

EXECUTIVE SUMMARY

The purpose of this visit was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation. The CPT's delegation visited Border Police detention facilities in Elhovo, Sofia Airport and Svilengrad (Kapitan Andreevo) and carried out follow-up visits to the Special Homes for Temporary Accommodation of Foreigners in Busmantsi and Lyubimets. In Busmantsi, the delegation also paid a visit to the Closed-Type Premises run by the State Agency for Refugees (SAR).

Border Police establishments

The delegation heard no recent and credible allegations of physical ill-treatment of detained foreign nationals by Border Police officers. That said, a few persons interviewed at the Special Homes for Temporary Accommodation of Foreigners in Busmantsi and Lyubimets alleged that they had been verbally insulted while in the custody of the Border Police. The Committee recommended that a firm message be delivered to Border Police officers that all forms of ill-treatment (including verbal insults) of persons deprived of their liberty are unlawful and will be punished accordingly.

Material conditions in the Border Police establishments visited could on the whole be considered acceptable for the maximum period of 24 hours of custody. That said, the CPT recommended that steps be taken to ensure that neither of the two Border Police cells at Sofia Airport ever hold more than one person at a time. Further, considering their small size, the two cells should not be used to hold persons for more than a few hours, and never overnight. As regards the Border Police detention facility at Kapitan Andreevo, the CPT recommended that it be thoroughly refurbished and cleaned, cells be equipped with an effective heating system, and that detainees be offered food at normal meal times.

Persons detained by the Border Police were generally provided with written information on their rights (in several languages) and granted access to a lawyer (including *ex officio* lawyers) and an interpreter. It is also to be highlighted that the various custody records at the Border Police establishments visited were on the whole detailed and well kept. Further, the delegation's impression was that access to a doctor was generally granted to persons who asked for medical assistance. As for notification of custody, detention protocols examined by the delegation in the Border Police establishments visited contained relevant entries, indicating whether the person concerned had wished a relative or another person to be notified, stating the notified person's identity and the time when the person in question had been called. However, detainees received no feedback from Border Police officers as to whether notification had been performed, and some of them thought that it had not been done. The CPT recommended that steps be taken to ensure that all detained persons be provided with feedback on whether or not it has been possible to notify a close relative or other person of the fact of their detention.

Immigration detention facilities

The delegation heard no allegations of recent physical ill-treatment of detained foreign nationals by staff of the immigration detention facilities in Busmantsi (both the Home and the SAR Closed Unit) and Lyubimets. Further, only a few allegations were received of sporadic rude, disrespectful and dismissive behaviour by guards, mainly in response to detainees' requests (e.g. to be allowed to go to the toilet at night).

Overall, the delegation's impression was that there had been an improvement in detainee-staff relations as compared with the situation observed during previous visits to both Homes, although there was clearly still room for improvement in the area of staff's training in inter-cultural communication and foreign languages.

As for inter-detainee violence, the delegation was told about some tension and sporadic conflicts at Busmantsi and Lyubimets Homes, mostly due to persons of different nationalities, religions and backgrounds being obliged to share large-capacity dormitories with a complete lack of privacy, almost no activities and scant information about their legal situation and future prospects. The CPT recommended that the management and staff of both Homes remain vigilant and make use of all the means at their disposal to prevent inter-detainee violence and intimidation.

As regards material conditions, some improvements were observed by the delegation at Busmantsi and Lyubimets Homes since the CPT's previous visits, also thanks to the fact that both establishments were operating well below their official capacities. However, the accommodation continued to be dilapidated and the virtually bare large-capacity dormitories offered no privacy. Further, communal toilets for men were still run down and dirty in Lyubimets. In both Homes, the lack of access to a toilet at night for most of the detainees obliged them to use bottles or buckets, or to comply with their needs of nature through the windows. The accommodation areas were inadequately heated (especially in Busmantsi) and, in both Homes, detained foreign nationals complained of not being provided with clothing and shoes adapted to the season. Furthermore, as previously, many complaints were heard about the food (especially its quality) and about the ban on detainees cooking their own meals. The CPT recommended that urgent steps be taken to remedy the above-mentioned deficiencies.

As for the SAR Closed Unit, material conditions were generally acceptable, with cells in the detention area being recently refurbished, bright and airy, clean and adequately furnished. That said, the intended occupancy of the standard 12 m² cells was much too high. The CPT recommended that steps be taken to ensure that the cells at the SAR Closed Unit never accommodate more than three detained foreign nationals each.

In both Homes, the delegation observed some improvements since the CPT's previous visits in the activities provided. However, foreign nationals detained at Busmantsi and Lyubimets Homes still had to spend months on end in enforced idleness, with little to occupy their time. The situation was even worse at the SAR Closed Unit, where the only available distractions were the possibility to take outdoor exercise during one hour each day, watch television during one hour each day and read books and play board games inside the detention area. The CPT called upon the Bulgarian authorities to make further efforts to offer a range of constructive activities to foreign nationals detained at Busmantsi and Lyubimets Homes, as well as the SAR Closed Unit.

There had been hardly any change in the provision of health care to detained foreign nationals at Busmantsi and Lyubimets Homes; in short, the only positive aspects were that there was a 24/7 staff presence and that the infirmary in Lyubimets was clean and in a good state of repair (unlike in Busmantsi). However, the medical equipment was very scant and often out of order, the range of free-of-charge medication was extremely limited (some of it, including antibiotics, had expired a long time ago) and access to specialist care was very restricted. Further, the initial medical screening was perfunctory, the recording of injuries was virtually inexistent, and medical confidentiality was not observed. The delegation also noted the absence of proper individual medical files and the succinct and unreliable character of the existing medical documentation.

The CPT was particularly concerned by the detained foreign nationals' very poor access to psychiatric care, limited in fact to emergencies. This was additionally compounded by the lack of interpretation arrangements and by the fact that detained foreign nationals had no health insurance. The CPT called upon the Bulgarian authorities to take urgent steps to address the aforementioned serious deficiencies of health-care services and to strive to improve the level of psychological assistance to foreign nationals detained at Busmantsi and Lyubimets Homes, including the provision of professional interpretation.

With regard to staff, the situation at Busmantsi and Lyubimets Homes had improved compared with that observed during the CPT's previous visits. That said, considering the persistent problem of communication between staff and detained foreign nationals (which had a negative impact on the activities, health care and the overall atmosphere in both Homes), the CPT recommended that more efforts be made in the immigration detention establishments visited to improve staff's training in languages most commonly spoken by detained foreign nationals and inter-cultural communication.

At the two Homes visited (and the SAR Closed Unit), written and audio-video information on the house rules and applicable legislation was available in a range of languages. Further, detained foreign nationals received systematically copies of decisions concerning their detention and (as applicable) asylum procedure, and could keep them; however, these decisions were only in Bulgarian. The CPT reiterated its recommendation that steps be taken to ensure that foreign nationals detained at Busmantsi and Lyubimets Homes (and the SAR Closed Unit) receive, whenever necessary, the assistance of qualified interpreters. The use of fellow detainees as interpreters should be avoided.

As previously, legal assistance was left entirely to various NGOs. In this context, the CPT reiterated its recommendation that the system of legal aid (run by the National Legal Aid Bureau) be extended to detained foreign nationals, during all phases of the procedure. As for contact with the outside world, detained foreign nationals could send and receive correspondence and could use their mobile telephones (without cameras), pay-phones or, upon request and in justified circumstances, make calls using the staff's office phones. Visits were also allowed up to twice per week (upon request) and took place under open conditions but in the presence of staff. The CPT recommended that the Bulgarian authorities provide the possibility of unsupervised visits for detainees at Busmantsi and Lyubimets Homes (and at the SAR Closed Unit). Further, the CPT reiterated its recommendation that the Bulgarian authorities allow detained foreign nationals to use VoIP technologies free-of-charge basis to communicate with the outside world.

As for discipline, there were no formal disciplinary sanctions and no disciplinary procedure in the immigration detention establishments visited. That said, foreign nationals at Busmantsi Home perceived placement in one of the two dormitories for persons representing a risk for public security as a form of punishment, and all detainees (in both Homes) were aware that in case of any serious violation of house rules they risked being transferred to the SAR Closed Unit. Furthermore, at Lyubimets Home the delegation learned that, approximately 10 days prior to the visit, the Director had ordered the removal of all mobile phones from detained foreign nationals, apparently because a mobile with a camera had been discovered in one of the dormitories. The CPT recommended that such collective punishment practices be stopped immediately. More generally, while acknowledging that it may on occasion be necessary to sanction detained foreign nationals for improper behaviour, the CPT stressed that any such sanction must be accompanied by appropriate procedural safeguards. Finally, the CPT recommended a review of the operation of the complaints procedures so as to make sure that detained foreign nationals are effectively enabled to send complaints in a confidential manner.