

EXECUTIVE SUMMARY

The CPT's ninth visit to Bulgaria provided an opportunity to review the implementation of recommendations made after the Committee's previous visits. Particular attention was paid to the treatment of persons in police custody and of juveniles in penitentiary establishments as well as of the conditions of detention and the provision of healthcare in prisons. The cooperation received by the Bulgarian authorities in the course of the visit was generally good. However, the principle of cooperation also requires that decisive action be taken to improve the situation in the light of the CPT's key recommendations, and the CPT is seriously concerned by the fact that the vast majority of the Committee's long-standing recommendations, some of them dating back to the very first periodic visit to Bulgaria in 1995, remain unimplemented. These include recommendations on ill-treatment (both in the police and prison context), inter-prisoner violence, prison overcrowding, material conditions of detention in investigation detention facilities (IDFs) and prisons, prison health-care, staffing levels, as well as discipline, segregation and contact with the outside world. In some cases, the situation has deteriorated since the 2010 and 2012 visits. The CPT is of the view that the time for words is over and that urgent and effective action must now be taken to address all these concerns. Consequently, in the light of the inaction to date, the CPT has decided to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.

Policing

The delegation received many allegations of deliberate physical ill-treatment of persons detained by the police (including juveniles and women), both at the time of apprehension and during questioning, consisting of slaps, punches, kicks and truncheon blows. In some isolated cases, it heard allegations of ill-treatment of such a severity that it would amount to torture, such as truncheon blows on the soles of the feet, blows with truncheons inflicted to a person attached with handcuffs to hooks fixed to a door frame (and thus immobilised in a hyperextended position) and the infliction of electric shocks using an electrical discharge weapon. In several cases, the delegation found medical evidence supporting the allegations of ill-treatment.

Despite the existence of legal regulations for the recording of injuries found on persons admitted to IDFs, it remained the case that injuries were almost never mentioned, and any description of injuries was extremely cursory. Further, medical examinations of newly-arrived detainees at the IDFs were still, as a rule, conducted in the presence of non-medical staff.

There has also been no improvement in the practical implementation of safeguards against police ill-treatment. Persons in police custody are rarely put in a position to *notify promptly their next-of-kin of their detention*. It was also still very rare for them to benefit from the *presence and the services of a lawyer* during the initial period of 24 hours of police custody. *Access to a doctor* in emergency situations did not seem to pose a problem but there seemed to be no uniform procedure or practice for non-urgent medical care. In addition, the CPT expresses serious misgivings about the practice whereby persons detained in Sofia, were taken to the Ministry of Interior Hospital, prior to their transfer to an IDF, in order to be seen by a doctor and to be provided with a certificate confirming that they were "fit for placement" in an investigation detention facility.

Material conditions had improved in some police establishments visited. That said, in other police establishments (e.g. in Burgas and Sofia), the conditions were inadequate as regards access to natural light, or cell size. The CPT's delegation made an immediate observation, in pursuance of Article 8, paragraph 5, of the Convention, concerning two particularly inadequate cells found at 1st and 4th District Police Directorates in Sofia, requesting that they be either enlarged or taken out of service. The Bulgarian authorities later confirmed that this had indeed happened.

Prisons

The CPT welcomes the drop in the prison population over the past two years but notes that overcrowding remains an issue of concern, with more than half of Bulgaria's prisons operating above their official capacity. The 2014 visit also confirmed that the problem of corruption in the Bulgarian prison system is endemic. At Burgas Prison, corruption now formed an important element of the management of the establishment, involving all categories of staff up to the most senior level, and the CPT is very concerned that the Bulgarian authorities seem not to have fully realised the extreme gravity of the situation in this prison.

No allegations of deliberate physical ill-treatment by prison officers were received at Vratsa Prison. However, at Belene Prison, several credible allegations of physical ill-treatment of prisoners by prison officers (consisting essentially of slaps, punches and kicks) were received. The situation was markedly worse at Burgas and Sofia prisons, where the delegation received a significant number of allegations of deliberate physical ill-treatment of prisoners by staff. At Burgas Prison, the CPT's delegation had the clear impression that, the intensity of ill-treatment had somewhat diminished following the dismissal of the director and his deputy in charge of security although the frequency of such treatment had not decreased. Further, the CPT was particularly struck by the situation at Boychinovtsi Correctional Home, where the vast majority of the interviewed juvenile inmates complained of being regularly beaten by custodial staff.

At Belene and Vratsa prisons, as well as at Boychinovtsi Correctional Home, the delegation heard some allegations of inter-prisoner violence. However, it was much more widespread at Sofia Prison, and literally omnipresent at Burgas Prison. The CPT is very concerned that no measures have been taken to combat the phenomenon of inter-prisoner violence in Bulgaria's prisons.

Material conditions in IDFs varied from one facility to another. In Sofia IDF on Dimitrov Boulevard, the ongoing thorough refurbishment had much improved the conditions as compared with the 2010 visit, although the new cells still displayed some major deficiencies. By contrast, the conditions in Burgas and Vratsa IDFs were inadequate for prolonged stays: cells of 5 to 6 m² for two persons, no direct access to natural light, inadequate artificial lighting and ventilation. Further, Burgas IDF still did not possess an outdoor exercise area. The absence of any organised activities in IDFs remained another issue of serious concern, given that many persons spend lengthy periods (months, and occasionally over a year) there.

All prisons visited, with the notable exception of Vratsa Prison, were characterised by a state of dilapidation, which was particularly advanced at Belene and Burgas prisons. Further, Sofia and Burgas prisons were grossly overcrowded and the CPT's delegation found that, at Burgas Prison not all inmates had their own bed. Despite ongoing efforts to offer work and (in some of the establishments visited) education or vocational training to sentenced prisoners, at least two-third of sentenced prisoners and almost all of remand prisoners) had no access to organised out-of-cell activities and were left in a state of idleness for most of the day.

The review of the situation of life-sentenced prisoners demonstrated that little had been done to improve their conditions in the light of the CPT's long-standing recommendations. In addition, no progress had been made as regards the removal from the Criminal Code of the sentence of "life imprisonment without the right to substitution". In the prisons visited, only a very small proportion of lifers were allowed to associate with other sentenced prisoners. The material conditions of high-security units were particularly poor and inadequate, as was the regime of activities.

The severe shortage in health-care staffing levels observed in all prisons visited rendered extremely difficult the provision of health care worthy of the name. Unsurprisingly the CPT's delegation was overwhelmed with complaints from inmates regarding difficulties and delays in having access to medical care and inadequate quality of care. The premises and equipment of health-care units, as well as the rooms used to accommodate sick inmates, were invariably of a low standard and in a poor state of repair and cleanliness. At Belene Prison, the delegation made an immediate observation concerning the extremely dilapidated and insalubrious medical isolation room, which was unfit for accommodation. The Bulgarian authorities later informed the CPT that this room had indeed been taken out of service. In all the penitentiary establishments visited, newly-arrived prisoners were in principle seen by health-care staff within 24 hours from their arrival. However, in most of the establishments the medical screening process was superficial, if not a mere formality. Moreover, medical confidentiality was still not respected as non-medical custodial staff were usually present during inmates' medical examinations (and systematically in the case of prisoners from high-security units). Life-sentenced prisoners were, in addition, usually handcuffed during such examinations.

Inadequate staffing levels were evident in all prisons visited, with the exception of Boychinovtsi Correctional Home. The lack of staff, combined with prison overcrowding and the application of a system requiring custodial staff to work for 24 hours at a time, increases the risk of violence and intimidation between prisoners, as well as tension between prison staff and prisoners, and undermines the quality and level of the activities offered to the inmates. The CPT calls upon the Bulgarian authorities to take urgent steps to increase custodial staffing levels.

As regards contacts with the outside world, the main issue of concern was the system of granting prolonged visits. It became apparent that this form of reward for good behaviour was very rare and, moreover, was the subject of institutionalised corrupt practices at both Burgas and Sofia prisons. At Boychinovtsi Correctional Home and at Belene Prison, the delegation received many complaints from inmates concerning the apparent difficulties that their families experienced because of the relative geographical and logistical isolation of the two establishments.

Resort to disciplinary measure of solitary confinement was rather infrequent at Vratsa Prison, where the disciplinary procedure seemed to be applied properly, and at the other prisons visited it was generally not excessive. As regards juveniles, the CPT was concerned to note that disciplinary isolation was resorted to frequently at Boychinovtsi Correctional Home and that the material conditions in the disciplinary unit were very poor; furthermore, successive placements of five days (with only a 24-hour interruption) were not uncommon. The CPT is again critical of the fact that prison doctors are still required to certify prisoners' fitness for placement in disciplinary isolation (prior to the start of the measure).