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Point 8 de l'ordre du jour

Suivi et application de la Déclaration et du Programme d'action de Vienne

Note verbale datée du 19 juin 2013, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de la République de Bulgarie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève

La Mission permanente de la République de Bulgarie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au secrétariat du Conseil des droits de l'homme et a l'honneur de lui faire tenir ci-joint les observations écrites formulées par les autorités bulgares au sujet de la déclaration prononcée le 10 juin 2013 par l'Internationale humaniste et laïque au titre du point 8 de l'ordre du jour.

La Mission permanente de la République de Bulgarie saurait gré au secrétariat du Conseil des droits de l'homme de bien vouloir faire distribuer le texte de la présente note verbale et de son annexe* comme document du Conseil des droits de l'homme à sa vingt-troisième session, au titre du point 8 de l'ordre du jour.

* L'annexe est distribuée telle qu'elle a été reçue, dans la langue originale seulement.

Annexe

[Anglais seulement]

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.
