



# General Assembly

Distr.: General  
21 June 2013

Original: English

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## Human Rights Council

### Twenty-third session

Agenda item 8

### Follow-up to and implementation of the Vienna Declaration and Programme of Action

## **Note verbale dated 19 June 2013 from the Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of the Republic of Bulgaria to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to submit herewith the written comments by the authorities of Bulgaria in connection with the statement delivered by the International Humanist and Ethical Union (IHEU) on 10 June 2013 under agenda item 8.

The Permanent Mission of the Republic of Bulgaria would be highly appreciative if the secretariat of the Human Rights Council could kindly circulate the present note verbale and the annex thereto\* as a document of the twenty-third session of the Human Rights Council, under agenda item 8.

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\* Circulated as received, in the language of submission only.

## Annex

*[English only]*

### **Written comments provided by the Bulgarian authorities in connection with the Statement of the International Humanist and Ethical Union delivered on 10 June 2013 under HRC agenda item 8**

In relation to the reported 238 death cases of children in specialized institutions /SI/, in 2010 by order of the Prosecutor General of the Republic of Bulgaria and following prosecutor's investigations, 238 pre-trial criminal proceedings for crimes pursuant to Article 123 paragraph 1 of the Criminal Code have been instituted. To date /June 10, 2013/ 259 pre-trial proceedings for death or personal injuries to children in homes for mentally retarded children have been conducted. 231 criminal proceedings have been completed of which 222 proceedings have been terminated pursuant to Article 24, paragraph 1 item 1 of Criminal Procedure Code (CPC) /the act has not been committed or does not constitute a crime/. 9 have been terminated pursuant to Article 24, paragraph 1, item 3 of CPC /due to expired statutory limitation/. 10 proceedings have been suspended pursuant to Article 244, paragraph 1, item 2 of CPC /the offender has not been revealed/ and 18 criminal proceedings are pending with extended term for investigation.

Investigations have been conducted objectively, comprehensively and completely in order to clarify the causes of death. Prosecutorial acts enacted to terminate the criminal proceedings are correct and lawful. Those pre-trial proceedings have been supervised by Combating Crimes Committed by Minors and Offenses against Minors Department with the Supreme Cassation Prosecutor's Office and have been monitored in accordance with the instance control. By order of the Prosecutor General since 2010 the Bulgarian Helsinki Committee has been provided with the opportunity to appeal the decisions for termination of the criminal proceedings.

The claim of unclear high number of death cases of children in SI and lack of guarantees for their investigation is unfounded. It should be noted that under the Bulgarian law and law enforcement practice, for each case of death of a child in an institution, criminal proceedings shall be instituted and investigation shall be conducted. Over the last four years the issues of protection and prevention of children are a priority for the Bulgarian Prosecutor's Office. In this regard, a number of actions have been taken to improve the efficiency of prosecutors working on cases of children - victims of crime. A Department for Combating Crimes Committed by Minors and Offenses against Minors has been established with the Supreme Cassation Prosecutor's Office; specialized prosecutors' network has been established including 211 prosecutors - contact points in each prosecutor's office in Bulgaria; cooperation with other institutions and NGOs in the field of observance of the rights of the child in accordance with international standards has been significantly improved. Based on the multidisciplinary approach, trainings for the authorities dealing with pretrial proceedings are being conducted periodically.

As regards the above-mentioned 22 inspections in the SI, it should be clarified that they have been conducted in 2010 in accordance with Order № 523 / 02.03.2010 of the Prosecutor General of Bulgaria by joint teams of prosecutors, representatives of the State Agency for Child Protection, Agency for Social Assistance, Bulgarian Helsinki Committee, local authorities, physicians and psychologists. The purpose of those inspections was to find out any violations committed by officials in the SI and resulting in inflicting death,

physical injury or discrediting of children. As a result of these actions investigation of all identified deaths of children has been carried out by the competent authorities of the pretrial proceedings in strict compliance with the principles of independence and objectivity. Currently carrying out periodic inspections of SI is an established practice. These inspections are carried out by the above joint teams led by prosecutors from the respective local prosecution offices.

The Government of Bulgaria would like to confirm its strong commitment to prevent similar cases of mistreatment of children in the SI in the future.

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