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**European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)**

Public statement concerning Bulgaria

This public statement is made under Article 10, paragraph 2,
of the European Convention for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment.

Strasbourg, 26 March 2015

Public statement concerning Bulgaria
(made on 26 March 2015)

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out ten visits to Bulgaria since 1995. In the course of those visits, delegations of the Committee have visited all but one prison, several investigation detention facilities (IDFs) and numerous police establishments in the country.

2. Major shortcomings have been identified during the above-mentioned visits, especially as concerns the police and penitentiary establishments. Repeated recommendations have been made over the last 20 years concerning these two areas.

In its reports, the CPT has many times drawn the Bulgarian authorities' attention to the fact that the principle of co-operation between State Parties and the CPT, as set out in Article 3 of the Convention establishing the Committee, is not limited to steps taken to facilitate the tasks of a visiting delegation. It also requires that decisive action be taken to improve the situation in the light of the CPT's recommendations.

The vast majority of these recommendations have remained unimplemented, or only partially implemented. In the course of the Committee's visits to Bulgaria in 2010, 2012, 2014, and 2015, the CPT's delegations witnessed a lack of decisive action by the authorities leading to a steady deterioration in the situation of persons deprived of their liberty.

3. In the report on its 2012 visit, the Committee expressed its extreme concern about the lack of progress observed in the Bulgarian prison system and stressed that this could oblige the CPT to consider having recourse to Article 10, paragraph 2, of the European Convention on the Prevention of Torture or Inhuman and Degrading Treatment or Punishment.¹

This procedure was set in motion after the March/April 2014 visit; indeed, the Committee's findings during that visit demonstrated a persistent failure by the Bulgarian authorities to address certain fundamental shortcomings in the treatment and conditions of detention of persons deprived of their liberty. The visit report highlighted a number of long-standing concerns, some of them dating back to the very first periodic visit to Bulgaria in 1995, as regards the phenomenon of ill-treatment (both in the police and the prison context), inter-prisoner violence, prison overcrowding, poor material conditions of detention in IDFs and prisons, inadequate prison health-care services and low custodial staffing levels, as well as concerns related to discipline, segregation and contact with the outside world.

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."

4. The responses of the Bulgarian authorities to the report on the CPT's 2014 visit and to the letter by which the Committee has informed the authorities of the opening of the procedure set out in Article 10, paragraph 2, of the Convention have, to say the least, not alleviated the CPT's concerns. In particular, the responses were succinct, contained very little new information and failed to address the majority of the Committee's recommendations, usually merely quoting the existing legislation and/or explaining the lack of action by referring to budgetary constraints. Further, most of the information contained in the CPT's report as concerns ill-treatment and inter-prisoner violence was simply dismissed.

The 2015 visit was therefore an opportunity for the Committee to assess the progress in the implementation of its long-standing recommendations and to review, in particular, the treatment and detention conditions of persons held at Sofia, Burgas and Varna Prisons, as well as at Sofia IDF (located on G.M. Dimitrov Boulevard).²

Regrettably, the findings made during the aforementioned visit demonstrate that little or no progress has been achieved in the implementation of key recommendations repeatedly made by the CPT.³

For these reasons, the Committee has been left with no other choice but to make a public statement, pursuant to Article 10, paragraph 2, of the Convention; it took this decision at its 86th plenary meeting in March 2015.

Police ill-treatment

5. In the course of the 2015 visit, the Committee's delegation received a significant number of allegations of deliberate physical ill-treatment of persons detained by the police; the number of such allegations had not decreased since the 2014 visit but was even on the rise in Sofia and Burgas. The alleged ill-treatment generally consisted of slaps, kicks, and in some cases truncheon blows. The delegation concluded that men and women (including juveniles) in the custody of the police continued to run a significant risk of being ill-treated, both at the time of apprehension and during subsequent questioning.

6. Very little progress, if any, has been made as regards the legal safeguards against police ill-treatment, and the CPT's key recommendations in this sphere are still to be implemented. In particular, access to a lawyer remained an exception during the initial 24 hours of police custody and the *ex officio* lawyers did not perform their function as a safeguard against ill-treatment. Further, persons in police custody were still rarely put in a position to notify promptly a person of their choice of their detention, and were not systematically informed of their rights from the outset of their custody.

² All these establishments have been visited regularly by the CPT since 1995.

³ These findings are summarised below, in paragraphs 5 to 16.

7. The Committee has long stressed the crucial role played by health-care staff and more particularly medical doctors in the prevention of ill-treatment. The findings of the CPT's delegation during the 2015 visit demonstrate that the existing specific rules as regards medical confidentiality and the recording of injuries continue to be routinely ignored in practice.

Injuries observed on persons admitted to IDFs were usually not recorded in the medical documentation. Medical screening prior to the admission of detained persons to IDFs was extremely cursory (consisting merely of an interview, without a proper medical examination) and it was performed in the presence of police officers, with detainees usually being handcuffed.

Detention in the Ministry of Justice's establishments

8. The situation as regards physical ill-treatment of prisoners by staff remains alarming in the three prisons visited in 2015. Many allegations of deliberate physical ill-treatment (usually consisting of slaps, punches, kicks and truncheon blows) were again heard at Sofia and Burgas Prisons and, at Varna Prison, the Committee's delegation was flooded with such allegations. In a number of cases, the delegation found medical evidence consistent with the allegations received.

9. At Sofia IDF, a clear deterioration was noted with a significant rise in the number of allegations of deliberate physical ill-treatment (slaps, punches and kicks) of inmates, including juveniles, by staff.

10. The findings of the CPT's 2012 and 2014 visits show that inter-prisoner violence remains omnipresent at Sofia and Burgas Prisons; such episodes were again witnessed by the delegation during the 2015 visit. Frequent occurrences of inter-prisoner violence were also reported at Varna Prison.

11. As described in the reports on the visits carried out in 2012 and 2014, and as acknowledged by the Bulgarian authorities, corruption remains endemic in the Bulgarian prison system. In the three prisons visited in the course of the 2015 visit, the delegation was again inundated with allegations of prisoners being asked to pay custodial, administrative, and/or medical staff for many services provided for by the law (e.g. transfers to prison hostels, early release, access to medical care, transfers to hospitals, procurement of goods, access to education/vocational training, work, etc.) or for being granted various privileges (such as leave and additional or open-type visits). This situation brings in its wake discrimination, violence, insecurity and, ultimately, a loss of respect for authority.

12. Overcrowding remains a very problematic issue in the Bulgarian prison system. For example, at Burgas Prison, the vast majority of inmates had less than 2 m² of living space in multi-occupancy cells, with the notable exception of the remand section. The situation at Sofia Prison remained similar to that observed in the past, with most inmates having just a little more than 2 m² of living space per person.

13. The material conditions at Sofia, Burgas, and Varna Prisons remained characterised by an ever-worsening state of dilapidation. In particular, most of the sanitary facilities in these three prisons were totally decrepit and unhygienic, and the heating systems functioned for only a few hours per day. The majority of prisoners still did not benefit from ready access to a toilet during the night and had to resort to buckets or bottles to comply with the needs of nature. The kitchens at Burgas and Varna Prisons (and the dining hall at Varna Prison) remained filthy and unhygienic and infested with vermin, with leaking and over-flowing sewage pipes, and walls and ceilings covered in mould. Most parts of the establishments visited were unfit for human accommodation and represented a serious health risk for both inmates and staff. To sum up, in the Committee's view, the material conditions alone in the three prisons visited could be seen as amounting to inhuman and degrading treatment.⁴

14. The vast majority of inmates (including almost all the remand prisoners) in the three prisons visited in the course of the 2015 visit still had no access to organised out-of-cell activities and were left in a state of idleness for up to 23 hours per day.

15. Regarding health care, 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. Further, the quality of medical recording had even worsened. It is noteworthy in this respect that the keeping of the register on traumatic injuries had been discontinued at Sofia and Burgas Prisons shortly after the CPT's 2014 visit. The confidentiality of medical examinations and documentation was not respected. In addition, in prisons, the initial medical examination hardly ever took place within the first 24 hours after the inmates' arrival, as recommended by the Committee. Such screening is essential, particularly to prevent the spread of transmissible diseases and suicides, and for recording injuries in good time.

16. It should be added that no progress was observed during the 2015 visit as regards other issues of concern to the CPT, such as prison staffing levels, discipline and segregation, and contact with the outside world.

Concluding remarks

17. In its previous reports, the Committee has taken due note of the repeated assurances given by the Bulgarian authorities that action would be taken to improve the situation of persons placed in the custody of the police, or held in establishments under the responsibility of the Ministry of Justice. However, the findings of the 2015 visit demonstrate again that little or nothing has been done as regards all the above-mentioned long-standing problems. This state of affairs highlights a persistent failure by the Bulgarian authorities to address most of the fundamental shortcomings in the treatment and conditions of detention of persons deprived of their liberty, despite the specific recommendations repeatedly made by the Committee. The CPT is of the view that action in this respect is long overdue and that the approach to the whole issue of deprivation of liberty in Bulgaria should radically change.

⁴ See also the judgment of the European Court of Human Rights of 27 January 2015 in the case of *Neshkov and Others v. Bulgaria* (applications nos. 36925/10, 21487/12, 72893/12, 73196/12, 77718/12 and 9717/13).

18. The Committee fully acknowledges the challenges that the Bulgarian authorities are facing. In the CPT's view, there is a real need to develop a comprehensive prison policy, instead of concentrating exclusively on material conditions (which, as should be stressed, have only improved to an extremely limited extent). Having in place a sound legislative framework is no doubt important. However, if laws are not backed by decisive, concrete and effective measures to implement them, they will remain a dead letter and the treatment and conditions of persons deprived of their liberty in Bulgaria will deteriorate even further. As regards the treatment of persons detained by law enforcement agencies, resolute action is required to ensure the practical and meaningful operation of fundamental safeguards against ill-treatment (including the notification of custody, access to a lawyer, access to a doctor, and information on rights).

The Committee's aim in making this public statement is to motivate and assist the Bulgarian authorities, and in particular the Ministries of the Interior and Justice, to take decisive action in line with the fundamental values to which Bulgaria, as a member state of the Council of Europe and the European Union, has subscribed. In this context, the CPT's long-standing recommendations should be seen as a tool that helps the Bulgarian authorities to identify shortcomings and make the necessary changes. In furtherance of its mandate, the Committee is fully committed to continuing its dialogue with the Bulgarian authorities to this end.

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