause of the charge against him (art. 51, para. 1).

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The examining judge must reveal the charge as soon as it is drawn up (art. 109, para. 1) and the bill of indictment must mention the offence with which the individual is charged and the evidence on which the charge is based (art. 207). After arraignment, the examining judge must allow the accused and his counsel to study the full text of the indictment and must provide them with such further explanations as are necessary (art. 109, para. 5). The brief for the prosecution must be transmitted for study to the accused person and his counsel (arts. 213-215), who may make pleas, formulate observations and raise objections (art. 216). Transcripts of the preliminary investigation proceedings are transmitted by the examining judge to individuals who took part in them, and the latter are entitled to request corrections, amendments or additions thereto (art. 233). A copy of the bill of indictment and the arraignment order must be given to the accused (art. 253). The Code of Criminal Procedure specifies the time-limits for the completion of the preliminary investigation (art. 222) and, where necessary, the supplementary investigation (art. 246).

The right of the accused to be assisted by legal counsel is established in the Constitution (art. 138) and the Code of Criminal Procedure (art. 14). Accused persons are guaranteed every procedural device necessary to defend their rights and legitimate interests (art. 14 of the Code of Criminal Procedure). The accused is entitled to be defended by a lawyer of his own choosing (art. 151, art. 69). In many criminal cases, defence by legal counsel is mandatory (art. 70). The accused may also be assisted by counsel during pre-trial proceedings (art. 73). Lawyers who are assigned to cases do not receive fees from the accused persons whom they defend.

The accused person has the right to participate in the criminal proceedings, to make pleas, to formulate observations, to raise objections, to appeal the decisions of the court and the organs of preliminary proceedings which adversely affect his rights and legitimate interests (art. 51 of the Code of Criminal Procedure). The accused states his case orally directly before the body concerned (art. 87).

If the accused person does not have a knowledge of Bulgarian, he is provided with the services of an interpreter (art. 90 of the Code of Criminal Procedure).

The use of threats or coercion to extract confessions from accused persons is not permitted. The indictment and the judgement may not be based solely on the confession of the accused. A confession does not dispense the bodies concerned from the obligation to gather other evidence in the case (art. 91).

The Code of Criminal Procedure (chap. XX) lays down special rules for juvenile offenders.

The judicial system includes two bodies which review legal proceedings. The accused person has the right to submit an appeal against the judgement concerning his case to the higher body (art. 316 of the Code of Criminal Procedure).

The possibility of paying compensation to a person who has been the victim of a judicial error is based on article 56 of the Constitution.

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The principle that no one may be tried twice for the same offence (non bis in idem) is implicit in article 372 of the Code of Criminal Procedure, which provides, among other things, that a definitive judgement, decision or court order is mandatory for all public offices, enterprises and organizations and for public officials and citizens.

NULLUM CRIMEN NULLA POENA SINE LEGE

(Article 15 of the Covenant)

By virtue of article 136 of the Constitution, offences and penalties are established only by law. No law providing that a given act is punishable by a certain penalty or which increases penal responsibility may be retroactive. These constitutional principles are given concrete expression in article 2 of the Penal Code, which provides that the law applicable to each offence is that in force at the time when the offence was committed. If different laws are adopted consecutively prior to the enforcement of the judgement, the law applied is the one most favourable to the offender.

RIGHT TO RECOGNITION AS A PERSON BEFORE THE LAW

(Article 16 of the Covenant)

According to article 1 of the Act on Individuals and the Family, every person acquires at birth the capacity to possess rights and duties and hence, legal personality. Civil legislation is based on the principle that all individuals possess equal legal capacity. The State guarantees this equality by creating conditions and opportunities for the exercise of rights and the performance of duties (art. 35 of the Constitution).

PROTECTION AGAINST ARBITRARY INTERFERENCE WITH PRIVATE AND  
FAMILY LIFE

(Article 17 of the Covenant)

A series of constitutional and legislative texts protects citizens against arbitrary or unlawful interference with their privacy, family, home or correspondence and unlawful attacks on their honour and reputation.

Article 49 of the Constitution proclaims the inviolability of the home. No one may enter or search a dwelling or premises without the consent of the occupant, except in the cases and circumstances defined by law. Premises may be searched and articles and documents which may have a bearing on a specific case may be seized by a decision of the Court or the Procurator. In urgent cases, the bodies conducting the preliminary investigation may carry out searches and seizures without the permission of the Procurator. In such cases, they must inform the latter within 24 hours.

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Article 51 of the Constitution provides that the secrecy of correspondence, telephone conversations and telecommunications shall be inviolable. Specific measures aimed at guaranteeing this right are included in article 4 of the 1975 Communications Act.

The Penal Code (arts. 170 and 171) provides for appropriate penalties in cases of infringement of the inviolability of the home and the secrecy of correspondence, telephone conversations and telecommunications. Likewise, the Penal Code establishes penalties for anyone who unlawfully reveals the secret of another person constituting a threat to someone's reputation (art. 145) and for those guilty of libel and slander (arts. 146-148).

According to the Constitution (art. 50) every citizen is entitled to protection against unlawful interference with his private or family life and attacks on his honour and reputation. The Code of Civil Procedure and the Code of Criminal Procedure guarantee all procedural means necessary to protect the rights and interests of citizens in this field.

#### FREEDOM OF CONSCIENCE AND RELIGION

(Article 18 of the Covenant)

Freedom of conscience and religion is guaranteed to all by article 53 of the Constitution. This article defines the general principles on which the relationship between State and church are based: separation of State and church, prohibition of abuse of the church and religion for political purposes and the establishment of political organizations with a religious basis, and equality of all citizens before the law of the country independent of their religious convictions. According to article 4 of the Public Worship Act, no one may be prosecuted, have his civil and political rights curtailed or be exempted from the duties incumbent upon him under national law because he professes a certain religion or has no religion. The Public Worship Act guarantees that religious denominations will have freedom to build churches and places of worship, undertake the religious education of believers, open secondary schools and establishments of higher education for the training of ministers of religion and to send young people abroad for similar training, to publish a newspaper, a periodical, books and calendars, to establish associations and organizations for religious and ethical purposes, to maintain contacts with religious bodies, institutes and organisms abroad, to accept material assistance and donations from abroad and so on.

The Penal Code (art. 165) provides for the punishment of anyone who by the threat or use of force prevents believers and ministers of recognized religions from openly manifesting their religion and performing religious rites and services. Propaganda based on religious hatred is likewise subject to penalties (art. 164).

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## FREEDOM OF SPEECH, OF THE PRESS AND OF ASSEMBLY

(Article 19 and article 21 of the Covenant)

Freedom of speech, freedom of the press and freedom of assembly are guaranteed by article 54 of the Constitution. The Constitution ensures citizens of the material conditions guaranteeing those freedoms.

## PROHIBITION OF PROPAGANDA FOR WAR AND ANY ADVOCACY OF NATIONAL, RACIAL OR RELIGIOUS HATRED

(Article 20 of the Covenant)

In article 63 the Constitution stipulates that incitement to war and war propaganda are serious crimes against peace and humanity and as such are prohibited and punished by law. The Penal Code (arts. 407 and 408) establishes penalties for these crimes.

Under article 35, paragraph 4, of the Constitution, incitement to hatred or the humiliation of any person because of his race, nationality or religion is prohibited and punishable. Articles 162, 163 and 164 of the Penal Code establish penalties for these offences.

## RIGHT TO FREEDOM OF ASSOCIATION

(Article 22 of the Covenant)

The Constitution guarantees the right to freedom of association by providing in article 52 that citizens are free to form political, professional, cultural, artistic, scientific, religious and sports organizations and other non-profit organizations. Citizens may join together in co-operatives to pursue joint economic activities. The Constitution provides in article 10 that social organizations may co-operate with State bodies in the performance of their tasks and also perform public functions transferred to them with their consent. Professional unions play a very important role in this regard. The formation and activities of associations are regulated in the most general way by the Act on Individuals and the Family (arts. 134-138).

## PROTECTION OF MARRIAGE AND THE FAMILY

(Article 23 of the Covenant)

Marriage and the family are placed under the protection of the State (art. 38, para. 1, of the Constitution).

Article 1 of the Family Code regulates family relationships with a view to promoting the welfare and strengthening of the family as the basic unit of

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socialist society. The regulation of family relationships is in conformity with the principles of free consent to marriage, complete equality of the rights of men and women and the protection of children. Marriage is entered into on the basis of the mutual agreement of the future spouses expressed personally and simultaneously before the registry official (art. 3 of the Family Code). The required age for marriage is 18. The spouses have the same rights and duties as regards marriage and the family (art. 38 of the Constitution and art. 11 of the Family Code).

#### PROTECTION OF CHILDREN AND YOUNG PEOPLE

##### (Article 24 of the Covenant)

The Constitution (art. 38, para. 3) and the Family Code (art. 59) provide that parents have the right and duty to bring up their children and prepare them for an activity useful to society. Children born out of wedlock have the same rights as those born in wedlock (art. 39, para. 4 of the Constitution). Young people enjoy special protection. It is the duty of the family, schools, State organs and social organizations to ensure their education and their intellectual, moral, aesthetic, cultural and physical development (art. 39 of the Constitution).

Every child must be registered within 15 days of the date of its birth (art. 34 of the Ordinance on Civil Status). Each child has a family name, and his first name is chosen by his parents by mutual agreement (arts. 7 and 8). The Bulgarian Nationality Act (arts. 6 and 7) sets forth the conditions in which the child acquires Bulgarian nationality by filiation and by place of birth.

#### RIGHT TO TAKE PART IN THE CONDUCT OF PUBLIC AFFAIRS

##### (Article 25 of the Covenant)

Under the Constitution (art. 2, para. 2) the people exercise power through freely elected representative bodies - the National Assembly and the People's Councils - and directly.

The representative bodies are elected by secret ballot on the basis of free and equal universal suffrage. All citizens of the People's Republic of Bulgaria who have reached 18 years of age may elect and be elected, without distinction as to sex, race, national origin, religion, education, profession, or social or material status, with the exception of persons who have been deprived of all their civil rights (art. 6 of the Constitution). The Electoral Act sets forth in detail the procedure to be followed for the election of representative organs.

The Constitution also defines the forms of direct participation by citizens in the conduct of public affairs, such as referendums, in the case of decisions relating to questions of national importance (art. 78, para. 3) or local importance (art. 117), popular discussion of draft legislation (art. 93, para. 5) and plebiscites (art. 117). The constitutional principle of equal rights and prohibition of discrimination also applies to the rights of citizens to have access to public duties.

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RIGHTS OF PERSONS BELONGING TO ETHNIC, RELIGIOUS, OR  
LINGUISTIC MINORITIES

(Article 27 of the Covenant)

Bulgaria is inhabited not only by the Bulgars, who constitute the main part of the population and the only Slavic national group, but also by Turks, gipsies, Jews and Armenians. All enjoy the same rights, namely all the rights of citizens of the People's Republic of Bulgaria, in accordance with the principles of equal rights and non-discrimination proclaimed by the Constitution and given effect through legislation (see the commentary on arts. 2 and 24 of the Covenant). Persons belonging to ethnic minority groups are entitled to enjoy all the rights provided for particularly in article 27 of the International Covenant on Civil and Political Rights.

All Bulgarian nationals, whether of Bulgarian or non-Bulgarian origin, possess the right to develop their culture and respect their national traditions. The efforts made during the years in which power has been held by the people aimed at overcoming the cultural backwardness of certain population groups of non-Bulgarian origin have made it possible to raise the cultural level of these ethnic groups. Numerous newspapers and periodicals are published for Bulgarian citizens of Turkish, Armenian and Jewish origin. The national broadcasting network broadcasts daily programmes in Turkish, and books by Turkish authors in that language are published each year. Troupes performing the folk music and folk dances of the various ethnic groups are very active.

The provisions of the Constitution and Bulgarian legislation referring to freedom of conscience and religion (see the commentary on art. 18 of the Covenant) ensure that all persons belonging to ethnic groups have an opportunity to manifest their own religion.

The Constitution gives Bulgarian citizens of non-Bulgarian origin the right to study their own language simultaneously with Bulgarian (art. 45, para. 7). This right is guaranteed by the State, which makes available to the persons concerned the means and material conditions necessary for the teaching of the language in schools.

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ANNEX

Legislation mentioned in the report

1. Constitution of the People's Republic of Bulgaria (Official Gazette, 1971, No. 39).
2. Family Code (Official Gazette, 1968, No. 23).
3. Penal Code (Official Gazette, 1968, No. 29).
4. Code of Civil Procedure (Official Gazette, 1952, No. 12).
5. Code of Criminal Procedure (Official Gazette, 1974, No. 89).
6. Labour Code (Official Gazette, 1951, No. 91).
7. Act on Obligations and Contracts (Official Gazette, 1950, No. 275).
8. Act on Individuals and the Family (Official Gazette, 1949, No. 182).
9. Act on Administrative Procedure (Official Gazette, 1969, No. 92).
10. Act on the Sojourn of Aliens in the People's Republic of Bulgaria (Official Gazette, 1972, No. 93).
11. Act on the Enforcement of Penalties (Official Gazette, 1969, No. 30).
12. Act on Passports for Travel Abroad (Official Gazette, 1969, No. 92).
13. Judicial Organization Act (Official Gazette, 1973, No. 88).
14. Communications Act (Official Gazette, 1975, No. 27).
15. Public Worship Act (Official Gazette, 1949, No. 48).
16. Bulgarian Nationality Act (Official Gazette, 1968, No. 79).
17. Electoral Act (Official Gazette, 1973, No. 54).
18. Decree on the Right of Asylum (Official Gazette, 1975, No. 21).
19. Regulations concerning the application of the Passports Act (Official Gazette, 1969, No. 92).
20. Ordinance on Civil Status (Official Gazette, 1975).

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