

EXECUTIVE SUMMARY

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out nine visits to Bulgaria since 1995. Major shortcomings have been identified during these visits, especially as concerns the police and penitentiary establishments, and repeated recommendations have been made concerning these two areas.

Regrettably, the vast majority of the Committee's long-standing recommendations remained unimplemented. Consequently, the CPT has decided, in the course of its 84th plenary meeting in July 2014, to set in motion the procedure provided for in Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention").¹ The 2015 visit was an opportunity for the CPT to gauge the commitment of the Bulgarian authorities to implement its recommendations and to review, in particular, the treatment and detention conditions of persons held at investigation detention facilities and prisons.

The degree of co-operation received during the visit from the Bulgarian authorities was good. However, a number of inmates interviewed were clearly afraid to speak with the delegation and those who did speak feared possible reprisals for having done so. The Committee wishes to stress that any retaliatory action against a detained person for seeking to communicate or for having communicated with the CPT would be one of the most serious failures of co-operation under Article 3 of the Convention.

Establishments under the authority of the Ministry of the Interior

The rising number of allegations of deliberate physical ill-treatment of persons detained by the police leads the CPT to conclude that men and women (including juveniles) in the custody of the police continue to run a significant risk of being ill-treated, both at the time of apprehension and during subsequent questioning.

Very little progress, if any, has been made as regards guaranteeing the practical implementation of the legal safeguards against police ill-treatment. The vast majority of persons interviewed by the delegation stated that they had not received information about their rights after being detained by the police, had not been able to notify a third party of their custody and had not benefited from the presence and the services of a lawyer from the very outset of their deprivation of liberty.

Furthermore, the delegation received a number of allegations that medical examination of persons in police custody was limited to a few general questions; no physical inspection took place, the injuries were usually not recorded and the examination itself was often performed in the presence of police officers, with detainees usually being handcuffed.

The CPT reiterates its recommendations that the Bulgarian authorities take the necessary steps to ensure that legal provisions guaranteeing the safeguards against ill-treatment are applied in practice. Furthermore, the Committee recommends ensuring that medical examination of detained persons and recording of injuries respect the principle of medical confidentiality.

¹ "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter".

Establishments under the authority of the Ministry of Justice²

Despite the efforts of the Bulgarian authorities to further reduce overcrowding, it still remained a problematic issue for the prisons and closed-type prison hostels. Furthermore, there was still no progress as regards the construction or renovation of the prison estate that would allow for the capacity of the penitentiary system to be expanded. Consequently, the CPT reiterates its recommendation that the Bulgarian authorities further pursue their efforts to develop the policy to increase the resort to non-custodial measures and alternatives to custodial sentences.

Corruption remained endemic in the Bulgarian prison system and the vast majority of prisoners interviewed claimed that they were asked to pay custodial, administrative, and/or medical staff for many services provided for by the law or for being granted various privileges. The CPT calls upon the Bulgarian authorities to strengthen their efforts to combat corruption in the prison system through prevention, education and the application of appropriate sanctions.

Many allegations of deliberate physical ill-treatment (usually consisting of slaps, punches, kicks and truncheon blows) were again heard at Investigation detention facility located on G.M. Dimitrov Boulevard (hereafter – Sofia IDF), Sofia and Burgas prisons and, at Varna Prison, the delegation was flooded with such allegations. The CPT once again urges the Bulgarian authorities to take exhaustive measures at the highest political level to ensure that there is “zero tolerance” of ill-treatment in all penitentiary establishments in Bulgaria.

Furthermore, at Sofia IDF the delegation heard allegations that, following incidents with the custodial staff, prisoners had not been examined by a doctor. The CPT recommends that the Bulgarian authorities take steps to ensure that all prisoners are properly medically screened following a violent episode within prison and that such examination is accurately recorded.

Further, the CPT recommends that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment or inter-prisoner violence, the record is immediately brought to the attention of the relevant authority and a preliminary investigation is initiated.

Inter-prisoner violence remained widespread at Sofia and Burgas prisons, and frequent episodes of such violence were also reported at Varna Prison. It appeared to occur as a form of punishment of fellow prisoners who were caught stealing from other inmates or to be racially motivated (primarily against Roma prisoners). The CPT once again calls upon the Bulgarian authorities to take resolute action to tackle the phenomenon of inter-prisoner violence in Bulgarian prisons.

As regards material conditions of detention, Sofia IDF was still undergoing refurbishment at the time of the visit and one of the floors was not used for accommodating detainees. The cells on the other floors were too small for their intended occupancy, poorly lit and ventilated. Material conditions in all the three prisons visited demonstrated an ever-worsening advanced state of dilapidation and insalubrity. The CPT recommends that the Bulgarian

² The CPT’s delegation visited the following places of deprivation of liberty under the authority of the Ministry of Justice: Investigation detention facility located on G.M. Dimitrov Boulevard (hereafter – Sofia IDF), as well as Sofia, Varna and Burgas Prisons.

authorities take immediately all the necessary measures to ensure adequate standards of accommodation in penitentiary establishments.

Nothing had been done to implement a long-standing recommendation of the CPT as regards the development of a proper regime of activities for persons held in investigation detention facilities - the vast majority of persons held in Sofia IDF spent at least 23 hours a day locked up inside their cells with no organised activities. Possibilities for purposeful activities in Sofia, Varna and Burgas prisons were also very limited and the majority of prisoners just roamed the corridors or stayed in their cells watching TV or playing board games with other inmates. The CPT urges the Bulgarian authorities to intensify their efforts to develop the programme of activities for both sentenced and remand prisoners, notably as regards work, educational and vocational activities.

The accessibility and quality of the medical services in all the prisons visited (and the IDF in Sofia) were as poor as they had been in the past. The staffing situation rendered the provision of health care virtually impossible. The CPT calls upon the Bulgarian authorities to take urgent steps to reinforce the health-care resources at Sofia IDF and Sofia, Varna and Burgas prisons. More generally, the CPT invites the Bulgarian authorities to develop a comprehensive long-term strategy for the provision of health care in the penitentiary system.

Furthermore, medical confidentiality was still not respected as requests for medical consultations were filtered by custodial staff; non-medical staff, as well as prisoner orderlies, had access to inmates' medical files and the distribution of the medication was carried out by custodial staff.

Medical examination upon admission hardly ever took place within 24 hours after the inmates' arrival, and was limited to a few general questions. Moreover, it was often carried out in the cells, in the presence of staff and other prisoners. The quality of medical recording of injuries had even worsened and keeping of the register on traumatic injuries had been altogether discontinued at Sofia and Burgas prisons shortly after the CPT's 2014 visit.

Finally, the CPT is concerned to observe that the disciplinary punishment can lead to a solitary confinement for months on end. The CPT recommends that the Bulgarian authorities take measures to ensure that no prisoner is placed in conditions akin to solitary confinement as a disciplinary punishment for a period in excess of 14 days and that sequential disciplinary sentences do not result in an uninterrupted period of solitary confinement in excess of this maximum period. Furthermore, in case of a disciplinary confinement for a total of more than 14 days in relation to two or more offences, there should be an interruption of several days in the disciplinary confinement at the 14-day stage.