



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

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

**Visit to Bulgaria undertaken from 24 to 30 October 2021:
recommendations and observations addressed to the State
party**

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 18 March 2022.

** The annexes to the present document are being circulated in the language of submission only.

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I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out its first visit to Bulgaria from 24 to 30 October 2021.
2. Bulgaria became a party to the Convention against Torture on 16 December 1986 and became a party to the Optional Protocol on 1 June 2011.
3. The Subcommittee members conducting the visit were: Vasiliki Artinopoulou, Marie Brasholt, Jakub Czepek, Zdenka Perović, María Luisa Romero and Nora Sveaass (head of delegation). The Subcommittee was assisted by two human rights officers and one security officer from the Office of the United Nations High Commissioner for Human Rights.
4. The objectives of the visit were to:
 - (a) Provide advice and technical assistance to the national preventive mechanism, along with the State party, on their treaty obligations under Optional Protocol, taking into account the Subcommittee's guidelines on national preventive mechanisms (CAT/OP/12/5);
 - (b) Visit places of deprivation of liberty, in order to assist the State party in discharging effectively its obligations under the Optional Protocol to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment.
5. The planning of the visit took into account informal and confidential exchanges in October 2021 between the Subcommittee and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, which were aimed at enhancing the complementary nature of their respective mandates and work.¹ Bearing in mind the visits undertaken by the European Committee to Bulgaria, especially its most recent visit,² the Subcommittee decided to focus its visit primarily on the functioning of the national preventive mechanism and to visit places of deprivation of liberty that had not recently been visited by the European Committee.
6. The Subcommittee conducted joint visits to places of deprivation of liberty with the national preventive mechanism (annex I), in order to observe first-hand the work of the mechanism, exchange feedback about each body's work and pursue an *in-situ* cooperation between the two. The mechanism chose the places visited. The visits were jointly led by the Subcommittee and by members of the mechanism. The Subcommittee also conducted visits to places of deprivation of liberty on its own (annex II). In addition, it met and interviewed persons deprived of their liberty, law enforcement and detention officers, medical personnel and others (annex III).
7. At the end of the visit, the delegation presented its confidential preliminary observations orally to government authorities and the national preventive mechanism.
8. In the present report, the Subcommittee sets out its observations, findings and recommendations relevant to the prevention of torture and ill-treatment of persons deprived of their liberty under the jurisdiction of Bulgaria.
9. The Subcommittee reserves the right to comment further on any place visited, whether or not it is mentioned in the present report, in its discussions with Bulgaria arising from the report. The absence of any comment in the present report relating to a specific facility or place of detention visited by the Subcommittee does not imply that it has a positive or negative opinion of it.
10. **The Subcommittee recommends that the present report be distributed to all relevant authorities, departments and institutions, including but not limited to those to which it specifically refers.**

¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23407&LangID=E

² See www.coe.int/en/web/cpt/bulgaria

11. The present report will remain confidential until such time as Bulgaria decides to make it public in accordance with article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that the publication of the present report would contribute positively to the prevention of torture and ill-treatment in Bulgaria.

12. **The Subcommittee recommends that the State party request the publication of the present report in accordance with article 16 (2) of the Optional Protocol.**

13. **In order to enhance effective regional cooperation and coherence in the prevention of torture and ill-treatment in Europe, the Subcommittee on Prevention of Torture strongly encourages the authorities of Bulgaria to consider permitting the Subcommittee to exchange information contained in its report with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, or to give the Committee access to the report, irrespective of whether it is made public in accordance with article 16 (2), and to inform the Subcommittee that such access has been granted.**

14. The Subcommittee draws the State party's attention to the Special Fund established under the Optional Protocol (art. 26). Only recommendations contained in those Subcommittee visit reports that have been made public can form the basis of applications to the Fund, in accordance with its published criteria.

15. The Subcommittee wishes to express its gratitude to the authorities and the liaison officer for their help and assistance relating to the planning and undertaking of the visit.

II. National preventive mechanism

A. Legislative basis

16. Bulgaria ratified the Optional Protocol on 1 June 2011³, and on 18 February 2013, the Permanent Mission of the Republic of Bulgaria to the United Nations Office in Geneva notified the Subcommittee that the National Assembly had adopted amendments to the Law on Ombudsman, designating the Ombudsman of the Republic of Bulgaria as a national preventive mechanism on 28 March 2012. The NPM's functions were delegated to the Ombudsman by the amendments and supplements to the Ombudsman Act (the Act), promulgated in State Gazette issue no. 29 of 10 April 2012.

17. The Act gives the Ombudsman a power to carry out its mandate as a national preventive mechanism, as provided for in the OPCAT articles 19 and 20. Specifically, the Ombudsman can exercise its mandate in places where persons are deprived of their liberty, or where persons are detained or accommodated as a result of an act or with the consent of a public authority, in places they cannot leave at their own will, in order to protect such persons from torture and other cruel, inhuman or degrading treatment or punishment. The Act also guarantees the prohibition of ordering, applying, permitting or allowing any sanction in respect of a person or organization as a result of reporting any information, whether true or not, and no such persons or organisations shall be otherwise prejudiced in any way.

B. Functional independence and resources

18. The Subcommittee notes that the designation of the Office of the Ombudsperson as the national preventive mechanism of Bulgaria was not originally accompanied by the allocation of sufficient additional resources, including human resources. For instance, in 2013, when the NPM was designated, the budget of the Office of the Ombudsperson was increased by BGN 300.000⁴, but in 2014 it was reduced by BGN 420.000 which hindered and limited the implementation of the activities of the Ombudsperson as a national preventive

³ https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4

⁴ Annual report 2013, available at: [ГОДИШЕН ДОКЛАД НА ОМБУДСМАНА КАТО НАЦИОНАЛЕН ПРЕВАНТИВЕН МЕХАНИЗЪМ \(ohchr.org\)](#)

mechanism⁵. The Subcommittee further notes that the numbers of detention visits carried out by the NPM in 2014 decreased compared to the previous year: in 2013, the NPM carried out 199 detention visits⁶ compared to 100 visits in 2014⁷.

19. However, during the meeting with the Ombudsperson, the Subcommittee was pleased to learn that the allocations to the Office have been regularly increasing during the recent years, and the current budget was around 3.5 million BGN. The Subcommittee welcomes the fact that the compared 2012 the budget of Ombudsperson has increased by almost 1 million BGN.

20. In this connection the Subcommittee reminds the State party that, pursuant to article 18 (3) of the Optional Protocol, States parties are required to make available the necessary resources for the functioning of the national preventive mechanism. Without proper resources, including in terms of staffing, the mechanism cannot fulfil its preventive mandate properly and adequately.

21. During the joint visits with the national preventive mechanism the Subcommittee was pleased to observe how well regarded the staff members of the mechanism were by both the prison authorities and detainees. They were observed to enjoy full access to all places of deprivation of liberty within the prison and had access to all information concerning numbers of detainees and conditions of detention.

22. During the visit of the Subcommittee, the NPM team was composed of five members, one person was on maternity leave and two positions were vacant. The Subcommittee notes with appreciation that the NPM was composed of professional members forming a dedicated and multidisciplinary team (specialists in law, public administration, psychology and medicine), but it also notes that in order to discharge its mandate more efficiently under the OPCAT, the NPM needs an increase of members as well as dedicated administrative staff.

23. The Subcommittee was informed that the Ombudsperson was drafting a proposal for their own annual budget, which was subsequently included in the State budget and submitted to the Parliament. The Subcommittee notes that the budget of the NPM is part of the budget of the Ombudsperson's Office and there are no explicit provisions in the NPM legislation regarding earmarked funding, although the NPM did not seem to have any limitations in terms of allocations received for their activities. In this connection, the Subcommittee underlines that the lack of budgetary independence may negatively impact the perceived independence of the NPM within the Ombudsperson's Office.

24. In order to ensure the functional and operational independence of the national preventive mechanism the State party should ensure constructive dialogue with the national preventive mechanism with a view to ascertaining the nature and extent of the resources needed for it to properly fulfil its mandate, in accordance with article 18 (3) of the Optional Protocol and the Subcommittee's guidelines⁸.

25. Furthermore, the Subcommittee takes note of the work carried out by the NPM in relation to handling complaints and as such complements the work done by the Ombudsperson's office on such issues.

26. The Subcommittee recommends that the NPM should complement rather than replace the existing systems of oversight in the country⁹, and its functioning should take into account the effective cooperation and coordination between preventive and complaint mechanisms in the country. The NPM, in cooperation with the Ombudsperson, should clearly separate their respective mandates, i.e. the budget, human resources and handling individual complaints received from the places of detention, so that each of them has enough means and resources for carrying out all aspects of their respective mandates effectively and independently.

⁵ Annual report 2014, available at: ГОДИШЕН ДОКЛАД НА ОМБУДСМАНА КАТО НАЦИОНАЛЕН ПРЕВАНТИВЕН МЕХАНИЗЪМ (ohchr.org)

⁶ Ibid

⁷ Ibid

⁸ See CAT/OP/12/5, para. 11

⁹ Ibid, para. 5

27. The Subcommittee recommends that the State party allocate the financial resources needed by the national preventive mechanism, as required by OPCAT article 18 (3) and the Subcommittee's NPM Guidelines¹⁰. The mechanism needs to have functional independence and not to be dependent on the decisions of other State bodies.

28. The national preventive mechanism should enjoy complete financial and operational autonomy in the performance of its functions. The funding should be provided through a separate line in the national annual budget, referring specifically to the national preventive mechanism¹¹.

C. NPM activities and visibility

29. The Subcommittee notes that during the recent years the NPM was able to exercise its mandate by visiting various places of deprivation of liberty, as provided for in OPCAT article 4, such as police stations, pre-trial detention facilities, remand prisons, prison hostels, border police facilities, immigration detention centers, psychiatric institutions and social care homes. In 2019, the NPM carried out 46 visits to detention sites and in 2020, despite limitations due to the pandemic, and the state of emergency, the NPM was able to carry out 49 planned and ad-hoc visits. The main objective of these visits was to assess the anti-epidemic measures taken in closed institutions and monitoring the implementation of recommendations issued during previous visits¹². Throughout the period of state of emergency the Ombudsperson ensured immediate public access to the cell phones of the NPM experts to provide effective protection of the rights of all citizens residing in closed institutions¹³. The methodology of monitoring closed institutions was modified accordingly, taking into consideration the updated international and regional standards, including the advice¹⁴ of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic. Finally, the Subcommittee commends the fact that the NPM sets thematic priorities for each year, which is reflected in their annual reports.

30. The Subcommittee welcomes that the NPM focuses not only on visiting places of deprivation of liberty but also on other activities, such as commenting on draft legislation, awareness raising and training activities, in accordance with OPCAT articles 19 (b) and (c). The Subcommittee notes that the Ombudsperson, acting as NPM, has the power and obligation to make proposals and provide guidance on draft and existing legislation in the light of the State's obligations under the Optional Protocol¹⁵. The recent amendment of the Ombudsman Act provides that the State should inform the NPM to make proposals or observations on any existing or draft policies or legislation¹⁶. The NPM may submit to the Government, Parliament and any other relevant authority its opinions and proposals on any matters concerning persons deprived of liberty and other issues with the mandate of the NPM. The NPM reviews the rules of detention, such as interrogation rules, with a view to preventing torture and ill-treatment.

31. The meetings held by the Subcommittee with some of the relevant authorities revealed, however, that not much was known about the national preventive mechanism *per se* as a torture prevention body. The NPM lacks visibility and there may be a lack of understanding of its role *vis-à-vis* the Ombudsperson's Office. In addition, there needs to be greater awareness of the reports of the mechanism and, especially, of the degree to which the authorities implement the recommendations contained in the reports. The Ombudsman Act¹⁷ stipulates that after each visit, the Ombudsman shall prepare a report containing recommendations and proposals with a view to improving the conditions in the facilities visited, as well as to preventing torture and ill treatment. According to the Act, the report

¹⁰ Ibid, para. 11

¹¹ See CAT/C/57/4, annex, para. 12

¹² NPM Annual Report 2020, [Bulgaria2020_EN.pdf \(ohchr.org\)](https://www.ombudsman.bg/pictures/Ombudsman%20Act%20EN.pdf)

¹³ Ibid

¹⁴ [CAT/OP/10 - E - CAT/OP/10 -Desktop \(undocs.org\)](https://www.ombudsman.bg/pictures/Ombudsman%20Act%20EN.pdf)

¹⁵ Art. 33 of the rules of Procedures of the Ombudsman Institution.

¹⁶ Article 28a (4) <https://www.ombudsman.bg/pictures/Ombudsman%20Act%20EN.pdf>

¹⁷ Ibid, article 28 (d)

shall be presented to the relevant competent authorities that shall notify the Ombudsman within one month of their actions taken to implement the recommendations of the national preventive mechanism.

32. The Subcommittee recommends the State party continue including the NPM in the legislative processes and advocacy, which NPMs are encouraged to undertake under OPCAT article 19, and which improves prevention of torture, and contributes to the overall visibility of the NPM.

33. The Subcommittee further recommends that the State party take initiatives to increase the visibility of the NPM in general including through activities that raise awareness of the OPCAT and the NPM mandate. NPM recommendations should be thoroughly discussed and addressed. To this end, the Subcommittee recommends that the State party ensure that the necessary conditions are in place to enable the NPM to enhance its advocacy with institutions where persons are deprived of their liberty, with relevant ministries and with legislators.

34. The Subcommittee also recommends that the State party enter into a continuous dialogue with the NPM, with a view to strengthen the follow-up to the recommendations of the NPM to improve the treatment and the conditions of persons deprived of their liberty, and to prevent torture and other ill-treatment or punishment.

III. COVID-19

35. The Subcommittee's visit took place at a time when Bulgaria found itself entering the third wave of the COVID-19 pandemic, with a sharp increase in daily number of cases. The highest ever daily number of cases in the country was recorded during the week of the visit. At the same time, Bulgaria had one of the lowest vaccination rates in Europe with around 21 % of the population having been fully vaccinated.

36. During the 1.5 years of the pandemic, different measures have been taken in the country to mitigate the pandemic's impact. The Subcommittee was pleased to note that the Bulgarian authorities, more specifically the General Directorate for the Execution of Penalties, as well as the Ombudsperson's Office and the national preventive mechanism, responded in 2020 to the Subcommittee's request for information regarding measures taken in the context of COVID-19 and following up on the Subcommittee's advice of April 2020 (CAT/OP/10).

37. The Subcommittee took note of the current preventive measures, but was concerned about the very low vaccination rates among staff and detainees in places of deprivation of liberty, which reflected the low general vaccination rates in the country. The Subcommittee received information that there had been COVID-19 outbreaks in almost all prisons and pre-trial detentions in Bulgaria, usually triggered by people coming from the outside. Staff seemed to have been more affected than detainees, the Subcommittee was informed about the absence of staff in the places visited due to the pandemic.

38. The level of information provided to the Subcommittee about COVID-19 measures differed between institutions visited. The use of facemasks had been obligatory for staff since March 2020, but the Subcommittee was informed that personal protective equipment was not readily available for those deprived of their liberty. According to information provided by the Ombudsperson, they had seen an increase in complaints by 30 %, mostly related to contacts with relatives (children included), lack of parcels, and prices in stores within places of deprivation of liberty.

39. At the time of the visit, temporary control measures regarding the entry of persons arriving to Bulgaria from other countries existed, but all members of the Subcommittee's delegation were allowed into the country without any problems. The week before the visit, new preventive measures were put in place including COVID-19 certificate requirements to enter indoor public spaces, as well as obligatory wearing of facemasks, in crowded outdoor public spaces.

40. Given the restrictions on entry in public spaces and the availability of tests, the Subcommittee was surprised to note that a COVID-19 certificate was not requested from staff and others entering the places of detention visited.

41. The Subcommittee recommends the State party to follow the World Health Organization COVID-19 related recommendations for places of deprivation of liberty¹⁸ and the Subcommittee's advice to States parties and national preventive mechanisms relating to COVID-19 pandemic (CAT/OP/10 and CAT/OP/12),¹⁹ including both COVID-19 preventive measures and measures to mitigate the human rights implications of restrictions.

IV. Overarching issues

A. Definition of torture and torture as a separate crime

42. The Subcommittee took note of the statement of the authorities during the visit that "the Convention against Torture is directly applicable in Bulgaria." However, to date, the Bulgarian Criminal Code does not criminalize torture in accordance with the Convention. The Subcommittee is concerned that, notwithstanding the repeated recommendations of the Committee against Torture,²⁰ the Criminal Code still lacks a comprehensive definition of torture incorporating all elements set forth in article 1 of the Convention. Torture is still not criminalized as a separate crime and acts amounting to torture continue to be prosecuted under different articles of the Criminal Code, generally subjected to statute of limitations (except for war crimes and crimes against humanity).

43. The Subcommittee urges that Bulgaria adopt a definition of torture in accordance with the Convention against Torture, and ensure it is criminalized as a separate crime and not subject to any statute of limitations, avoiding any risk of impunity and ensuring the proper investigation of ill-treatment and torture cases.

44. The Subcommittee also recommends Bulgaria to provide capacity building trainings to judges and prosecutors on the provisions of the Convention and its Optional Protocol, including on the absolute prohibition of torture and that perpetrators of acts of torture must be prosecuted and sanctioned in accordance with the gravity of the acts.

B. Fundamental legal safeguards

45. The Subcommittee notes that the existing legal safeguards against torture and ill-treatment and the legal protection of the rights of persons deprived of their liberty generally correspond with international standards. However, the Subcommittee is concerned about the gap between the legal framework and its application in practice. Some legal protections did not appear to be implemented consistently, and at times were ignored.

46. The existing 24-hour police detention of persons – period in which persons are not formally charged but questioned by the police – is governed by the Law on the Ministry of Interior. In the Subcommittee's view, the "administrative" nature of this initial period of police custody could lead to a deficient application of the fundamental legal safeguards against torture and ill-treatment.

47. The Subcommittee recommends the State party to consider amending the Law on the Ministry of Interior and the Criminal Procedure Code to ensure the effective

¹⁸ Available at: <https://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/focus-areas/prevention-and-control-of-covid-19-in-prisons-and-other-places-of-detention/faq-prevention-and-control-of-covid-19-in-prisons-and-other-places-of-detention#441902>

¹⁹ Available at: <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AdvicesToNPMS.aspx>

²⁰ CAT/C/BGR/CO/4-5, para. 8 and CAT/C/BGR/CO/6, paras. 7-8.

application of all fundamental legal safeguards to detainees during that initial police custody period.

48. The Subcommittee observed with concern that during this 24-hour period detainees are in practice less protected. In particular, they are:

- (a) Requested to sign a 'Letter of Rights' (only available in Bulgarian language) with no additional verbal explanation provided. This document is a list of rights and references to norms without any practical explanation for the detainee, and without mentioning the person's right to remain silent and;
- (b) Often questioned by the police without the presence of a lawyer. Some people alleged that they were discouraged from requesting to have a lawyer as that was "not really necessary."

49. Safeguards during the first moments of police detention, including those described in the Convention and by the Committee against Torture in its general comment No. 2 (2007) on the implementation of article 2, are among the most effective preventive measures against torture and ill-treatment. Therefore, the Subcommittee recommends that the State party ensure the following fundamental safeguards:

- (a) All detainees must be immediately informed at the moment of apprehension of the reasons for their arrest and of their rights, in a language they understand;
- (b) All detainees must have access to a lawyer of their choice immediately after their arrest and their lawyer must be present from the moment of their first interrogation. A legal aid system must be provided, and it must be operational, to ensure prompt, effective and quality representation for all detainees, on an equal basis;
- (c) All detainees must have access to an independent medical examination and, additionally, if the detainee so wishes, a medical examination by a doctor of their choice, as soon as possible after their arrest, with full respect for medical ethics and deontology;
- (d) All persons deprived of their liberty must be able to inform a third party of their choice (family member or next of kin and/or consular/diplomatic representation in the case of foreigners) of their detention without delay. The exercise of this right must not be dependent upon the goodwill or decision-making power of the detaining authorities, prosecutor or investigator or the administration of the holding facility;
- (e) All detainees must appear physically, within 48 hours from the time of their arrest, before a judicial authority, so that it can rule on the need for detention and ensure that it can be challenged.

C. Juvenile justice and delinquency systems

50. During the visit, for time restraints, the Subcommittee was not able to visit juvenile detention centres, socio-pedagogical boarding schools, correctional schools or temporary placement homes for minors and juveniles. It stresses the need for visits by the Subcommittee, the national preventive mechanism and other similar bodies, to all those places in which children are deprived of their liberty to more comprehensively monitor their living conditions and address any alleged violations not covered in this report. However, it observes with concern that, as similarly observed by the Committee on the Rights of the Child,²¹ the legal frameworks for detained children in conflict with the law above the minimum age of criminal liability, and for those below this age deprived of their liberty under the 1958 Juvenile Delinquency Act, are not focused on providing alternatives to deprivation of liberty and on producing their effective reintegration.

²¹ CRC/C/BGR/CO/3-5, paras. 58-61.

51. The Subcommittee shares the concerns of the national preventive mechanism²² and recommends Bulgaria to reform its juvenile justice and delinquency systems in accordance with applicable international standards,²³ including the replacement of Juvenile Delinquency Act (in effect since 1958, over 63 years ago). In this regard, the Subcommittee encourages Bulgaria to seek technical assistance from the United Nations, including from the United Nations Children's Fund.

D. Sentence to life and life without parole

52. The Subcommittee notes with concern that the Bulgarian Criminal Code sets forth for life sentence without parole. The Subcommittee welcomes information received that the government is considering the possibility of reviewing this legislation. The Subcommittee interviewed inmates sentenced to life (30-year imprisonment) and sentenced to life without parole (release possible only in case of presidential pardon). The Subcommittee is concerned that lifers were generally subject to stricter prison regimes and purely punitive living conditions, including:

- (a) Separation from the rest of the prison population;
- (b) Limited visit rights,
- (c) Partial to total exclusion from work opportunities and from prison activities aimed at resocialization and;
- (d) Protracted periods spent in isolation.

53. The Subcommittee recommends the State party, as already recommended by the Human Rights Committee,²⁴ to amend its legislation to make parole available to all prisoners, including persons sentenced to life imprisonment. It also recommends to take all effective measures to reform its legislation to make it in line with the standards set in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)²⁵ and other relevant instruments.²⁶ Additionally, it recommends to ensure equal rights among all categories of inmates and refrain from holding lifers in isolation merely because of the gravity of their crimes or type of sentence.

E. Use of alternatives to detention

54. The Subcommittee notes with concern that the prison and penal sanction systems in Bulgaria have a strong punitive approach. The subcommittee observed that the existence of and resort to non-custodial measures seemed to be limited. The Subcommittee recalls that detention in custody of persons awaiting trial should be a measure of last resort.²⁷ Pre-trial

²² In its 2020 Annual Report, the national preventive mechanism explained that the reform of juvenile justice in Bulgaria continues to be in its nascent stage and that "[t]here are yet no adequate correctional and educational services in line with the leading standards of protection of the rights and interests of the child." Available at:

https://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/Bulgaria2020_EN.pdf, p. 11.

²³ See, for instance, United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"). See also United Nations Children's Fund Child-Friendly Justice Guidelines, available at: <https://www.unicef.org/eca/media/5171/file>

²⁴ CCPR/C/BGR/CO/4, para. 28.

²⁵ See for instance Rule 58 which states: 'The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.'

²⁶ See, for instance, Art. 10(3) of the International Covenant on Civil and Political Rights which states: '...The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation...'

²⁷ Article 9, para. 3, International Covenant on Civil and Political Rights; see also Human Rights Committee, General Comment No. 35, CCPR/C/GC/35, para. 38.

detention must be based on an individualized determination that it is reasonable and necessary.

55. The Subcommittee recommends the State party to take all effective measures to introduce non-custodial measures as alternatives to detention and apply them when reasonable, in line with the United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules). It also recommends to take appropriate measures to ensure that pre-trial detention policy meets international standards, e.g. that the recourse to the detention is always the measure of last resort. It recommends to consider reducing pre-trial detention on police premises and using alternative measures to pre-trial detention.

V. Situation of persons deprived of their liberty

A. Police stations

56. The Subcommittee noted that the size of the cells varied among the police stations visited. While the Subcommittee observed the seemingly adequate size of the cells in police facilities visited in Sofia, it is concerned by the inadequate size of the cells and the absence of mattresses and/or beds in the Pazardzhik district police station, which is in need of renovation. The Subcommittee observed overall poor material conditions in all police stations visited. Shortcomings in this respect included uncleanliness, limited access to natural light and poor ventilation in the cells, and inadequate provision of food and beddings (we did not observe a regular system in place for providing food).

57. The Subcommittee recommends the State party to take effective measures steps to remedy the inadequacies in police stations and cells, including by improving cleanliness, access to natural light and adequate ventilation,²⁸ and by setting a uniform and adequate system for the provision of food and beddings. It recommends to address promptly the inadequate size of the cells²⁹ and detention conditions at the district police station in Pazardzhik.

58. The Subcommittee notes with concern that certain rights - such as the right to contact relatives and lawyers and to be examined by a doctor- were generally provided to detainees upon their request. The enjoyment or denial of these rights depended on the place visited and the availability of its staff, and not on uniform practices aiming at providing full enjoyment of the fundamental safeguards provided by the law while in detention.³⁰

59. The Subcommittee recommends the State party to ensure the full enjoyment of the fundamental legal safeguards of detainees, as referred to above.³¹

60. The Subcommittee observed that individual detainee registers are mostly kept in written form (not electronically) and not kept in accordance with a standardized file management system, rendering it difficult to trace the history and status of detainees. The Subcommittee was informed that not all police stations have closed-circuit television (CCTV) monitoring. The Subcommittee recalls that the maintenance of complete and reliable records of persons deprived of their liberty is one of the fundamental safeguards against torture or ill-treatment and is an essential condition for the effective exercise of due process guarantees, such as the right of the detainee to be promptly brought before a judge and the right to challenge the legality of detention. The Subcommittee is concerned that, although most necessary elements were recorded in writing, there was a lack of uniformity, varying between different police stations.

²⁸ Rule 14, Nelson Mandela Rules.

²⁹ Rule 13, *ibid*

²⁹ See sub-section on "Fundamental legal safeguards" above.

²⁹ *Ibid*

³⁰ *Ibid*

³¹ *Ibid*

61. The Subcommittee recommends the State party to ensure that its registration and filing systems concerning detainees is standardised, and that closed-circuit television monitoring (CCTV) is installed where required and records adequately kept. Information related to a particular person in detention should be traceable throughout such a system and include: a) exact date and time of apprehension; b) exact time of arrival at the facility; c) reasons for the arrest; d) authority ordering the arrest; e) identity of the arresting officer/s; f) date, time and reasons for transfer/s or release; g) precise information about where the person was held during the whole period of detention (e.g. cell number); h) the date, time and identity of the person notified of the detention, including the signature of the officer who proceeded to this notification; i) date and time of a family visit; j) date and time of request and/or meeting with a lawyer; k) date and time of request and/or visit of a health professional; and l) date and time of the detained person's first appearance before a judicial or other authority.

62. Police and custodial officers should be properly trained in the maintenance of registers, and should enter the information promptly, commencing upon arrival of the detainee. Registries should be regularly inspected by prosecutors and by internal oversight bodies of the police and the penitentiary system, as well as being available to examination by the national preventive mechanism. Failure to comply with provisions concerning the timely completion accurate registers should be the subject of disciplinary measures.

63. The Subcommittee further recommends that electronic registers be progressively established throughout the country, and that registers be harmonised. It also recommends that a standard national database be set up in line with data protection policies, and updated with systematic case information, which would enable the authorities to track each detainee throughout the system more effectively.

64. The Subcommittee was pleased to learn that in all three police stations visited, there were procedures in place to access to a medical examination upon arrest. Procedures and medical providers varied from one police station to the other, but in the visited police stations the staff was able to provide information about medical examinations recorded in standardized medical forms. Some were carried out upon request by the detainee, and police staff were cognizant that they could not deny a request from a detainee to be seen by a doctor. It was also stressed by staff that if there were signs of violence, a medical examination was obligatory. A special format existed for the medical examination, and all files were subsequently kept in folders in the police stations and were readily available for the Subcommittee. However, the Subcommittee did not receive information about how these files are followed-up regarding the investigation of such injuries.

65. The Subcommittee noted with concern that not all health issues identified during the medical examination were followed up on by the doctors. For example, one detainee had a very high blood alcohol level and one showed signs of heroin and amphetamine withdrawal symptoms, but no instructions were given to the police on how to observe and ensure their well-being. During interviews, one detainee also complained that the doctor had refused to treat his tooth infection because the detainee could not remember the name of the prescribed antibiotic.

66. The Subcommittee recommends that steps be taken to ensure that doctors provide adequate follow-up in relation to the findings from the medical examinations of those detained by the police in full compliance with medical confidentiality. The Subcommittee further recommends that the information regarding injuries are adequately investigated.

67. In one police station, the Subcommittee noted that metal grates covering windows and ventilation shafts provided ample opportunity for fixation of ligation and for harming oneself on the metal.

68. **The Subcommittee recommends that steps be taken to ensure that police holding cells do not provide opportunity for suicide attempts and self-harm.**

69. The Subcommittee lastly noted that there were no clear and uniform procedures established for cases in which children under 14 years old were “apprehended” and brought to police stations.

70. The Subcommittee recommends the State party to ensure that children under 14 years old are not arrested and/or detained, but in case of “apprehension” ensure alternative care is provided, and that the best interest of the child is respected.

B. Prisons and investigation detention facility

1. Material conditions, hygiene and food

71. The Subcommittee is mindful of the efforts undertaken by Bulgaria to improve the material conditions at the Sofia and Pazardzhik Prisons, and welcomes Bulgaria’s plans to build a new prison in the country,³² while noting the construction of new prisons does not solve *per se* structural problems and that, as referred above, the use of non-custodial alternatives should remain a priority. Both prisons visited were built many years ago (e.g. the Sofia Prison is over 100 years old) and despite refurbishment works, the Subcommittee found several cells with high levels of humidity and cracks on the walls, dirty floors and broken windows.

72. While the Subcommittee notes cells are periodically disinfected, it is seriously concerned by the widespread presence of bed bugs in mattresses and cockroaches in the cells and, most importantly, its repercussions in the prisoners’ living conditions, hygiene and health. It observed several prisoners with untreated skin rashes and wounds caused by bed bugs. In the Pazardzhik Prison Hostel annexed to the prison, it also observed how prisoners’ personal belongings were infested by cockroaches.

73. The Subcommittee observed with concern the insufficient access to hot water and to basic personal hygiene items. It also received complaints about the quantity and quality of food and the lack of diversity in the menu.

74. The Subcommittee recommends the State party to provide an adequate standard of living to all prisoners and to ensure they are held in clean and sanitary conditions. It recommends to promptly address the widespread presence of bed bugs and cockroaches in the cells through effective and long-term solutions, including the replacement of mattresses. Additionally, it recommends the State party to provide basic personal hygiene items to all detainees, to increase the quantity and improve the quality of the food, and to diversify the food menu. It recommends to allocate and provide the necessary budget and resources accordingly.

2. Use of solitary confinement

75. The Subcommittee noted that solitary confinement was used as a disciplinary measure in cases of breaches of internal prison rules. Although the Subcommittee was told by prison authorities that they were limited to a maximum of 14 days, it also received allegations from prisoners that at times this type of measure was repeated within a short period, even after intervals of 5 hours to one day (i.e. prolonging it to over 14 days, almost consecutively). The Subcommittee is concerned that solitary confinement was also used as a protection measure or to prevent inter-prisoner violence or other reasons not connected to disciplinary measures.

76. While some of the solitary confinement cells visited had an acceptable size, the size of other similar cells – particularly in segregation areas (e.g. the “buffer zones” in the Sofia Prison)- appeared to be insufficient. The Subcommittee found in the Sofia Prison a cage-like ‘cell’, with bars, of less than one square meter big, and in which a person could only fit standing and without the possibility of extending the arms up or to the sides. The Subcommittee was initially told that this was not used as a cell, but as storage space. However, during the final talks with the Director of the prison, it was confirmed that this cage sometimes holds prisoners, but for a maximum period of one hour.

³² Communicated to the Subcommittee during the visit by authorities of the Ministry of Justice.

77. The Subcommittee recommends the State party to ensure that solitary confinement is a measure of last resort, is used for as short a time as possible, and never longer than 15 consecutive days. It also recommends to ensure segregated prisoners have sufficient space in their cells and are provided with purposeful activity and meaningful human contact³³ each day.

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

78. The Subcommittee noted a lack of rehabilitation programmes provided to the detainees, aiming at strengthening the possibilities for better integration into society after serving their sentences. This also includes the lack of meaningful or purposeful activities inside the prison. The Subcommittee noted that prisoners spend between 60 to 90 minutes outside of their cells daily. Nevertheless, the Subcommittee observed that some groups of prisoners were not always exposed to day light and the sun (e.g. access only to closed patios with partial openings in the roof), and generally did not count with equipment to exercise or practice sports during that time outside. One person had not been outside for 4 consecutive days. Exceptionally, those in the Pazardzhik Prison Hostel - due to its open type regime - could be outside and have full mobility indoors and outdoors within the premises from 8:30am to 7pm.

79. While one hour outside of the cell and daily exercise is a minimum standard, in the Subcommittee's view, substantial time outside of the cell and access to exercise may be factors preventing the occurrence and persistence of inter-prisoner violence by lowering the general level of frustrations of detainees.

80. The Subcommittee recommends the State party to develop programs to strengthen the possibility for reintegration into society that is different kinds of rehabilitative services including training, education and psychosocial services. Furthermore, the State party should ensure that all prisoners – including those in investigation detention facilities – enjoy at least one hour of exercise daily. It also recommends to assess the correlation between the allowance of only short times outside of the cell and the persistence of inter-prisoner violence, and to consider extending time outside of the cell for prisoners when relevant, as a way to, *inter alia*, help preventing and addressing inter-prisoner violence.

81. While the Subcommittee noted that several activities and also visits had been suspended and/or limited due to COVID-19 pandemic-related measures, the majority of the persons interviewed complained about the lack of or insufficient purposeful/recreational activities, and about the limitations and modalities of visits, even before the pandemic. In particular, about visits, the Subcommittee noted that:

- (a) the duration of visits was generally short (including of a maximum of 45 minutes);
- (b) the frequency not so regular (ranging from once a month to once every three months);
- (c) even before the COVID-19 pandemic, prisoners were generally separated from visitors with glass or nets, not allowing any type of physical contact and;
- (d) spousal/conjugal visits were rarely arranged or subjected to exchange of favours with the prison guards or obtained as a reward for good behaviour.

82. The Subcommittee recommends the State party to take effective measures to guarantee that all detainees are offered the opportunity and resources to engage in purposeful and/or recreational activities. The Subcommittee also recommends the duration of visits is extended and its frequency increased. While COVID-19 related measures should be respected, including social distancing, the Subcommittee recommends to assess the premises used for undertaking visits and consider removing glasses and nets and other needed changes to improve communication between prisoners and their visitors. Lastly, the Subcommittee recommends to guarantee and

³³ Rule 44, Nelson Mandela Rules

arrange conjugal visits without discrimination, and prevent corruption or any exchange of favours with guards regarding their right to visits.

4. Health care in prisons

83. The Subcommittee noted with concern that there is a limited number of doctors in the prisons and that their functions are carried out by medical assistants, and a limited number of nurses. This implies that detainees often end up being designated as caretakers by initiative of the prisons' social workers, enabling in some cases a reduction in their sentences in return. It is also worth noting that in both prisons visited, the available staff talked about colleagues being absent, so that the actual number of staff was substantially lower than the one planned for. General lack of staff and functions being taken over by others may not only lead to a lower level of quality of the health services but may also breach medical confidentiality and pave the way for inappropriate power dynamics among detainees.

84. Medical equipment and medications were available, but some of the equipment was very old, and in the dental clinic in one of the prisons there were substantial amounts of medications well past their expiry date.

85. The initial medical assessment upon arrival as well as traumatic injuries were documented in separate forms. The latter contained the detainee's consent to photos and to additional exams outside the prison. This aspect becomes particularly problematic because one copy of the form was supposed to be shared with the guard on duty and one would go into the detainee's file. This might put the detainee at risk of reprisals.

86. The Subcommittee noted with concern that the knowledge of the 'Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (Istanbul Protocol) among health staff was practically non-existent.

87. Another problematic aspect was the waiting time for a forensic examination initiated by the prosecutor, where the delay might be up to one month meaning that signs of violence might disappear.

88. **The Subcommittee recommends the State party to:**

- (a) Ensure adequate human and physical resources to the health services in the prisons. To the extent where detainees serve as caretakers, it should be ensured the medical confidentiality is not breached and that their role is clearly defined;**
- (b) Ensure that when ill-treatment and violence are reported, it is done with the informed consent of the victim. This consent should be documented in the medical file.**
- (c) Ensure that the prosecutor's office requests a medical examination of a victim of violence in a place of detention without undue delay;**
- (d) Ensure that health professionals working in places of detention are trained on the Istanbul Protocol.**

5. Record and investigation of injuries in prisons

89. The Subcommittee observed that there are registries of injuries and reporting forms in place for cases of violence. Even if the medical personnel registers the injuries, using the forms referred to earlier, the information is listed solely in the detainee's personal medical file. Effective investigation of injuries and ill-treatment in all places of detention is therefore an issue of concern.

90. **The Subcommittee recommends that all cases of injuries consistent with allegation of ill-treatment or allegation that are clearly indicative of ill-treatment, even in an absence of an allegation or a complaint, should be immediately brought to the attention of the relevant prosecutor. The State party should ensure that the medical personnel increase their efforts to identify such injuries during medical examinations,**

register, and given consent, report them.³⁴ Such injuries should be properly investigated, perpetrators prosecuted and, if convicted, punished, and victims provided with an adequate medical treatment and compensation.

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

91. The Subcommittee visited the Special Home for the Temporary Accommodation of Foreigners in Busmantsi, Sofia. In this facility, migrants – including children - are detained for identification purposes, or when awaiting deportation from the country.

92. The Subcommittee observed that persons held in this facility were under deprivation of liberty and they were generally guarded by police officers in uniform. The Subcommittee was under the impression that the State party tends to place migrants in detention as a default measure. The Subcommittee is of the view that the policy of detaining undocumented migrants and those awaiting deportation in ‘special homes’ where they are *de facto* deprived of their liberty undermines migrants’ basic rights and may weaken their protection against torture and ill-treatment.

93. **The Subcommittee recommends the State party to detain migrants only as a measure of last resort. When it is strictly necessary to do so, such detention should be in a non-prison like environment. The Subcommittee further reminds the State Party that the detention of migrant children is prohibited under any circumstances.**

94. The Subcommittee found that there was serious lack of information available to detained migrants concerning their personal and legal situation. Lack of information may create stress and anxiety, exacerbating feelings of hopelessness and uncertainty. This was reported by many migrants in the interviews. Such a situation may have negative impact on their mental health. The Subcommittee also took note of the information provided by a large number of migrants, that since they had arrived to the facility they had not been able to have even a basic conversation with the authorities as there were no interpreters in the facility. Some migrants who were interviewed expressed their incomprehension as to why they were in this particular detention facility - or in detention at all. Related to this is also the lack of information as to what would happen to them next. In general, migrants seemed to be unaware of their rights, of services available to them or the legal procedures they were involved in, due to lack of communication between the authorities and the migrants. All these factors put together may amount to inhuman and degrading treatment of the migrants.

95. **The Subcommittee recommends the State party to establish procedures to ensure that migrants are provided with information concerning their personal situation, and their personal legal situation, promptly, in an accessible manner and in a language they understand. Migrants should also be effectively informed about support and other services available to them, how to access them, their rights and obligations during the relevant legal processes and procedures, the possible consequences of noncompliance or non-cooperation and any remedies available to them. In particular, the Subcommittee recommends to allocate the necessary financial and human resources to ensure qualified interpreters are hired and work with the authorities and migrants in the facility.**

1. Detained migrant children

96. The Subcommittee notes that national law prohibits detention of unaccompanied children. At the same time, during the visit, the authorities told the Subcommittee that only children accompanied by their families were held in the facility. The Subcommittee was informed that children in the facility were accompanied by related adults. However, it seemed very unclear to the Subcommittee whether they were indeed travelling accompanied or alone. The Subcommittee had been informed about the practice of “attaching” unaccompanied migrant children to non-family adult members. The Subcommittee is of the view that this is an unacceptable practice and may lead to placing children in adult facilities. The

³⁴ Istanbul Protocol, paras. 67-72.

Subcommittee also noted with concern that out of the 27 children present in the facility at the moment of the Subcommittee's visit (as informed by the Director), the majority of them were held together with male migrant adults, without any existing separate child-friendly space for them and without receiving any special treatment from the staff.

97. The Subcommittee urges the State party to take all effective measures to ensure that migrant children are not detained, as laid out by international human rights standards, and are accommodated in institutions that provide an adequate standard of living and that respect the interests of the child. It also recommends to ensure the appropriate living conditions and treatment for all children in the facility, including a separate child-friendly space.

2. Material conditions, overcrowding, hygiene and sanitation

98. The Subcommittee is gravely concerned about the living conditions of migrants, including children, it observed in this facility.

99. While the Subcommittee was informed that blankets and pillows are periodically disinfected by the staff, the presence of bed bugs in mattresses is widespread (even worse than in the prisons visited). Several migrants interviewed by the Subcommittee, including children, presented untreated skin rashes typical of bed bugs, and some such rashes had developed into large, infected wounds.

100. The Subcommittee received several complaints about the lack of blankets, heating, hot water, clothes, shoes and personal hygiene items. Several of the migrants interviewed did not count with personal belongings and/or money, as some told the Subcommittee they fled their country (generally countries torn by armed conflict) only with the clothes they were wearing, and some were still wearing them as nothing was provided by the authorities. The Subcommittee also received complaints about the quantity and quality of food. The Subcommittee was further informed through the interviews that migrants do not access to the toilets during the night, which forces them to use bottles or windows. The rooms were poorly ventilated. Smoking is allowed in the facility and inside the dormitories. There was no possibility to separate smokers from non-smokers, which makes the situation quite challenging for the non-smokers and their health, especially for children.

101. The Subcommittee recommends the State party to provide an adequate standard of living to all migrants and to ensure they are held in clean and sanitary conditions. It recommends to promptly address the widespread presence of bed bugs through effective and long-term solutions, including the replacement of mattresses. Additionally, it recommends the State party to provide basic personal hygiene items to all migrants, to increase the quantity and improve the quality of the food, and to take the necessary measures for migrants to have full access to the use of toilets, including during the night. The Subcommittee recommends that the State party ensures there is adequate and functioning heating system which is suitable to the climatic conditions. It recommends the State Party to allocate and provide the necessary budget and resources accordingly.

102. The Subcommittee observed overcrowding in certain sections within the facility. For example, the Subcommittee visited dormitories very limited in size in which over 30 persons were held, including children. These rooms had bunk beds in very bad conditions. This situation is unacceptable, since there is a clear lack of privacy, and an increased risk of health problems, intimidation and violence. It also poses a challenge to the staff aiming to exercise a proper control of the premises.

103. The Subcommittee recommends first of all that alternatives to deprivation of liberty of migrants are established, and secondly, that effective measures are taken to combat overcrowding and problematic living conditions in this facility.

3. Time outside, recreational activities and contact with the outside world

104. The Subcommittee was informed by the authorities that educational and recreational activities organized by outside organizations in the facility ceased during the pandemic. Children and adult migrants did not have any actual outdoor activity either. It was only during the Subcommittee's visit that a group of migrants was allowed to go outside. Many of them

informed the Subcommittee that this was for them a unique opportunity to go outside. Some migrants also informed the Subcommittee that they had not been outside the rooms for 9 days.

105. The Subcommittee recommends the State party to equip this facility with adequate recreational, physical and cultural activities and spaces facilities, to which the migrants have effective access, and to ensure all migrants with no discrimination can spend an appropriate amount of time outside of their dormitories daily.

106. The Subcommittee is also concerned about the difficulties faced by migrants in detention in accessing audio and video communication with the outside world, their family, friends and their countries of origin. It should be recalled that most have no visitors and, given the prolonged periods of detention, this negatively affects their mental health over time. Many migrants complained about the high costs of phone cards to call abroad using the one and only phone cabin available in a facility currently hosting over 400 migrants.

107. The Subcommittee recommends the State party ensures that migrants in detention have regular contact with the outside world, especially their family and friends, through appropriate means of audio and video communication, as well as making meaningful internet access available to them. It recommends to allocate the necessary budgetary resources for these services to be provided to migrants free of charge.

4. Ill-treatment allegations

108. The Subcommittee is concerned by allegations of ill-treatment in the facility from some migrants, including child migrants, that they had been kicked, punched, pushed and/or verbally abused by custodial staff. Some adult migrants showed the Subcommittee recent bruises in their back and legs, allegedly from such acts as described above. The Subcommittee is further concerned at, the lack of investigation of such allegations.

109. The Subcommittee recommends the State party, as a matter of priority, investigates promptly, impartially, and effectively any allegations, or complaints, of torture or ill-treatment, pursuant to article 12 in the Convention against Torture. The Subcommittee recalls that the fight against impunity is an important means of preventing torture and ill-treatment.

5. Health care in migration detention

110. The Subcommittee noted that there was only one doctor employed in the facility visited whereas the other medical staff were medical assistants and nurses. The doctor did not have any formal obligation to provide instructions to the other health staff, and no written instructions to the staff were seen. This is concerning and may lower the quality of services provided. The detention center received up to 80 newcomers a day which on busy days gave very little time for the medical assessment upon arrival. During consultations, other detainees would serve as interpreters, thus, jeopardizing the medical confidentiality.

111. Some detainees were not aware that they could access the health services free of charge but had been told by other detainees or even guard that they would need to pay them a certain amount to be taken to the health clinic which was situated in another building. This led the detainees to not seek medical assistance when in need thereof, such as in cases of untreated severe rashes and infected wounds following infestation with bedbugs.

112. Medical files were available and well kept; and following a recommendation by the national preventive mechanism they would be provided to the detainees upon departure. However, the whole medical files system was very complex with information about a detainee kept in many different places (e.g. entry files in one binder, files from consultations in hospitals in another binder, daily consultations noted in a separate registry, etc.). This jeopardizes the health staff's opportunity to keep an overview of the individual patient.

113. The Subcommittee recommends that the State party:

- (a) Ensure adequate human resources to the health services of the migrant center and adequate and formal instructions to health staff working as substitutes for doctors in their absence;**

- (b) Ensure access to professional interpreters during medical consultations to avoid breaches of medical confidentiality and subsequent risk of misuse;
- (c) Analyze the situation of corruption in migration detention and take the necessary steps to mitigate this situation, including but not limited to providing newly arriving detainees with sufficient information about how to get access to the health services in a language they understand;
- (d) Introduce a system of individual medical records. To the extent where it is necessary for administrative reasons, additional registries may supplement the individual medical records, but all information about a detainee's health should be available in one place to minimize the risk of loss of information.

VI. Next steps

114. The Subcommittee requests that a reply to the present report be provided within six months of the date of its transmittal to the Permanent Mission of Bulgaria. The reply should respond directly to all the recommendations and requests for further information made in the report, giving a full account of action that has already been taken or is planned (including timescales) in order to implement the recommendations. It should include details concerning the implementation of institution-specific recommendations and concerning general policy and practice.³⁵

115. Article 15 of the Optional Protocol prohibits all forms of sanction or reprisal, from all sources, against anyone who has been, or who has sought to be, in contact with the Subcommittee. The Subcommittee reminds Bulgaria of its obligation to ensure that no such sanctions or reprisals take place and requests that it provide in its reply detailed information concerning the steps that it has taken to ensure that it has fulfilled that obligation.³⁶

116. The Subcommittee recalls that prevention of torture and ill-treatment is a continuing and wide-ranging obligation.³⁷ It therefore requests that Bulgaria inform it of any legislative, regulatory, policy or other relevant developments relating to the treatment of persons deprived of their liberty and regarding the work of the national preventive mechanism.

117. The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. The Subcommittee looks forward to assisting Bulgaria in fulfilling its obligations under the Optional Protocol by providing further advice and technical assistance, in order to achieve the common goal of prevention of torture and ill-treatment in places of deprivation of liberty. The Subcommittee believes that the most efficient and effective way of developing the dialogue would be for it to meet with the national authorities responsible for the implementation of the Subcommittee's recommendations within six months of receiving the reply to the present report.

118. The Subcommittee recommends that, in accordance with article 12 (d) of the Optional Protocol, the national authorities of Bulgaria enter into dialogue with the Subcommittee on the implementation of the Subcommittee's recommendations, within six months of the Subcommittee's receipt of the reply to the present report. The Subcommittee also recommends that Bulgaria initiate discussions with the Subcommittee on the arrangements for such a dialogue at the time of the submission of its reply to the present report.³⁸

³⁵ The reply should also conform to the guidelines concerning documentation to be submitted to the United Nations human rights treaty bodies established by the General Assembly. See letter sent to the permanent mission on 8 May 2014.

³⁶ The manner in which the Subcommittee addresses the issue of reprisals and sanctions is set out in CAT/OP/6/Rev.1.

³⁷ See CAT/OP/12/6 and the Committee's general comment No. 2 (2007).

³⁸ Bulgaria is encouraged to consider approaching the OHCHR treaty body capacity-building programme (registry@ohchr.org), which may be able to facilitate the dialogue. Additionally, the

contact details of the Special Fund are available at:
<https://www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx>

ANNEXES

Annex I - List of places of deprivation of liberty jointly visited by the national preventive mechanism and the Subcommittee

Central prison Sofia

Special home for temporary accommodation of foreigners in Busmantsi

Annex II - List of places of deprivation of liberty visited by the Subcommittee

2nd district police directorate, Sofia

3rd district police directorate, Sofia

Pazardzik Prison

Pazardzik IDF

Pazardzik hostel

Pazardzhik district police station

Annex III - List of government officials and other interlocutors with whom the Subcommittee met³⁹

Government of Bulgaria

Ministry of Foreign Affairs

Ministry of Education and Science

Ministry of Defence

Ministry of Justice

Ministry of Health

Ministry of Interior

Ministry of Labour and Social Policy

National Bureau for Legal Aid

Prosecutor's Office

Ombudsperson of the Republic of Bulgaria

National Preventive Mechanism team

Representatives of International Organisations

International Organisation for Migration

United Nations Children's Fund

United Nations High Commissioner for Refugees

³⁹ The interlocutors are listed only by their respective institutions and/or organizations.

Civil society representatives

Bulgarian Helsinki Committee

Bulgarian Lawyers for Human Rights

Center for the Study of Democracy

Independent Human Rights Activist
