



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Comments of Bulgaria on the recommendations
and observations addressed to it in connection
with the Subcommittee visit undertaken from
24 to 30 October 2021^{*}, ^{**}**

[Date received: 19 October 2022]

* The present document is being issued without formal editing.

** On 19 October 2022, the State party requested the Subcommittee to publish its comments, in accordance with article 16 (2) of the Optional Protocol.



Contents

	<i>Page</i>
I. Introduction	3
II. National Preventive Mechanism	3
A. Functional independence and resources.....	3
B. NPM activities and visibility	5
III. COVID-19 measures	5
IV. Overarching issues	6
A. Definition of torture and torture as a separate crime.....	6
B. Fundamental legal safeguard	7
C. Juvenile justice and delinquency systems.....	8
D. Sentence to life and life without parole	8
E. Use of alternatives to detention	9
V. Situation of persons deprived of their liberty	9
A. Police station.....	9
B. Prisons and investigation detention facility	11
C. Special Home for the Temporary Accommodation of Foreigners' (Busmantsi)	15
VI. Concluding remarks	18
Annex	19

I. Introduction

1. From 24 to 30 October 2021 a delegation from the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*hereinafter "Subcommittee"*) paid an advisory visit to Bulgaria. The visit was planned, and subsequently postponed, twice in connection with the epidemiological situation and the measures adopted to limit the spread of COVID-19, respectively in March 2020 and in August 2021.
2. On the occasion of the Subcommittee's visit, an introductory and concluding meetings were organized with the participation of representatives from the Ministry of Justice, General Directorate Execution of Sentences to the Ministry of Justice, Ministry of Interior, Ministry of Defence, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Education and Science, Ministry of Foreign Affairs, Supreme Cassation Prosecutor's Office and the National Legal Aid Bureau. The meetings were held at the Ministry of Justice. A separate meeting was held with the National Preventive Mechanism. The Subcommittee visited six places of deprivation of liberty. Together with the National Preventive Mechanism, they visited two places of deprivation of liberty. On 29 October 2021, at the concluding meeting, the delegation of the Subcommittee presented their preliminary conclusions from the visit.
3. Following the visit, on 18 March 2022, the Subcommittee sent an initially confidential report to the Bulgarian government (CAT/OP/BGR/ROSP/R.1), which contained a series of recommendations. The Subcommittee requested that the authorities provide a response within six months, i.e., by the end of September 2022, on the status of implementation of these recommendations.
4. The Bulgarian Government hereby submits that response, which follows the structure of the Subcommittee report. The State remains open to a fruitful cooperation with the Subcommittee as well as the other UN Special Procedures.

Reply to the issues raised in para. 10–13

5. The report is distributed to all relevant authorities, departments and institutions, as requested. It is also published at the official website of the Ministry of Justice, in the Section "*International activity/Prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment*".¹
6. The Bulgarian Government requests that the present response is published alongside the Subcommittee's report, in accordance with article 16, para. 2 of the Optional Protocol to the Convention against Torture (OPCAT). It allows the Subcommittee to exchange information contained in its report with the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment and gives the Committee access to the report.

Reprisals

7. The Bulgarian Government wishes to assure the Subcommittee that there were no acts of reprisals against anyone who met and had contacts with the members from Subcommittee's delegation, during and after their October 2021 visit to the country.

II. National Preventive Mechanism

A. Functional independence and resources

8. With regard to para. 20, the function of a National Preventive Mechanism (NPM) is designated to the Ombudsman as a national human rights institution. The activities of the Ombudsman are funded by the state budget. Efforts are constantly made to provide sufficient

¹ The report is published at the following Internet address:
<https://www.justice.government.bg/home/index/21cd52f6-7036-4715-9294-75f2f1905dea>.

funding for all activities. At the moment, the Ombudsman Institution is considered as sufficiently funded, which guarantees gradual improvement of the work of the institution. The budget is approved and increased on an annual basis, following the adoption of the State Budget Act. For instance, in 2016, the budget of the institution was BGN 2 778 000, whereas BGN 1 667 000 were staff expenditure and in 2022, it is BGN 3 607 900, whereas BGN 2 517 900 are staff expenditure. Budget forecast of the institution of the Ombudsman is set to increase annually.²

9. With regard to para. 24 and 26, the Ombudsman is elected by the National Assembly. The Ombudsman's Act settles the legal status, organisation and activity of the institution to intervene when the rights and freedoms of citizens are violated by state authorities or by natural or legal persons subject to private law. In accordance with art. 150, para. 3 of the Constitution, the Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms. In 2019, the institution of the Ombudsman of the Republic of Bulgaria was accredited with the highest UN status "A" ("Fully compliant") of the Paris Principles, the international standards that frame and guide the work of the National Human Rights Institutions. This is proof of the functional independence of the institution, including in its capacity as a NPM.

10. Chapter IV.A of the Ombudsman's Act (*SG 29/12 in force from 11.05.2012*) regulates the competences and the rights of the Ombudsman as a National Preventive Mechanism. Art.28c of the Act provides that the ombudsman as a NPM may assign by an order his functions, fully or partially, to officials of his administration. A separate organizational structure operates within the Ombudsman Institution, namely the National Preventive Mechanism Directorate. The Ombudsman assigns to the NPM Directorate's experts the implementation of specific tasks on the prevention of torture and all forms of degrading treatment or punishment of persons in custody, institutions and places for serving sentences.

11. The Ombudsman is free and independent both in planning inspections as a NPM and in implementing prevention policy. Inspections are carried out on site by a multidisciplinary team of experts from the NPM Directorate, who strictly follow the methodology of the UN Subcommittee for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.

12. During the extraordinary COVID-19 epidemic situation, the Ombudsman continued to provide immediate public access to the mobile phones of NPM experts in order to effectively protect the rights of all citizens residing in closed institutions. In 2021, the NPM carried out inspections in 64 sites, with a total of 9,128 persons receiving NPM protection.

13. With regard to para. 26, the authorities would like to underline that the international legislation in force does not provide for such a division of mandates. Nevertheless, it aims at the provision of functional independence, which in the case of Bulgaria is ensured, including through financial and human resources. The overall activity of the Ombudsman as NPM fully meets the main requirement for the effectiveness of any national preventive mechanism, namely – complete functional independence in the implementation of the policy for the prevention of torture, including through the power of the Ombudsman to appeal to the Constitutional Court of the Republic of Bulgaria.

14. With regard to para. 27 and 28, the Ombudsman's budget is planned under the Public Finances Act and the State Budget Act. The Ombudsman's budget is a separate line in the annual budget of the Republic of Bulgaria. Every year, through the State Budget Act, the institution of the Ombudsman is provided with the necessary means to perform all the functions assigned by law, including in its capacity as a National Preventive Mechanism. In order to financially and technically secure the activity of the NPM, the Ombudsman is provided with a dedicated motor vehicle and a driver, which ensure the conduct of all inspections of the NPM. These actions are performed independently of any other activity of the Ombudsman's administration.

² More information is available at: <https://www.ombudsman.bg/bg/p/byudzhnet-na-ombudsmana-na-republika-balgariya-272>.

B. NPM activities and visibility

15. With regard to para. 32, the Ombudsman leads a sustainable policy of referring the National Assembly and other public institutions with proposals for amendments and supplements to the current legal framework. In 2021, for the first time, the Ombudsman exercised his right to a constitutional complaint regarding the rights of persons detained as accused. On the basis of art. 150, para. 3 of the Constitution, the Ombudsman of the Republic of Bulgaria appealed to the Constitutional Court to declare the provision of Art. 64, paragraph 2, of the Penal Procedure Code, concerning the detention in custody in the pre-trial procedure, as unconstitutional. By a Decision of the Constitutional court № 13/2021 (SG 85/21), the provision of art 64, para. 2, stipulating that “in case of a declared state of emergency, martial law, disaster, epidemic, other force majeure circumstances, or with the written consent of the accused and his defence counsel, the accused may participate in the case by videoconference, in which case his identity shall be verified by the Director of the prison or the Head of the detention centre, or by an officer designated by them” was declared unconstitutional.

16. With regard to para. 33, means of representation of the NPM experts are purchased for their participation in inspections. In September 2022, a new website of the institution is launched with a separate section dedicated of the Ombudsman’s activities as NPM.

17. With regard to para. 34, the NPM maintains good contacts and cooperation with all state institutions. The NPM recommendations are taken into account and duly implemented whenever that is possible.

18. The Ministry of Interior’s structures undergo annual monitoring by the NPM. Full access to the detained and the documentation connected to the detention is ensured to the representatives, as well as fulfilling the recommendations made by the NPM. Information on the implementation of the recommendations made by the NPM is also provided.

III. COVID-19 measures

19. With regard to para. 41, the efforts of the General Directorate Execution of Sentences (GDES) to the Ministry of Justice and its territorial services aim at the prevention and early detection of cases of COVID-19 in places of detention, in accordance with World Health Organization (WHO) recommendations.

20. By an order of the Deputy Minister of Justice, detailed instructions are given in due time to the Heads of prisons and regional services to take action to limit the spread of COVID-19 in places of detention and among employees. The measures provide safe reception of newly admitted prisoners and detainees, 7-day active monitoring of their health status and daily follow-up of any patient with flu-like symptoms.

21. In order to fully implement the recommendations of the WHO, “*Protocol for action in case of COVID-19 in places of detention*” and “*Protocol for action in case of an employee with COVID-19 in places of imprisonment*” are prepared and introduced to the territorial services of the GDES. The Protocols intends to prevent and limit the entry of the infection into the territory of all prisons and detention centres in the country. Both documents take into account the recommendations of the interim guidance – the “Preparedness, prevention and control of COVID-19 in prisons and other places of detention”, developed by the WHO, from 15 March 2020, and the “Principles regarding the treatment of the imprisoned persons in the context of the pandemic with the coronavirus disease (COVID-19)” of the Committee against Torture of the Council of Europe from 20 March 2020. The Protocols also reflects the national specifics and the guidelines of the competent state authorities in Bulgaria. Both Protocols are published on the official website of the European Organization of Prison and Correctional Services (EuroPris) and the International Corrections and Prisons Association (ICPA).³

³ The Protocols are available at:
<https://www.europris.org/general-directorate-execution-of-sentences-bg/>.
https://icpa.org/covid-19-information/covid-resources/?_sft_covid_19_regions=europe.

22. The “*Protocol for action in case of COVID-19 in places of detention*” provides precise guidance on the behaviour of any newly admitted inmates/detainees, inmates/detainees with clinical evidence of respiratory infection, as well as inmates/detainees with a confirmed laboratory test for having COVID-19. A “Questionnaire card for screening of COVID-19 and acute respiratory diseases” is prepared and the requirements and rules for taking nasopharyngeal and oropharyngeal secretions, storing and transporting the materials for initial diagnostic testing of patients with suspected COVID-19 infection are listed, according to the recommendations of the Centre for Control and Prevention of Infectious Diseases.

23. The “*Protocol for action in case of an employee with COVID-19 in places of imprisonment*” specifies the behaviour of each employee when reporting for cases of COVID-19 at workplace, contact with an inmate with clinical evidence of respiratory infection, and contact with inmates/detainees in custody with a COVID-19 infection confirmed by a laboratory test.

24. The Medical Institute of the Ministry of Interior (MoI) gives instructions aimed to prevent the spread of COVID-19, based on the relevant orders of the Minister of Health. They include keeping distance, regular airing out and disinfection of the premises, ensuring personal disinfectants and safety masks, everyday control of preventing the entry of people with flu-like symptoms in the buildings, opportune measures for isolating the infected. Disinfection of the cars that are used to transport the detainees is carried out. At the outburst of COVID-19, visiting with relatives and acquaintances were temporarily abolished, but there were no limits in the meetings with advocates, human rights organizations and officers in other MoI structures, if they are complied with the anti-epidemiological measures.

25. In addition, the Bulgarian authorities would like to confirm that the medical staff in places of detention is familiar with the following guiding documents, also translated into Bulgarian:

- Interim guidance “Preparedness, prevention and control of COVID-19 in prisons and other places of detention” of the World Health Organization (WHO);
- “Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic”, issued by the European Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

26. The Minister of Justice has approved specific measures, proposed by GDES to conduct meetings in prisons and detention centres via video conferencing. Opportunity for videoconferencing of prisoners with their relatives is provided to prevent the negative effects of social isolation.

27. The Bulgarian authorities would like to reassure the Subcommittee that in its activities the GDES follows the World Health Organization’s COVID-19 recommendations for places of detention and the Subcommittee’s advice to countries and to the NPM in relation with the COVID-19 pandemic, including measures to mitigate the COVID-19 impact and to respect the human rights in conditions of constantly imposed restrictions.

IV. Overarching issues

A. Definition of torture and torture as a separate crime

28. With regard to para. 43, a draft Law Amending and Supplementing the Penal Procedure Code is prepared. One of the proposed amendments envisages the adoption of the definition of torture in accordance with the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment. Chapter two “Crimes against the person”, section five “Coercion” of the Special Part of the Penal Code will be amended to include new article 144b, which identifies an independent component of a crime and includes

https://icpa.org/wpcontent/uploads/2020/03/Bulgaria_General_Directorate_Execution_of_Sentences.pdf.

all the elements specified in Art. 1 of the Convention. Thus, the crime “torture” will be criminalized as a separate crime and will not be prosecuted under different articles of the Penal Code.

29. With regard to para. 44, detailed information on all capacity building trainings for judges and prosecutors is available in the annex of the present response.

B. Fundamental legal safeguard

30. With regard to para. 47, in 2019, through legislative amendments to the Penal Procedure Code and the Ministry of Interior Act, the right of detained person to refuse public defence or to replace one defender with another is regulated. According to the amendments, from the moment of his detention, that person has the right to a defender. Explanation is provided to the detained on the right to refuse a legal defender and the consequences arising therefrom, as well as his right to refuse to give explanations when the detention is based purely on data about committed crime. The latter provides the possibility for waiver of defence in connection with the detention, after the person has been explained his rights under the law and the legal and factual grounds for detention.

31. In 2019, art. 63 of the Penal Procedure Code, concerning detention in custody, was amended to include new provisions in cases when the detainee is a foreign citizen. The procedure for notifying an accused person in custody or bringing him before the court, also apply to cases where the person is a foreign citizen.

32. With regard to para. 49(a–b), all detainees are guaranteed access to legal aid and procedural representation by a public defender, including those in administrative detention for up to 24 hours. If a detainee does neither have means for a lawyer nor have not chosen one, but are in the statutory cases where legal protection is mandatory, he is entitled to legal aid.

33. The National Legal Aid Bureau (NLAB) has introduced a Procedure for appointing lawyers on duty from the National Register of Legal Aid to provide legal procedural representation of detainees. The procedure is enshrined in the Legal Aid Act to guarantee the independence of the lawyer during all stages of detention and criminal proceedings. The implementation of the legal aid procedure is constantly monitored and controlled by the Bureau and the respective Boards of the Bar Associations. They exercise control over the acts of the investigative bodies and the court for admissibility of legal aid. The Boards also have control over the size of the provided legal aid.

34. The NLAB has prepared and approved a mandatory declaration. It has to be filled out by the detainees before they are granted legal aid. The purpose of the declaration is to inform detainees, who do not have an authorized lawyer, that they have the right to a public defender in cases specified by the law. The declaration also explains the rights and consequences of using public defence.

35. According to the provisions of the Ministry of Interior Act, immediately after his detention, the person is acquainted with the grounds for detention, the liability provided by law, as well as his rights. These include the right to appeal in court the legality of detention; to defence by a lawyer from the moment of detention; to medical aid; to a telephone call to announce his detention; to contact the consular authorities of the respective country (in case he is not a Bulgarian citizen); or to use an interpreter (in case he does not understand Bulgarian). The detainee fills in the above-mentioned declaration that he is aware of his rights, as well as of his intention to exercise or not to exercise them. In case of refusal of the detainee to fill in a declaration, this circumstance is certified by a signature of one witness. For each act of police detention, the person may exercise his right to appeal.

36. A detention order is issued by the police authority for each detainee. The order is issued in three copies. The first one is attached to the file, the second one – handed over for filing in the registry office of the respective structure of the MoI, and the third one – handed immediately over to the detained person.

37. In April 2022, the MoI prepared a Draft Instruction amending and supplementing the Instruction № 81213-78 on the procedure for detention, the equipment of the accommodation facilities for detainees (hereinafter “*Instruction №81213-78*”). The Declaration on the rights of a detainee is updated to correspond the international standards. The provisions of the EU Directive 2012/13/EU on the right to information in the preliminary proceeding are transposed through the Declaration. The draft Declaration was sent to the Human Rights Directorate of the Council of Europe for informal consultation. Currently, the draft Instruction №81213-78 is published for public consultation on the specialised website.⁴

38. With regard to para. 49(c), all detainees undergo an initial medical examination and assessment of his general state of health. In the event of complaints of violence, visible traces of violence and in the case of the use of physical force or means, the officials shall ensure immediate access of the detainee to a medical specialist. In those cases, a thorough medical examination is performed. The data is entered in a special form and marked as a “*Scheme of the human body for marking traumatic injuries*” according to pre-prepared applications.

39. The medical examination is carried out in confidence, except in extraordinary cases and at the explicit request of the detainees. In those cases, an immediate additional certification by an independent specialist in an external medical institution may be provided. Upon finding traumatic injuries, medical specialists take immediate action to notify.

40. With regard to para. 49(d), according to art. 63, para. 7 of the Penal Procedure Code for any arrest, as well as any detention, it will immediately be informed the family of the accused or other person designated by the accused person or the employer of the defendant, except the defendant declares that he does not want this. When the detainee is a foreign citizen, at his request, the consular authorities of the state of which the detainee is a citizen shall be immediately informed through the Ministry of Foreign Affairs. If the detainee is a national of two or more states, he may choose the consular authorities of which state to be informed of his detention and with whom he wishes to make contact.

41. With regard to para. 49(e), art. 64 of the Penal Procedure Code provides detention in custody in the pre-trial procedure to be ordered by the respective Court of first instance on a motion of the prosecutor. The appearance of the defendant before the Court shall be ensured without delay by the prosecutor, who – where necessary – may order that the defendant be detained up to 72 hours for bringing him before the Court.

C. Juvenile justice and delinquency systems

42. With regard to para. 51, the work on the draft Law on juvenile justice is expected to resume, based on the draft Law on educational measures for juveniles who have committed a crime or administrative offense. An expert group at the Ministry of Justice started the elaboration of the draft in 2019. The legislative procedure in Bulgaria requires wide public consultations. The opinion of UNICEF will be sought and considered in the elaboration process. After its adoption, the law is expected to repeal the Law on Combating Antisocial Behaviour of Minors and Juveniles.

43. The Ministry of Justice is the Programme Operator of the 2014–2021 Justice Programme under the Norwegian Financial Mechanism (NFM). Special attention of the programme is placed on the administration of child justice. The target groups are magistrates working in the field of juvenile justice and working with people below the poverty line, including children.

D. Sentence to life and life without parole

44. With regard to para. 53, the life sentence was established as an alternative to the death penalty. It can be revoked by the President, through the Commission on Pardons, thus applying the institute of pardon.

⁴ The Draft Instruction is available at : <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6917>.

45. According to art. 37, para. 2 of the Penal Code, life imprisonment without parole is provided as a temporary and exceptional measure for the most serious crimes that threaten the foundations of the Republic of Bulgaria, as well as for other particularly dangerous intentional crimes. The penalty of life imprisonment without parole, provided for in the Special part of the Penal Code for a given type of crime, is imposed only if the specifically committed crime is extremely serious and the effect of deterrence cannot be achieved by a lighter punishment. In addition, art. 38, para. 2 is stating that the penalty of life imprisonment without parole cannot be imposed on a person who has not reached the age of twenty years at the time of the commission of the crime, and in the case of military personnel, as well as in wartime – eighteen years. The penalty of life imprisonment without parole cannot be imposed on a woman who was pregnant at the time of the commission of the crime or the passing of the sentence. Pursuant to art. 38a, para. 3. of the Penal Code, a life sentence can be replaced to a 30-year prison sentence if the convicted person has served at least 20 years. In these cases, the institute of conditional early release is fully applicable, and practice shows that this legal option applies to persons who were previously sentenced to life imprisonment. As a result, even if it exists in law as a possibility, the sentence of life imprisonment without parole is not applied by the Court in practise.

46. The Council of Ministers, by Decision No. 318 of 11 May 2020, approved the National Concept of Criminal Policy 2020–2025. One of the proposals concerns the consideration of the abolishing the penalty of life imprisonment without parole. The punishment is essentially no different from life imprisonment, the only difference being the consideration of the convict’s potential reform ability when commutation is allowed. The existence of such an opportunity, is regarded as a factor in stimulating the convict towards positive change. In addition, the applicability of the provision of art. 58(a) of the Penal Code to this type of punishment by replacing life imprisonment with temporary imprisonment represents itself a step forward towards its elimination from the system of punishments.

E. Use of alternatives to detention

47. With regard to para. 55, one of the main alternatives to detention is the electronic surveillance. It is elaborated under the Project “Modernization of the penitentiary system in Bulgaria” activity 2 “Implementation of electronic surveillance for offenders”.

48. By an Order of General Director of the GDES, the System for Electronic Monitoring was put into operation on 24 April 2019. As of 19 November 2021, 136 persons were placed under electronic surveillance. The tendency shows that since the introduction of this method of supervision, the number of persons placed under electronic surveillance has constantly increased, which is a positive attestation to the effectiveness of the introduced measure.

V. Situation of persons deprived of their liberty

A. Police station

49. With regard to para. 57, the Bulgarian authorities would like to clarify that although in some of the structures of the MoI, there are still places for detention of persons located on the ground floors, all of them are provided with obligatory direct sunlight. The necessary organization for the construction of new premises and bringing the existing ones in compliance with the requirements of the regulative documents is in place.

50. After the visit of the Subcommittee, the Inspectorate Directorate of the MoI conducted an inspection in the District Police Directorate – Pazardzhik and Smolyan. During the inspection, it was found that 16 accommodation rooms for detained and 9 sanitary rooms did not meet the requirements of the Instruction and were in need of major renovation. Partial equipment deficiencies were found in 20 of the special detention facilities for juveniles. Both Police Directorates have prepared the necessary documentation for carrying out repair works. The plan of works is to be adopted.

51. The provision of food follows the requirements of Instruction No 8121-78 of the Minister of Interior, which are publicly available in the places of detention. The food is distributed at the appropriate time for breakfast, lunch and dinner, as well as it is ensured that the detainee's health is not harmed due to breaches of diet and other medical prescriptions. The food should not conflict with the person's personal preferences regarding adherence to certain religious norms. The detainee can also receive food bought with their personal savings or received from their siblings.

52. With regard to para. 59, an information on the fundamental legal safeguards of the detainees is provided in reply to para. 49 of the Subcommittee's report.

53. With regard to para. 61, the Communication and Information Systems Directorate elaborates a new online platform, called "National Informational Police System", which will integrate the systems of the Regional Police System, National Police Register and the Central Police Statistics. The platform will include a subsystem "Detention", which will be used for automatic preparation of orders under the Ministry of Interior Act. The subsystem "Detention" will include information on date and hour of detention, reasons for detentions, the body requesting the detention, personal identification of the police officers and date, time and reasons for release or movement. The new integrated platform will be tested for exploration in the beginning of 2023.

54. The GDES and its territorial divisions are responsible for the registration of detained persons in the Execution of Sentences Information System, which is part of the Unified Information System for Combating Crime. The registry contains data on persons and events related to the execution of sentences, the penalties and the measures of detention in custody. It has been established to fulfil the needs of the judiciary and security authorities.

55. With regard to para. 62, following the Subcommittee visit, the Inspectorate Directorate of the MoI conducted a test on 1235 police officers on managerial positions engaged with detention of persons. 17 or 1.37% of the total number of officials failed the test, which shows that the degree of knowledge of the legal detention rules among the managerial police officers is good. During the inspection, it is found that the documentation is regularly completed although small omissions are observed. 5361 files on detainees are inspected whereas in 60 files it is not specified the legal reasons for detention, in 297 files – the factual grounds for detention and in 90 files – the order of the police authority is not signed and the detainee does not receive a copy of it. Other small technical mistakes are also observed. By an order of the Minister of Interior, by October 2022, all units should take the necessary measures to remedy the shortcomings and weaknesses; to take actions under their jurisdiction in a case of evidence of disciplinary offenses; to conduct training sessions with officers, responsible to the detention and to discuss the gaps and weaknesses that have been identified, with an emphasis on the correct completion of warrant, including the legal and the factual ground to the detention. Within the same deadline, the Academy of the MoI should plan an increase in the practical lectures on topics related to detaining persons.

56. Between 1 January 2021 and 31 March 2022, a total of 66 533 persons have been detained under the Ministry of Interior Act. 264 orders are appealed which is 04 % of the total number. The proceedings have been closed on 150 of them, whereas 66 are repealed.

57. With regard to para. 62 and 63, information is provided in reply to para. 61 of the Subcommittee's report.

58. With regard to para. 66, officials, including police officers and medical staff, are obliged by law not only to report and notify immediately when they witnessed or became aware of a perpetrated crime but also to take the necessary measures to maintain the conditions and data of the committed crime. The signals are sent to the Prosecution office. The Penal Code envisaged severe degree of punishment when the body harm is committed by an official.

59. Provided that during the medical examination, there are reasonable grounds for suspecting an unlawful use of physical force against the detainee, the officer who accompanied the person during the examination shall report in writing to the head of the relevant structure of the MoI. Any information related to the body harm by police force is reported to investigation or the prosecution. By order of the Prosecutor, an internal

organization is established to supervise the execution of penalties and other compulsory measures. It carries out thematic, ongoing and sudden inspections, including meetings with prisoners, as well as the requirements and frequency for their implementation. The organisation supervises both the verification of the rights of prisoners and the subsequent actions in the establishment of relevant violations. The verification actions include the provision of medical assistance and the protection of their human dignity. The subsequent actions include a written order of the authorities for the execution of the penalties, the compulsory measures to eliminate the found violations, conducting a check for clarification of the circumstances in the case of a notification of traumatic injury, and etc.

60. With regard to para. 68, in Instruction №81213-78, it is explicitly stated that the detention facilities shall be equipped in a way that does not allow an attempted attack, self-harm and others. Sharp edges and details of structures, installations or furniture are not allowed. The detainees are constantly observed – directly or through video surveillance system, for which they are informed in advance. There is an annual analysis of the systems for physical protection of detention facilities, as well as after every escape occurred, suicide or another incident, connected to the action of detention.

61. Between 1 January 2021 to 31 March 2022, the General Directorate of Interior and the District Police Directorate have not registered cases of escape, attack, suicide, or other incidents, related to the detention of persons.

62. With regard to para. 70, pursuant to art. 32 of the Penal Code, minors (e.g. persons under 14 years of age) are not criminally responsible. If they have committed a crime, the Penal Code provides the opportunity to those minors to be applied appropriate corrective measures. Pursuant art. 26, para. 3 of the Administrative Violations and Penalties Act, administrative responsibility cannot be sought and imposed on minors and accordingly, coercive administrative measures like arrest and detention cannot be applied. Article 26, para. 3 of the Administrative Violations and Penalties Act states that responsible for administrative violations committed by minors, underage persons from 14 to 16 years of age and placed under full judicial disability shall be respectively the parents, trustees or guardians who have consciously admitted their commitment.

63. In March 2022, the Academy of Ministry of Interior conducted a training on topic “Improving the application of the police powers in work with minors” with 520 employees of the General Directorate of Interior. Special focus in the training was placed on the relevant ECtHR judgments.

B. Prisons and investigation detention facility

Material conditions, hygiene and food

64. With regard to para. 74, the GDES concluded contract, dated 20.01.2021, with a company, for monthly disinfection in the facilities of the territorial services. In order to improve the living conditions and hygiene of prisoners, instructions are given to the heads of territorial services to undertake the following measures:

- Carrying out constant control in the living and common premises of the prisoners regarding the maintenance of hygiene;
- Creating conditions for sanitary treatment of every inmate after his admission to prison;
- Steaming of bedding and clothing of prisoners.

65. Measures have been taken to replace all mattresses in the prison system, including detention centres, with waterproof and durable mattresses. Infected and torn mattresses, pillows and blankets are stored in separate storage rooms until measures are taken to destroy them.

66. Disinfection in places of imprisonment is carried out under the control of medical specialists in the territorial services, according to updated “*Rules for hygienic and anti-epidemic provision in places of imprisonment*”, approved by the Director General of GDES

with Reg. No. 4048/05.04.2022. Medical specialists strictly monitor the performance of disinfection, disinsection and deratization activities and allow the use of only biocides authorized for placing on the market by the Minister of Health in accordance with the Protection from the Harmful Effects of Chemical Substances and Mixtures Act. The use of biocides is carried out in compliance with the requirements specified in the label and under the conditions of the permit issued by the Ministry of Health, thereby guaranteeing the health of prisoners. By order of the Director General of GDES, an update was made to provide a sufficient amount of hygiene supplies to each inmate.

67. Prisoners receive free food that is sufficient in terms of nutrition and caloric composition according to the guidelines for the required food products, approved by the Minister of Justice, in agreement with the Minister of Health and the Minister of Finance. When preparing the weekly menus, the modern and up-to-date principles of nutrition are observed with care for the health of the prisoners. The observed rule is to not repeat a complex menu in a two-week period. The prisoners are provided with a menu that also respects their right to eat according to the traditions of their religion or belief. The dietary regime of nutrition is determined by the medical specialists in the medical centres in the places of imprisonment. For those in need of dietary nutrition, a separate weekly menu is developed, according to the GDES "*Guidelines for the organization of dietary nutrition in places of imprisonment*".

68. In order to maintain constant control over compliance with the mentioned measures, the officers carry out inspections in the prison kitchen, including control measurements for the sufficient amount of food for each prisoner, as well as tastings in order to ensure the high quality of the prepared food.

Use of solitary confinement

69. With regard to para. 77, pursuant art. 101, item 7 of the Execution of Sentences and Detention in Custody Act, prisoners are isolated in a penal cell for a period of up to 14 days. The legislator has explicitly specified up to 14 days, and not in all cases the maximum period is required. The penal cells themselves are equipped with all the necessary means for isolation and the quadrature of 4 square meters per inmate is strictly observed. Currently, there is no overcrowding in places of detention and the rule of differential housing of prisoners applies, as required by the Act.

70. When serving a prison sentence, systematic correctional and re-educational work is carried out with the convicts, applying an individual approach throughout the entire stage of serving the sentence. Qualification, educational/learning activities, literacy courses and courses for professional qualification/, sports and work activities are constantly organized with the prisoners. Inspectors on Social Activity and Educational Work carry out specialized programs according to the needs of convicted persons, consult them on current problems, assist in meeting their religious needs, organize and support the work of independent bodies of prisoners.

71. Prisoners are also engaged in various purposeful activities like cultural-informational, sports and religious events. Celebrations of significant dates and anniversaries, official and religious holidays are organized. In this connection, quizzes and contests are held, theatrical productions with prisoners and exhibitions are organized. Discussions are held on health and legal topics. Since March 2020, all these events have been organized with respect to the introduced anti-epidemic measures. Alternative methods and approaches are sought to engage prisoners with useful activities, in a remote or online format.

Rehabilitation and reintegration, purposeful/recreational activities, time outside of the cell, visits

72. With regard to para. 80, in order to overcome inter-prisoner violence, a variety of complementary and alternative social-correction programs are implemented in places of detention, which are approved by GDES. Part of them are aimed at preventing violence, by increasing knowledge, skills and competencies for dealing with anger, assertiveness in behaviour and reducing aggressiveness. Another part of the programs is oriented towards the

formation of motivation for social communication and attitude of tolerance toward differences.

73. In 2021, a total of 90 programs were implemented in places of imprisonment, through which 1,244 inmates passed. The most frequently implemented programs are: “Skills for thinking”, “Promoting tolerance”, “Tolerance in prison, tolerance in life”, “Positive fatherhood”, “Mastering social skills and adequate behaviour in the labour market”, “Skills for safe driving”, “Working with inmates with a low intellectual level”, “Communication and assertive behaviour”, et. Vocational training is also provided to inmates in prison schools. In 2021, four part-vocational courses were implemented in four prisons, with the assistance of the State Enterprise Prison Affairs Fund. 42 inmates have successfully graduated and received certificates.

74. The GDES is a beneficiary of three pre-defined projects under the Norwegian Financial Mechanism. Under the project “Increasing the capacity of the staff, building a pilot prison connected to a training centre and improving the rehabilitation of prisoners”, it is planned to develop a specialized program for mentoring (coaching) and specialized programs for reintegration and improving the social competences of the convicted persons.

75. Psychologists working in places of imprisonment implement a wide range of activities in the psychological service of convicts and penitentiary staff. Their main functions are not only psychological evaluations and psychodiagnostics of prisoners, but also the implementation of crisis interventions, advisory and correctional work with prisoners, which, if necessary, can have a psychotherapeutic focus. Depending on the specifics and severity of the psychological problems of the treated persons, psychological counselling can take the form of short-term therapy, and group work (especially with drug addicts, sex offenders, persons with mental illnesses and mental deficits) can be based on the principles of cognitive-behavioural paradigm and therapy.

76. According to the legal provisions, prisoners have the right to stay outdoors for not less than one hour a day. If possible, every inmate is provided with conditions for participation in sports activities and exercises for one hour a day outside the time specified for staying in the open air. In case of unfavourable conditions, sports games and exercises are held indoors. Incarcerated minors are provided with at least two hours of outdoor time. The persons accommodated under the terms of Art. 248 of the ESDCA, have the right to stay outdoors for not less than 1 hour per day.

77. The heads of prisons implement a consistent policy to direct, limit and control the manifestations of mistreatment and violence between prisoners. The principles are already laid down in the process of initial training of newly hired employees and continue with subsequent trainings. In the framework of the project “Increasing the capacity of the staff, building a pilot prison connected to a training centre and improving the rehabilitation of prisoners” under the Justice Program of the Norwegian Financial Mechanism 2014–2021, it is planned to increase the capacity of the employees of the General Directorate Execution of Sentences through training and development of skills and competences based on professional ethics and values, as well as compliance with a culture of security. The good preparation and training of the staff is a key factor for the implementation of dynamic security in prisons, prevention of hate speech and a factor for the successful rehabilitation and resocialization of prisoners.

78. With regard to para. 82, all detainees have the right to stay outdoors which is provided by law. During this time, they could make social contacts, play sports or participate in organized activities. All prisoners have the right to participate individually in certain general prison events such as various competitions, religious support, etc.

79. Regarding visits to prisoners, it should be noted that their right and duration is regulated in the Execution of Sentences and Detention in Custody Act and in the Regulations for its implementation. Meetings of prisoners with their relatives are conducted in accordance with the order determined by the head of the prison, correctional facility or detention centre. The frequency of visits per month varies in different prisons and detention centres, but it is never less than twice a month, as it is stated in the statutory regulation. The number of visits to places of detention depends on the number of inmates and their distribution by groups, as

well as on the available staff. The duration of the visit is up to 40 minutes and they could be held outdoors in open-type prison dormitories.

Health care in prisons

80. With regard to para. 88(a), following the amendments made to the Execution of Sentences and Detention in Custody Act, medical professionals (doctors, paramedics, nurses) could continue working after reaching 60 years of age. Thus, it is achieved the retention of long-term employees in the system. The procedure for appointing the new candidates is in shorter terms.

81. Currently, a draft of the Strategy for ensuring adequate medical care in places of deprivation of liberty and the Action Plan for its implementation 2022–2025 is prepared. Specific measures have been proposed to resolve the problem of insufficient staff in places of deprivation of liberty. These measures should be determined jointly by the General Directorate Execution of Sentences and the Ministry of Health, by developing common strategies and possible models for improving the employment of medical staff in penitentiary institutions; discussing and planning financial means for higher wages for the work of medical specialists in places of deprivation of liberty.

82. Regarding ensuring medical confidentiality, the draft Strategy and the Action Plan envisaged the creation of electronic health records to which only the medical specialist from the territorial service will have access is foreseen, along with the following tasks:

- Taking actions for using the created single Information System “Execution of sentences” in the part “Medical care in places of deprivation of liberty”;
- Creation and management of an electronic health record of every prisoner/detainee upon their admission to the territorial offices of the GDES;
- Provision of the necessary computer equipment, peripheral devices and Internet connectivity for managing electronic health records.

83. In the Medical Centres, with an acute shortage of personnel, instructions have been given to provide the possibility to conclude contracts under the Public Procurement Act for external services. Contracts must be concluded with Medical Centres or other legal entities that have the necessary higher and/or semi-higher medical personnel. When it is impossible to conclude an employment contract or to assign the performance to Medical Centres or other legal entities, medical specialists shall be hired on civil contracts for the provision of pre-hospital medical assistance. Official selection of a general practitioner and a dentist is carried out, according to the National Framework Agreement. Another good practice is also the use for medical specialists in relevant narrowly profiled specialties to visit prisons on site and provide health services, funded by the National Health Insurance Fund budget.

84. Pursuant to Ordinance No. 2/22.03.2010 on the terms and conditions for medical care in places of imprisonment, at the proposal of the director of the hospital or the medical centre, inmates may be appointed as support staff to medical facilities. Prisoners who have a medical education, if they are not deprived of the right to practice their profession, may be assigned to work in their specialty under the immediate control and direction of the director of the hospital or medical centre or a medical specialist authorized by them.

85. With regard to para. 88(b), pursuant the Rules for the Implementation of the ESDCA, each case of physical violence is registered in terms of traumatic disability and is recorded in the “Register of traumatic disabilities of prisoners and detainees”. For all established cases of physical self-harm and traumatic injuries to prisoners, reports are drawn up and inspections are carried out to seek disciplinary responsibility for prisoners who have exercised physical violence. Provided that a crime of a general nature is found to have been committed, the Prosecutor’s Office is notified.

86. With regard to para. 88(c), medical professionals shall put an effort to identify injuries in any inmate who, upon admission, undergoes an initial medical examination to assess his general health condition. When receiving data or establishing evidence of violence, the person shall be examined and measures shall be taken to provide medical assistance. The case is reported immediately, notifying the relevant superior, who shall notify the prosecutor

exercising legal supervision. In the event of complaints of violence, visible evidence of violence and in the cases of the use of physical force or aids, the officials shall ensure immediate access of the inmate to a medical specialist in charge of the respective place of imprisonment.

87. With regard to para. 88(d), the GDES has taken action to provide an up-to-date version of the Istanbul Protocol translated into Bulgarian. In this regard, assistance was sought from the National Preventive Mechanism to take follow-up actions to familiarize the medical specialists in the places of imprisonment with the Istanbul Protocol.

Record and investigation of injuries in prisons

88. With regard to para. 90, information on medical examination of the detainees is provided in reply to para. 49(c) of the Subcommittee report.

89. During the medical examination, upon finding traumatic injuries, medical specialists take immediate action to notify the relevant prosecutor's office and to send the relevant documents and photographs. Upon the express wish of the person or the prosecutor's order, an additional examination by an independent specialist in an external medical facility is provided immediately. The documents prepared from the examinations are included in the medical file of the prisoner. Medical specialists in places of imprisonment keep a register of traumatic injuries of prisoners and detainees, in which they record all received complaints of violence and established traumatic injuries. The register contains a serial number, name of the patient, anamnestic data, diagnosis of the trauma and administered treatment.

90. By order of the General Director of GDES, every month, the heads of prisons, correctional facilities and District Offices of Execution of Sentences shall provide the General Director with a detailed report on the entries in the register under the Rules for Implementation of the ESDCA.

C. Special Home for the Temporary Accommodation of Foreigners' (Busmantsi)

91. With regard to para. 93, forced accommodation in the Special Home for the Temporary Accommodation of Foreigners (SHTAF) is applied only in cases when the foreigner hinders the implementation of the order or there is a danger of abscond, as well as in cases when the foreigner does not carry out ensuring measures imposed on him. The Foreigners in the Republic of Bulgaria Act prohibits minors to be accommodated in the Special Homes for Temporary Accommodation. The only exception is when the minor is accompanied by his parents or trustee within a time period of three months.

92. With regard to para. 95, the SHTAF operates with full guarantee of the security, health and live of the accommodated persons, their fundamental rights, and pays special attention to the persons with special needs. At the moment of their accommodation, the foreigners are introduced in a language they understand with their right to apply for obtaining international protection status. They have to verify that they are aware of their fundamental rights and declare it in writing. For persons who are illiterate or unable to fill out the declaration themselves, it is filled out by an employee, as the declarations of will are made by the person in the presence of a witness who certifies their authenticity with his signature.

93. The accommodated in the SHTAF are informed about their duties and rights, written in the Rules of procedure and they have it at their disposal throughout their stay. The Rules of procedures are translated in English, Arabic, Pashto and Farsi. With the assistance of UNHCR samples from the document, concerning certain rights, are translated to six languages and put on the information dashboards. In public places and on information dashboards additionally is promulgated an information about the rights and duties of the accommodated in different languages, including in the form of posters, brochures and other materials.

94. There are no reported cases on the lack of communication due to language barriers at the SHTAF.

95. Each of the accommodated persons has a daily access to the employee, leading his case, to whom he can address questions with a diverse character, including his accommodation and rights, satisfaction of health, social and household or other needs. Legal aid and social support is provided by UNCHR, Bulgarian Helsinki Committee or Bulgarian Red Cross.

Detained migrant children

96. With regard to para. 97, Art. 44, para. 9 of the FRBA explicitly prohibits the application of forced accommodation to unaccompanied minors and foreign nationals. The person is handed over to an employee of the relevant Social Assistance Directorate (SAD), who takes measures for protection according to RICPA. It is not allowed unaccompanied minors and juveniles, who are foreigners to be accommodated in the Special homes for temporary accommodation of foreigners under the Migration Directorate of the Ministry of Internal Affairs.

97. The legislation in the field of child protection guarantees the fundamental rights of all children, including the children of foreign citizens who reside on the territory of the country. The general protection of the rights and interests of unaccompanied children of foreign citizens on the territory of the Republic of Bulgaria are regulated in the FRBA, the Rules of its implementation and the Asylum and Refugee Act. According to the legislation in force, unaccompanied children are children at risk. Under the provisions of the Child Protection Act, appropriate measures are taken depending on the particular case and the individual needs of the child. Unaccompanied children can be placed in a family of relatives or friends (if available), in a foster family or in an appropriate social or integrated health and social service for residential care. Under the provisions of the Asylum and Refugee Act (ARA), in addition to the Child Protection Act's measures, unaccompanied children seeking or granted international protection, may be accommodated in other places with special conditions for minors.

98. As stated, a minor can be accommodated in SHTAF when he is accompanied by his parents or trustee within a time period of three months. The Special Homes also provides conditions suitable for children. There are opportunities to practice sports and outdoor games.

99. The amendments in Instruction 81213-78 provides in case the detained person is an unaccompanied foreign minor, the Social Assistance Directorate of the minor's place of residence is notified. When the detainee is unaccompanied minor foreigner, who has expressed a wish to be granted international protection in the Republic of Bulgaria, after the registration of the application by the police authority, the minor is handed over to the head of the State Agency for Refugees Registration and Reception Center or to a person authorized by him.

Material conditions, overcrowding, hygiene and sanitation

100. With regard to para. 101, there are ongoing efforts to improve conditions in the SHTAF, including through activities funded under the emergency assistance mechanism "Asylum, migration and integration" Fund. Currently, the bed bug problem is limited to a tolerable level. All existing problems related to the heating systems are solved.

101. Upon the accommodation of foreigners, the so-called "preliminary filter" is applied. Every new accommodated person is given the opportunity to take a shower, clean and disinfected clothes are provided, and his personal clothes are washed at high temperature. There is also a possibility to freeze the personal luggage of the newcomers for 24 hours for the purpose of sanitizing.

102. Varied food is delivered daily on site, in compliance with the requirements of a healthy diet. It includes meat and dairy products with a reduced content of fat and salt. Fresh fruits and vegetables are delivered daily. The food is packaged in portions in single-use boxes, with the corresponding cutlery placed in isothermal containers, ensuring the preservation of the original temperature. If there is a medical prescription, diet food is provided.

103. With regard to para. 103, according to the FRBA, at the Migration Directorate of the Ministry of Internal Affairs, Special homes for temporary accommodation of foreigners are

established. They accommodate persons who have been issued a coercive administrative measure – an order for return or for expulsion.

104. The competent authorities take into account factors such as the length of residence of the foreigner in Bulgaria, the categories of vulnerable persons, the presence of proceedings under the Asylum and Refugees Act or proceedings for the renewal of a residence permit or other permit granting the right of residence, marital status, family, cultural and social ties with the person's country of origin.

105. When there are obstacles to the immediate execution of the orders, the authority that issued the order or the director of the Migration Directorate, after assessing the individual circumstances, order the implementation of preventive measures: weekly appearance of the foreigner at the territorial structure of the Ministry of Internal Affairs by place of residence; cash guarantee or surrender of a valid passport or other document for travel abroad as a temporary pledge.

Time outside, recreational activities and contact with the outside world

106. With regard to para. 105, possibilities for enriching the libraries with books, newspapers, journals in appropriate languages, including with assistance of the international organizations, are being searched continuously. The International Organization for Migration and Caritas Sofia are the main partners for carrying out entertaining and educational activities to support the accommodated children and adults. The access to public places is provided two times a day within two hours. Additional outdoor time is provided as well as the possibility of participating in sports activities.

107. With regard to para. 107, the accommodated foreigners in the SHTAF can use their personal mobile phones for audio communication. The provision of Internet access is an issue under current consideration of the competent authorities.

Ill-treatment allegations

108. With regard to para. 109, every report of illegal behaviour by police officers is promptly investigated. If there is an evidence of a crime, including police violence, the relevant prosecutor's office is notified.

109. In April 2022, the Rules for organization of work with offers and signals have been amended. An obligation has been introduced that the Internal Security Directorate shall be notified of any signal containing data on the unlawful use of weapons, aids or physical force, or unlawful detention. By a special order the Minister of Interior, the Directorate was assigned to monitor the inspections carried out in the country. Results of the introduction of this measure will be reported at a later stage.

Health care in migration detention

110. With regard to para. 113, the composition of the medical services at the SHTAF has not yet been completed. The medical staff is instructed to strictly maintain the medical documentation upon admission, leave and medical examinations of migrants.

111. Since 2019, the Medical Institute to the Ministry of Interior requests information on the type and number of seriously ill migrants, including rare disease as malaria, leishmaniasis, tuberculosis and other; number and health status of the children up to 18 years; number and status of pregnant women. The Institute have contracts with hospitals in the country for providing emergency care and basic treatment of migrants from SHTAF. Thus, medical assistance is provided in a timely manner without any delay. The cost of the medical treatment is paid within a project, funded by the European Union.

112. The medical services at the SHTAF are equipped with the necessary equipment to provide the medical care needed, including defibrillators, oxygen bottles, inhalers, aids-wheelchairs, medicine cabinets.

VI. Concluding remarks

113. The Bulgarian authorities would like to reiterate their decisiveness to embrace the Subcommittee proposal of engaging in a constructive dialogue. In light of this proposal, the measures described above are the beginning of such constructive interaction. The Republic of Bulgaria will maintain further contact with the SPT and provide information on subsequent developments.

Annex

Information on capacity building trainings to judges and prosecutors on the provisions of the Convention and its Optional Protocol, including on the absolute prohibition of torture, provided by the National Institute of Justice (NIJ) of the Republic of Bulgaria

Reply to paragraph 44 of the SPT report

Between 15 May 2021–25 July 2022

1. Training on topic related to prevention and counteraction of torture and other forms of cruel, inhuman or degrading treatment or punishment is an important component of the training programme of the National Institute of Justice (NIJ) of the Republic of Bulgaria. The trainings organized by the Institute, aimed at strengthening the capacity of Bulgarian magistrates in the specified area. They are focused on the application of the relevant national, European and international standards.

2. A number of trainings are organized within the framework of the mandatory and ongoing qualification of magistrates – mainly from the field of criminal and administrative law. They provide knowledge on the procedural guarantees for protecting the rights of suspects and accused persons, persons with an imposed measure of restraint detention in custody or imprisonment and those placed in closed institutions; the legal status of refugees and migrants; the protection of crime victims; the regime of serving an imposed sentence of imprisonment, early release and alternative measures of detention/imprisonment; international cooperation in criminal cases and the application of the principle of non-refoulement, etc.

3. The NIJ is also developing a training programme for conducting practically oriented complex basic training on fundamental rights, as an important component of the professional training of magistrates and other experts working in the judiciary. The issues related to the prohibition of torture and inhuman or degrading treatment or punishment are presented in a separate module of the basic programme. The module provides a systematic review of the relevant standards contained in a number of legal instruments of European and international law, including the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.

I. Mandatory initial and introductory training

4. The principles related to the *prohibition of torture and of inhuman or degrading treatment* or punishment are addressed in the following modules of the training programme for candidates for junior judges, junior prosecutors and junior investigators who underwent mandatory initial training at the NIJ during the reporting period:

- European Convention on Human Rights (ECHR) and the practice of the European Court of Human Rights (ECtHR) as a source for the application of the Criminal Procedure Code. The practice of the Court of Justice of the EU relating to criminal cases;
- Procedural actions for criminal prosecution of the accused. Presentation of the act of bringing an accused person. ECtHR practice;
- ECHR – effective investigation in the practice of the European Court of Human Rights.

5. The issues related to *procedural guarantees in criminal proceedings and the rights of victims* are integrated in the following training modules from the programme of the three categories of candidates for junior magistrates:

- Procedural actions for criminal prosecution of the accused. Presentation of the act of bringing an accused person. ECtHR practice;
 - Special rules for considering cases of crimes committed by minors. Hearing of minors and juveniles. Methodology for interrogation of minors.
6. The prohibition of *expulsion, return or extradition of a person to another country* in the presence of a serious threat that he will be exposed to the risk of torture, is the subject of consideration in all trainings organized by the NIJ in the field of international cooperation in criminal matters.

II. Supplementary training

7. The principles related to the *prohibition of torture and inhuman or degrading treatment or punishment* at the level of the criminal process, as well as ensuring compliance with the provided procedural guarantees for the protection of the rights of suspects, accused and detained persons (based on an imposed measure of restraint or “imprisonment”) by law enforcement authorities are addressed in the following trainings organized by the NIJ as part of the ongoing training of magistrates during the period under review:

- “*Current challenges to basic principles of European criminal law*”, organized between 11-12.11.2021. A total of 15 trained, of which 1 judge, 9 prosecutors, 2 investigators and 3 foreign participants;
- “*Substantial procedural violations at the pre-trial and trial stages of criminal proceedings*”, organized on 17.06.2022, trained a total of 39, of which 12 judges, 17 prosecutors, 2 judicial assistants and 8 lawyers;
- “*The rights of suspects and the accused within criminal proceedings according to the European and national regulations – presentation of the CrossJustice information platform*”, organized on 23.06.2021. A total of 11 trained, of which 7 judges, 3 prosecutors and 1 judicial assistant;
- “*Accumulation of punishments in aggregate. Grouping of punishments in complex forms of multiple crimes. Deduction of preliminary detention*”, organized on 18–19.06.2021. A total of 21 trained, of which 19 prosecutors, 1 junior prosecutor candidate and 1 judicial officer;
- “*Administrative proceedings under the Law on Execution of Punishments and Detention. Overview and practical aspects of judicial practice*”, organized on 26–27.05.2022. A total of 34 trained, of which 10 judges, 10 prosecutors, 6 judicial assistants and 8 employees of the Ministry of Justice.

8. The effective *protection of the rights of certain vulnerable groups* (including children in conflict with the law, people with disabilities) as suspects or accused in criminal proceedings is advocated in the ongoing training of magistrates on the following topics, held during the specified period:

- “*Working with juvenile defendants*”, organised on 04-05.11.2021, with the participation of investigators from the investigation department at the Sofia City Prosecutor’s Office, a total of 16 trained, of which 15 investigators and 1 prosecutor;
- “*Specialized training in the field of child psychology and restorative justice in connection with crimes committed by minors*”, organised on 11–12.11.2021, with participation of investigators from the investigation department at the Sofia City Prosecutor’s Office, a total of 15 investigators were trained;
- “*Individual assessment and individual treatment of children in conflict with the law*”, organised on 29.03.2022. A total of 11 trained, of which 10 judges and 1 prosecutor;
- “*Restorative research, as an innovative approach to work in pre-trial and judicial proceedings*”, organised on 17.11.2021. A total of 16 trained, from which 4 judges, 6 prosecutors, 4 investigators and 2 judicial assistants;

- E-learning course “*Participation of people with disabilities in court proceedings and possible solutions to guarantee the effective exercise of their rights*”, organised between 20–28.06.2022. A total of 37 trained, of which 17 judges, 4 court assistants, 2 recordation judges and 14 judicial officers.

9. The principle of prohibition of expulsion, return or extradition of a person to another country, when there is serious reasons to believe that this person would be exposed to the risk of torture under Art. 3 of the UN Convention against Torture is an essential component of the content of the trainings organized by the NIJ in the field of international cooperation in criminal cases, including and of the trainings conducted during the period in question, as follows:

- “*European Investigation Order. GDPR*”, organized between 28–29.05.2021, trained a total of 28, of which 20 prosecutors, 3 prosecutorial assistants and 5 court officials;
- Training in a mixed form “*International legal cooperation between Bulgaria and Great Britain: What has changed after Brexit?*”, organized 22.06.2021. A total of 83 trained, of which 14 judges, 44 prosecutors, 9 investigators, 2 candidates for junior investigators, 3 judicial and 1 prosecutorial assistants, 2 judicial officers, 3 employees of the Ministry of Justice and 5 employees of the Ministry of the Interior;
- Training in a mixed form “*International cooperation between Bulgaria and Great Britain after Brexit*”, organized 27.10.2021. A total of 30 were trained, of which: 17 judges, 2 prosecutors, 2 investigators, 6 court assistants, 1 court officer and 2 employees of the Ministry of Justice.

III. Others

10. In parallel with the conducted trainings, during the period under review, the NIJ coordinated the participation of 96 Bulgarian magistrates (judges, prosecutors and investigators) in trainings organized by the European Judicial Training Network (EJTN) and other partner institutions and organizations on the following topics related to prevention and countermeasures of torture and other forms of cruel, inhuman or degrading treatment or punishment:

- “Crimes against humanity”;
- “From Nuremberg to the International Criminal Court”;
- “Criminal Law and Human Rights: Current Case Law of the ECtHR”;
- “Implementation of the Charter of Fundamental Rights of the European Union. Focus on the right to a fair trial”;
- “Applicability and effect of the Charter of Fundamental Rights within the proceedings before the national courts”;
- “Introduction to EU law in the field of asylum and migration”;
- “European legislation in the field of asylum”;
- “Asylum and Human Rights: Current ECtHR Case Law”;
- “European legislation in the field of migration”;
- “Annual conference in the field of European migration law”;
- “Illegal immigration”;
- “Thematic language training for cooperation in the field of asylum and refugee law”;
- “Procedural guarantees in criminal cases”;
- “Procedural guarantees in criminal proceedings”;
- “Children who break the law – offenders or victims?”;
- “Communication with children within legal proceedings”;

- “Rights of crime victims”;
 - “Rights of Victims of Terrorist Attacks”;
 - “Joint Investigation Teams”;
 - “European Investigation Warrant. Practical Aspects”;
 - “Reducing radicalization in prisons through alternative forms of imprisonment”;
 - “Investigation and prosecution of human trafficking in the EU”;
 - “Human Trafficking Investigation”;
 - “Training on Human Trafficking – Sexual Exploitation”;
 - “Hate crimes : xenophobia, homophobia, transphobia, sexism”;
 - “EU legislation in the field of gender equality”;
 - “Justice and gender equality”.
-