



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

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## Committee against Torture Sixty-second session

### Summary record of the 1590th meeting

Held at the Palais Wilson, Geneva, on Monday, 20 November 2017, at 10 a.m.

*Chair:* Mr. Heller Rouassant (Vice-Chair)

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*In the absence of Mr. Modvig (Chair), Mr. Heller Rouassant (Vice-Chair) took the chair.*

*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Sixth periodic report of Bulgaria (CAT/C/BGR/6; CAT/C/BGR/QPR/6)*

1. *At the invitation of the Chair, the delegation of Bulgaria took places at the Committee table.*

2. **Mr. Sterk** (Bulgaria) said that his country attached great importance to complying with its international human rights obligations. A series of measures had been introduced since 2011 to enhance the legal and institutional framework for preventing torture and other inhuman or degrading treatment. A national coordination mechanism had been established in 2013 by the Council of Ministers to enhance cooperation between the various public authorities involved in human rights, to consider accession to new international instruments, and to put forward amendments to domestic legislation and policy. The Ombudsman and the Commission for Protection against Discrimination had also made efforts to improve human rights protection mechanisms. Legislative amendments would be put forward to allow the Office of the Ombudsman and the Commission to be reclassified as “A” status bodies that were fully compliant with the Paris Principles.

3. Despite delays due to increasing pressure from migration and a series of government elections, the State party had ratified the Convention on the Rights of Persons with Disabilities and signed the Convention on Preventing and Combating Violence against Women and Domestic Violence. The country had also received a visit from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2015 and another in 2017.

4. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had been granted unfettered access to migrants and refugees, places of deprivation of liberty and various public officials, and its findings had been distributed to the appropriate stakeholders. In view of the migration-related challenges that the country faced, action had been taken between 2015 and 2017 to provide sufficient sustainable accommodation for foreign nationals seeking international protection. The State party had received €160 million in funding from the European Union to improve conditions in temporary accommodation centres for foreign nationals in Busmantsi and Lyubimets. The work was expected to be completed in 2018. Accelerated application procedures for refugees and asylum seekers had also been introduced to deal with the increased numbers of migrants. Asylum seekers had the right to a formal education from the start of the procedure under the Asylum and Refugees Act, including Bulgarian language courses provided with the support of multiple NGOs.

5. Bulgaria had made significant progress in combating trafficking in human beings and had one of the most comprehensive institutional frameworks in Europe. Its legislation met the highest international legal standards and imposed particularly severe penalties when such offences involved children. According to data from the Prosecutor’s Office, 285 cases of trafficking-related offences were in the pretrial stage, 59 new cases had been opened, 44 indictments had been filed and 63 persons had been convicted for trafficking-related offences in the first six months of 2017. The early identification of victims was one of the priorities of the National Commission for Combating Trafficking in Human Beings, which worked in conjunction with many United Nations bodies. A national referral mechanism for supporting trafficked persons had been set up by the Council of Ministers in July 2016, which laid down operative procedures for the identification, referral, protection and social reintegration of victims of trafficking.

6. **Ms. Racu** (Country Rapporteur) said that the State party’s draft revised Criminal Code did not meet the requirements of the Convention in that it continued to apply a statute of limitations to all offences except war crimes and crimes against humanity, failed to provide for universal jurisdiction over crimes of torture, and contained a definition of torture that was not entirely in accordance with article 1 of the Convention. The

Government should ensure that the prohibition of acts amounting to torture was non-derogable and that such acts were not subject to any statute of limitations. She would welcome an update on the draft, with an indication as to when it was expected to be passed and whether it contained a definition of torture that fully complied with article 1 of the Convention, as well as criminal penalties that reflected the seriousness of the crime.

7. Noting that the national preventive mechanism had carried out a number of visits to places of deprivation of liberty, including prisons, she would like to know precisely how many visits to police detention units, refugee and migrant holding facilities, psychiatric institutions and social care homes had taken place during the reporting period. Given that the number of such visits had decreased due to budget constraints, she wished to know what measures the State party had taken to ensure that the national preventive mechanism was allocated sufficient human and financial resources in order for it to function properly, in line with the requirements of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. Under Bulgarian law, the national preventive mechanism was able to issue recommendations to close, renovate or expand prisons, or facilities within them, in response to threats to the physical or mental health of persons deprived of their liberty. She wondered how many such recommendations related to the prevention of torture had been issued and how many had been accepted and acted upon by the State authorities. Furthermore, given that the Ombudsman was entitled to inform the country's Parliament if the recommendations had not been acted upon, she wished to know if the Ombudsman had ever done so and what the outcome had been. The Ombudsman had inspected a number of holding centres for migrants and asylum seekers and published two reports on the rights of such persons, which was commendable. She would appreciate the delegation's views on the implementation of the Ombudsman's recommendations on the status of migrants and asylum seekers. The Ombudsman and the Ministry of the Interior had signed an agreement on monitoring the forcible return of persons illegally residing in Bulgaria. However, given that the Ombudsman had reported that ongoing monitoring was not possible due to budget constraints, she wondered whether or not such deportations were currently subject to oversight. She noted with concern that NGOs were not allowed access to psychiatric and social care homes for adults with intellectual disabilities and juvenile detention centres, since the Ministry of Health and the Ministry of Education did not respect monitoring agreements in that regard. She wished to know what justification there was for not allowing NGO oversight and what would be done to ensure that NGOs had access in the future.

9. Although amendments to the Legal Assistance Act sought to ensure access to legal aid and justice for socially disadvantaged groups, and the budget of the National Legal Aid Bureau had increased from 2013 onwards, the Committee remained concerned that fundamental legal safeguards, including the right to a lawyer, were not always respected. Bulgarian legislation and case law defined 24-hour police detention of a suspect as an administrative rather than criminal measure; as such, the legal safeguards under criminal law were not guaranteed. Most persons in police custody did not have access to a lawyer within the first 24 hours of their arrest, public defenders did not safeguard against ill-treatment, and detained persons were often not able to notify a person of their choice of their detention and were not informed of their rights from the outset. Public defenders were not subject to scrutiny and often met with their clients in the presence of police officers, in many cases arriving only after the interview had taken place. A study by the Bulgarian Helsinki Committee had found that convicted prisoners who had not had access to a lawyer from the moment they entered police custody were twice as likely to have suffered ill-treatment at the hands of the police. Furthermore, 72 per cent of the 1,357 prisoners surveyed had not been assisted by a lawyer from the outset, rising to nearly 80 per cent among those who had been accused of crimes carrying a sentence of 10 years or more. In view of those findings, she would appreciate information as to how the State party intended to guarantee all persons deprived of their liberty access to a lawyer, including those held in "administrative" police detention. The delegation might also wish to comment on the steps that would be taken in order to ensure that free legal representation was effective from the moment suspects were taken into custody and throughout the criminal proceedings.

10. There was no standard document setting out the rights of persons deprived of their liberty, and such persons were not always informed of their rights from the outset of deprivation of their liberty. Of particular concern was the fact that police officers prevented persons deprived of their liberty from understanding and exercising those rights through manipulation and threats. She would welcome details on any recent developments in terms of providing persons deprived of their liberty with a clear letter of rights, in an appropriate range of languages, which they would be able to keep. She also wished to know whether any measures had been introduced to bring national legislation into line with Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings.

11. According to CPT reports, medical examinations were conducted in the presence of police officers, the results of the examinations were poorly recorded or not recorded at all, even in the event of injuries sustained following violent incidents with prison staff or between prisoners, and a uniform procedure for non-urgent medical care was non-existent. She would be grateful for details of any developments in that respect and for updates on the newly introduced practices for bringing medical records to the attention of the relevant authority for investigation, where appropriate. She commended the Ministry of the Interior for ordering that inmates at an investigative detention facility in Sofia should be treated by a doctor outside the purview of the Ministry. She would like confirmation that the order had been put into practice, and an assessment of its effectiveness would be helpful. She would appreciate information on the use of medical examinations to identify and document signs of torture upon entry into police custody, since no mention had been made of any such procedure in the State party report. In particular, details on any recent initiatives to improve the way in which medical examinations of persons deprived of their liberty were conducted would be welcome. She also asked whether the doctors who performed those examinations reported to the prison or health authorities, and what internal procedures were in place for reporting cases of possible torture and ill-treatment. Did any specific registers exist? How many cases had been reported during the period under review?

12. In the course of its 2015 visit, CPT had received a number of allegations of deliberate physical ill-treatment of detained persons, including slaps, kicks and truncheon blows, particularly at the Sofia, Burgas and Varna prisons. In some isolated cases, the alleged ill-treatment had been of such severity that it would amount to torture, such as truncheon blows to the soles of the feet and the infliction of electric shocks. In several cases, there had been medical evidence supporting the allegations. Although there were regulations requiring the recording of injuries found on persons remanded to detention facilities, such injuries were described only in a cursory manner or not at all. Mass beatings of prisoners in cells had been reported at Sofia prison.

13. It appeared that police officers routinely used force. Although they were required to submit a written report on all instances of the use of force, it appeared that the Ministry of the Interior did not record the information, which in effect meant that police officers were free to use force in an unjustified and unlawful manner. The Committee would like to receive data on cases in which the police had used force or auxiliary devices during the reporting period. It would also be interested in knowing whether training for police officers covered relevant international recommendations such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

14. The treatment of juveniles in police detention units, reformatories and correctional schools was of particular concern to the Committee. According to some reports, around 66 per cent of adolescents who had been interrogated claimed to have been subjected to mental and physical abuse, including death threats, which was highly alarming, and a significant number of them had reported being coerced into confessing to acts they had not committed. Furthermore, juvenile detainees were reportedly not provided with medical assistance after suffering physical abuse. She would like to know whether the State party had conducted any investigations into the alleged ill-treatment of juvenile detainees and whether police officers who had committed such abuses had been prosecuted and punished.

15. International human rights organizations had recommended that the Bulgarian authorities should introduce a uniform nationwide system for compiling statistics on complaints and that it should take out disciplinary and criminal proceedings against police

officers accused of ill-treatment. Unfortunately, no such system had been put in place. The Ministry of the Interior had provided almost no information in response to a request from the Bulgarian Helsinki Committee for statistics on cases of abuse by law enforcement officers. Only about a third of the State party's courts had provided data on such cases. A 2017 report by that Committee indicated that, out of 1,146 complaints received by the Ministry of the Interior, most alleging torture or unlawful detention, only 11 per cent had resulted in punishment being imposed. In the few cases in which a violation of the law had been found, the penalty had generally been light. In the previous 15 years, according to the Ministry, only 18 police officers had been dismissed, 48 had been fined — generally between €250 and €500 — and 11 had been sentenced to prison terms of 1.5 to 3 years. An analysis of judgments against Bulgaria by the European Court of Human Rights revealed that the State had been sentenced to pay 900,000 leva in penalties and damages between 2000 and 2010 because of failures to investigate and punish police violence. She would like to hear the delegation's assessment of the situation with regard to the investigation of complaints against police officers for ill-treatment and torture. She would also like to know what steps the Bulgarian authorities had taken to establish fully independent bodies to ensure that complaints against the police were investigated promptly and effectively. Statistics on the number of complaints investigated and the number of disciplinary and criminal penalties imposed would also be welcome.

16. The State party was to be commended for its efforts to strengthen protection for asylum seekers, refugees and stateless persons and its ongoing cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR). Nevertheless, all migrants arriving on Bulgarian territory in an irregular manner were served with an expulsion order and placed in a detention centre. The vast majority of persons applying for asylum did so from detention centres and were only classified as asylum seekers after their application had been registered. There was no maximum time limit for processing applications, and because of staffing shortages and lack of interpreters, asylum seekers could be held in detention for extended periods.

17. Although the detention of asylum seekers had previously been prohibited, it was now permitted under the Asylum and Refugees Act as amended in January 2016. Asylum seekers could be detained on the grounds that they posed a flight risk or a threat to national security or because detention was viewed as necessary in order to ensure their presence at the relevant proceedings. Some human rights experts had considered those grounds vague and overly broad.

18. The national preventive mechanism had expressed concern about the amended law's lack of provision for a maximum period of detention or for *suo motu* judicial review of detention, which might lead to violations of domestic and international laws relating to asylum and human rights. The Committee would appreciate an update on any efforts by the State party to provide alternatives to detention for migrants arriving in Bulgaria. It would also like to hear what procedures were in place to identify vulnerable migrants, including victims of torture, who required specific attention and protection.

19. The Committee had received numerous reports of severe overcrowding in migrant detention facilities. It had also received reports indicating that sanitary conditions were poor in some facilities; that detainees were subjected to discrimination, including hate speech, and physical abuse; and that they lacked access to medical care and fundamental legal safeguards. Theft of migrants' belongings by the police was reportedly rampant. Migrants were often unable to submit complaints against the police, owing to a lack of interpretation services, among other reasons. There were no known instances of the successful criminal prosecution of public officials for abuse of migrants.

20. Owing to the lack of an adequate identification procedure, unaccompanied child migrants were frequently registered as accompanied by unrelated adults, which prevented them from enjoying the safeguards provided for by law and led to their being placed in detention rather than being referred to the State Agency for Refugees or child protection services. According to the national preventive mechanism, reception centres and homes run by the Migration Directorate of the Ministry of the Interior made inadequate provision for unaccompanied children and for migrant families with children. The authorities reportedly failed to provide adequate access to legal representation, interpretation services, education,

health services, psychosocial support and a safe and secure environment. Many unaccompanied children were held with adults.

21. The absence of a single body responsible for coordinating child protection policies and the lack of clear lines of accountability deprived unaccompanied and separated children of consistent access to services. A coordination mechanism setting out the roles and responsibilities of various institutions had been established in July 2017 but had yet to be implemented. She would appreciate an update on the status of the coordination mechanism and on any recent changes in laws or practices aimed at improving the situation of migrants and asylum seekers, including unaccompanied children. She would also like to know what steps the State party was taking to ensure that unaccompanied migrant children were not housed in the same room as adult males. Information on how many complaints had been submitted by migrants and how many of them had been investigated would also be appreciated.

22. In its most recent report on Bulgaria, Amnesty International had noted that the Bulgarian authorities had violated the international legal principle of non-refoulement by apprehending Abdullah Büyük, a Turkish national who had been residing in Bulgaria since 2015, and secretly handing him over to Turkish authorities to face charges of terrorism and money-laundering. His request for asylum had been denied and he had been extradited, despite the fact that the Sofia City Court and the Bulgarian Court of Appeal had found that the charges against him appeared to be politically motivated and that he could not be guaranteed a fair trial in Turkey, and had therefore blocked his extradition. The Ombudsman had stated publicly that Mr. Büyük's extradition contravened the Bulgarian Constitution, domestic law and the State's international legal obligations. She would appreciate a comment from the delegation on that case.

23. The Committee commended the State party for signing the Convention on Preventing and Combating Violence against Women and Domestic Violence and for amending its legislation to bring it into line with the legal standards set out in that Convention, including by introducing a definition of domestic violence and by criminalizing discrimination and violence on the basis of sex or sexual orientation. However, domestic violence was still not classified as a criminal offence under the Criminal Code, and neither the police nor the National Statistical Institute kept statistical data on domestic violence cases.

24. A national study on domestic and gender-based violence conducted in 2016 had found that one third of Bulgarian citizens reported having suffered such violence at least once in their lifetime and that most victims of sexual or domestic abuse in Bulgaria were women. Over 50 per cent of Roma women reported having been subjected to such abuse repeatedly. One of the study's conclusions had been that the lack of proper institutional support often discouraged victims from reporting abuse. Police officers and prosecutors frequently failed to investigate and charge perpetrators who violated protection orders. The State party report indicated that a coordination mechanism had been put in place to provide support and assistance to domestic violence victims. How well was the mechanism working? Had the Government taken any other steps to protect victims? In particular, she wished to know how many victim assistance centres were fully functional and capable of providing services and support, including legal aid and psychosocial assistance, and what specific measures had been taken to prevent domestic and gender-based violence. She would also welcome information about training for judges, lawyers and law enforcement personnel on the application of the Protection against Domestic Violence Act.

25. During the reporting period, the State party had taken important steps to prevent and combat trafficking in human beings, including by amending its legislation, adopting a national anti-trafficking strategy and collaborating with neighbouring countries. However, the Committee was concerned about gaps in the implementation of the legislation, the lack of preventive measures to address the root causes of trafficking and the scarcity of shelters for women victims of trafficking. The Government appeared to lack sufficient capacity to accommodate and provide specialized services for victims, including educational programmes and medical care for child victims. The Committee would welcome information on any measures taken to improve the situation of trafficking victims, including protection, redress and compensation measures.

26. **Mr. Zhang** (Country Rapporteur) said that he would like to know whether training on the Istanbul Protocol was provided to medical personnel and others involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, and whether there was a methodology for assessing the effectiveness and impact of such training. The State party report provided useful and encouraging information on steps taken to prevent and combat domestic violence and human trafficking. The Committee would welcome additional information, however, on any training provided during the reporting period to enable law enforcement officials, social workers and medical personnel to detect and adequately advise victims of domestic violence, particularly female victims.

27. He wished to commend the State party for its detailed response to the Committee's questions on such matters as the reform of the prison system, the alleviation of prison overcrowding and the improvement of living conditions and health care for inmates. He also welcomed its achievements during the reporting period, including the reduction by around a fifth of the prison population and the employment of staff to provide medical, psychiatric and dental care for prisoners and detainees. However, he wished to know what action the State party would be taking to improve conditions in police-run places of detention and, in particular, at the Elhovo transit detention facility, where conditions had been deemed unacceptable by an OHCHR mission. On the subject of prison overcrowding, while noting the State party's efforts to keep prisoners and detainees in facilities near their homes to facilitate family visits, he wished to have an update on the plans to increase the average space per prisoner to at least 4 m<sup>2</sup> by 2019. Notwithstanding the rollout of a training module to prevent corruption among prison staff, he wished to know whether the State party had increased the number of prison staff and abolished 24-hour shifts for them. Furthermore, he wished to know what progress had been made with the repair and construction of toilets at prisons in Burgas, Varna and Sliven.

28. Following its ratification in early 2012 of the Convention on the Rights of Persons with Disabilities, the State party had informed the Committee that it had adopted a plan to prioritize the rights of such persons and improve their living conditions as well as the care that they received in institutions. He wondered what progress had been made with the implementation of that plan.

29. While acknowledging the State party's efforts to reduce overcrowding and improve living and sanitary conditions in prisons and detention centres, and to allow those conditions to be monitored by independent bodies, he wished to know how it would address outstanding concerns in places of detention. For instance, the Bulgarian Helsinki Committee had criticized poor lighting, ventilation and hygiene in some facilities, citing rodent and insect infestations; the reduction in medical personnel in prisons, resulting in a lack of examinations following alleged police abuse and a subsequent failure to punish offending officers; the administration of prison medical facilities by the Ministry of Justice, which it claimed created a conflict of interest; and limited access to drinking water in some solitary confinement units. The Ombudsman had condemned the reduction in the number of prison guards, which increased the risk of inter-prisoner violence and jeopardized prison security, and the systematic practice of chaining prisoners to their beds during treatment in general hospitals. In addition, NGOs had received complaints about the quality and quantity of the food provided to inmates. According to information from prison medical units, almost 7 per cent of prisoners were drug-dependent and the authorities were struggling to prevent prisoners from having access to narcotics. While prisoners were entitled to work, in practice only a select few were allowed to do so. Lastly, although prisoners could receive visitors, the lack of space to accommodate the latter made such visits difficult. NGOs and the Ombudsman had noted that travel time and expense hampered visits to the country's prison for women and juvenile correctional facility.

30. He wished to know what steps the State party would be taking in response to claims that approximately a third of prisoners had no access to legal protection while under arrest and that lawyers appointed on their behalf did not protect them from mistreatment at the hands of the police. Indeed, of the prisoners interviewed by CPT, over a third had said that they encountered difficulties accessing a lawyer, while 22 per cent had alleged that the police used force to obtain confessions. Moreover, the Bulgarian Helsinki Committee had

reported that the right to legal assistance was not guaranteed to suspects who were detained but not formally charged, including minors and persons with mental disabilities, and that lawyers were frequently not present even when formal charges had been brought.

31. While welcoming the information provided by the State party on its legislation governing the provision of assistance and financial compensation to victims of torture and ill-treatment, he wished to have further information on: the 10 cases that had been brought before the courts for alleged acts of violence against detainees; the results of any investigations into detainees' allegations of torture and ill-treatment; disciplinary and criminal proceedings, convictions and sanctions handed down; compensation provided to victims; and the percentage of such allegations that concerned foreign nationals.

32. He appreciated the ample information provided by the State party on the effective redress available to victims of domestic violence and human trafficking. However, he had yet to receive statistical data and examples of cases where victims of torture and ill-treatment had actually received adequate redress and compensation. Similarly, although he was grateful to the State party for information on existing legislation that prohibited the use as evidence of statements obtained by means of torture, he still required data on cases where evidence obtained in such a way had been deemed inadmissible.

33. The Committee had been given to believe that while, in theory, self-incriminating statements could not be used as evidence in Bulgaria, such statements were still submitted to courts and included in case files for the duration of proceedings, and that courts did not attempt to establish whether suspects had been encouraged or coerced to make such statements. Could the delegation respond to those allegations?

34. He was grateful to the State party for the information it had provided on the existence and enforcement of national legislation concerning racism, hate crime and corporal punishment of minors. However, he required further information on the investigation, prosecution, conviction and punishment of those who had committed racially motivated violent acts and carried out attacks against the media in 2011 and 2012, as well as on the progress of criminal investigations into attacks by supporters of the Ataka party on members of the Muslim community in 2011.

35. He would also like to hear the delegation's response to claims that pressure from the Government was restricting media pluralism. For instance, according to a 2015 survey conducted by the Association of European Journalists in Bulgaria, 67 per cent of journalists stated that politicians had significantly interfered with their work. The Association had also expressed concern at a legal provision that enabled the public procurement of media airtime under tender procedures which lacked transparency.

36. The Committee had received information to the effect that public incitement to discrimination, hatred and violence towards ethnic and religious minorities and human rights defenders had become more widespread over the past two years and that authorities were doing little to prevent it. The body responsible for regulating radio and television broadcasters in Bulgaria had reportedly sanctioned only two such operators since 2012 for public incitement of hatred and had issued minimal fines in both cases. No sanctions had been imposed on Alfa TV, which was owned and operated by the Ataka party, and programmes that publicly incited discrimination, hatred and violence were allegedly broadcast unchecked. He would welcome further information from the delegation in that regard.

37. He also wished to have an update on the situation of Roma people in Bulgaria, particularly in light of their reportedly cramped and unhygienic living conditions and claims that they were the subject of over 90 per cent of hate speech cases. What measures was the State party taking to improve that situation?

38. The Committee had been informed that asylum seekers from Iraq, Syria and Afghanistan had been physically abused at the Bulgarian border and forced to return to Turkey, and that the Government had no administrative mechanism for the early identification, referral and processing of vulnerable asylum seekers such as minors and persons with disabilities. Indeed, in late 2016 it had been reported that of the almost 2,000 asylum applications received by the State Agency for Refugees, only six had been granted



refugee status and a further six humanitarian protection. In addition, there had been reports of unaccompanied minors being registered as relatives of other asylum-seeking families in order to circumvent the legal obligation not to detain them. The Ombudsman had remarked that refugee centres did not meet minimum requirements for the accommodation of unaccompanied minors. An update was needed from the State party on the situation of asylum seekers and migrants, in particular on the fate of the several hundred migrants arrested for deportation following clashes with the police in the camp near Harmanli in late 2016.

39. The State party deserved recognition for its efforts to deinstitutionalize childcare since 2010, including its placement of children with disabilities with relatives and foster and adoptive families, as a result of which the number of children in institutions had fallen sixfold. However, he wished to have further information on the failure to monitor conditions in such institutions and identify and prosecute those responsible for the injuries and deaths of children in them.

40. **Mr. Zhang** said that the Committee had received reports of corruption in the disability certification system; discrimination against persons with disabilities in the field of employment; and inadequate access for persons with disabilities to education, health care and social services. It had also been informed that persons with disabilities were often placed in institutions in remote locations, where there was a lack of qualified staff and limited access to medical assistance. He would welcome the delegation's comments on those reports.

41. He invited the delegation to respond to allegations that lesbian, gay, bisexual, transgender and intersex persons continued to face stigmatization and discrimination, particularly in the field of employment, but felt unable to seek legal redress, and that persons with HIV/AIDS were denied appropriate medical treatment by doctors who feared that they would contract the disease.

42. **Ms. Gaer** said that she welcomed the State party's timely submission of its report, although it was unfortunate that the list of issues had been referenced incorrectly throughout the report.

43. CPT, which rarely made public statements, had issued a very critical statement on detention conditions in Bulgaria in March 2015, before conducting another visit to the State party in September-October 2017. She would like to know how the State party viewed that statement; whether conditions of detention had improved since March 2015; and whether the State party would publicize the Committee's latest report.

44. She would like clarification as to whether any underground prisons remained in operation; whether the detention facilities referred to in paragraph 179 of the State party's report had been shut down entirely or relocated; and what progress had been made in relocating the prisons mentioned in paragraph 181 of the report.

45. With respect to violence between prisoners, it would be useful to know whether instances of sexual violence in prisons were registered; whether any offences of that kind had been prosecuted; and if so, what penalties had been imposed on the perpetrators.

46. Noting the State party's plan to upgrade video surveillance systems in all non-residential areas of closed places of detention, she asked how soon the systems would be upgraded and whether all residential areas of those facilities were covered by video surveillance.

47. It was unclear why the collection of data on race, ethnic origin and other characteristics listed in paragraph 200 of the State party's report was prohibited; disaggregated data of that kind would help the Government to tackle the challenges that it faced.

48. In the light of reports that illegal migrants were hunted down and subjected to ill-treatment by vigilante groups, the Committee would like to know what stance the Government took towards those groups, given that some official statements appeared to encourage their activities, and what steps had been taken to investigate, prosecute and punish acts of violence against migrants.

49. **Mr. Bruni**, referring to the use of solitary confinement, said that he would welcome a more detailed response to the concerns raised in paragraph 22 of the list of issues, as well as information on follow-up to the recommendations made in paragraph 24 of the Committee's previous concluding observations (CAT/C/BGR/CO/4-5).

50. **Mr. Hani** said that it was disappointing that so few representatives of NGOs were present at the dialogue. He welcomed the plans to promote early identification of trafficking victims and wondered whether the Government also intended to establish a mechanism for early identification of victims of torture.

51. Various international bodies, including UNHCR, had raised concerns about the situation of immigrants in Bulgaria and the state of the asylum system. With regard to the information on asylum seekers provided in the annex to the State party's report, it would be useful if the delegation could provide updated statistics for the period 2015-2017 and clarify whether the phrase "without citizenship" referred to stateless persons or persons whose nationality was unknown.

52. With reference to reports that persons seeking international protection were held for unjustifiably long periods of time in special homes for the temporary accommodation of foreign nationals, he asked what the status of those homes was; whether they were monitored to ensure that detainees were not subjected to ill-treatment; and what steps would be taken in response to the Ombudsman's recommendation that asylum seekers should be provided with legal safeguards and detained only as a last resort.

53. He would like to know what efforts had been made to step up the dialogue between the Ministry of Justice and the Ministry of Health concerning the administrative responsibilities for prison medical facilities, as recommended by CPT.

54. Lastly, he invited the delegation to comment on the Ombudsman's claim that overcrowding in Sofia prison had reached nearly 300 per cent; to provide further information on the use of physical and chemical restraints in psychiatric hospitals; and to clarify whether the human rights training provided by the Academy of the Ministry of the Interior covered the provisions of the Convention.

55. **Ms. Belmir**, noting that the country's counter-terrorism legislation provided for a state of emergency that was not compatible with article 4 of the International Covenant on Civil and Political Rights, asked how the State party reconciled that legislation with its obligations under international human rights law.

56. In a State governed by the rule of law, the Government should be responsible for border control; vigilante groups should not be allowed, let alone encouraged, to take matters into their own hands by arresting migrants.

57. Rather than instituting lay judges in order to increase public participation in the administration of justice, the Government should focus on providing access to justice for all, especially for vulnerable persons, such as migrants, who struggled to obtain legal assistance.

58. She would appreciate the delegation's comments on the case of Mr. Stoykov, whose complaints of police brutality had allegedly never been investigated. With regard to the case of Mr. Abdullah Büyük, she wondered what the legal basis for his extradition had been and whether it had been an isolated case.

59. Lastly, in the light of reports that minors in detention suffered ill-treatment and violations of their rights under the Convention on the Rights of the Child, she asked what stage had been reached in the reform of the juvenile justice system.

60. **Mr. Sterk** (Bulgaria) said that the Committee had evidently received a wealth of information from NGOs, national and regional human rights mechanisms and the United Nations special procedures with which his country was cooperating. Thanks to that network of monitoring bodies, problems had been identified and victims were able to obtain redress, including through the binding decisions of the European Court of Human Rights. The Government, for its part, was working hard to overcome the challenges that it faced.

*The meeting rose at 12.45 p.m.*