



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
25 May 2022

Original: English
English, French and Spanish only

Committee against Torture

**Seventh periodic report submitted by Bulgaria
under article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2021* ****

[Date received: 23 February 2022]

* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



I. Introduction

1. Prior to the submission of the seventh report of the Republic of Bulgaria, the Committee against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment provided the Bulgarian Government with a list of issues (*CAT/C/BGR/QRP/7 of 29 December 2020*), under the simplified reporting procedure. The list of issues contains 19 paragraphs, comprising a series of questions on the implementation of the Convention.
2. The present seventh report provides the State replies to questions, included in the list of issues. It is prepared in accordance with the Committee's general guidelines regarding the form and contents of the periodic report to be submitted in pursuant to article 19, paragraph 1 of the Convention (*CAT/C/14/Rev.1 of 2 June 1998*). The report covers the period from November 2017 to November 2021.
3. The seventh periodic report of the Republic of Bulgaria is prepared with contributions of all institutions and bodies engaged with the implementation of Convention. It is approved by the National Coordination Mechanism on Human Rights, after being published for public consultation on the website of the Ministry of Foreign Affairs. Similar to the preparation of other periodic reports of Bulgaria to the UN Treaty Bodies, the Ombudsperson and the Commission for Protection against Discrimination have been consulted in the preparatory process.

II. Replies to issues raised in the list of issues prior to submission of the seventh periodic report of Bulgaria (CAT/C/BGR/QRP/7)

Reply to paragraph 2 of the list of issues

4. Pursuant the Report of the Working Group on the Universal Periodic Review on Bulgaria, published after the participation of the State in the Third cycle of the review (*A/HRC/46/13 of 21 December 2020*), the Bulgarian authorities have decided to accept the recommendation to adopt a definition of torture that includes all elements contained in article 1 of the Convention. The competent bodies will consider the introduction of legal measures to include torture as a separate crime into the Bulgarian legislation.
5. By a Council of Ministers Decision No. 586 of 6 August 2021, the Government of Bulgaria adopted a Roadmap for the execution of the European Court of Human Rights' judgements. It contains a detailed list of the violations of the Convention found by ECtHR, notes the measures needed to overcome them, identifies the institutions responsible for them within the executive authorities and links the preparation of legislative or other proposals to specific deadlines.
6. One of the measures, included in the Roadmap in implementation of ECtHR' judgement "Velikova vs Bulgaria", is to criminalise torture through amendments in the Penal Code as well as to improve the provisions on the use of coercion to extract testimony from a person detained by the police. In addition, further amendments are envisaged to:
 - Strengthen the guarantees for access to a lawyer during the first hours of detention in order to prevent violence by police officers;
 - Strengthen the guarantees for independent investigation of police violence complaints. All complaints received by the Ministry of Interior will be automatically sent to the prosecutor;
 - Establish detailed rules for collecting data on police violence complaints and compilation of the conclusions of the investigation of such.
7. The implementation period of the Roadmap is 2021–2023.

Reply to paragraph 3 of the list of issues

8. In 2019, through legislative amendments to the Penal Procedure Code (PPC) 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/her detention, that person has the right to a defender. Explanation is given to the detained on the right to refuse a legal defender and the consequences arising therefrom, as well as his/her 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/her rights under the law and the legal and factual grounds for detention.

9. The amendments from 2019 to the PPC on the procedure for notifying an accused person in custody or bringing him/her before the court also apply to cases where the person is a foreign citizen (Article 63, paragraphs 7, 8 and 9 of the PPC).

10. 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 detainees do not have means for a lawyer or have not chosen one, but are in the statutory cases where legal protection is mandatory, they are entitled to legal aid.

11. The National Legal Aid Bureau 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.

12. Annual trainings for the lawyers from the National Register for Legal Aid are conducted to improve the quality of legal aid provided to protect the rights of detained persons.

13. As part of the main guarantees for ensuring the right to legal aid, the National Legal Aid Bureau 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.

14. According to the provisions of the Ministry of Interior Act, immediately after his/her detention, the person is acquainted with the grounds for detention, the liability provided by law, as well as his/her 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/her detention; to contact the consular authorities of the respective country (in case he/she is not a Bulgarian citizen); or to use an interpreter (in case he/she does not understand Bulgarian). The detainee fills in the above-mentioned declaration that he is aware of his/her rights, as well as of his/her 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/her right to appeal.

15. Foreigners accommodated in the Special Homes for Temporary Accommodation of Foreigners (SHTAF) within the Ministry of Interior are entitled to free legal aid under the Legal Aid Act; free legal aid from lawyers, representatives of NGOs and international organizations; or freelance lawyers hired by foreigners.

16. In criminal proceedings, the accused persons are detained by the court, and the grounds for taking this measure of restraint are indicated in the court decision. If the accused does not understand Bulgarian, he/she shall be provided with a written translation of the decision with all relevant information. Art. 55 of the PPC explicitly regulates the right of the accused to be provided with general information facilitating his/her choice of defence counsel.

The PPC provides in Art. 94 obligatory participation of a defence counsel in criminal proceedings in specific cases, including: when the accused is a minor; does not speak Bulgarian; or suffers from physical or mental disabilities that prevent him/her from defending himself. The accused has the right to communicate freely with his/her defence counsel, to meet in private, to receive advice and other legal assistance, including before the commencement and during the interrogation and in any other procedural action.

17. All materials, prepared by the State Agency for Refugees (SAR) centres concerning legal aid, are available in foreign languages. There is also a film version adapted for children. After the registration of unaccompanied minors, a legal representative is immediately appointed by the NLAB. Persons of school age seeking international protection are provided with free education in state and municipal schools under the conditions for Bulgarian citizens.

18. Social services are the main form of support for persons with disabilities, including those with mental impairments and intellectual disabilities. Their right to access and to use social services is regulated in the Social Services Act (SSA), which entered into force on 1 July 2020. The legal framework has been expanded through the provision of social services that ensure the personal choice of the individual, respect for their rights and preferences and voluntary use of the service. Further information may be requested in response to issues raised in paragraph 15 of the list.

19. In the period 2018–2020, an information campaign has been conducted to present opportunities to persons with disabilities and change the attitudes of society in order to overcome stereotypes towards this vulnerable group. On the World Mental Health Day in 2020, the “Live, Don’t Suffer” information campaign was launched in support of persons with mental impairments. As part of the campaign, a Viber application has been developed, where anyone can seek help.

20. Everyone who is deprived of liberty shall, after being taken to the place of detention, undergo an initial medical examination and assessment of his/her 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.

21. 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.

22. The General Directorate for Execution of Sentences within the Ministry of Justice and its territorial divisions is 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.

23. 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 Ministry of Interior, and the third one – handed immediately over to the detained person.

24. The SHTAF accommodate foreigners who have been issued an order for return or expulsion. For the purposes of accommodation, a Register of accommodated foreigners with imposed coercive administrative measures and a Register of short-term accommodated foreigners containing data on accommodated foreigners are being kept. The registers are for official use only and information from them is provided in accordance with the established procedure.

Reply to paragraph 4 of the list of issues

25. In 2017, amendments to the Execution of Punishments and Detention in Custody Act were adopted. Based on the amendments, article 3, paragraph 1 introduces a legal prohibition that convicts and detainees may not be subjected to torture, cruel, inhuman or degrading treatment. Para. 2 provides a definition about actions, facts and circumstances that are considered a violation in view of cruel, inhuman and degrading treatment within the prison system.

26. In 2016, the Ethical Code of Conduct for Civil Servants in the Ministry of Interior has been amended. Based on the amendments, the police officers are obliged to respect the right to life of each person and his/her dignity by not performing, provoking or tolerating any acts of torture, inhuman and degrading treatment or conduct. Moreover, the Ethical Code of Conduct explicitly indicates the cases in which the application of physical force is allowed, whilst putting a major emphasis on the principles of absolute necessity, proportionality and minimal duration. Special attention is given to the work of the police officers with victims and witnesses.

27. The Permanent Commission on Human Rights and Police Ethics has been strengthened as a body, functioning within the Ministry of Interior. The main responsibilities of the Commission remain the promotion and improvement of the Ministry's practices in carrying out its daily work, related to the protection of human rights and fundamental freedoms as well as the establishment of a centralized approach towards human rights protection by the law enforcement officers. The Commission also provides vocational training on the protection of human rights and professional ethics in police activities. It also acquaints the police officers with the judgements of the European Court of Human Rights.

28. The Ministry of Interior pays due attention to the professional qualification of the police officers. The Academy to the Ministry of Interior provides specialized training for all police officers, regardless of their professional experience. All officers must undergo training (theory and practice) and take an exam on the use of physical force and means. Periodically, additional training of the staff is conducted. Several courses are added to the curriculum for newly recruited officers, namely "Human Rights Protection", "Police Law", "Preservation of Public Order". The Ethical Code of Conduct also forms part of the curriculum. The Academy to the Ministry of Interior annually conducts a course for vocational training of experienced police officers on police practices and human rights.

29. The Inspectorate Directorate of the Ministry of Interior considers complaints for allegations of police violence against citizens, related to illegal use of physical force, illegal detention and actions or omissions that have led to violation of the rights and freedoms of citizens. All registered signals of police violence are investigated immediately not only by the police authorities themselves, but also by the Interior Security Department at the Ministry of Interior, the Prosecutor's Office and the judiciary.

30. In accordance with the PPC, independent police inspectors and prosecutors investigate all cases of offences, conducted by the law enforcement officials. If there is sufficient evidence that a crime has been committed, all complaints from citizens against the actions of police bodies are automatically sent to the Prosecutor's Office to control and supervise the investigation of the complaints.

31. According to the statistical information available in the Supreme Prosecutor's Office of Cassation on the criminal proceedings for police violence by employees of the Ministry of Interior:

- In 2017, 33 pre-trial proceedings were instituted. Two acts were submitted to the court, one person was convicted by an effective sentence;
- In 2018, 57 pre-trial proceedings were instituted. Two acts were submitted to the court, one person was convicted by an effective sentence;
- In 2019, 51 pre-trial proceedings were instituted. Four acts were submitted to the court, no persons were convicted with an effective sentence;

- In 2020, 19 pre-trial proceedings were instituted. Three acts were submitted to the court, one person was convicted with an effective sentence.
32. According to the statistical information available in the Supreme Prosecutor's Office of Cassation on criminal proceedings for violence by employees in places of deprivation of liberty and detention:
- In 2017, 3 pre-trial proceedings were instituted. There are no cases filed in court, no persons convicted with an effective sentence;
 - In 2018, 5 pre-trial proceedings were instituted. An act has been submitted to the court, no persons have been convicted with an effective sentence;
 - In 2019, 10 pre-trial proceedings were instituted. There are no cases filed in court, no persons convicted with an effective sentence;
 - In 2020, 7 pre-trial proceedings were instituted. There are no cases filed in court, no persons convicted with an effective sentence.
33. Additional statistical information is available in Annex I.

Reply to paragraph 5 of the list of issues

34. Pursuant to Constitutional Court's Decision 13/27.07.2018, Bulgaria is not in a position to ratify the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence ("Istanbul Convention"). This does not undermine the state's commitment to combating all forms of violence, including domestic violence. According to the Decision, the Convention promotes legal concepts related to the notion of "gender" that are incompatible with the binary model enshrined in the Bulgarian Constitution. Therefore, the State cannot accept either the concept of gender or the gender-based approach of the Convention or any other document that intends to differentiate between "sex" as a biological category and "gender" as a social construct.

35. However, the Bulgarian government works constantly to improve the national legislation in the area of combating violence against women. It aims to achieve an even higher level of protection from domestic violence and support of victims.

36. In 2019, amendments in the Penal Code were made to define the cases in which it should be assumed that the crime was committed "in the context of domestic violence". These comprise: if it was preceded by the systematic exercise of physical, sexual or mental violence; placing in economic dependence; forced restriction of private life, personal freedom and personal rights. The act should be carried out against an ascendant, descendant, spouse or ex-spouse; a co-parent; a person with whom they are or have been in de facto marital cohabitation; or a person with whom they live or have lived in the same household.

37. The introduced amendments in the Penal Code provide for criminal prosecution to acts committed in circumstances of domestic violence, as follows – murder, infliction of bodily harm, kidnapping, unlawful deprivation of liberty, coercion, threat of crime, systematic stalking, and repeated non-enforcement of a court decision, an order for protection against domestic violence or a European protection order. As the components of those crimes are qualifying, the punishments provided for are more severe.

38. Amendments in the national legislation regarding the removal of the term "in a systematic manner" are under consideration.

39. The Prosecutor General approved "Instruction on the organization of work of the Prosecutor's Office of Republic of Bulgaria on files and pre-trial proceedings instituted on reports of domestic violence, threat of murder, and violated order for protection from domestic violence". It explicitly orders the undertaking of immediate actions in cases of received alerts on committed domestic violence, and in case of initiating pre-trial proceedings to carry out the investigation as a matter of priority. A form for establishing the facts and circumstances of the specific case is attached to the instruction, and various hypotheses of domestic violence have been developed. Every complaint for domestic violence is registered

by the Ministry of Interior and is reported immediately to the respective regional prosecutor's office and civil court.

40. At the request of the victim or at the proposal of the prosecutor, with the consent of the victim, the relevant court may prohibit the accused: a) to approach the victim directly; b) to contact the victim in any form, including by telephone, by e-mail or fax and c) to visit certain settlements, areas or sites where the victim resides or visits. The court informs the victim about the possibility of issuing a European protection order. The PPC includes explicit provisions for taking action in the course of criminal proceedings and in case of identified need for protection of victims.

41. Every year the state budget allocates funds for financing projects of non-profit legal entities for the implementation of programmes for providing assistance to victims of domestic violence.

42. Domestic violence protection proceedings may be instituted at the request of the Director of the Social Assistance Directorate (SAD) in cases where the victim is a minor or a person with a disability. When the complaint concerns a minor, the Coordination Mechanism for interagency interaction in cases of children, victims of violence or risk of violence is applied. The Director of the SAD immediately notifies the Ministry of Interior.

43. According to the Regulation for implementation of the Social Services Act (SSA), when the stated desire to use a social service comes from a person in a crisis situation, a victim of domestic violence or a victim of trafficking, he/she is immediately directed to an appropriate social service. In case of imminent danger to his/her life, the Ministry of Interior is notified. People from those target groups, who need urgent support, can use social services without referral. When the person is a parent or guardian, the service is also provided to the child. When a victim of domestic violence or a victim of trafficking is a pregnant woman or a mother of a child under the age of three, she is immediately directed to an appropriate state-funded social service, together with the child.

44. Specialized support for victims of violence, trafficking or other forms of exploitation is being provided in Crisis centres. In those centres, a set of social services for children and/or victims of violence, trafficking or other forms of exploitation is provided for a period of up to 6 months, aimed at providing individual support, meeting the daily needs and legal counselling of users or social-psychological assistance. Immediate intervention may be provided with mobile crisis intervention teams. Crisis centres provide safe environment for children and victims of violence, trafficking or other forms of exploitation. The crisis centres use individual approach and assessment of the specific needs of the person, helping to develop self-help skills in different situations. Support is also provided to overcome the effects of trauma.

45. The National Hotline for Legal Aid and Regional Legal Advice Centres provide legal assistance and consultations. Special focus is set on vulnerable groups, ethnic minority groups, victims of domestic violence and gender-based violence, and on investing in capacity building for professionals to provide quality services.

46. The SSA for the first time introduces planning at national level of social services, financed from the state budget by developing a National Map of social services. It serves as a basis for determining the package of social services at the level of municipality and district, as well as the maximum number of users of all social services for which full or partial funding is provided from the state budget. Social services for victims of violence or other forms of exploitation are also included in the National Map, based on specific criteria in compliance with the size and demographic profile of the population.

47. Pursuant to the Protection against Domestic Violence Act, the Council of Ministers adopts a National Programme for Prevention and Protection against Domestic Violence by 31 March every year. The document contains institutional and organizational measures, training and qualification measures, protection, rehabilitation and reintegration of victims of domestic violence, as well as those for control and evaluation. It is available online.

48. The Government also adopted and implemented the National Programme for Prevention of Violence and Child Abuse 2017–2020. The programme sets the national policy framework in the field of violence against children through a Coordination Mechanism and

communication between state bodies, representatives of civil society and the non-governmental sector. The State Agency for Child Protection, in partnership with the Ministry of Interior, the Social Assistance Agency and the District Administrations, annually monitors the implementation of the Coordination Mechanism.

49. In July 2020, the Child Protection Act was amended to regulate and improve the cross-sectoral approach and cooperation in cases of violence against children. A multidisciplinary team works together to develop an action plan to protect the child or prevent violence. The main aim is to provide timely and targeted support to children and their parents by the competent authorities.

50. The National Hotline for Children was established in Bulgaria in 2009. Since 2020, it is managed and controlled by the State Agency for Child Protection. The line is open 24 hours a day, free of charge and receives calls from people all over the country. Its purpose is to gather information, provide counselling and psychological support to children, including in case of children at risk of violence. It employs some of the best psychologists and pedagogues in the field.

51. The Ministry of Interior, together with NGOs, conducts information campaigns aimed at encouraging victims to report cases of domestic violence on a regular basis. Posters with information on how to seek help (legal and medical) have been posted in all buildings of the Ministry of Interior, municipalities and regional prosecutor's offices. Stickers for the hotline for victims of domestic violence have been posted on public transport. The official website of the Prosecutor's Office lists the possibilities for protection in cases of domestic violence, the institutions that are competent to take appropriate measures, and the procedure for their referral.

52. In 2021, Sofia municipality together with "Voice in Action" non-governmental organisation and Viber launched an application. It allows for the safe reporting of cases of domestic violence and providing counselling as well as information for medical help and crisis centres.

53. With the active participation of NGOs, regular trainings are conducted for social and health workers on municipal and regional level on working with victims of domestic violence, incl. children, applying the appropriate legal provisions, protection, referral and other appropriate actions. In addition, the Ministry of Interior, together with NGOs, also conduct regular trainings on these issues. Trainings are currently ongoing under the Norwegian Financial Mechanism on "Improving the effectiveness of police actions in the field of domestic violence and gender-based violence."

54. All candidates for junior judges, who underwent compulsory initial training at the National Institute of Justice during the period under review, participated in training on proceedings for the imposition of measures for protection against domestic violence. Between April 2018–April 2020, the National Institute of Justice, the Prosecutor's Office and the General Directorate of the National Police in the Ministry of Interior took part in the implementation of the project "Effective Strategies and Practices in the Criminal Justice System for Combating Gender-Based Violence in Eastern Europe", co-financed by the European Commission and Germany and Austria and implemented by the Organization for Security and Cooperation in Europe (OSCE). As of 12.02.2020, the National Institute of Justice, in cooperation with the Ministry of Justice, is implementing the project "Prevention and Counteraction to Violence against Women and Domestic Violence" with the support of the Justice Program of the Norwegian Financial Mechanism 2014–2021. The project is focused on developing measures to prevent violence against women with an implementation period of 48 months.

55. Since 2017, trainings for magistrates (prosecutors and investigators) on domestic violence have been held annually. In 2018, 12 trainings were conducted with the participation of 18 magistrates; in 2019 – 5 trainings with 29 magistrates; in 2020 – 3 trainings with 33 magistrates.

Reply to paragraph 6 of the list of issues

56. In 2017, Bulgaria adopted its first National Strategy for Combating Trafficking in Human Beings 2017–2021. It outlines several national priorities: (1) active prevention with a focus on vulnerable groups; increased identification, protection and support for victims; (2) effective prosecution and punishment; (3) enhanced inter-ministerial and international coordination and cooperation; (4) immediate and competent response to child victims of trafficking. The Strategy was developed through a broad consultative process, including experts from the National Commission on Combatting Trafficking in Human Beings (NCCTHB), the Permanent Working Group at the NCCTHB, and representatives of international and non-governmental organizations.

57. In April 2021, the NCCTHB signed a contract with the Institute of Philosophy and Sociology at the Bulgarian Academy of Sciences for monitoring and evaluation of the implementation of the National Strategy and for the preparation of a draft for a new strategic document.

58. Every year the Council of Ministers approves the budget for the activities of the NCCTHB. In addition to the funds allocated from the state budget, the NCCTHB administration has additional external funding from international and non-governmental organizations, as well as funds by the EU and other international donor programmes.

59. The NCCTHB, through its Secretariat, acts as the co-ordinating body for implementing the National Referral Mechanism for Support of Trafficked Persons (NRM). To enhance the implementation of the NRM, a multi-agency and multi-disciplinary team was set in the framework of a Bulgarian-Swiss Programme, implemented by the NCCTHB between October 2015–March 2019. At the end of the Project, the activity of the multi-disciplinary team was relaunched as part of the National Antitrafficking Programme for 2021. Further information about the Project is available in Annex II.

60. The right to legal assistance arises from the moment a person is identified as a victim of trafficking, in accordance with the provisions of the Assistance and Compensation of Crime Victims Act and the NRM. Following amendments to the Anti-Trafficking Act in 2019, shelters for victims of trafficking must provide them with free legal assistance.

61. Currently, there are 7 specialized services established for adult victims of trafficking in human beings and funded by the NCCTHB. They offer accommodation and/ or consultations (psychological, social and/or legal) as well as other type of support and assistance depending to the identified needs. Victims can be accommodated with their children.

62. Depending on their needs and the concrete cases, victims of trafficking can benefit from relevant state-delegated social services. According to the SSA, a number of social services for persons and children, victims of violence, trafficking or other forms of exploitation are provided. These include: provision of shelter, information and counselling, therapy and rehabilitation, advocacy and mediation, skills training and others. All victims of trafficking are given individual care on a case-by-case basis, with particular emphasis on women and children.

63. The cases of child trafficking for the purpose of labour exploitation or prostitution are actively monitored by the Child Protection Departments (CPD) of the SADs for a period of one year, in order to provide the necessary support and prevent new involvement of children in trafficking, as well as to prevent other children from the family to be involved. At the discretion of the social worker, the monitoring period may be extended, depending on the specifics of the particular case.

64. The Administration of the NCCTHB receives complaints by e-mail, through the contact form published on the official website of the Commission or by phone, within the working hours of the administration, through the NCCTHB profiles in the social networks, as well as on the spot. In addition, there are various 24-hour telephone lines for victims of trafficking and/or their relatives.

65. Training and building the capacity of professionals from different fields is part of the National anti-trafficking strategy and annual programmes. Each year, the NCCTHB conducts trainings for police officers, judges, prosecutors and investigators on trafficking victims` identification. Additionally, trainings are conducted by the National Institute of Justice, the Prosecutor`s Office and the National Investigation Service; the Ministry of Interior; the Diplomatic Institute at the Ministry of Foreign Affairs, etc. Separately and at the regional level, specialized trainings for specialists are carried out annually by the Local Commissions for Combating Trafficking in Human Beings. The main goal is to increase knowledge and raise awareness about the legal regulation of the crime of “trafficking in human beings”, the challenges related to the methodology of investigation and prosecution of perpetrators, the technique of interrogation of victims, and the protection and support of victims of trafficking, witnesses in criminal proceedings.

66. The administration of the NCCTHB is part of the network of national rapporteurs or equivalent mechanisms on the issue of human trafficking at the Office of the EU Anti-Trafficking Coordinator. The NCCTHB is also part of the informal network of anti-trafficking coordinators in South-eastern Europe. Within the international networks, special efforts are made to improve cooperation between countries of origin and countries of destination – exchange of experience and good practices, including efforts to reduce the demand. Separately, on operational level this cooperation is presented within Joint Investigation Teams of law enforcement agencies.

67. The Ministry of Interior is the national coordinator of the European Multidisciplinary Platform against Criminal Threats. The Ministry of Interior has an important role in the latest European campaign for prevention of trafficking of human beings with a focus on sexual exploitation – #BlindBetting. The first stage of the campaign started in June 2021, simultaneously on the territory of 26 European countries.

68. The data on the number of investigations, prosecutions and sentences handed down to perpetrators of human trafficking is provided annually by the Supreme Cassation Prosecutor`s Office of Bulgaria for the needs of the Annual Anti-trafficking Reports issued by the NCCTHB. According to the available statistical information on the criminal proceedings for trafficking of human beings:

- In 2017, a total of 84 pre-trial proceedings were instituted. 65 acts were submitted to the court, 62 people were convicted with an effective sentence;
- In 2018, a total of 59 pre-trial proceedings were instituted. 53 acts were submitted to the court, 58 people were convicted with an effective sentence;
- In 2019, a total of 84 pre-trial proceedings were instituted. 41 acts were submitted to the court, 61 people were convicted with an effective sentence;
- In 2020, a total of 76 pre-trial proceedings were instituted. 36 acts were submitted to the court, 46 people were convicted with an effective sentence.

Reply to paragraph 7 of the list of issues

69. The activities of the Ombudsman are financed by the state budget and/or other public sources. Efforts are being constantly made to provide sufficient funding for all activities.

70. Despite the epidemic situation, in 2020, the Ombudsman as a National Preventive Mechanism conducted 49 monitoring activities in places of detention/deprivation of liberty. The focus was on the anti-epidemic measures and follow-up on previous recommendations. Both planned and un-planned inspections were conducted. The methodology was updated to include the recommendations of the UN Subcommittee against Torture, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the World Health Organisation.

71. As a result of the inspections in 2020, a total of 39 recommendations were sent to specific institutions. 3 848 persons were covered by the inspections. The implementation of the recommendations is regularly reviewed. They are reflected in the Ombudsman`s annual

reports, as well as the National Preventive Mechanism's reports, which are published on the institution's official website.

72. The Ombudsman cooperates with NGOs on a regular basis. In addition, the institution may set up advisory councils comprising himself, the deputy Ombudsman or other members of his/her administration, members of the academia, media, non-governmental organisations, external consultants, etc.

Reply to paragraph 8 of the list of issues

73. The conditions and the order for extradition are regulated in the Extradition and European Arrest Warrant Act. Extradition is allowed only when the act constitutes a crime under Bulgarian law and the law of the requesting state and provides for imprisonment or a measure requiring the detention of the person for not less than one year or another more severe punishment. Extradition shall also be granted for the purpose of serving a sentence of imprisonment or a measure imposed in the requesting State requiring the detention of the person for at least 4 months.

74. Extradition is not allowed for Bulgarian citizens, unless this is provided for in an international agreement, to which Bulgaria is a party; a person who has been granted asylum in Bulgaria; a foreign citizen who enjoys immunity in respect of the criminal jurisdiction of Bulgaria; and a person who is not criminally liable under Bulgarian law.

75. In any case, a person submitted by another country may be tried only for the crime for which he was extradited, unless:

- The other State has consented to his/her trial also for another crime committed before his/her extradition, or
- He/she has had the opportunity to leave the territory of the Republic of Bulgaria and has not done so within 45 days of his/her final release or has returned to it after leaving it;
- If the extradited person has committed or has been convicted of another offense, the criminal proceedings for that offense or the execution of the sentence imposed shall be suspended pending a response from the requested State.

76. When a third country requests the extradition of a person who is not a Bulgarian citizen for crimes committed by him/her before the transfer, other than those for which the person was extradited to Bulgaria, this extradition may not be carried out without the consent of the state extraditing the person to Bulgaria. Submission of a person by transfer, expulsion, retransmission at the state border or in any other way that conceals extradition is not allowed.

77. Through the Foreigners Act Bulgaria has introduced an explicit ban on the return of a foreigner to a country where his/her life and liberty are endangered, and he/she is in danger of persecution, torture or inhuman or degrading treatment. When the above circumstances are established by an effective judicial act, an order shall be issued and served to the foreigner, in which the prohibition for return and the state in which the foreigner should not be returned shall be explicitly indicated. The order is not subject to appeal. In these cases, the return may be made in another country, which is entered in the return order.

78. With amendments from 2019 to the Foreigners Act, the orders for imposition of coercive administrative measures may be appealed under the conditions and by the order of the Administrative Procedure Code. In case of an "expulsion" measure, the court's decision is final. With the amendment from 2021, another legal possibility is created as an additional guarantee for observance of the right to impartial consideration by the court of the appeal against an expulsion order. When the appeal does not suspend the execution of the order but contains substantiated allegations for the existence of a significant risk, the court may ex officio suspend the preliminary execution of the order upon receipt of the complaint. Until the court rules, the measure shall not be implemented.

79. Foreigners, who have submitted a subsequent application for international protection do not have the right to remain on the territory of the country when their application is

considered inadmissible within the meaning of Article 40, paragraph 2 of Directive 2013/32/EU. With the amendments in Article 84, paragraph 6 of the Asylum and Refugees Act (ARA) from 2020, a possibility was introduced for the court to decide on the right of the foreigner to remain on the territory of the country during the court proceedings ex officio or by request by the applicant.

Reply to paragraph 9 of the list of issues

80. The request for granting international protection in Bulgaria is made personally and voluntarily. Applications for international protection are considered by the State Agency for Refugees (SAR) individually, objectively and impartially, after an assessment for granting refugee status. If a refugee status cannot be granted, the possibility of granting subsidiary protection (so-called “humanitarian status” in the national legislation) is considered. Asylum seekers are accommodated in the territorial divisions of SAR, after assessing the health condition, family and financial situation of the foreigner.

81. The special situation and special needs of foreigners from vulnerable groups are considered during the applications for international protection. According to the ARA, vulnerable groups include minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of human trafficking, persons with serious health problems, persons with mental impairments and persons who have suffered torture, rape or other severe forms of mental, physical or sexual violence. The identification and assessment of the vulnerability begins as early as possible at the stage of registration and medical examination of the foreigner and continues throughout the entire procedure for granting international protection. All interviewers, social experts and medical persons have undergone the relevant trainings.

82. When conducting proceedings for international protection, applicants may be accommodated in a closed facility only in the explicitly defined exceptional circumstances specified in Article 8 of Directive 2013/33 EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). The Directive is introduced in the Bulgarian legislation through the ARA. Accommodation in a closed facility is carried out in compliance with the fundamental principle that a person may not be detained solely based on the international protection sought by him, but also on the principle of necessity and proportionality. As an alternative to accommodation in a closed facility, it is possible to instruct the foreigner to appear every two weeks during the proceedings before an official of the SAR.

83. During the proceedings for granting international protection to unaccompanied children, the SAR takes actions to assess the best interests of the child according to the individual needs. The SAD is immediately notified. The assessment ensures that the unaccompanied or separated child can reach adulthood in an environment that meets his/her or her needs and respects his/her or her rights. The rapid assessment of the best interest of the child is prepared within 24 hours of registration by social experts. The full assessment is prepared in case of identified risk – high or medium for unaccompanied in an international protection procedure – within 14 days of registration.

84. Upon receipt of a signal about an unaccompanied child, a foreign citizen, incl. a refugee child, is registered, examined and evaluated in accordance with the provisions of the current child protection legislation.

85. The social worker from CPD attends the initial interviews with the child, together with Ministry of Interior employees and other individuals (translator, interpreter, etc.). They consult and inform the unaccompanied child in a way appropriate to his/her age and development on the terms and conditions for applying for international protection and for the application of a protection measure under the Child Protection Act. The unaccompanied child is also consulted about the possible consequences arising from his/her wishes and the decisions of the institutions.

86. Unaccompanied children are accommodated in designated facilities, called “Safe Zones”, separate from other candidates for protection. They are provided care of employees

with the necessary professional experience. Children accommodated in the territorial divisions of SAR have access to a safe place to live and care, as well as to services guaranteeing medical, social, legal care and support, psychological support, access to education, etc.

87. A legal representative protects the legal interests of unaccompanied minors in the proceedings for granting international protection until their completion by an effective decision. He/she performs these functions until the person reaches the age of majority. He/she represents the minor before all administrative bodies, including social, health, educational and other institutions, in order to protect the best interests of the child, and performs the role of legal representative in all proceedings before administrative and judicial authorities.

88. In 2018, the SAR updated the Standard Operating Procedures for Prevention and Response to Sexual and Gender-Based Violence. In accordance with the procedures, any SAR officials who receives information about a victim of violence shall immediately notify the Social Affairs and Adaptation Directorate. A set of documents is filled in and as a leading organization, the SAR receives all notification forms and maintains the database. In case of identification of children at risk or who have experienced violence, within 24 hours the SAR notifies the child protection bodies, namely the State Agency for Child Protection, the Social Assistance Agency and the bodies of the Ministry of Interior.

Reply to paragraph 10 of the list of issues

89. In 2018, the implementation of the Council of Europe project “Support for the implementation of the decisions of the European Court of Human Rights and the standards and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment” was successfully completed by the National Institute of Justice. For a period of approximately one year, a series of trainings and round tables were held, aimed at raising awareness about the newly introduced preventive and compensatory remedies for protection against bad conditions in places of imprisonment and strengthening the capacity of judges and prosecutors in the country to deal effectively (including in time) with claims for compensation submitted by prisoners. The National Institute of Justice curricula in the field of prohibition of torture and inhuman treatment was improved and upgraded. The self-training resources developed under the project, including the manuals for the implementation of new remedies, and the good European practices and the Council of Europe’s tailor-made guide to the prohibition of torture and inhuman or degrading treatment or punishment, adapted to the needs of national magistrates, are used as additional materials in conducting trainings in the specified field or as materials for self-preparation.

90. In 2019 the National Institute of Justice organized trainings on the transfer of prisoners and change in the regime of serving the sentence of imprisonment; the responsibility for illegal activity of the specialized bodies for execution of sentences; the disciplinary proceedings and the protection of prisoners against torture, cruel, inhuman or degrading treatment, in accordance with the established standards of the European Convention on Human Rights and the practice of the ECtHR.

Reply to paragraph 11 of the list of issues

91. In 2019, the Council of Ministers adopted the Strategy for the Development of the Penitentiary System in the Republic of Bulgaria 2020–2025. The Strategy sets the main strategic goals, measures and actions for their achievement, as well as the expected results of their implementation. It is in line with the international instruments on human rights and the European standards for the democratization of institutions and the humane treatment of offenders. The General Directorate for Execution of Sentences (GDES) to the Ministry of Justice has taken the necessary measures within to develop a plan for the implementation of the Strategy until 2025.

92. The Strategy aims to continue the modernization and reform of the penitentiary system, to humanize the implementation of various types of penalties, to improve the management and rehabilitation of offenders, the competencies and motivation of the staff, the cooperation,

and the possibilities for introducing innovations in the functioning of the General Directorate for the Execution of Sentences and its territorial services. To ensure the practical implementation of the Strategy, a Plan and a financial plan for the activities included in it have been prepared.

93. Between 2017–2021, the practise of improving the material conditions, reducing the overcrowding in the penitentiary institutions and bringing them in compliance with the International Minimum Standards on Detention Facilities and the European Prison Rules has successfully continued. Some of the improvements are:

- New investigation detention facilities (IDFs), built in Sliven Prison and Stara Zagora Prison;
- A new Prison hostel (open type) “Vereya”, established to Stara Zagora Prison with a capacity of 54 people;
- Major repairs of prison buildings in prisons in Bobov dol, Pazardzhik, Sofia, Vratsa, Prison hostel (closed type) “Cherna gora” to Stara Zagora Prison;
- New IDFs and probation services, built in Blagoevgrad and Dobrich.

94. Other measures taken to improve living conditions in places of detention are:

- Repair and reconstruction of a building – Dobrich – the renovation was completed in January 2021, a new detention centre was built with conditions meeting all contemporary standards;
- Repair and reconstruction of a building – Blagoevgrad – the renovation was completed in March 2021, a new detention centre was built, meeting all conditions and requirements;
- Repair and reconstruction of a building – Kardzhali – the renovation should be completed by the end of 2021, a new detention centre is to be built, meeting the relevant European requirements and standards;
- Repair and reconstruction of a building – Veliko Tarnovo – design has been carried out, a public procurement is forthcoming for selection of a contractor for the repair for construction of a new modern detention centre with a deadline of 2022;
- Reconstruction of a prison dormitory of open type “Hebros” with separation of a transitional section (halfway house), and improvement of the material conditions in the building of the prison in Plovdiv – selection of a contractor for reconstruction;
- Reconstruction and change of the purpose of a building intended for relocation of a prison dormitory of open type “Ceramic Factory” to the prison of Vratsa – selection of a contractor for the reconstruction;
- Reconstruction and change of the purpose of a building to separate a detention premises and probation service in the town of Petrich – in the design phase and selection of a contractor for the reconstruction;
- Reconstruction of the Stroitel prison dormitory at the Burgas prison with the establishment of a transitional section (halfway house) – in the design phase and selection of a contractor for the reconstruction;
- Reconstruction and change of the purpose of an existing production workshop at the prison in the town of Pazardzhik into a training centre to support the social inclusion of prisoners after their release;
- In the detention facilities located on G. M. Dimitrov Street and Major Vekilski Street in Sofia, current repair works have been carried out and continue to be carried out to improve the living conditions of the detained persons.

95. The General Directorate of Execution of Sentences (GDES) has taken action to acquire a new property from the Ministry of Defence near the city of Sofia for the purpose of future construction of a new prison and relocation of the existing one in Sofia. The procedure for acquiring the property is currently underway.

96. The Ceramic Factory Prison Dormitory was closed in March 2020 due to poor living conditions. The detainees were moved to a building in the town of Boychinovtsi. The Kremikovtzi Prison Dormitory is currently still in operation.

97. The GDES constantly makes efforts to improve the living conditions in Sofia Prison, Varna Prison and Burgas Prison by carrying out repair works in the places of imprisonment, taking into account the available budget set for the calendar year. In 2020, Sofia Prison underwent repairs to the floor of the north wing, as well as thermal insulation of the entire prison. In 2017–2018, Varna Prison and Burgas Prison underwent major repairs – windows were replaced, bathrooms in the premises were changed, permanent access to running water, LED lighting, insulation of the building, repair of common areas, etc. were provided. In all buildings, the lighting fixtures were replaced so that there was sufficient lighting.

98. In all places of imprisonment, the requirements for 4 square meters of living space for each prisoner are strictly observed. Measures have been taken to ensure normal hygienic and living conditions in all prisons and detention centres. At present, the total capacity of territorial services of the GDES on the basis of the requirement for 4 square meter of living space for each prisoner is 8 161 inmates. Currently, there are 5 869 inmates in the system, proving that the problem with overcrowding in the places of detention is resolved.

99. An interinstitutional network for post-penitentiary support of released persons has been established with participation of governmental and non-governmental institutions, namely the Social Assistance Offices, the Child Protection Agency, and the Bulgarian Identity Documents Directorate to the Ministry of Interior, Centres for social rehabilitation and integration for adult offenders and people with refugee status, etc.

100. In 2020, the Video-surveillance system was updated, and connectivity was established at all places of imprisonment and the GDES. It provides the opportunity for observance and control of the activity of territorial services of the GDES.

101. In connection with the execution of the sentence “probation”, an analysis on the applied risk assessment tools for offenders was prepared under the project “Strengthening the application of alternative measures to imprisonment”. It sets out recommendations for introduction of new tools for risk assessment of offenders. A concept for new training programmes for probation officers is prepared.

102. From the beginning of 2020, the GDES is a beneficiary of 3 pre-defined projects of Justice Programme, Program Area 19 “Correctional Services and Pre-trial Detention” of Norwegian Financial Mechanism 2014–2021 for a total sum of 25 230 000 EUR. In 2021, the GDES was a beneficiary of 9 projects under the Operational Programme “Good governance” 2014–2020, co-funded by the European Union through the European Social Fund. A large number of trainings of employees were conducted from almost all areas of activity in territorial services of GDES. They led to an increase of competences of the GDES staff, necessary to maintain high standards for working with detainees. Further information is available in Annex III.

103. One of the main alternatives to detention is electronic surveillance, which is promoted in a range of Recommendations of the Committee of Ministers to the Council of Europe as a means connected with rehabilitation, helping to reduce the recidivism and protecting the society. The application of electronic surveillance in Bulgaria is in implementation of activity 2 “Implementation of electronic surveillance for offenders under the Project” “Modernization of the penitentiary system in Bulgaria”. By order of General Director of the GDES to the Ministry of Justice, the System for Electronic Monitoring was put into operation, as of 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.

104. In some of the structures of the Ministry of Interior, there are still places for detention of persons located on the ground floors, but 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 has been created.

105. Since 2013, General Directorate of Execution of Sentences has ensured the use of the medical software product Hippocrates OP for the needs of the medical centres in the prisons and medical offices in the Sofia detention centre. It maintains an electronic patient file and records all examination data, procedures, tests and imaging. Upon admission to the prison or correctional facility of each prisoner, together with the general medical examination, a survey is conducted for screening the risk of tuberculosis with a view to early detection of tuberculosis. Every prisoner is also offered an HIV test.

106. The detainees, patients with contagious diseases and infectious carriers, shall be subject to registration, obligatory notification and report. Until they are transferred for treatment in specialized medical institutions, the patients are accommodated in isolated premises in the medical centre. In case of disagreement with the determined diagnosis or the prescribed treatment, the detainee may request consultation with specialists from other medical establishments at his/her own expense. In this case, access to the applicant is provided.

107. In every case, when escorting persons to external specialized services, including psychiatric and dental care, the health condition of the person is considered. An individual assessment determines whether handcuffs shall be placed. If it is necessary, the Instruction on the organization and procedure for carrying out convoy activities by the employees of the General Directorate for Execution of Sentences, issued by the Minister of Justice in 2019, is strictly observed.

108. Given the shortage of medical staff, the trend towards the provision of health care by general practitioners and specialists from medical institutions outside places of detention is permanent and is constantly expanding. Medical specialists in the relevant narrowly specialized specialties (dentists and psychiatrists) visit the prisons and provide health services on site guaranteed by the state budget.

109. In 2020, equipment was purchased for the medical services of the SHTAF in Sofia and Lyubimets. It expands the diagnostic and therapeutic possibilities for better and higher quality service for migrants. Every 14 days the heads of the medical services of the SHTAF send to the Medical Services at the Medical Institute of the Ministry of Interior information about the vulnerable groups of migrants, and every 30 days information about the chronic diseases. The semi-annual and annual reports of the Medical Institute of the Ministry of Interior keep statistics of those who have passed through its structures, number of primary and secondary examinations and treated patients – Bulgarian citizens, foreigners, minors and migrants.

110. According to the information available in the Supreme Cassation Prosecutor's Office, the pre-trial proceedings instituted in 2018 and 2019, related to the suicide of three detainees, were terminated due to the lack of sufficient evidence of a crime.

111. Continuous training in prison management and prevention of violence between prisoners is provided in the places of imprisonment, according to approved annual plans. The trainings are held monthly, in order to improve and enhance the professional training of employees in the form of lectures, discussions and practical classes. The employees who work with special groups of prisoners, such as foreign citizens, women, minors, persons with mental impairments and others, undergo specialized training.

112. When changing the supervisory and security staff, special attention is paid on a daily basis to the contacts with the detainees and prevention of humiliating and inhuman treatment, as well as prevention of any acts of torture. The law provides for eight disciplinary sanctions, imposed by reasoned orders, as follows:

- written warning;
- extraordinary duty for the maintenance of cleanliness and hygiene for a period of up to 7 days;
- cancellation of a prize that has not been used;

- prohibition for participation in collective events in and outside the places of imprisonment;
- deprivation of a food consignment for a period of up to three months;
- deprivation of the right to monthly home leave of the prisoners, serving a sentence in prison dormitories of open type, for a period of up to three months;
- isolation in a penal cell for up to 14 days;
- isolation in a penal cell during non-working or extracurricular time, on weekends and holidays collectively for up to 14 days in the course of three months.

113. The orders for disciplinary punishment, issued by the chiefs of prison dormitories and correctional homes, are subject to appeal before the chief of the prison. The orders issued by the head of the prison are subject to appeal before the Director General of the General Directorate for the Execution of Sentences, and those issued by the Director General to the Minister of Justice. The orders are appealed within 7 days from the notification of the order to the detainee.

114. The order for disciplinary punishment “isolation in a penal cell” may be appealed before the administrative court at the place of execution of the punishment within three days from its announcement.

115. The following disciplinary sanctions shall apply to minors deprived of their liberty:

- written warning;
- extraordinary duty for maintaining the cleanliness and hygiene for a period of up to three days;
- cancellation of a prize that has not been used;
- ban on participation in activities inside and outside the correctional facility for up to three months;
- isolation in a penal cell with removal from work or school for up to three days.

116. The minor may appeal the order of the head of the prison or of the correctional facility. The appeal of the other disciplinary sanctions imposed on minors shall be carried out in accordance with the procedure applicable to adult prisoners.

117. The maximum duration of isolation of prisoners is up to 14 days. This type of isolation is required only in case of systemic serious violations by the detainees, taking into account the nature and gravity of the committed violation, the attitude of the detainee towards it, his/her previous behaviour and health condition.

Reply to paragraph 12 of the list of issues

118. In 2010, by an Order of the Prosecutor General of the Republic of Bulgaria, inspections were conducted in homes for children and youth with mental impairments and in homes for children with physical and mental disabilities. The inspections were conducted together with experts from the General Directorate for Control of Children’s Rights, representatives of the Bulgarian Helsinki Committee and external experts. The inspections did not reveal inhumane treatment of the staff towards the children, nor was any data established for the application of punishments to the children that would damage their dignity or harm their health.

119. During the inspections, it was found that in some of the registered deaths, the deceased children were buried without an autopsy, which was due to gaps in the existing regulations. Subsequently, in 2010, the Health Act was amended to introduce mandatory autopsy for all cases of children’s deaths in state funded facilities.

120. The process of deinstitutionalization of childcare in Bulgaria is one of the largest and most successful social reforms, which has achieved significant results. With the adoption of the National Strategy “Vision for the Deinstitutionalization of Children in the Republic of

Bulgaria”, in 2010 in Bulgaria gave a start to a systematic change for the abolition of the model of institutional care for children and the closure of specialized institutions for children.

121. The focus of the first stage of the implementation of the reform was on the deinstitutionalisation of children with disabilities. All homes for children with physical disabilities and intellectual impairments were closed. Children and young persons with disabilities from these specialized institutions were released and currently receive services in the community. Some of them were reintegrated into biological families or adopted, while others were placed in family-type residential care services.

122. The emphasis on the current stage of the deinstitutionalisation process is on supporting children and families to prevent risks, including at an early age, with a focus on the risk of separation and abandonment. In this regard, the implementation of the Updated Action Plan for the Implementation of the National Strategy “Vision for the Deinstitutionalization of Children in the Republic of Bulgaria” adopted in 2016, continues. 112 new services for 5 454 children and young people and their families are already under construction, including the planned specialized health and social services. The implementation of the measures in the Updated Action Plan is funded both by the state budget and by the European Structural Funds. The main results from the targeted and continuous state efforts are:

- Reduction of the number of children in specialized institutions with over 97% (from 7 587 children in 2010 to 218 children);
- Reduction of the number of specialized institutions for children with over 97%. A total of 133 specialized institutions are closed, up from 137 in 2010. Currently, only 4 homes for medical and social childcare are functioning and they will also be closed. According to data of the Social Assistance Agency, 223 children are raised in these homes. By the end of 2020, the last 6 functional homes for children deprived of parental care have also been closed;
- All specialised institutions for children with disabilities have been/ are now closed;
- Prevalence of care in family environment – compared to 2010, a much higher proportion of children are raised in formal care in a family environment (in families of relatives or close relatives and in foster families). As of June 2021, 4 529 children were placed in families of relatives or close relatives; 1 925 children were placed in foster families and 2 756 children / youth were placed in family-type accommodation centres. For comparison, around 80% of children in formal care have used residential services in 2010;
- A significant increase of the number of social services for children and families (from 241 in 2010 to 640 in 2021, with 14 729 places).

123. The emphasis in the second stage of deinstitutionalization is placed on the development of accompanying social and integrated health and social services in the community. They provide “day care” for children with disabilities and for children with severe multiple disabilities, as well as for children and young people from residential forms of care or foster care. This includes providing substitute care and support for each child and his/her family in the community. Children from 0 to 3 years old are not accommodated in residential services. The existing Day Centres and Centres for Social Rehabilitation and Integration are being renewed in accordance with the ongoing reform in the field of deinstitutionalization and the new regulation of social services.

124. The State Agency for Child Protection monitored and controlled the deinstitutionalization process. The SACP ensured that children were involved as much as possible in the decision-making process about the form of care to be chosen.

125. As of 1 July 2020, with the amendments to the Child Protection Act, the inspections of compliance with quality standards of social services may be conducted only by the new Agency for Quality of Social Services.

126. The requirement for the social service provider to develop a procedure for registering deaths in the service regulates the procedure for notifying the competent authorities, parents/guardians or trustees and the relevant SAD. Internal notification rules are being

developed. They will contain a death register with information on the date and time of death, the place of death, the leading diagnosis/causes of death and the person who established the death. Upon termination of the service due to the death of the child, the provider attaches to the child's file: a copy of forensic examination, autopsy, copy of death certificate, copy of the written request of the parents for exemption from autopsy, written report from the duty officers when the death occurred in the social service. The stored documents may be of benefit to investigative and control bodies when carrying out an inspection to clarify the circumstances.

127. The main control bodies in the area of child protection in Bulgaria are the State Agency for Child Protection (SACP), Social Assistance Agency, the Agency for the Quality of Social Services and the mayor of the relevant municipality. Inspections may also be carried out by the regional health inspectorates, the General Labour Inspectorate, etc.

128. The SACP as a specialized body to the Council of Ministers for management, coordination and control for implementation of the state policy on child protection activities in Bulgaria. It organizes inspections for observance of the rights of the child by all state, municipal and private schools, kindergartens and nurseries, support centres for personal development medical establishments, SADs at the Social Assistance Agency and non-profit legal entities working in the field of child protection. In case of violation of the rights of the child, the chairman of the SACP gives obligatory instructions. The results of the inspections are sent to the principal of the institution concerned and information is published on the Agency's website.

129. With regard to the social services on the territory of municipalities, financed with funds from the state and municipal budgets, the mayor of the municipality controls and monitors the quality and efficiency, as well as controls the outsourcing of services to private providers. Every year until April 30, the mayor of the municipality submits in electronic format to the Agency for the Quality of Social Services an analysis of the condition and efficiency of the social services provided on the territory of the municipality.

130. The Agency for the Quality of Social Services verifies the observance of the standards for quality of social services, defined in the relevant legal acts. It carries out inspections for compliance with the requirements of the Social Services Act. It prepares an annual analysis of the state and effectiveness of social services before the Minister of Labour and Social Policy.

131. The Social Assistance Agency monitors the activities and measures taken by the SADs as local protection bodies for the placement of a child outside the family and for his/her reintegration.

Reply to paragraph 13 of the list of issues

132. Between 2018–2020, about 230 applications for financial compensation under the Assistance and Financial Compensation to Victims of Crime Act (AFCVCA) were submitted. Financial compensation was provided to 66 victims in the total amount of about BGN 260,000 for the crimes of premeditated murder, premeditated grievous bodily harm, fornication and rape.

133. The financial compensation covers only the material damages, a direct consequence of the crime, which are explicitly indicated in Art. 14 of the AFCVCA. The financial compensation for all eligible persons is up to BGN 10 000 and in the cases when it is provided to persons up to 18 years of age who are heirs of a person who has died from a crime, the compensation is up to BGN 10 000 for each person. All material damages are proved by the victims with supporting documents.

Reply to paragraph 14 of the list of issues

134. Art. 116, para 1 and 2 of the Penal Procedure Code explicitly provides that the accusation and the sentence cannot be based only on the self-confession of the accused. It further does not release the respective bodies from their obligation to collect other evidence

in the case. Art. 287, 287a, 288 and 289 of the Penal Code provide for adequate criminal liability for persons who have committed official crimes against justice, and in case of causing death or bodily injury by a police body during or on the occasion of performing the service or function – in Article 116, para. 1, item and art. 131, para. 1, item of 2 of the Penal Code.

135. According to Art. 287 of the Penal Code, an official who commits unlawful coercive actions against an accused, witness or expert in order to extract a confession, testimony, conclusions or information from him, shall be punished by imprisonment of three to ten years and deprivation of the right to exercise profession or to hold office.

136. The Prosecutor's Office does not include statistical reporting of cases in which confessions were considered inadmissible on the grounds that they were obtained through torture. Therefore, such information cannot be provided.

137. If it is established by an entered into force judicial act that a judge, prosecutor and investigative body has committed a crime in connection with his/her participation in the criminal proceedings, there is a ground for preparation of a request for resumption of the closed case with an effective court act and return of the case for new consideration with a view to objective and impartial resolution of the case.

Reply to paragraph 15 of the list of issues

138. The National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021–2030 and its Action Plan were adopted by a Decision of the Council of Ministers No.388/23.04.2021. The documents set the activities and funding for the opening of new services throughout country to expand access and improve services to children and adolescents, as well as activities related to increasing the capacity of the system to improve the functioning of child and adolescent psychiatry in Bulgaria.

139. The compulsory accommodation and treatment is a measure aimed at preventing socially dangerous actions by persons with mental impairments. This procedure is carried out under judicial control and solely based on a legally regulated procedure, as a guarantee for the respect for human rights of persons with mental impairments. The court imposes this preventive measure under certain preconditions and in accordance with the established procedure, aiming at improving the circumstances of the person. It is regulated by the Health Act and Ordinance № 16 of 2005 on forensic psychiatric examinations for compulsory accommodation and treatment of persons with mental impairments.

140. Furthermore, the institute of compulsory accommodation and treatment has a protective focus and aims to prevent socially dangerous acts. Subject to this procedure, after a compulsory forensic psychiatric examination, are persons with mental impairments who need special health care, as being currently with established serious violation of mental functions (psychosis or severe personality disorder) or with pronounced permanent mental damage as a result of mental illness or moderate, severe or profound intellectual disability or vascular and senile dementia.

141. These are persons who, due to their illness, could commit a crime that poses a danger to their relatives, others, the society, or seriously endangers their health. The proceedings for compulsory accommodation and treatment of persons with mental impairments shall be initiated by the prosecutor and, if necessary, by the head of the medical institution. This initiative could be on the occasion of an alert or proposal from certain entities – the relatives of the person with a mental disorder, his/her guardian or trustee, her/his general practitioner, state and municipal authorities, as well as other stakeholders.

142. The person may file an objection within 7 days of receipt. Within 14 days from the receipt of the request, the court shall consider the case in open court proceedings with the participation of the person whose accommodation is requested. In all cases, the participation of a psychiatrist, a legal counsel and a prosecutor is compulsory in the procedure.

143. Upon ascertaining the existence of grounds for imposing compulsory accommodation and after hearing a psychiatrist, the court orders a forensic psychiatric examination. It is

mandatory for the admissibility of the procedure and is performed by the expert indicated in the court ruling. Simultaneously with the expertise, the expert shall give an opinion on the person's ability to consent to treatment voluntarily (after acquaintance with certain medical information), he/she shall propose treatment for the specific disease and recommend medical establishments in which it can be conducted.

144. Based on the conclusion of the forensic psychiatric examination and the evidence gathered in the case, after hearing the person, the court shall rule on the need for compulsory accommodation with a decision. The court decision for the compulsory accommodation and treatment shall be subject to appeal by the interested persons within 7 days from its ruling, whereas the appeal shall suspend its execution, unless the first or appellate instance decides otherwise. The district court shall rule within 7 days with a decision which is unappealable.

145. If the person does not have the ability to express informed consent, the court shall order compulsory treatment and appoint a person from among the relatives of the patient to express his/her informed consent for treatment. In case of conflict of interests or in the absence of relatives, the court shall appoint a representative of the municipal health service or a person appointed by the mayor of the municipality at the location of the medical institution to express informed consent for the person's treatment. If the prerequisites for compulsory accommodation and treatment are dropped before the deadline, the procedure may be terminated by the court.

146. The procedure for applying the measures for temporary physical restraint of patients with established mental impairments, who have fallen into a state of direct and immediate danger to their own health or life or to the health or life of others, is regulated in a special Ordinance of the Minister of Health, as well as in the medical Psychiatry Standard. The purpose of temporary physical restraint measures is to meet an unexpected need for a safe and secure environment for the patient, which reduces the risk of disease and abnormal behaviour.

147. A measure for temporary physical restraint shall be taken in the simultaneous presence of the following conditions: established mental illness; a state of lack of self-control over the behaviour under the influence of the disease; direct and immediate danger of self-injury and/or injury to others and lack of another appropriate and feasible means for prevention of self-injury and/or injury to others.

148. A patient subject to a measure of temporary physical restraint shall be monitored periodically by the doctor who prescribed the measure, and continuously by the nurses appointed by the doctor, who shall change every hour. The head of the medical institution regulates the control over the application of the measures for temporary physical restraint.

149. Patients can file complaints to various institutions. Those are the regional health inspectorates, the Medical Supervision Executive Agency, the Ministry of Health, the Ombudsman of the Republic of Bulgaria, etc. in case of violation of patient's rights under the Health Act or in case of disputes related to the medical care. The inspection of the complaint or alert shall be carried out by the regional health inspection within 7 days of receiving the complaint. Upon finding any administrative violation, the inspecting officer of the regional health inspection shall draw up an Act for Establishing an Administrative Violation, and the Director of the Regional Health Inspection shall issue a penal decree under the Administrative Violations and Penalties Act. Within three days of the completion of the inspection, the Regional Health Inspectorate shall notify the patient of the results of the inspection and of the actions taken.

150. The Medical Supervision Executive Agency carries out inspections on the observance of the rights of patients and of the approved medical standards in the medical establishments. Depending on the type and nature of the established violations, the executive director of the agency issues a penal decree under the Administrative Violations and Penalties Act. He/she may also make motivated proposals to the Minister of Health for revocation of permits for medical activities of medical institutions, as well as to the Head of the medical establishment for imposing disciplinary sanctions on the respective employees.

151. Efforts are constantly being made to attract qualified specialists as state psychiatric health employees. These include taking measures to increase the wages, to improve the

working conditions and the material base in medical institutions, and to provide additional social benefits. The salaries of state psychiatric health professionals are increased annually and, additionally, from 01.01.2021, the health professionals have been provided with a sustainable 30% increase of the average salary. The state psychiatric hospitals are also included in the project “Support of employees in the health care system in conditions of threat to public health from COVID-19”.

152. As the choice of a doctor’s field depends on the personal interest and the possibility of professional realization after graduation, the policy of the Ministry of Health is to support the process of specialization of the persons who have chosen spheres in which there is a shortage of experts. Subsequently, places funded by the state, and in the specialties of Psychiatry and Child Psychiatry, are determined annually in accordance with the established needs. With the amendment of the legislation in 2021, the process of determining the relevant places is optimized, whereas the expectations are that all willing candidates for the above-mentioned specialties will be able to study in places funded by the state.

153. Development of quality, accessible and appropriate services tailored to the individual needs of children with disabilities are among the main priorities of the social policies. The focus is on the provision of social support services in the community for prevention, early intervention and an integrated approach when providing early childhood development services. The accommodation of children in social services for residential care is undertaken by the protection authorities as a last (final) measure, after exploring all other options for raising the child in a family environment. As of June 2021, there are 115 family-type accommodation centres for children / young persons with disabilities with 1 545 places, of which 1 420 are occupied. There are also 8 family-type accommodation centres for children/young persons with disabilities with need for permanent medical care, with 64 places, of which 56 are occupied.

154. For children using social services for residential care, the respective social services for community support are also available, taking into account their individual needs and the specifics for their health condition. These services are provided in 101 Day Care Centres for Children /young persons with disabilities with 2,818 places, 55 Centres for Social Rehabilitation and Integration with 1,907 places and 143 Centres for Social Assistance with 5,815 places.

155. In view of the need for providing quality care and comprehensive support for children with disabilities, integrated health and social services have been developed in recent years. Support is provided by medical and social services professionals. In the family-type accommodation centres for children/young persons with disabilities in need of permanent medical care, support is given following a methodology of the Minister of Health. The methodology also contains requirements for the necessary furniture and equipment in order to protect the needs of children / young people for constant medical care.

156. The control over the compliance with the law and with quality standards is carried out by Quality of Social Services Agency with the participation of representatives of the regional health inspectorate.

157. All measures and actions for the removal of users are carried out in compliance with the will of the individuals and respect for their rights. The Social Assistance Agency’s territorial divisions are committed to monitoring the process of accommodation and adaptation of the withdrawn users from the institutions designated for closure.

158. With the adoption of the National Strategy for Long-Term Care in 2014, a conceptual framework for building and developing an effective modern system of social and integrated long-term care services was established. Special emphasis was placed on deinstitutionalization of care for persons with disabilities and the elderly. By a Decision No. 28/19.01.2018, the Council of Ministers adopted an Action Plan for the period 2018–2021 for the implementation of the Strategy. The Plan covers the measures for the first stage of the process of deinstitutionalization of persons with disabilities and elderly, which should be completed by 2035. It foresees closing of 10 specialized institutions and development of 100 new social services for 2,140 users. The most serious focus in the Plan is on the urgent provision of quality living conditions for persons with mental impairments, who are currently accommodated in specialized institutions with poor conditions and poor quality of care.

159. A new Action Plan for the period 2021–2027 for implementation of the National Strategy for Long-Term Care is to be prepared and adopted. The closure of 39 specialized institutions and reduction of the capacity of two institutions is planned.

160. In implementation of the measures set in the Action Plan, the Social Assistance Agency implements project “New long-term care for the elderly and persons with disabilities”, funded by the 2014–2020 Human Resources Development Operational Program. The main goal of the project is to prepare for the removal and creation of an opportunity for independent living and prevention of the institutionalization of persons with mental impairments, accommodated in the 10 specialized institutions designated for closure, and of individuals permanently residing in state psychiatric hospitals. A community living environment will be provided for 650 persons with mental impairments, accommodated in centres and 130 people staying for a long time in state psychiatric hospitals, by building 52 care centres for persons with mental impairments.

161. The Persons with Disabilities Act (PDA) entered in force on 01.01.2019. It regulates public relations related to the exercise of the rights of persons with disabilities in Republic of Bulgaria. According to Art. 20 of PDA, persons with disabilities, depending on their needs, have the right to a comprehensive individual-needs assessment. It examines the functional difficulties related to their health and the existence of obstacles to daily and other activities. It also determines the type of support to be given. It is prepared at the current address of the person by a specialized department in the SADs, at the request of the person with a disability or a person authorized by him. Based on the conclusions of the individual-needs assessment, the Director of the SAD or another authorized official issues an order for the granting of monthly financial support and/or of targeted benefits. He/She also issues referrals for provision of personal assistance with a certain number of hours, social services or another type of support subject to conditions and in accordance with a procedure as laid down in a law.

162. Persons with permanent disabilities according to the individual assessment of their needs may be entitled to financial support for the purchase of a personal motor vehicle, or adaptation of a dwelling, or balneotherapy and/or rehabilitation services, or rent of municipal housing, or monthly financial support.

163. The financial support consists of 2 components – monthly financial support according to the degree of disability and targeted benefits according to the type of disability. It is a percentage of the poverty line, which is updated annually by a Decree of the Council of Ministers. For instance, in 2020, the number of persons with disabilities granted monthly financial support under PDA is 664 608.

164. The Personal Assistance Act entered into force on 01.01.2019. It regulates a new type of support. The Act creates a mechanism to support persons with disabilities to exercise their rights, to participate fully in society, to carry out activities that meet their individual needs of a personal, domestic or social nature and to overcome barriers to their functional limitations. The mechanism is based on state-guaranteed financial support, individual needs and choices of persons with disabilities. It enables individuals with disabilities who have an individual needs assessment and issued referral under the PDA to be included in the personal assistance mechanism.

165. Based on the conclusions of the individual-needs assessment, the Director of the SAD promptly issues a referral for personal assistance with a certain number of hours. A person with a disability then may apply for personal assistance provision to the mayor at his/her current address following the enshrined procedures and modalities. The provision and financing of the personal assistance mechanism has been carried out since 01.09.2019.

166. Users of personal assistance can be a person with permanent disability with established type and degree of disability or degree of permanently reduced working capacity with certain assistance by another person, or a child with 90 and over 90 per cent type and degree of disability or degree of permanently reduced working capacity without certain assistance by another person. A personal assistance user may also use social services except for residential care. In 2020, approximately 25,997 users were provided with personal assistance monthly.

167. Regarding the issues related to the high mortality rate in the specialised institution for Adults with Dementia in the village of Gorsko Kosovo, on 02.01.2020 the Ombudsman reported to the Prosecutor General 24 deaths in 2019. The Social Assistance Agency has taken the necessary actions and ordered the suspension of the accommodation in this institution, for lack of accessibility, means of communication and material base to guarantee the normal life and health of the residents. The relevant bodies are conducting regular inspections to prevent such cases.

Reply to paragraph 16 of the list of issues

168. Racial and xenophobic motivation is introduced as qualifying circumstances in the elements of crime in the commission of homicide and bodily injury. More severe sanctions are provided for these offences. In cases where racism and xenophobia affect the employment rights of citizens, punishment is also foreseen. All acts of condoning, denying or grossly trivialising crimes against peace and humanity are also qualified as criminal offence, when the conduct is carried out in a manner likely to incite violence or hatred against a person or group of persons, defined on the basis of race, colour, descent, religion, or national or ethnic origin. Incitement to such a crime is also punishable.

169. The Prosecutor's Office adopts Methodological guidelines for handling cases and pre-trial proceedings, opened upon criminal offences with discriminatory elements and theoretical and practical aspects of investigation of crimes against equality and religious denominations. Both documents are accessible to all prosecutors and investigators.

170. Victims can seek protection and compensation under the Crime Victim Assistance and Financial Compensation Act, if they have not received one in trial. Victims of hate speech and hate crimes benefit from several forms of assistance. It includes medical treatment in emergencies, psychological counselling and assistance, free legal assistance under the Legal Aid Act and practical help. Victim support organizations provide shelter or any other suitable temporary accommodation to the victims of crimes in cases of imminent risk of secondary victimization, intimidation and revenge. The organizations also provide shelter or any other suitable temporary accommodation to the victims for a period of up to 10 days at the request of the victim of the crime. The investigation authorities refer victims to support organizations.

171. Periodically, the investigative bodies in the Ministry of Interior conduct trainings for the purpose of early recognition, identification and respectively registration and investigation of hate crimes. On the issue of police violence, please consult the information in the response to issues raised in paragraph 4 of the list of issues.

172. In connection with the attacks carried out near the Banya Bashi Mosque in the city of Sofia in May 2011, a total of 6 criminal proceedings were conducted, of which 4 were for crimes under Art. 325 of the Penal Code. Two of the cases have been suspended due to non-disclosure of the perpetrator of the crime. The other two cases were filed in court. One of them is against 7 accused persons – 4 persons were acquitted, and 3 persons were convicted by a court act that entered into force. Two of the defendants were sentenced to probation, and the third – imprisonment for a period of 6 months, the execution of which was postponed for a probation period of 3 years. In the second case submitted to the court, one person was acquitted with an effective judicial act. A criminal proceeding was conducted for a crime under Art. 131, para 1, item 12, supra-art. 130, para 1 of the Penal Code, which was terminated in 2017. An investigation was also conducted for a crime under Art. 164, para 1 of the Penal Code, which was terminated in 2021.

Reply to paragraph 17 of the list of issues

173. On 07.12.2017, the National Assembly adopted amendments to the Penal Code introducing additional changes to the regulation on the punishment of terrorism. The national legal framework in the field of counterterrorism is complemented by the provisions of the Anti-Terrorist Financing Measures Act, the Counter-Terrorism Act, the Anti-Corruption and Confiscation of Illegally Acquired Property Act, and the Administrative Violations and Penalties Act.

174. The Counter-Terrorism Act provides for the possibility of applying preventive measures against persons for whom there is evidence that they carry out activities that pose a threat of terrorism. In the context of the fight against terrorism at the national level, a National Counter-Terrorism Centre has been established, situated in the State Agency for National Security, with the participation of an employee of the Ministry of Interior. The centre was established for the purpose of coordination and interaction between the competent state structures in the implementation of measures to counter terrorism, violent extremism and radicalization. It works 24/7 and exchanges real-time information with the Ministry of Interior, SANS, State Intelligence Agency, Military Information Service and other competent structures regarding persons posing a potential threat to national security.

175. Actions have also been undertaken to counter cyberterrorism, the so-called “deradicalization” of the Internet – the elimination of illegal terrorist or radical content on the Internet, as well as supporting the activities of the Europol Unit (Internet Referral Unit). Highly qualified experts carry out serious and in-depth monitoring of the various social networks on the Internet and when establishing materials with similar content, actions are taken to download or stop the sites.

176. Employees of the Ministry of Interior also participate in the Counter-Terrorism Centre at Europol; National Unit for Collection and Processing of Reservation Data for Air Passengers from and to Bulgaria; and Coordination Centre for Combating Illegal Migration. The expert potential of the employees in the Ministry of Interior is regularly developed through trainings, projects or seminars in the respective field of activity.

177. According to the available statistical information in the Supreme Cassation Prosecutor’s Office, in the reporting period, two persons were convicted under Art. 108a of the Penal Code for terrorism-related offences (one in 2018 and another one in 2020).

178. The legal remedies and precautionary measures available for persons subjected to anti-terrorist measures are contained in the PPC and in the Assistance and Financial Compensation to Victims of Crimes. Act in January 2020, the European Commission set up an EU Centre of Experts on Victims of Terrorism to offer expertise, guidance and support to national authorities and victim support organizations. It should also be noted that the European Network of Victims’ Rights has an important role to play in managing and supporting the activities of the EU Centre.

Reply to paragraph 18 of the list of issues

179. In view of the COVID-19 pandemic and based on Article 84, p. 12 of the Bulgarian Constitution, on 13th March 2020 the Parliament declared a state of emergency on the territory of the Republic of Bulgaria. The state of emergency was declared for an initial period of one month – from 13th March 2020 until 13th April 2020 and is currently prolonged until 31 March 2022.

180. In order to counter the spread of the COVID-19 virus, the Republic of Bulgaria undertook several measures, following amendments to the Health Act. The measures were operationalised in accordance with Article 63 of the Health Act by adopting several orders of the Minister of Health. The Government of the Republic of Bulgaria considers the temporary restrictions as strictly necessary and based on the exceptional nature of the state of emergency. They are prescribed by law, in effect as long as they are necessary in a democratic society and proportionate to the legitimate aim of countering the spread of the pandemic and preserving the health of the population in accordance with the constitutional order of the Republic of Bulgaria and its international obligations.

181. COVID-19 sectors were created at the Specialized Hospitals for active treatment of prisoners, as well as a streamlined organization for monitoring their health, quarantine, treatment and coordination of the actions of employees.

182. Shortly after the outburst of COVID-19, 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. An “Algorithm of disinfection measures in public facilities in the conditions of epidemic

spread of COVID-19” is sent to the heads of prisons and regional services. It aims to provide managers and employees in various public facilities with information on the requirements and steps for the implementation of the necessary disinfection measures.

183. Specific measures are applied to new coming prisoners and detainees. Prison and district officials appoint officials to arrange for all new entrants to undergo a medical examination for signs of coronavirus; 14-day active monitoring of their health, daily follow-up for each patient with flu-like symptoms; as well as conducting daily remote measurement of the temperature of the employees. Prisoners, detainees and staff working in places of detention are instructed to follow standard preventive measures.

184. Action protocols have been introduced by the territorial services of the General Directorate of Execution of Sentences aiming to prevent and limit the spread of infection in prisons and detention centres. They take into account the recommendations of the Interim Guidelines for the Preparation, the Prevention and Control of COVID-19 in Prisons and Other Detention Facilities, developed by the World Health Organization and the Principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic of the European Committee for the Prevention of Torture at the Council of Europe.

185. Instructions for establishment of an organization for control at the entrance of the prison/detention centre are sent to all territorial services. Information boards are placed to advise visitors to the prison/detention centre about the obligatory observance of a physical distance of 1.5 m, wearing of a face mask or mandatory hand disinfection at the entrance.

186. With regard to the mental health of prisoners, following the declaration of the state of emergency, the staff of the Social Affairs and Educational Sector in prisons carried out timely explanatory talks among persons in places of detention on the nature of the infectious disease and the anti-epidemic measures taken to protect their health, related to the temporary restriction of certain rights. Brochures were distributed to acquaint detainees with the requirements for personal hygiene, as a preventive measure against the spread of coronavirus. Opportunity for videoconferencing of prisoners with their relatives is provided in order to prevent the negative effects of social isolation.

187. The COVID-19 pandemic has required the introduction of special anti-epidemic measures in the two SHTAFs of the Migration Directorate. The general anti-epidemic measures ordered by the Minister of Health are applied in the SHTAF, while at the same time special measures have been introduced in the organization of the work process. The process of quarantine for 14 days of all newly accommodated foreigners is regulated by internal acts. Mixing of the flows of newly accommodated and foreigners residing in the home is not allowed. All newly settled foreigners undergo a thorough medical examination to establish their general health and test for COVID-19.

188. The Medical Institute of the Ministry of Interior developed and provided a special protocol for action in case of identified symptoms of coronavirus disease. Special instructions are given for the application of the anti-epidemic measures in the SHTAFs. Access to health care and assistance in all forms and the provision of medicines for all foreigners are fully guaranteed.

189. The State Agency for Child Protection SACP supported children and families during the pandemic situation and created a special section “Child” on the Unified Information Portal of the Council of Ministers COVID-19, as well as the section “Ask here COVID-19” on the official website of the SACP. In April 2020, the renewed the control measures for observance of the rights of the child and started conducting remote online inspections. This includes inspections in all schools, kindergartens and nurseries, personal development support centres, hospitals, SADs and all providers of social services for children.

190. Given that a large proportion of residents in residential services are elderly and persons with different types of disabilities, they are at higher risk of infection and unfavourable outcome due to cohabitation in close proximity to other users. In the social services sector, which has been particularly sensitive and directly affected by the pandemic situation, immediate measures have been taken (both at legal level and through specific guidelines) to reorganize activities and processes. They were tailored, on the one hand, in

order to comply with the requirements and recommendations of health control bodies, and on the other hand, to meet the needs of individuals. Additional financial support was provided for the social services state-delegated activities. In order to prevent the spread of the infection, quarantine facilities have been set up in most specialized institutions. With the help of the mayors of the municipalities, an organization has been set up to move the uninfected users to appropriate buildings, outside the institutions. In cases where there are no suitable buildings in which to move the users, a division into infected and uninfected areas is done, depending on the functional features of the buildings.

191. With the assistance of the Social Assistance Agency, the social service providers are promptly provided with guidelines, recommendations, work protocols and information concerning the organization of the work process, disinfection, hygiene, quarantine, safety, implementation of anti-epidemic measures, etc., in order to ensure the protection of users, including persons with disabilities, and the staff in social services.

192. The services continue to provide 24-hour ongoing care. Most social services issued internal orders, rules, instructions and other documents related to the organization of the work process, creating a safe living environment for the users and safe working conditions for staff. At the slightest sign of illness, employees are removed from work until their full recovery. Enhanced sanitary and hygienic measures have been taken, periodic disinfection of the working premises, the common and sanitary parts, the bedroom of the users is conducted. The services have the necessary number of fast-acting disinfectants for surfaces and personal protective equipment.

193. The Ministry of Health has requested recommendations and instructions regarding the organization of the immunization process and the undertaking of the necessary actions by the municipalities, in their capacity as providers of social services.

194. Integrated health and social services are provided for some of the most vulnerable groups who should not leave their homes due to an increased risk of infection. In addition to food and medicine, they also receive support with household bills and assistance with urgent administrative services.

III. General information on other measures and developments relating to the implementation of the Convention in Bulgaria

Reply to paragraph 19 of the list of issues

195. The Social Services Act creates an opportunity for the use of publicly available social services by all individuals, not only vulnerable groups. These include information, counselling and training services for the realization of social rights and for the development of skills, provided for a period of up to two months. The group of publicly available services also includes mobile community prevention work. Individuals have the right to be informed and consulted about these services, but their use will not depend on a preliminary assessment. All other services are specialized and are provided in the event of a certain risk to the life, health, well-being or development of the person and, if necessary, to meet a specific need of a certain group of individuals.
