

BULGARIA

CERD 26th (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

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30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee “incomplete” or “unsatisfactory”, in the sense that significant categories of information were either totally lacking or insufficiently provided in them: . . . Bulgaria . . . At its 58th meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

CERD 28th No. 18 (A/9018) (1973)

145. The initial report of Bulgaria, submitted on 21 January 1970, was considered by the Committee at its third session. It was considered unsatisfactory, and additional information was requested. Such information was not received by the Committee. The second periodic report, dated 12 February 1972, was considered at the seventh session (132nd and 133rd meetings).

146. It was observed that the report under consideration represented an improvement over the previous report. Special interest was expressed in the fact that the report demonstrated the influence of the Convention on the development of domestic legislation in a State party: a new Constitution had been adopted by referendum in 1971, in the drafting of which all the major international United Nations instruments on human rights, including the Convention, had been taken into account. Particular note was taken of the fact that article 65 of the Constitution embodied the principle of protection for the opponents of racial discrimination, extending to them the right to political asylum. Some members also took note of the assertion that the Bulgarian judicial authorities had never had to deal with a single instance of a violation of the constitutional or legislative provisions relating to racial discrimination.

147. On the other hand, it was noted that the report did not contain detailed information on the measures taken to put into effect the provisions of all the articles of the Convention; that it did not follow the guidelines laid down by the Committee; that it did not provide information on administrative and other measures; that it was too general; and that it did not furnish the texts of some of the provisions cited in it.

148. It was pointed out that - since people of non-Bulgarian national and ethnic origin (such as Greeks, Turks and Macedonians) lived in Bulgaria, and since nevertheless no specific mention of such groups was made in the report, nor was any information provided about the extent to which the provisions of the Convention were implemented with respect to them - it was difficult to make an objective appraisal of the statement that there were no forms or manifestations of racial discrimination in Bulgaria, or to determine whether the Convention was actually being implemented with respect to everyone in that country. General reference to certain legal provisions were not sufficient.

149. Since the report under consideration had been submitted before the adoption by the Committee of general recommendation III, the representative of Bulgaria was asked to inform the Committee of the status of his country's relations with the racist régimes in southern Africa. Some members inquired whether any measures, along the lines envisaged in article 7 of the Convention, had been adopted. In connection with article 6 of the Convention, and the right to obtain redress from the courts, which was proclaimed in the Constitution, it was asked whether individuals could initiate public proceedings and, if so, from what courts they could seek protection when they were subject to racial discrimination. Clarification was sought regarding the precise definition of the term "citizen", as used in the legislation and the report, and meaning of the words, "persons placed under total legal disability", which appeared in article 6, paragraph 3, of the Constitution. A desire was expressed for receiving more ample demographic and social information on the country's population.

150. The representative of Bulgaria noted that his Government had already asserted, in reply to an inquiry by the Secretary-General, that there were no relations between Bulgaria and the racist régimes in southern Africa. He assured the Committee that his country would be pleased to provide, in an annex to the report, information relating to article 7 of the Convention, since his country could be proud of its achievements in that area. While stating that the next reports would attempt to give information on the demographic composition of the population, he said that it was not accurate to describe Bulgaria as a multiracial country. He assured the Committee that he would convey to his Government all the comments as well as all the requests for additional information made during the discussion.

151. The Committee decided to consider the report satisfactory, while noting that it would be pleased to receive an annex supplying the additional information requested.

CERD 29th No. 18 (A/9618) (1974)

240. The Committee considered the third periodic report of Bulgaria together with the information submitted by the Government of the reporting State in response to decision 3 (VII) of the Committee. It welcomed the statements that, since the submission of its second periodic report, the Government of Bulgaria had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Committee also welcomed the statement that the reporting State had enacted new legislation (a law governing the sojourn of foreign subjects, a law governing elections, and a law on public health) which included provisions proclaiming and ensuring the equality of citizens in the various fields covered by those laws. It took note also of the statement that no case of violation of the laws prohibiting racial discrimination had arisen and no complaint alleging racial discrimination had ever been brought before the courts. On the other hand, it was noted that the information before the Committee related only to legislative measures, and that no information has been provided on administrative or other measures giving effect to the provisions of the Convention. It was noted further that, apart from the information submitted in response to decision 3 (VII) and relating to article 4, paragraphs (a) and (b), of the Convention, the texts of the legislative provisions mentioned in the report had not been supplied. Moreover, it was observed that, while information had been submitted concerning the implementation of some of the provisions of articles 4 and 5 of the Convention, no information had been furnished relating to the implementation of the provisions of articles 6 and 7. The Committee noted with regret that information on the ethnic composition of the population, as envisaged in general recommendation IV, had not been provided. It was observed that large national minorities such as Turks and Macedonians lived in Bulgaria and that it would be important to have information on their situation with respect to the provisions of the Convention. Furthermore, as had been indicated by the representative of the reporting State during the consideration of his Government's second periodic report at the seventh session of the Committee, there were no relations between Bulgaria and the racist régimes in southern Africa, and the Government of Bulgaria had already confirmed that fact in a reply it had submitted to an inquiry made by the Secretary-General (A/9018, para. 150); nevertheless, it was regretted that that fact had not been formally presented to the Committee in the third periodic report (which was the first report submitted by the Government of Bulgaria since the adoption of the Committee's general recommendation III). Finally, the Committee noted with regret that some of the questions raised and comments made during the consideration of the second periodic report of Bulgaria at the seventh session (A/9018, paras. 147-149) had not elicited the required information.

CERD A/31/18 + Corr.1 (1976)

172. The Committee noted with appreciation that the fourth periodic report of Bulgaria provided information on relevant legislative enactments adopted during the biennium covered by the report; presented in a separate section comments on the observations and inquiries made by members of the Committee during the consideration of previous reports; and supplied in an annex texts of relevant legislative provisions. It also took note of the introductory statement of the representative of the Government of Bulgaria, which brought up to date the information contained in the first section of the report.

173. Members of the Committee noted the three relevant legislative developments which had occurred during the biennium covered by the report, namely, the addition of two new articles to the Penal Code, in order to bring Bulgarian legislation into line with the International Convention on the Suppression and Punishment of the Crime of Apartheid; article 10 of the new Code of Criminal Procedures, guaranteeing to every person the right to equality before the law; and Decree No. 520 of the State Council, of 1975, relating to the right of asylum - which would be granted to aliens persecuted, inter alia, for "fighting against racial discrimination".

174. The second section of the report under consideration, which contained comments on the observations and inquiries made by members of the Committee at previous sessions, was welcomed by members of the Committee. However, it was observed that the comments relating to the implementation of article 6 of the Convention did not show that all the requirements of that article had been met; and further information was considered by some members to be necessary in relation to the implementation of article 7 of the Convention. The comments on the ethnic composition of the population raised several questions. The report spoke of Bulgarian citizens of non-Bulgarian origin who had different ethnic characteristics, and appeared to imply that Bulgarian citizens of Bulgarian origin had different cultures, traditions and customs; and it was asked: Did the subgroups of the latter group constitute ethnic subgroups? And what criteria had been adopted by the authorities, during census-taking, to determine the ethnic identity of the various inhabitants? Some members expressed regret that the report did not contain the demographic information envisaged in general recommendation IV. (It will be recalled, however, that in his opening statement the representative of the Government of Bulgaria informed the Committee that the 1975 census data, which had been published towards the end of March 1976, had not been available when the report was prepared in January and February of 1976 and would appear in the Demographic Yearbook of the United Nations.)

175. One member of the Committee asked how the Committee should interpret the statement, contained in the report under consideration, that all "all citizens ... enjoy the right to develop their own culture, based on their own traditions and customs", if the main objective of the policy of the State and the Party - as reflected in the explanation of the Decree on Civil Status, adopted on 30 August 1975 - was the creation of the unity of the Bulgarian nation on the basis of citizenship, which implied the gradual disappearance of the Turkish, Macedonian, Romanian, Jewish and Gypsy national minorities and their assimilation into the Bulgarian nation. Regarding the position and rights of the Macedonian national minority in Bulgaria, he stated that, if it were claimed that no such minority existed, it should be explained, firstly, where the 200,000 Macedonians registered by the

official census of 1956 had disappeared and secondly, why the measures providing for the linguistic and cultural development of that minority had been abolished. He also expressed his hope that the talks between the Governments of Yugoslavia and Bulgaria on that subject, which were to be held soon, would be fruitful. Another member of the Committee, on the other hand, said that historical evidence showed that, in the past, the region of Macedonia had never been connected with any "Macedonian" nationality and that the Slavic population of that region had always been recognized as Bulgarian and had always considered itself Bulgarian. He added that, under very different circumstances - immediately after the Second World War - and with a view to the eventual merger of Bulgaria and Yugoslavia, certain administrative and judicial measures had been adopted. He pointed out, however, that that idea had been soon abandoned and that the population had become completely free again to express its national feelings; therefore, that open expression of national consciousness had been constantly reaffirmed; and, nowadays, all of those people declared themselves to be Bulgarians. He also pointed out that the persistent attempts to question that reality were harmful to the friendly relations between peoples of the two countries. Such attempts, he added, did not contribute to the fruitful work of the Committee.

176. There was wide divergence of views among some members of the Committee regarding their interpretation of the aims and objectives of the Convention with respect to minorities.

177. The representative of the Government of Bulgaria replied to some of the questions raised during the consideration of that Government's report and assured the Committee that all questions which could not be answered at the current meeting would be duly referred to his Government. Regarding the request for additional information on the implementation of the provisions of article 6 of the Convention, he said that article 55 of the Constitution stipulated the right of the Bulgarian citizens to present complaints and petitions and that, in accordance with the Code of Civil Procedure, the courts of justice were obliged to consider and settle any complaint addressed to them for the protection and promotion of personal and property rights. Regarding the criteria and methodology used in the 1975 census, he said that - inasmuch as the objective had been to give the fullest possible picture of the social and economic development of the people, together with the relevant demographic characteristics, such as employment, migration, education, occupation, mortality and birth-rate - ethnic criteria had not been applied in the 1975 census and the information obtained during that census contained no data regarding the ethnic characteristics of the population. Affirming that Bulgarian citizens of Bulgarian origin were "homogeneous from the standpoints of cultural heritage, language and historical background", and declaring that there was no Macedonian national minority in Bulgaria, he supplied information on the rights enjoyed by the ethnic groups of non-Bulgarian origin, and added that information on that question had recently been supplied to the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

CERD A/34/18 (1979)

93. The fifth periodic report of Bulgaria (CERD/C/20/Add.19) was considered by the Committee together with the information contained in the introductory statement of the representative of Bulgaria. The representative of Bulgaria stated that the report reflected the progress achieved in the implementation of the Convention, particularly with regard to the further improvement of recourse procedures, legal guarantees against the abuse of authority and other remedies. He emphasized that in the case of a country like Bulgaria, with a stable social order and an elaborate legal system, it was not possible to report every two years on new legislative and administrative measures.

94. The Committee welcomed the fact that equality of rights was proclaimed and guaranteed for all citizens of Bulgaria in that country's Constitution and expressed great satisfaction with the high quality of the report.

95. The question of ethnic minorities drew the particular attention of the Committee. It was recalled that on several occasions the Committee had asked for information on the ethnic composition of the Bulgarian population. It was noted with regret that no statistical information on ethnicity had been found in the fifth periodic report under discussion. A member drew special attention to the fate of the Macedonian national minority "which had fallen in number with each successive census only to disappear altogether in 1975". Another member wondered whether the integration of the Macedonian population group into the Bulgarian population had been effected with the agreement of that minority. There was no mention in the report of the existence of any Greek ethnic group in Bulgaria and the question was asked if such a group existed. With regard to article 4 of the Convention, it was noted that the report referred to articles 162 and 163 of the Bulgarian Criminal Code as provisions implementing paragraph (c) of that article.

96. It was noted with satisfaction that articles 416, 417 and 418 of the Bulgarian Criminal Code corresponded to the provisions of articles 3 and 5 (b) of the Convention and that article 10 of the Code of Criminal Procedures, which guaranteed equality before the law for all citizens without respect to nationality, origin, religion or sex, corresponded to article 5 (c) of the Convention. Information was sought as to whether aliens resident in Bulgaria had the same right to work as citizens or whether special provisions were applied to them.

97. So far as the implementation of article 6 of the Convention was concerned, a member noted that under Bulgarian law an aggrieved person was entitled to institute proceedings as a private plaintiff for the redress of the wrong suffered. It was crucial that the State should provide the individual with such remedies and it was commendable that Bulgaria fully implemented the requirements of article 6 of the Convention in that respect.

98. As regards to the implementation of article 7 of the Convention in Bulgaria, a member asked whether in Bulgarian schools and universities respect for human rights and antagonism towards racial discrimination were taught as principles in their own right, or whether they were taught exclusively in the context of the Bulgarian Constitution and "scientific communism". Another member asked, in this connection, whether there was any provision of Bulgarian law whereby linguistic minorities could receive instruction in their own tongue.

99. Finally, some members of the Committee commended the regulations governing the granting of the right of asylum to foreigners persecuted for certain activities including fighting racial discrimination. Further information was sought regarding the circumstances in which the right of asylum might be lost or withdrawn under Decree No. 520 of the Council of State.

100. The Committee noted with satisfaction that articles 418 and 419 of the Criminal Code further reinforced the struggle against apartheid. A member asked whether Bulgaria's Criminal Code contained any penalty for offences related to apartheid committed by Bulgarians outside Bulgarian territory.

101. The representative of Bulgaria replied one by one to various questions raised by members of the Committee. Commenting on the question concerning the ethnic composition of the population of Bulgaria, he deeply regretted that the political issue of the so-called Macedonian group should have been raised again. While stressing that Bulgaria fully recognized the right of individuals freely to express their national consciousness and that therefore all citizens were free to express their ethnic affinity, he stated that the Government's main purpose at present was to promote national unity. In reply to the question concerning the existence of a Greek minority in Bulgaria, he said that a distinction was drawn in his country between communities and individuals of different origins. Some Bulgarian citizens were of Greek origin but they did not constitute a community.

102. Touching upon the position of the aliens resident in Bulgaria, he said that they enjoyed the same rights as Bulgarian citizens in the matter of employment, including the right to equal pay for equal work, but they could not hold public office.

103. In connection with the opportunities open to ethnic groups in Bulgaria to learn their mother tongue, he informed the Committee that newspapers and textbooks were produced in Turkish and Armenian and that radio and television programmes were broadcast in those languages. Every effort was made to offer all facilities to children from minority groups to learn their mother tongue.

104. With regard to the question concerning the right of asylum, he said that since Decree No. 520 regulated the granting, loss or withdrawal of that right, it could be assumed that the right might be withdrawn in some circumstances. To his knowledge no case of withdrawal or loss of the right of asylum had occurred.

105. Answering a question concerning offences related to apartheid committed in one country by nationals of another country, he said it would be difficult for any Government to exercise its jurisdiction in another country. Bulgaria did, however, fully honour the commitments it had entered into in ratifying the International Convention on Suppression and Punishment of the Crime of Apartheid.

CERD A/36/18 (1981)

249. The sixth periodic report of Bulgaria (CERD/C/66/Add.28) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that the legal framework for the implementation of the Convention, in his country, consisted of four closely linked categories of provisions incorporated in the Constitution, laws and normative acts. The first category concerned the definition of the rights and freedoms protected against racial discrimination and the rules which guaranteed their implementation; the second category dealt with the penalties for violations of those rights; the third covered the methods of monitoring the maintenance of legality, which guaranteed enjoyment of those rights; and the fourth included the means available for re-establishing rights violated by racial discrimination and obtaining damages. With regard to the fourth category, it had not been considered necessary to establish in Bulgaria a special recourse procedure against acts of racial discrimination, since the ordinary procedure afforded every individual full opportunity to protect his rights. In this connection the representative drew the Committee's attention to the new Act on administrative procedure of 1979 and the Act on proposals, submissions, complaints and petitions of 1980, under which the victims of discrimination could have recourse to both the civil and criminal courts. The administrative act enabled the individual concerned to defend his interests, to have the right of recourse to the higher administrative authority and finally to have access to the courts.

250. The Committee appreciated the introductory statement of the representative of Bulgaria and the substantive nature of the report of his Government, as well as the part it was known to be playing at the international level in the struggle against racial discrimination and apartheid.

251. The Committee drew particular attention to the question of ethnic minorities in Bulgaria. Reference was made to official statistics published in 1959 and it was stated that it was regrettable that the report did not contain recent statistical data on the ethnic minorities in the country. In this connection, members of the Committee wished to know whether the statement that Bulgaria had historically been the home of other nationalities implied that those nationalities no longer existed as ethnic entities. It was therefore asked whether the official policy was to maintain the separate identity of ethnic groups or to absorb all such groups into the mainstream of Bulgarian society; what impact official policy in that respect might have on other policies relevant to the implementation of article 5 of the Convention; and how the Government could make suitable provision for individual ethnic groups if it did not acknowledge their existence. As had already been stated with regard to previous reports, information on the ethnic composition of the population was essential if the Committee was to ensure that the provisions of the Convention concerning ethnic minorities were being respected. Further information and data should also be provided on the educational institutions working in the languages of the ethnic minorities, in particular with regard to Armenian schools of which there was no reference in the report. Information was also requested concerning the Macedonian minority which, in the past, had been recognized for statistical purposes and had enjoyed the right to its own language, culture, artistic institutions and press.

252. In connection with article 5 of the Convention, it appeared from the report that the guarantees of equality of rights were conferred upon citizens and it was asked whether they were also guaranteed to non-nationals.

253. Members of the Committee focused attention on the implementation of article 6, of the Convention, and in particular on the Act on proposals, submissions, complaints and petitions of 1980 which supplemented the administrative system for dealing with violations of human rights, including violations involving acts of racial discrimination. It was noted that the Act appeared to be designed to implement article 55 of the Constitution, because it gave the right of recourse only to “the appropriate administrative or judicial organ that is empowered to determine the existence of a violation”, and it was asked whether recourse was limited to certain cases where special authorization was given, and if so whether that provision was in accordance with article 55 of the Constitution. It was also asked whether, under the new Act, complaints concerning measures taken by an administrative or state body could be dealt with only through administrative procedures or could also be referred to the courts if the administrative procedures did not give satisfactory results, and whether the procedure established by the 1980 Act did not duplicate the mandatory procedure laid down in the Act on administrative procedure with regard to the issuance of instruments, described in section VI of the report. With regard, in particular, to article 9 of the 1980 Act, it was asked how that article exactly intended to eliminate violations of the rights and interests of organizations and citizens; what rights and interests were involved; whether they were rights established by law or by administrative provisions or social rights based on political and moral values; and whether the phrase “in the manner provided by law” referred to the 1980 Act itself or to other provisions. The wish was expressed that details of specific cases illustrating the actual application of the 1980 Act could be provided to the Committee. One member inquired what was the content of the notion of socialist legality referred to in the report and whether the reference to hierarchical functions of control over the preservation of legal order implied that all citizens’ rights were protected in the same way as in Western European countries. Some members requested more information about the protection in Bulgaria of the right to asylum and asked, in particular, whether the loss of the right of asylum was followed by automatic expulsion of the person concerned and what remedies were available, who decided when circumstances justifying withdrawal of the right of asylum had occurred, and what right of appeal existed. One member noted with satisfaction, however, that no instance of loss or withdrawal of the right of asylum had occurred.

254. With reference to article 7 of the Convention, some members of the Committee requested what opportunities were available for residents who were not Bulgarian to study their mother tongue, whether it was possible for aliens temporarily resident in the country to study both their mother tongue and Bulgarian, and whether the provision by the State of the necessary material and facilities and conditions for the study of their native language by citizens of non-Bulgarian origin included the provision of teachers paid by the State. Other members requested that Bulgaria’s next periodic report provide more information on sociology and history syllabuses, relevant to the implementation of article 7 of the Convention, on the steps taken in Bulgaria to propagate the purposes and principles of the Charter of the United Nations and on the arrangements made in the country for the celebration of International Day for Elimination of Racial Discrimination.

255. Replying to questions by members of the Committee, the representative of Bulgaria referred to the question of ethnic minorities in his country and stated that since the entry into force of the Convention for Bulgaria in 1969, no questions about ethnic origin or national affiliation had been included in census questionnaires, although citizens could, if they wished, give information on the point and such information had been collected in the earlier censuses. Moreover, according to the Ordinance of 1975 on civil status, earlier data on the subject were no longer valid. Ethnic origin had

no legal implications for Bulgarian citizens and modern censuses were aimed at obtaining information for economic and social planning purposes for which the ethnic origin of citizens was irrelevant. The Government of Bulgaria recognized the existence of ethnic minorities in the country which were all made up of individuals who had "historically" lived in Bulgaria and not as a result of changes in the frontiers after the First and Second World Wars, and had remained voluntarily in Bulgaria. Some 135, 000 members of the Turkish minority had been repatriated since 1968 following the conclusion of an agreement between Bulgaria and Turkey. The Bulgarian Government had taken special measures for the benefit of the Gypsy community and had provided schools, training centres for teachers of the Gypsy language, newspapers, radio programmes, etc. The Jewish and Armenian communities also had their own cultural associations and newspapers. The information about languages other than Bulgarian spoken in the home was collected when children enrolled in school. There were also parents' councils which advised school directors on the languages which should be taught. The Armenian school referred to in a previous report had not functioned during the 1979/1980 school year, because the community for which it had been intended had not shown the expected interest. The representative also provided the Committee with detailed information on the question of the Macedonian minority and stated that the concept of Macedonia was a geographical one. Hundreds of thousands of Bulgarians originally came from that area, but they had always spoken only the Bulgarian language and had no other cultural or national sentiments.

256. With reference to article 5 of the Convention, he informed the Committee that, under the Labour Code of Bulgaria, aliens with permanent residence status in the country enjoyed social security benefits and could join trade unions.

257. As regards questions concerning article 6 of the Convention, the representative stated that there was no contradiction between the new Act on proposals, submissions, complaints and petitions of 1980 and article 55 of the Constitution; however, he pointed out that the new Act did not cover all the provisions of the Constitution. He also explained that the implementation of the Act did not lead to judgements, but to administrative decisions and that the procedure established by 1980 Act did not duplicate that of the Act on administrative procedure since that Act did not apply to submissions, complaints and petitions for which the law provided a different procedure. Furthermore the Act gave citizens the right of recourse to the competent bodies; it did not specify them because it was presumed that they were known. The Act did not provide information on how proceedings could be taken against officials, as that was given in other texts, for example, in the Act on Administrative Sanctions of 1969. The term "socialist legality" meant legality as conceived by the socialist States: the fundamental principle was to be found in the Constitution, laws and normative acts issued in accordance with the laws, and in the fundamental principles and texts which governed the work of the bodies responsible for ensuring the legality and constitutionality of the laws. With regard to the loss of the right of asylum and the available remedies, the representative explained that when that right was lost as a result of decree or order of the Council of State, the order or decree made no provision for an appeal. Such provision was, however, made in article 23 of the Act concerning the residence of aliens in Bulgaria, under which aliens could avail themselves of all the procedures open to Bulgarian nationals.

258. Turning to article 7 of the Convention, the representative informed the Committee about the opportunities for foreigners to learn the Bulgarian language and for foreigners permanently resident

in Bulgaria to study Bulgarian in schools and universities. He stated that there were also in his country teaching establishments for languages of minority groups and there was even a Chair of Turkish at the university. Some details were also provided with regard to the celebration of the International Day for the Elimination of Racial Discrimination.

259. The representative of Bulgaria finally stated that the observations which had been made by the members of the Committee on Bulgaria's sixth periodic report would be taken into account in the preparation of the next periodic report.

CERD A/42/18 (1987)

199. The eighth periodic report of Bulgaria (CERD/C/118/Add.17/Rev.1) was considered by the Committee at its 761st and 762nd meetings on 11 March 1986 (CERD/C/SR.761-CERD/C/SR.762).

200. The report was introduced by the representative of Bulgaria, who stated that, during the past five years, although there had been no changes in the general legal framework within which Bulgaria's anti-discrimination and equal rights policy was implemented, a number of laws containing anti-discrimination provisions had been enacted, including the Family Code. Moreover, a new Labour Code would be adopted shortly. He then referred to the situation of Bulgarian Muslims and the anti-Bulgarian campaign designed to present the real situation in Bulgaria in a false light and to influence the experts of the Committee. In order to understand the current situation, it was essential to take full account of historical factors, starting with events that had taken place in the late fourteenth century. He had in mind, in particular, the Ottoman policy of assimilating the Bulgarian population by means of Turkicization. He stated that Bulgaria had consistently been extremely liberal in allowing Bulgarians with a strong Turkish national identity to migrate to Turkey. The Muslims and the unbelievers with Turkicized names who had remained in Bulgaria had chosen to belong to the Bulgarian people. With a view to avoiding confusion, the Bulgarian Muslims had themselves opted to change their Turkicized names. The marked increase in the resumption of Bulgarian names that had taken place recently was linked to the periodic renewal of identity documents, which had started two years earlier. The name changes had no effect on religious convictions and sentiment of Bulgarian Muslims. They enjoyed complete freedom. Turkish claims regarding the situation of Bulgarian Muslims constituted inadmissible interference in the internal affairs of Bulgaria. With regard to the situation of Gypsy, Armenian and Jewish ethnic groups in Bulgaria, the information given in previous reports was still valid.

201. Members of the Committee noted that the report complied with the Committee's guidelines (CERD/C/70/Rev.1), contained a wealth of information on the Government's achievements in the economic and social fields and reflected the Government's continued commitment to the struggle against apartheid. It was, therefore, most regrettable that inadequate information was provided with regard to minorities. Disappointment was expressed that as much of the important information provided in the original report (CERD/C/118/Add.17) did not appear in the revised version (CERD/C/118/Add.17/Rev.1). Members also observed that the information already requested earlier by the Committee on Bulgaria's official policy for dealing with ethnic groups had unfortunately not been provided in the report under consideration.

202. Disquieting reports about the possible assimilation of Turkish or Muslim minorities in Bulgaria had caused a great deal of concern throughout the world. Members expressed serious doubts about the explanation given by the representative of Bulgaria regarding the Bulgarization of Muslim names. There was no other example in history of the voluntary changing of personal names after some three generations, during which names had been given in accordance with a cultural practice. That explanation was not scientifically plausible. Such a change of names represented the destruction of personal and cultural identity. Attachment to minority cultural values did not necessarily conflict with national sentiment. The problems of religion and names must be approached with deeper understanding. The fact was that their names were essentially Muslim in

origin, often taken from the Koran, or sometimes Christian, and even in other communist countries, Christian or other names were retained. Members wished to be reassured that reports of the closure of mosques in Bulgaria were unfounded and that no restrictions were placed on the observance of Muslim religious rites. The recent reports about human rights violations in Bulgaria had caused great damage to the international reputation of that country. It was in the Government's interest to give a fuller account of events. It was asked whether Bulgaria would allow members of the Committee or other impartial observers to visit the country in order to obtain objective information of the situation.

203. It was difficult to see how Bulgaria was fulfilling its international human rights obligations if, in its reports, it chose to disregard the very existence of national minorities and ethnic groups living on its territory. It was evident from the 1965 census information provided by the Bulgarian Government for the Demographic Yearbook of the United Nations that there had been 759,000 Turks in Bulgaria at the time of the census. Moreover, when the sixth periodic report of Bulgaria had been examined by the Committee, the representative of Bulgaria had indicated that 130,000 Turks had left the country following the 1968 bilateral agreement between Turkey and Bulgaria. That would mean that at least 629,000 Turks remained in Bulgaria. Clarifications were sought as to the reason that had prompted the Bulgarian Government to take action with the view to assimilating the Turkish Muslims. It was noted that the statistics of the 1975 census, showing that 90 per cent of the total population of Bulgaria (8,750,000) consisted of Bulgarians and therefore that some 800,000 were of non-Bulgarian origin, did not appear in the revised version of the eighth periodic report (CERD/C/118/Add.17/Rev.1) submitted by Bulgaria on 7 January 1986. The original report submitted on 15 August 1984, as well as the fifth periodic report, indicated that, though no statistics had been collected in the 1975 censuses concerning the national origins of Bulgarians, citizens could, if they so wished, declare their national affiliation. Members wished to know whether the change from Turkish-Islamic names to Bulgarian names had any effect on the right of citizens to declare their national affiliation, how such a declaration could be made and to which authority, and how information in that regard was used, particularly since national affiliation had certain effects in the areas of language, religion and other spheres of socio-cultural life. In that context, attention was drawn to the "disappearance" of not only the Turkish but also of the Macedonian minority. A statement in the fifth periodic report indicated that Bulgaria was disregarding the existence of its Macedonian national minority, which was a Slav national minority. It was hard to understand how the reporting State could establish whether or not there were any national minorities or ethnic groups without statistical information based on ethnic origin or similar indications. It was stated that Bulgaria chose to ignore the existence of real people for lack of political will. Furthermore, the reporting State should provide additional information on any measures it might be contemplating with a view to ensuring that the minorities and groups in question could exercise their rights under article 1 of the Convention. Clarification was sought regarding the term "others" used in the population statistics in the sixth periodic report of Bulgaria (CERD/C/66/Add.28), since it might cover the Macedonian minority.

204. One member, however, pointed out that Bulgaria could not be charged with failing to submit demographic data. Other States parties were also unable to do so because their censuses did not reflect national affiliation. The decline in the number of Muslims could be explained by the fact that more and more people became followers of materialism. Moreover, Bulgarians realized that they lived in a country that guaranteed all its citizens equal rights. The decline in the number of mosques

was a natural consequence of that development. While there was a Muslim minority in Bulgaria, there was no ethnic minority. The Convention did not contain any provisions for the protection of religious minorities. Some countries were raising the issue of Muslim minority in Bulgaria, under a Convention to which they themselves had not acceded, in order to further their own political objectives. Others saw the issue as an opportunity to slander a socialist country and even to interfere in its internal affairs. There were no grounds for sending observers to Bulgaria. The Government of Bulgaria had made every effort to ensure that there was full equality for all citizens. Each State party to the Convention used its own method to resolve national and ethnic problems.

205. Members of the Committee stressed the importance of being provided with demographic information on the ethnic composition of the population living in Bulgaria. That information should contain clarifications regarding the absence of references to Bulgarian citizens belonging to minorities, such as Greeks, Gypsies, Turks or Macedonians. It should include the language that each population group spoke, the level of education of each group, as well as the cultural and social development of the various ethnic groups, and the problems being encountered by the Government in fulfilling its obligations under the Convention. It would be useful to know about the growth or decline of the various ethnic groups in the total population, the number of marriages between members of different ethnic groups, the percentage of minority groups actually attending universities and whether they could publish in their own language. In particular, it was asked whether newspapers were still being published in Armenian and Yiddish and whether the Bulgarian radio service still had a Turkish translation section. In that connection, it was pointed out that there were indications that the periodicals and journals of the ethnic minorities in Bulgaria which had existed earlier were currently prohibited. Information was also requested about the status of the various religions in Bulgaria and clarifications were sought about the statement made by the authorities that Bulgaria was a homogeneous State. Clarifications were also sought regarding the statement that more than 50 per cent of the children of Gypsies in Bulgaria lived in children's homes, particularly in view of the suspicion with which Gypsies in general regarded the State and their attachment to their children. Gypsies were also one of the ethnic groups struggling hardest to preserve their ethnic identity and their own way of life.

206. In relation to Bulgaria's obligations under international law, members wished to know how international treaties were applied in its domestic law, whether the Convention had become law in Bulgaria and whether it could be directly invoked before the courts.

207. As to the implementation of article 4 of the Convention, further information was requested about the interaction between articles 162 and 163 of the Penal Code, which contained provisions governing offenders against national or racial equality, and articles 418 and 419 of the same Code prohibiting manifestations of racial segregation and apartheid. The relevant texts were also requested.

208. With reference to article 6, it was asked whether the existing measures for protection in the cases of violation of human rights, mentioned in the report, related only to regular judicial procedures or whether they provided for immediate remedies on appeal.

209. More information was requested with regard to the implementation of article 7, in particular regarding the measures that were being taken to combat prejudice in Bulgaria and to promote

tolerance.

210. It was asked whether Bulgaria might consider making the declaration under article 14 of the Convention.

211. One member proposed that a closed meeting be held to consider any suggestions or recommendations on the subject but the proposal was opposed by a number of other members.

212. The Chairman suggested that, in view of the points raised during the discussion of the eighth periodic report of Bulgaria, it might be advisable for the ninth periodic report, which had been due on 5 January 1986, to include replies to the questions raised during the current session and to be submitted as soon as possible.

213. Replying to questions raised and observations made by the members of the Committee, the representative of Bulgaria said that, while he hoped that his country's ninth periodic report would be ultimately submitted, he was doubtful that it could be submitted in the near future, since Bulgaria was about to hold its Thirteenth Congress of the Communist Party as well as national elections.

214. He would not be able to answer all the many questions raised, but wished to assure the Committee that all questions would be transmitted to the Bulgarian Government and would be given thorough consideration in the next periodic report.

215. The report contained no demographic data simply because exact figures did not exist. Like many other States parties, Bulgaria did not seek to identify citizens by ethnic affiliation in national censuses. Moreover, the principle of full equality of all citizens made the collection of such data unnecessary. Nevertheless, the Bulgarian Government would try to provide approximate figures for the various ethnic groups in the country.

216. Jews, Armenians and Gypsies constituted the three main ethnic minorities in Bulgaria. More specific information about those groups would be provided in subsequent reports. The Jewish population in Bulgaria had decreased from more than 50,000 before the Second World War to only a few thousand at present. During the period 1945-1955, most Bulgarian Jews had emigrated to Israel. Those who had chosen to remain in Bulgaria were active in all fields of national life and frequently enjoyed an enviable social position. Their relations with relatives in Israel were excellent, and each year many of them travelled between Bulgaria and Israel without any problem. Jews in Bulgaria experienced no problems of language. The Yiddish school which had existed in the country prior to the Second World War was no longer there; however, Jews did have their own cultural and educational organizations.

217. The Armenian minority had existed in Bulgaria since the tenth century, with significant waves of immigration occurring in the fifteenth century and following the Turkish massacres at the end of the nineteenth century and in 1915. The Armenians had been fully integrated into Bulgarian society, although they published their own newspaper and had their own cultural organizations. The separate schools for Armenians which had existed immediately after the Second World War had evolved into classes taught in Armenian and, ultimately, into optional classes in the Armenian language. Some 400 to 500 Armenian children were enrolled in Armenian language classes in Sofia, Plovdiv, Varna

and other cities.

218. The problem of Gypsies was not an easy one to solve. Still, Bulgaria had done much to improve the lot of the Gypsy minority since 1944. Previously nomadic, the Gypsies in Bulgaria were now provided with decent housing. They also had their own newspaper, published in the Bulgarian language. The children's homes were in fact kindergartens which provided young children - ethnic Bulgarians as well as Gypsies - with a wide range of opportunities, and it would be ridiculous to say that Gypsy children were forced to attend those institutions, when in fact their parents were eager for them to do so.

219. With regard to the Muslim population of Bulgaria, the representative reiterated that an understanding of that problem required a basic grasp of Bulgarian History. Prior to the period of Ottoman domination, there had been no Muslims or Turks in Bulgaria. Even after the country's liberation from Ottoman rule in 1878, most Muslims in Bulgaria were not Turks but Bulgarians who had converted to Islam. The last period of mass emigration from Bulgaria to Turkey had occurred between 1968 and 1978, and its purpose had been the reunification of families separated by earlier migrations. Needless to say, Muslims who remained in Bulgaria had done so voluntarily, considering themselves Bulgarian.

220. In changing all personal and place names of Turkish origin back to Bulgarian names, the Bulgarian people had given voice to its desire to sever the last remaining link with Turkish domination. The name-changing process had been facilitated by a change in the format of the identity documents held by all Bulgarian citizens.

221. Information had been requested about a non-existent minority, the Macedonians. The argument was often advanced on the basis of two censuses taken shortly after the Second World War, that Macedonians constituted an ethnic minority living Bulgaria. However, that argument failed to take into consideration the very special situation of Bulgaria during the post-war period; moreover, proponents of that argument failed to consider any prior and subsequent census data for Bulgaria. In fact, according to numerous surveys, the population of Macedonian region was considered Bulgarian. Bulgaria's efforts to achieve homogeneity were directed primarily at the social and not the ethnic sphere, since the unification of different social strata did much to foster national unity.

222. The situation with regard to the study of languages other than Bulgarian had changed greatly in recent years. Until the 1960s, Turkish had been widely studied, even though it was not a compulsory subject. At present, there were no Turkish classes or schools in the country, although an individual who desired it was entitled to instruction in that language under the Constitution.

223. In the area of religion, it should be noted that Muslim Bulgarians who had changed their Turkish names to Bulgarian names had remained faithful to Islam. Allegations that pilgrimages to Mecca had been forbidden and that mosques had been closed in Bulgaria were untrue. New mosques and churches were built only when there was a need; however, the State did much to restore and preserve all Islamic religious and cultural monuments in the country.

224. Concerning the situation of the Muslims in Bulgaria, the representative said that the confusion

between Turkish Bulgarians and Bulgarians of Turkish origin, which persisted for historical reasons, had led to the current government policy of strengthening the identity of the Bulgarian Muslims, but not to any policy of assimilating Turks.

225. As for the country's implementation of article 7, the entire Bulgarian educational system was based on an ideology that held that all prejudice must be overcome, not only in the field of education but in all areas of society.

226. Bulgaria would always be very hospitable to visiting experts from the Committee as guests, but under no circumstances would the Bulgarian Government agree to a commission of inquiry.

CERD A/46/18 (1991)

259. The ninth, tenth and eleventh periodic reports of Bulgaria, submitted in one consolidated document (CERD/C/197/Add.4), were considered by the Committee at its 918th and 919th meetings, held on 7 and 8 August 1991 (see CERD/C/SR.918 and 919).

260. The reports were introduced by the representative of the reporting State, who pointed out that Bulgaria was undergoing a process of radical changes in terms of both its international relations and its domestic policies. The events that had taken place since 10 November 1989 constituted a peaceful revolution which, despite a background of economic crisis, bitter political confrontation and ethnic tension had made the process of democratization irreversible. Free elections had thus been held the previous year, freedom of expression and association were now ensured, a new Constitution had been approved by Parliament and the transition to a market economy was under way. The changes had had a profound impact on the political, social and legal context in which Bulgaria was fulfilling its obligations under the Convention, and much of the information contained in the reports was therefore out of date.

261. Under the new Constitution, the Convention would form an integral part of domestic law and would take precedence over other laws in the event of incompatibility. Individuals would be able to invoke its provisions in proceedings before the administrative and judicial authorities in order to uphold their rights. A newly created Constitutional Court would have the function of determining the compatibility of laws with the international treaties to which Bulgaria was a party. Furthermore, the Government was currently giving consideration to making the declaration in accordance with article 14 of the Convention and to withdrawing its reservation relating to the compulsory jurisdiction of the International Court of Justice. The new Constitution reflected the entire spectrum of civil, political, economic, social and cultural rights. Article 6 thereof proclaimed the principle of equality and non-discrimination and article 44 specifically banned organizations inciting to racial, national, ethnic or religious hatred. Other constitutional provisions related to such matters as the prohibition of forced assimilation; the right of a citizen to study and use his mother tongue and to develop his culture according to his ethnic background; and to the inadmissibility of establishing political parties along ethnic, racial or religious lines.

262. Bulgarian Turks constituted the largest ethnic minority group, although the censuses taken since 1975 had disregarded ethnic, linguistic and religious affiliation and there was no reliable data on the exact size of the various minority groups. The country demographic composition would be obtained from the census scheduled for December 1991, which would be carried out in cooperation with the United Nations.

263. The repression of the Muslims and Bulgarian Turks and the attempt to force them to assimilate, particularly during the last six years of the totalitarian régime, had been strongly condemned by the State and by public opinion after the régime's collapse. In the following two years, a broad range of measures had been introduced in order to restore the rights that had been violated and to provide compensation for wrongs and injuries. In particular, the judicial procedure for the restoration of names that had been forcibly changed had been replaced by a more streamlined procedure; an Amnesty and Restitution of Confiscated Property Act had been adopted; and the Law of June 1991

had been enacted, providing for the political and civic rehabilitation of all persons subjected to repression during the period of forced changes of name. Of the 369,000 Bulgarian Muslims that had emigrated to Turkey between May and September 1989, 155,000 had returned to Bulgaria. Since the end of 1989, measures had also been taken to restore the religious freedom of all Bulgarian believers affected by various restrictions under the old régime, and the restrictions imposed on the use and study of the Turkish language had also been lifted. Although article 3 of the new Constitution provided that the official language of the country was Bulgarian, article 36 affirmed the right of all citizens whose mother tongue was not Bulgarian to use their own language.

264. The ethnic problems confronting Bulgaria were by no means easy to resolve, and the fact that they had been disregarded and concealed under the totalitarian régime had contributed to dangerous ethnic tension. At the same time, a solution to those problems had to take into account the traumatic effect on the population of five centuries of Ottoman rule and of instances of intransigence on the part of the largest minority itself. The Government was convinced that the solution was to be found in the comprehensive development of democracy and the rule of law and in respect for the rights and freedoms of all people, including those belonging to ethnic, linguistic and religious minority groups.

265. Members of the Committee commended the representative of the State party on his presentation. They welcomed the evolution towards liberalization and democratization in Bulgaria, in particular the advances made in the protection of human rights, the abandonment of the policy of forced assimilation of the Muslim minority of Turkish origin and of accompanying repression, the adoption of a new Constitution, and the decision to conduct a new census at the end of 1991 that would provide an ethnic breakdown of the population. Noting that during the consideration of the last report a discussion had taken place with the representative of Bulgaria regarding the policy of forced assimilation, members were gratified to note that the eleventh report reflected a change in the Government's earlier attitude. At the same time, members expressed regret that the reports had not taken sufficiently into account the Committee's revised general guidelines (CERD/C/70/Rev. 1) and that they had not provided sufficient information concerning the practical implementation of constitutional or legislative provisions. It was also noted that the reports still showed traces of the past terminology and used certain stereotyped expressions and sweeping statements. They suggested that the authorities' approach was insufficiently self-critical.

266. Noting the absence of a general part in the reports relating to the social, economic, political, institutional and legal framework within which the Convention was implemented in Bulgaria, members of the Committee wished to receive detailed information of the demographic composition of the population; on the situation of the Muslim Turks, Gypsies, the Armenians, the Macedonians and other ethnic groups as well as the various religious groups in Bulgaria; on the languages spoken by each group; and on the number of marriages between members of different ethnic groups. They also wished to know whether, in the context of forthcoming national census, the applicable criterion for membership of ethnic groups would be self-identification; whether there was any legislation recognizing the existence of minorities in Bulgaria; and whether the Macedonians were recognized as an ethnic minority. The ideal of national unity should not mean assimilation; it could best be achieved by protecting the cultural identity of all groups. With reference to the specific situation of Bulgarian citizens of Turkish origin, members wished to receive further information on the nature of the measures that had been taken to restore their rights, and they inquired whether persons who had been dismissed had been able to return to their employment and persons who had been

evicted had been able to return to their homes. Members also wished to know what measures had been taken to alleviate the effects of the economic crisis on the population.

267. With regard to article 2 of the Convention, members of the Committee wished to receive further information on the Declaration on the National Issue, adopted by National Assembly on 15 January 1990, which was mentioned in the report. With respect to the implementation of article 2, paragraph 1 (e) of the Convention, it was asked whether there were integrationist multi-racial organizations in Bulgaria, whether the Government consulted with them and whether they were helped to learn about the Committee's consideration of the Government's reports. Given the record of earlier violations of basic rights, clarification was also requested of the statement in paragraph 12 of the report that neither Bulgarian legislation nor practice needed to be reconsidered.

268. With reference to article 3 of the Convention, members of the Committee expressed recognition for Bulgaria's continued and active commitment to the fight against apartheid. In the light of article 417 of the Penal Code, which provided for the death penalty for the crime of apartheid, it was asked whether Bulgaria intended to abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

269. With regard to articles 4 and 6 of the Convention, members of the Committee wished to know whether the prosecutor's office could bring actions in race-related cases; whether there was any provision for collective civil or criminal actions being initiated by associations protecting the interests of groups; whether racist manifestations such as the refusal to accord a right or provide a service for reasons of ethnic, national, racial or religious affiliation were punishable under Bulgarian law; how the law on the State Liability for Damage Inflicted on Citizens were enforced; why members of the Turkish-speaking community were required to go to court, a lengthy and expensive process, in order to have their original names restored; and in what ways recognition of freedom of expression and association could influence the application of article 4 of the Convention. Further information was also requested on the implementation of the Administrative and Lawsuits Law and on measures taken to guarantee the independence and impartiality of the judiciary. Members also wished to know, in light of the many acts of discrimination that had clearly been committed before 1989, why no complaints had been registered and no trials held, apart from that of the former Head of State.

270. In respect of article 5 of the Convention, members of the Committee wished to receive examples of legal decisions imposing penalties for violations of the principle of equal treatment before the tribunals. Further information was requested on the restrictions, if any, to access by members of minority groups to public service and to the right to freedom of movement; on the implementation of the right to work; on the employment situation and the fate of citizens of Turkish origin and Gypsies; on the right to work of foreign workers; on the implementation of ILO Convention No. 111; on the housing situation in the country; on the access to housing of citizens of Turkish, Muslim or Gypsy origin; on the abolition of censorship; and on the implementation of article 5 (f) of the Convention. It was also asked why political parties could not be formed on ethnic basis; whether the various minority groups had been allowed to vote in 1989 elections; if the new electoral law guaranteed each ethnic group representation in the legislature proportionate to its representation in the Bulgarian population; why an organization of Macedonians in Blagoevgrad had apparently not been permitted by the authorities to register as a social organization; what the

conditions were for obtaining a passport; what institutions were competent in that matter; what groups of persons, referred to in the report, had not been allowed to obtain passports to travel abroad; whether there was any provision for a remedy in that respect; and if members of the Turkish minority who had left Bulgaria could recover Bulgarian nationality on their return to the country.

271. With reference to article 7 of the Convention, members of the Committee wished to know how the constitutional provision that citizens of non-Bulgarian origin had the right to study their mother tongue was applied in practice; how many Turkish-speaking pupils studied Turkish as a vernacular language and how many students of non-Bulgarian origin actually studied in their own language; how many Turkish-speaking teachers who left the country in 1989 had returned; and what measures were taken to inform magistrates and the police about the problems faced by minorities, particularly the Turkish-speaking community. Clarification was also requested of the nature of the major cultural activities and events mentioned in the report that had been regularly organized in regions with a large Turkish-speaking population, in particular between 1986 and 1989. They might have been occasions for totalitarian propaganda.

272. In his reply, the representative of the State party said that, since the report had been prepared before the new Government had taken office, any statement in it to the effect that implementation of the Convention posed no problem, that there was no racial discrimination in Bulgaria or that there was no need to reconsider Bulgarian practice or legislation was invalid. For example, despite the efforts made, there had been tension between the Gypsy community and the rest of the population. Bulgaria did not use the concept of a minority; the terms "ethnic" or "religious" group was preferred because there was no internationally recognized definition of the term "minority". Generally speaking, Bulgaria was convinced that the question of civil, political, economic, social and cultural rights of all citizens could be solved satisfactorily, irrespective of ethnic, linguistic or religious group, by treating all citizens equally and without discrimination. Bulgaria was undergoing a very serious economic crisis that affected the implementation of the provisions of the Convention and it was in the process of switching to a market economy. Although compensatory measures were taken to help the most disadvantaged sectors of the population, there had been a marked decline in the standard of living in recent months.

273. According to the latest census, in 1975, there were approximately 630,000 Turks, 183,000 Gypsies, 15,000 Armenians, 9,000 Russians, 6,000 Tartars and 4,500 Greeks out of a total population of 8,700,000. With the forms prepared in consultation with United Nations for the new census, the respondents alone could specify the ethnic group to which they considered they belonged, along with their mother tongue and their religion. Mixed marriages were very common among members of the Jewish and Armenian communities, but rarer among the Turks and Gypsies, who were not so well integrated into Bulgarian society.

274. As to article 2 of the Convention, the representative of the State party explained that, although it was not binding, the Declaration on the National Issue, adopted in January 1990, was still important in political scope. Furthermore, there were no organizations with objectives defined in article 2, paragraph 1 (e), of the Convention.

275. In reply to questions concerning articles 4 and 6 of the Convention, the representative of the State party said that reparation for any damage suffered in regard to human rights could be obtained

only on an administrative basis. Acts of racial discrimination, and hence denial of a person's right on the grounds of ethnic affiliation, were deemed punishable under the Penal Code. The forms of racial discrimination not covered by the present code would be included in the new one that was being prepared. Proceedings against persons for attempts at forcible assimilation could be based on article 162 of the Penal Code, concerning incitement to racial hatred, although the penalties in such cases were very light. The fact that no complaints of racial discrimination were brought before the courts could be explained in all likelihood by a lack of confidence on the part of the persons concerned. As legal entities, human rights associations could bring both civil and criminal actions. In regard to the judicial procedures for restoring the names of Bulgarian citizens that had been changed by force, the representative explained that the previous procedure, which had proved very lengthy, had been replaced by a very straightforward administrative formality whereby 600,000 had recovered their previous names.

276. With reference to article 5 of the Convention, the representative of the State party pointed out that article 28 of the Constitution prohibited forcible assimilation. Bulgarian citizens of Turkish origin who had left the country could return and recover their nationality. Since the mass exodus in 1989, the movement was continuing, and for every three Bulgarians who emigrated to Turkey one returned to Bulgaria. All Bulgarian citizens were free to emigrate; an exit visa was no longer necessary and Bulgarian citizens were encouraged to return. Under the ordinance adopted in August 1991, immovable property belonging to the State could be bought back by the former owners at the price it was worth at the time. If the property no longer belonged to the State, the former owners could receive compensation for an equivalent amount. The criteria for allocating housing were exclusively economic and social. There was no discrimination regarding the right to vote and there had been massive participation by the Turks in the first free democratic elections, in 1990. Although there was no arrangement for a minimum number of deputies for ethnic minorities, Parliament included some 20 Turkish deputies. Both the Constitution and the Political Parties Law expressly prohibited the establishment of political parties on an ethnic or religious basis, something which would make for separatism, but the prohibition did not prevent members of ethnic or religious groups from being included in political party lists or forming organizations that could present candidates for the elections. An organization made up of Macedonians had been prohibited in the district of Blagoevgrad because it had pursued separatist aims. Although public opinion at the present time was such that the death penalty could not be abolished, it had none the less been decided in November 1989 to suspend enforcement of death sentences.

277. With reference to article 7 of the Convention, the representative of the State party said that article 54 of the Constitution laid down the right of everyone to foster his own culture in terms of his ethnic affiliation. Further to an agreement between the Government and the United Nations Centre for Human Rights, all the international human rights instruments and a pamphlet on instruction in such rights were soon to be translated into Bulgarian. Moreover, a seminar was scheduled to be held shortly in cooperation with the Centre for Human Rights to acquaint members of the forces of law and order, magistrates and diplomatic personnel with the machinery for the protection of human rights. The committee's report on its consideration of Bulgaria's report was, in addition, to be brought to the attention of human rights organizations.

Concluding observations

278. Following the consideration of Bulgaria's reports, the members of the Committee again welcomed developments in the country in the direction of democracy and the rule of law. The sincere dialogue between the Committee and the high-calibre delegation had been exceptional and had provided many encouraging signs, such as the announcement of Bulgaria's forthcoming declaration under article 14 of the Convention, the withdrawal of its reservation to the Convention and a new census to be conducted with United Nations support, as well as the changes in domestic law, marked by the adoption of a new constitution and a number of amnesty laws and laws on restoration of lands. There were still some outstanding matters, however, such as the absence of information on trials for racism, the continued restrictions on access to public service, the situation of the Gypsies and Macedonians and the prohibition on forming political parties on an ethnic basis. The hope was expressed that Bulgaria's next report would supply information on the results of the census scheduled for the end of 1991, on compensation and reparation for the victims of totalitarianism and on condemnations of violations of human rights.

CERD A/52/18 (1997)

275. The Committee considered the twelfth, thirteenth and fourteenth periodic reports of Bulgaria, which were submitted in a single document (CERD/C/299/Add.7), at its 1205th and 1207th meetings (CERD/C/SR.1205 and 1207), held on 17 and 18 March 1997, and at its 1210th meeting, on 19 March 1997, adopted the following concluding observations.

Introduction

276. The Committee notes with appreciation the State party's readiness to continue the dialogue with the Committee by sending a high-level delegation to present the twelfth, thirteenth and fourteenth consolidated periodic reports, which serves as an indication of the importance attached by the Government of Bulgaria to its obligations under the Convention. The Committee appreciates the frankness and comprehensiveness of the report, which fully complies with the reporting guidelines and which contains detailed supplementary information in response to some of the suggestions and recommendations adopted by the Committee during its consideration of the previous periodic report. The Committee welcomes the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of Bulgaria indicated in a very frank and self-critical manner the difficulties encountered in implementing the Convention.

Factors and difficulties impeding the implementation of the Convention

277. It is recognized that Bulgaria has had to face economic, social and political challenges during the past years, as a result, *inter alia*, of the transition to democracy and to a market-oriented economy. In this connection, it is noted that the State party is undergoing severe economic and social problems, including a high level of external debt, which has had a negative impact on the situation of the population, especially minorities such as Roma, and which impede the full enjoyment of economic and social rights. The high rate of unemployment and poverty contributes to the marginalization of a broad strata of the population and is not conducive to the full implementation of the Convention.

Positive aspects

278. It is noted with great appreciation that the State party has made the Declaration under article 14 of the Convention, recognizing the competence of the Committee to receive communications, and the withdrawal of its reservation in relation to article 22 of the Convention is welcomed.

279. The fact that, according to article 5 (4) of the Constitution, international instruments such as the Convention that are ratified, promulgated and made effective by Bulgaria are part of the State party's domestic law and enjoy superiority over norms of domestic law that contradict them, is welcomed.

280. It is noted that the Government of Bulgaria has taken several positive measures in the field of law reform, especially since the adoption of the new Constitution of 12 July 1991, to combat various

forms of racial discrimination and which fall within the scope of the Convention, including the Law on Names of Bulgarian Citizens, which ensures the possibility of the use of non-Slavic names; the Law on Amnesty and Restitution of Sequestered Properties; and the Law on Restoration of Property Rights and Real Estate to Bulgarian Citizens of Turkish Origin.

Principal subjects of concern

281. Although the periodic report contains comprehensive information on the legal framework, the absence of information on the effective implementation of new laws is regretted.

282. Concern is expressed that the economic crisis has affected people from ethnic minorities disproportionately. In this respect, the persistent marginalization of the large Roma population, in spite of continuing efforts by the Government, is a matter of concern. It is noted that the Roma face de facto discrimination in the enjoyment of their economic, social and cultural rights, which increases their vulnerability in a context of economic crisis. Concern is expressed about discrimination against minorities in the workplace, especially for Roma, most of whom have relatively little training and education. Concern is also expressed that Roma encounter difficulties in applying for social benefits and that rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.

283. Concern is expressed at the insufficiency of the measures taken to guarantee the rights and freedoms of Bulgarian citizens and their integration into society regardless of race, nationality or ethnic origin. In this connection, concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Bulgarian citizens of Roma origin. Alarm is expressed that the State party has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups and that Bulgarian police and prosecutors seem to have failed to investigate acts of violence promptly and effectively. In addition, concern is expressed at information from various sources indicating that the number of charges and convictions is low relative to the number of abuses reported. Concern is also expressed that acts of propagating and instigating racial and nationalistic hatred, and the perpetrators of such crimes against ethnic minorities, are not considered to pose a significant danger to the public order.

284. Taking into account reports of cases of harassment and use of excessive force by members of security forces against minorities, especially against members of the Roma community, the Committee is concerned that there may be insufficient training provided to law enforcement officials on the Convention.

285. Although the right to associate and to found political parties is stated as a general principle in the Constitution, it is noted with concern that the State party prohibits the foundation and registration of political parties formed on ethnic, racial or religious bases according to the provision of article 11, paragraph 4, of the Constitution of Bulgaria.

Suggestions and recommendations

286. The Committee recommends that the State party provide detailed information on the effective

implementation of the new legislation, including on the law on restitution of confiscated immovable property or compensating affected persons.

287. Although a number of institutions have been established to promote and protect human rights, the Committee recommends that the State party strengthen coordination between the various governmental mechanisms at both the national and local levels, with a view to developing a comprehensive policy on the elimination of racial discrimination and ensuring effective evaluation of the implementation of the Convention. In addition, the Committee suggests that the State party pursue its efforts to establish an independent mechanism such as an ombudsman or a national commission for human rights to monitor observance of human rights.

288. The Committee recommends increased attention to the protection of the Roma's civil, political, economic, social and cultural rights. The effort to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social living conditions of that group should be developed. The Committee requests the State party to provide detailed information on such measures in its next report. The Committee also recommends that the State party provide, in the next report, such statistical data and information as are available on the situation of all minorities on the matters covered under article 5 of the Convention.

289. The Committee recommends that the State party take more active steps to prevent and counter attitudes and acts of racial violence against individuals and to investigate such acts promptly. The Committee recommends that the next report contain detailed information on the effective implementation of the provisions of the Penal Code, allegations and prosecutions of cases of acts of racial discrimination, and complaints and penalties relating to acts of racial and ethnic discrimination.

290. The Committee recommends that the State party take immediate steps to prevent and combat cases of excessive use of force by members of the security forces. Those steps should include the education and sensitization of law enforcement officials about the provisions of the Convention. Due account should be taken of the Committee's General Recommendation XIII, according to which law enforcement officials should receive training to ensure that in the performance of their duties they respect as well as protect human rights and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

291. The Committee recommends that the State party prevent any de facto segregation of minorities; in this context, the Committee draws the attention of the State party to General Recommendation XIX, on article 3 of the Convention.

292. The Committee recommends that the State party clarify its practice concerning the implementation of article 11, paragraph 4, of the Constitution and the enjoyment of the right of all Bulgarian citizens to participate in political life.

293. The Committee recommends that the State party launch a systematic information campaign to inform and educate all parts of society on the provisions of the Convention. Additionally, the Committee recommends that human rights education be provided at all levels in educational

establishments and that comprehensive human rights training be provided to all segments of the population with a view to combating negative attitudes and prejudices towards minorities and to promoting understanding, tolerance and friendship.

294. The Committee is of the view that the public should be better informed of the procedure available under article 14 of the Convention. It suggests to the State party that the declaration concerning article 14 be made more widely available to the public in the various languages spoken in the country. Additionally, it is recommended that the State party ensure wide dissemination of its report and of the concluding observations of the Committee.

295. The Committee recommends that the State party's next periodic report be an updating report and address all the concerns expressed by the Committee.