

# VISIT REPORT

## BULGARIA

### SEPTEMBER 2024



# CPT

EUROPEAN COMMITTEE  
FOR THE PREVENTION OF  
TORTURE AND INHUMAN OR  
DEGRADING TREATMENT  
OR PUNISHMENT

**AD HOC VISIT**  
16 - 23 September 2024

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# Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>I. INTRODUCTION .....</b>	<b>6</b>
A. The visit, the report and follow-up.....	6
B. Consultations held by the delegation and co-operation encountered .....	7
<b>II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED .....</b>	<b>8</b>
A. Border police establishments.....	8
1. Preliminary remarks.....	8
2. Ill-treatment.....	8
3. Conditions of detention .....	9
4. Safeguards .....	9
B. Immigration detention facilities .....	10
1. Preliminary remarks.....	10
2. Ill-treatment.....	12
3. Material conditions .....	13
4. Activities.....	14
5. Health care .....	15
6. Other issues of relevance to the CPT's mandate .....	17
C. Informal forced removals of foreign nationals ("pushbacks").....	20
<b>APPENDIX – List of the Authorities met during the visit.....</b>	<b>26</b>

## EXECUTIVE SUMMARY

The aim of this visit was to assess the implementation of the CPT's long-standing recommendations concerning the treatment and conditions of detention of foreign nationals deprived of their liberty pursuant to aliens legislation. For this purpose, the delegation carried out follow-up visits to Border Police establishments in Kapitan Andreevo (Svilengrad) and Elhovo, Special Homes for Temporary Accommodation of Foreigners (SHTAF) in Busmantsi and Lyubimets, as well as to the Closed-Type Premises run by the State Agency for Refugees (SAR) in Busmantsi (hereafter the SAR Closed Unit).

In the two SHTAFs and the SAR Closed Unit, the delegation heard no recent and/or credible allegations of physical ill-treatment of detained foreign nationals whilst in the custody of the Border Police. That said, a few detained persons alleged that they had been verbally abused or threatened by Border Police officers at the time of their apprehension. Likewise, the delegation heard no credible allegations of recent physical ill-treatment of detained foreign nationals by staff of the SHTAF in Lyubimets. By contrast, some detainees at the SHTAF in Busmantsi alleged having been punched, kicked and/or violently pushed by custodial officers; in a few cases, physical ill-treatment had reportedly been accompanied by verbal abuse. The CPT reiterated its recommendation that it be recalled to Border Police officers and staff at the SHTAF in Busmantsi that any forms of ill-treatment of detained foreign nationals (including of a verbal nature) are illegal and unacceptable and will be punished accordingly.

Material conditions in the immigration detention facilities visited remained extremely poor, with virtually all detainee accommodation areas being overcrowded, dilapidated, dirty and infested with bedbugs. The premises were very prison-like and particularly poorly adapted for the accommodation of women, families and minors. Further, foreign nationals – some of whom had spent months or even years in custody – had nothing or almost nothing to occupy their time. There were no organised activities, which was of particular concern with respect to the minors. Furthermore, unlike in Lyubimets, foreign nationals accommodated at the SHTAF in Busmantsi (and in the SAR Closed Unit) had no guaranteed access to daily outdoor exercise, which was indeed a truly deplorable state of affairs.

As regards health-care services, the only positive aspects were the 24/7 health-care staff coverage and an improved access to outside consultations and hospitalisations. Alas, other aspects of health-care provision, such as medical screening on arrival, medical records, equipment and medication, psychiatric case and psychological assistance, were unsatisfactory.

The CPT made recommendations to address the aforementioned deficiencies in the SHTAFs and SAR Closed Unit, as well as those concerning insufficient staffing, lack of access to interpretation and free legal aid, limited visiting entitlement and access to a telephone.

The delegation interviewed a number of foreign nationals who had recently been deprived of their liberty by Bulgarian law enforcement agencies and who were no longer in Bulgaria at the time of the interview. Based on the detailed and consistent accounts received by the delegation, a clear pattern emerged with regard to the treatment by Bulgarian law enforcement officials of migrants who had managed to enter Bulgarian territory from Türkiye through the “green border” in August-September 2024. It would appear that the foreign nationals concerned had been apprehended by Bulgarian security forces patrolling the border area and had been forcibly returned to Türkiye, outside any legally established procedures. It further appeared that the apprehension of the foreign nationals concerned and their subsequent forced removal from Bulgaria had often been carried out by using physical violence and unmuzzled service dogs.

The CPT recommended that the Bulgarian authorities take the necessary measures to stop the ill-treatment and prevent further “pushbacks” that is forcibly returning irregular migrants arriving at the border or present in the territory of Bulgaria, without any prior individualised screening with a view to identifying persons in need of protection.

## PRIORITY TOPICS

### ■ Immigration

**FIRST-RECEPTION / DETENTION CENTRES** – Extremely poor material conditions and absence of organized activities in the Special Homes for Temporary Accommodation of Foreigners (SHTAF) in Busmantsi and Lyubimets.

**FIRST-RECEPTION / DETENTION CENTRES** – Lack of access to daily outdoor exercise for foreign nationals accommodated in the Closed-Type Premises run by the State Agency for Refugees (SAR) in Busmantsi.

**HEALTHCARE AND VULNERABILITY ASSESSMENT** – Unsatisfactory health-care services in both SHTAFs visited.

**PUSHBACKS AND REFOULEMENT** – Ill-treatment of foreign nationals in the context of “pushbacks” (forcibly returning persons arriving at the border or present in the territory of Bulgaria) without any prior individualised screening with a view to identifying persons in need of protection.

## THE CPT AND BULGARIA

Bulgaria ratified the ECPT in 1994, and the Committee’s first visit took place in 1995.

Since ratification, the CPT has carried out 16 country visits to Bulgaria – 8 periodic and 8 ad hoc – including 93 visits to police establishments, 31 to prisons, 22 to psychiatric institutions, 21 social welfare and educational-correctional establishments, 3 to military detention facilities, and 20 to border and immigration detention facilities.

# I. INTRODUCTION

## A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Bulgaria from 16 to 23 September 2024. The visit was one which appeared to the Committee “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention) and its purpose was to assess the implementation of the CPT’s long-standing recommendations concerning the treatment and conditions of detention of foreign nationals deprived of their liberty pursuant to aliens legislation. It was the CPT’s 16th visit to Bulgaria.<sup>1</sup>

2. The visit was carried out by the following members of the CPT:

- Alan Mitchell, President of the CPT and Head of Delegation
- Nikola Kovačević
- Anahit Manasyan
- Chila Van Der Bas.

They were supported by Borys Wódz (Head of Division) and Elvin Aliyev from the CPT’s Secretariat, and assisted by two experts, Djordje Alempijević, Professor of Forensic Medicine, University of Belgrade (Serbia) and George Tugushi, detention expert, lawyer and former Public Defender (Ombudsman) of Georgia.

3. The Committee’s delegation carried out follow-up visits to Border Police establishments in Kapitan Andreevo (Svilengrad) and Elhovo, Special Homes for Temporary Accommodation of Foreigners (SHTAF) in Busmantsi and Lyubimets, as well as to the Closed-Type Premises run by the State Agency for Refugees (SAR) in Busmantsi (hereafter the SAR Closed Unit). Further, the delegation interviewed a number of foreign nationals who had recently been deprived of their liberty by Bulgarian law enforcement agencies and who were no longer in Bulgaria at the time of the interview.<sup>2</sup>

4. The report on the visit was adopted by the CPT at its 116th meeting, held from 10 to 14 March 2025, and transmitted to the Bulgarian authorities on 21 March 2025. The various recommendations, comments and requests for information made by the Committee are set out in bold type in the present report. The CPT requests the Bulgarian authorities to provide within three months a response containing a full account of action taken by them to implement the Committee’s recommendations and replies to the comments and requests for information formulated in this report.

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1. See the full list of visits and their dates on the CPT’s [website](#). All the Committee’s reports and responses of the Bulgarian authorities to date are in public domain, upon the authorities’ request and pursuant to the automatic publication procedure introduced by the Bulgarian authorities in 2015. According to this procedure, all documents related to CPT visits shall be published automatically, unless the Bulgarian authorities submit within one month a request to postpone (for a period of up to six months) the publication of the document concerned.

2. See paragraphs 37 to 41 below.

## B. Consultations held by the delegation and co-operation encountered

5. During the visit, the delegation held consultations with senior officials from the Ministry of Internal Affairs, the National Police, the Border Police, the Migration Directorate and the SAR. The delegation also met Katya Hristova-Valcheva, Head of Cabinet at the Ombudsman's Office, and staff of the National Preventive Mechanism (NPM). Further, meetings were held at the UNHCR Representation in Bulgaria and with staff of the Bulgarian Helsinki Committee.

A list of the authorities and organisations with which the CPT's delegation held consultations is set out in the Appendix to this report.

6. The delegation generally received very good co-operation in the establishments visited, including those for which the visit had not been notified in advance. In particular, the delegation had rapid access to all premises it wished to visit, was able to meet in private with persons with whom it wanted to speak and was provided with access to all the documents it required.

The Committee wishes to express its appreciation of the efficient assistance provided to it before and during the visit by the Liaison Officer appointed by the Bulgarian authorities, Dimitar Terziivanov from the Ministry of Justice, as well as by the contact persons appointed for the duration of this particular visit by the Ministry of Internal Affairs.

7. However, the principle of co-operation set out in Article 3 of the Convention is not limited to facilitating the task of the CPT's visiting delegation; it also requires the national authorities to effectively implement the CPT's recommendations. In this respect, the Committee regrets to note that, in many respects (such as the material conditions,<sup>3</sup> activities,<sup>4</sup> health-care services,<sup>5</sup> information,<sup>6</sup> interpretation,<sup>7</sup> legal assistance<sup>8</sup> and contact with the outside world<sup>9</sup>), the situation observed in the establishments visited was the same or even worse than that described in the report on the 2018 ad hoc visit.

The CPT very much hopes that the Bulgarian authorities will provide, in their response to this report, concrete information on decisive steps taken to address the Committee's long-standing recommendations regarding the treatment of persons deprived of their liberty pursuant to aliens legislation. Indeed, a failure to do so could oblige the CPT to consider having recourse to the procedure set out in Article 10, paragraph 2 of the Convention.<sup>10</sup>

In order to avoid such a situation and to discuss ways to improve the implementation of its recommendations, the Committee proposed to the Bulgarian authorities to hold high-level talks in Sofia in the nearest future. Details of this proposal were set out in the aforementioned letter transmitting the CPT's report.

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3. See paragraphs 11, 21 and 22 below.

4. See paragraphs 23 and 24 below.

5. See paragraphs 25 and 26 below.

6. See paragraph 31 below.

7. See paragraph 30 below.

8. See paragraph 32 below.

9. See paragraphs 33 and 34 below.

10. Article 10, paragraph 2, of the Convention states as follows: "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."



## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Border police establishments

#### 1. Preliminary remarks

8. There have been no major changes to the legal framework governing the custody of foreign nationals by the Border Police since the 2018 ad hoc visit. In particular, the maximum period of 24 hours during which the Border Police may hold a foreign national pursuant to the Aliens Act has remained unchanged.<sup>11</sup> If it is needed to prolong the period of detention beyond the 24 hours, the foreign national must be transferred, by decision of the Directorate of Immigration of the Ministry of Internal Affairs, to a Special Home for Temporary Accommodation of Foreigners (SHTAF)<sup>12</sup> or, if the person is suspected of a criminal offence e.g. forgery or human smuggling, to a National Police establishment, pursuant to the Law on the Ministry of Interior and the Code of Criminal Procedure.<sup>13</sup> In the latter case, if the person concerned has applied for asylum, he/she may be transferred to the Closed-Type Premises run by the State Agency for Refugees (SAR), hereafter the SAR Closed Unit.<sup>14</sup>

It should be stressed as a positive fact that no violations of the above-mentioned 24-hour time-limit have been observed by the CPT's delegation in the Border Police establishments visited (and that, in most cases, detention periods were shorter).

9. At the outset of the 2024 ad hoc visit, the delegation was informed by senior officials from the Ministry of Internal Affairs that, due to the increased migratory pressure in the last few years (with a peak observed in 2023), the Government had decided to deploy, on a temporary basis, approximately a thousand seconded National Police, Gendarmerie and Military Police officers along the borders with Türkiye and Greece, to assist the Border Police in performing their tasks. Reportedly, seconded officers were acting under the orders of the Border Police and were supposed to follow the same legal provisions as those referred to above.

**In the light of the information referred to in paragraph 38 below, the CPT would like to receive detailed information about the precise rules of deployment of the seconded National Police, Gendarmerie and Military Police officers to assist the Border Police. The Committee would also like to be informed whether seconded officers have received any specific training prior to their deployment.**

#### 2. Ill-treatment

10. The delegation interviewed numerous foreign nationals detained in the two SHTAFs visited and in the SAR Closed Unit, and heard no recent and/or credible allegations of physical ill-treatment of the persons concerned whilst in the custody of the Border Police.<sup>15</sup>

That said, a few detained persons alleged that they had been verbally abused or threatened by Border Police officers at the time of their apprehension.

**The Committee reiterates its recommendation that a firm message be delivered to all Border Police officers that any forms of ill-treatment (including verbal abuse) of persons deprived of their liberty are unlawful and will be punished accordingly.**

11. The grounds include unauthorised entry, irregular residence or lack of valid identity documents, as well as the need to secure the foreign national's removal from the country.

12. See paragraph 14 below.

13. See the description of the relevant provisions in paragraph 18 of the report on the CPT's 2017 periodic visit, [CPT/Inf\(2018\)15](#). Detention in a National Police establishment may not exceed the total cumulative detention period (as from the moment of apprehension) of 72 hours.

14. See paragraph 14 below.

15. See, however, paragraphs 38 and 39 below.



### 3. Conditions of detention

11. Material conditions were found to be quite acceptable at the Border Police Headquarters in Elhovo, similar to the situation observed during the 2018 ad hoc visit.<sup>16</sup> The only real issue of concern was the absence of a call system.

In contrast, conditions had remained quite poor at Kapitan Andreevo Border Police detention facility, where some of the cells and the communal toilets and showers were dilapidated and dirty. Further, the intended occupancy (number of beds per cell) was too high, especially in the aforementioned cell for women and minors (measuring approximately 12 m<sup>2</sup> and containing 4 beds). As in Elhovo, the cells were not equipped with call bells.

**The CPT recommends that steps be taken to remedy the above-mentioned deficiencies. As regards the Border Police detention facility at Kapitan Andreevo in particular, the Committee reiterates its recommendation that it be thoroughly refurbished and cleaned.**

### 4. Safeguards

12. Based on the interviews with detained foreign nationals carried out in the two SHTAFs and at the SAR Closed Unit and on the examination of relevant documentation and records in the Border Police establishments visited, the delegation came to the conclusion that, as soon as persons were officially taken into custody of the Border Police, they generally benefitted from the relevant legal safeguards.<sup>17</sup>

In particular, they were as a rule provided with written information on their rights (which was available in several languages) and, in principle, granted access to a lawyer (albeit *ex officio* legal aid was not available to foreign nationals detained pursuant to the Aliens Act<sup>18</sup>) and an interpreter. However, a few of the detained persons interviewed by the delegation alleged that they had not had access to interpretation whilst in the custody of the Border Police.

Further, the delegation's impression was that access to a doctor was generally granted to persons who asked for medical assistance.<sup>19</sup> 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.<sup>20</sup> That said, at the SHTAFs visited several detained persons alleged that they had not been able to call their next-of-kin as their mobile phone had been taken away from them immediately upon apprehension.

**In the light of the above-mentioned remarks, the CPT recommends that steps be taken to ensure that all foreign nationals in the custody of the Border Police be enabled to swiftly notify their next-of-kin or another person of their choice of their apprehension and be granted access to interpretation and *ex officio* legal assistance.**

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16. See paragraph 10 of document CPT/Inf (2019) 24.

17. Situation was quite different with respect to persons apprehended on the "green border" and subjected to pushbacks, see paragraph 38 below.

18. See also paragraph 32 below.

19. Elhovo Border Police Headquarters had its own full-time doctor and four feldshers, assuring a 24/7 coverage. In Kapitan Andreevo, the duty Border Police officer would call an ambulance (the delegation saw written records of such visits).

20. It is also to be highlighted that the various custody records at the Border Police establishments visited were on the whole well kept.

## B. Immigration detention facilities

### 1. Preliminary remarks

13. As already mentioned in paragraph 3 above, the CPT's delegation carried out follow-up visits to Bulgaria's sole two immigration detention facilities run by the Directorate of Immigration of the Ministry of Internal Affairs, namely the Special Homes for Accommodation of Foreigners (hereafter SHTAF) in Busmantsi (in the near suburbs of Sofia) and Lyubimets (located close to the borders with Greece and Türkiye). Both establishments were used to accommodate foreign nationals subjected to administrative detention pursuant to the Aliens Act.<sup>21</sup>

In Busmantsi, the delegation also paid a follow-up visit to the Closed-Type Premises run by the State Agency for Refugees (SAR), hereafter the SAR Closed Unit. The Unit was used to accommodate, by decision of the Head of SAR, asylum seekers who had repeatedly violated house rules in one of the open reception centres run by the SAR or in one of the SHTAFs (upon request of the Directorate of Immigration), those placed there upon request of the State Agency of National Security (because they were considered to represent a threat to national security) and those who, in addition to having applied for asylum, were also suspected or accused of a criminal offence.

14. In principle, placements in SHTAFs should never exceed 18 months.<sup>22</sup> However, the delegation came across cases of longer stays (up to 19 months). This was explained by the fact that prior to their placement in a SHTAF, the foreign nationals concerned had spent some time in the SAR Closed Unit, and that stay did not count into the aforementioned 18-month limit. That said, the delegation was informed that, with the entry into force of the EU Migration Pact (as of June 2026), the rule would change and the 18-month time-limit would become absolute for all detentions of foreign nationals pursuant to the Aliens Act.<sup>23</sup>

As regards placements in the SAR Closed Unit, they were subject to a monthly court review but there was no absolute time-limit set by law (which merely stated that detention could last until the final decision on the asylum application), resulting on occasion in very long stays (up to 2.5 years).

15. The Law on Asylum and Refugees stipulates that whenever foreign nationals detained at SHTAFs make an asylum application, they should in principle<sup>24</sup> be transferred to a SAR open reception centre within 6 days. However, both SHTAFs visited were accommodating asylum seekers who had been there for longer than 6 days, and some of the staff seemed to interpret the aforementioned provision in the manner that such a transfer was only required once the asylum application was approved.



**The CPT would like to receive clarification from the Bulgarian authorities on this subject.**

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21. According to the Aliens Act, administrative detention of foreign nationals may be ordered by the Border Police or the Migration Directorate on grounds of unauthorised entry, irregular residence or lack of valid identity documents with a view to their removal from the country.

22. The Migration Directorate may initially order a detention of 30 days within which period they should decide on continuous detention or referral of the individual to an open reception centre, if he or she has applied for asylum. Extensions beyond six months (three months for women and minors) can be ordered only by a court. There is an automatic six-monthly judicial review (three-monthly for women and minors) of all cases of administrative detention. Under the law, a foreign national shall be released as soon as the reasonable possibility for their deportation no longer exists due to legal or technical reasons.

23. See also in this context the relevant case-law of the European Court of Human Rights specifying that the duration of any detention pursuant to aliens legislation should always start counting as from the outset of the first detention decision (e.g. *E.K. v. Greece*, application no. 73700/13, judgment of 14 January 2021).

24. Save in exceptional cases, e.g. when the applicant is also suspected/accused of having committed a criminal offence, see paragraph 8 above.

16. At the time of the 2024 ad hoc visit, the SHTAF in Busmantsi (capacity 400) was accommodating 287 detained foreign nationals including 11 women and 14 minors.<sup>25</sup> In addition, the SAR Closed Unit had 26 places for asylum seekers (only adult men) and was operating at its full capacity. As for the SHTAF in Lyubimets, it had the capacity of 660 (including 300 in the main detention block and 360 in residential containers) and was accommodating 327 detained foreign nationals including 13 women and 58 minors.<sup>26</sup> Most detained foreign nationals had come from Afghanistan, Syria, Iraq, Türkiye (mainly of ethnic Kurdish origin), Morocco, Egypt, Bangladesh and Nepal.

The description of the immigration detention facilities made in the report on the 2018 ad hoc visit<sup>27</sup> remains generally valid, albeit with two important exceptions: first, the SAR Closed Unit had moved from a separate building (which had been decommissioned) to four rooms on the ground floor of the SHTAF in Busmantsi (which had been leased by the SAR from the Migration Directorate); second, the aforementioned additional container accommodation at the SHTAF in Lyubimets was now in use (unlike during the 2018 ad hoc visit) and a separate larger area with residential containers had been built across the street.<sup>28</sup>

It is noteworthy that, according to the information provided to the delegation at the outset of the visit, the two SHTAFs had been officially severely overcrowded for several months during the year 2023, when Bulgaria experienced a major wave of immigration (mostly through the “green border” with Türkiye).<sup>29</sup>

17. Although the Bulgarian law prohibits the detention of unaccompanied minors,<sup>30</sup> the delegation observed in both SHTAFs that such minors spent several days (usually up to a week) there while the authorities were in the process of verifying their identity and confirming that they were effectively unaccompanied.

Furthermore, the delegation heard allegations that some of the formally accompanied minors were in fact unaccompanied, but the authorities had “appointed” unrelated adults with whom they had been apprehended as their relatives, thereby making it legally possible to accommodate them in a SHTAF.

**The CPT would welcome the Bulgarian authorities’ observations on these allegations.**

More generally, **the Committee recommends that steps be taken to ensure that unaccompanied minors are not held in SHTAFs (as is indeed foreseen by the national legislation) and that accompanied minors are only held in SHTAFs when absolutely necessary and for the shortest time possible.**<sup>31</sup>

25. All minors were in principle accompanied, see however paragraph 17 below.

26. All minors were in principle accompanied, see however paragraph 17 below.

27. See paragraph 15 of document CPT/Inf (2019) 24.

28. The purpose of this recently added overflow accommodation was to serve as a short-term solution in case of a massive influx of apprehended foreign nationals. It had the capacity of 1.233 and, as the delegation was informed by the management of the SHTAF in Lyubimets, it had been used briefly in the second half of 2023 when the overall population of the establishment had reached approximately 1.800. The delegation was also informed that, in such cases, the establishment received temporary reinforcements from the National Police to guard the overflow facility (see also paragraph 28 below).

29. According to the official figures provided by the Ministry of Internal Affairs, there had been 2.148 detentions pursuant to the Aliens Act in the period between 1 January and 1 September 2023, as compared with 781 detentions between 1 January and 1 September 2024.

30. Such minors should be transferred to the custody of competent social services in order to provide them with suitable open accommodation in the community.

31. See also pages 8 and 9 (“Care of vulnerable persons (in particular children)”) of the CPT Factsheet on Immigration Detention, [CPT/Inf \(2017\) 3](#), pages 10 and 11 of the [Bulgarian version](#).

## 2. Ill-treatment

18. The delegation heard no credible allegations of recent physical ill-treatment of detained foreign nationals by staff of the SHTAF in Lyubimets. By contrast, some detainees at the SHTAF in Busmantsi alleged having been punched, kicked and/or violently pushed by custodial officers; in a few cases, physical ill-treatment had reportedly been accompanied by verbal abuse.

**The CPT reiterates its recommendation that it be recalled to staff at the SHTAF in Busmantsi that any forms of ill-treatment of detained foreign nationals (including of a verbal nature) are illegal and unacceptable and will be punished accordingly.**

19. As for inter-detainee violence, management and staff in the establishments visited acknowledged that conflicts did occur sometimes. Steps taken to prevent the reoccurrence of such conflicts included separating adult men from Afghanistan and those from Arabic speaking countries (mainly Iraq and Syria).<sup>32</sup>

However, at the SHTAF in Lyubimets, this had resulted in single adult Afghan men being accommodated in the same area (that is, the residential container park) as women and families with minors. Some of the detained women told the delegation that they felt insecure and complained of the noisy and disrespectful behaviour of the men, including at night. Consequently, in its preliminary observations, the Committee requested the Bulgarian authorities to inform it, within one month, of steps taken to remedy this problem.

In their letter of 1 November 2024, the Bulgarian authorities informed the CPT that single adult men had been transferred to the main detention block of the SHTAF in Lyubimets, so that only women and families with minors remained in the residential containers. The Committee welcomes this quick and positive reaction by the Bulgarian authorities.

**More generally, the CPT reiterates its recommendation that the management and staff of the immigration detention facilities in Busmantsi and Lyubimets remain vigilant and make use of all the means at their disposal to prevent inter-detainee violence and intimidation.**

20. In this context, the delegation observed at the SHTAF in Busmantsi that a single adult man was accommodated in the unit for women and families with minors. It was not clear to the delegation what were the reasons for having placed him in that unit rather than with other single adult men.

**The Committee would welcome clarification of this fact from the Bulgarian authorities.**

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32. Most of the conflicts reportedly occurred between members of those groups, including a major brawl in Lyubimets in 2023.

### 3. Material conditions

21. Material conditions in the immigration detention facilities visited remained extremely poor, with virtually all detainee accommodation areas being overcrowded, <sup>33</sup> dilapidated, dirty and infested with bedbugs.<sup>34</sup> The premises were very prison-like and particularly poorly adapted for the accommodation of women, families and minors.

The delegation noted that, unlike in 2018, detainees at the SHTAF in Lyubimets had access to the toilet at night; however, such access was still extremely limited or even inexistent in Busmantsi, <sup>35</sup> which is totally unacceptable. At the SHTAF in Busmantsi, the delegation also noted that female detainees were obliged to share the same communal toilets and showers with the men, while toilet doors could not be locked, and shower cabins had no doors.<sup>36</sup>

Furthermore, there were persistent serious problems with the provision of appropriate clothing (including shoes for minors), personal hygiene items (especially towels) and cleaning products.<sup>37</sup>

At the SAR Closed Unit, foreign nationals told the delegation that they had no access to washing machines. More generally, persons detained at the aforementioned Unit could not – unlike those held in SHTAFs – walk freely in the corridor during the day and had to remain almost permanently locked inside their overcrowded dormitories, which could be considered as amounting to degrading treatment.<sup>38</sup>

**22. The Committee calls upon the Bulgarian authorities to take urgent steps to remedy the above-mentioned deficiencies. In particular, all the accommodation areas in Busmantsi and Lyubimets must be refurbished, adequately equipped (including with new beds, mattresses, pillows, bedsheets and blankets) and maintained in a clean condition (free from vermin including bedbugs). Occupancy levels must be reduced in all dormitories and in living containers, to provide the minimum of 4 m<sup>2</sup> of living space per person. All detained foreign nationals must be given ready access to a toilet, including at night, and the communal toilets and showers must be refurbished in a manner ensuring privacy, especially for female detainees in Busmantsi.**

**Further, efforts are required to ensure adequate supply of free-of-charge personal hygiene items (including sanitary pads for women and nappies for infants), cleaning materials and products, and suitable clothing and shoes for detained foreign nationals (including minors).**

**As for the foreign nationals detained at the SAR Closed Unit, they must be allowed access to the corridor during the day, granted ready access to a toilet (including and night) and provided with a possibility to use washing machines to wash their clothes.**

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33. E.g. a dormitory in Busmantsi measuring some 70 m<sup>2</sup> and accommodating 28 detained foreign nationals; a dormitory in Lyubimets measuring some 100 m<sup>2</sup> and accommodating 40 detainees; residential containers in Lyubimets with approximately 10 m<sup>2</sup> of living space accommodating usually four but, in a few cases, up to six persons.

34. Efforts being made to combat bedbug infestation (including the installation of special freezers for detainees' luggage and personal effects, as part of the reception procedure) were evidently insufficient as the delegation saw many detained foreign nationals with numerous bedbug bites and allergic skin reactions, as well as other evidence of the presence of bedbugs inside the dormitories.

35. Obliging detained foreign nationals to use bottles or buckets, or to comply with their needs of nature through the windows.

36. Some had a makeshift curtain.

37. In particular, detained foreign nationals were not provided with products to clean their living premises and with washing powder (they only received small quantities of soap).

38. In particular combined with the very limited access to outdoor exercise, see paragraph 23 below.

## 4. Activities

23. As had been the case during the 2018 ad hoc visit,<sup>39</sup> foreign nationals detained in the two SHTAFs and in the SAR Closed Unit – some of whom had spent months or even years in custody<sup>40</sup> – had nothing or almost nothing to occupy their time. There were no organised activities, apart from very limited access to table tennis, occasional access to a gym, television (when the TV sets were not broken)<sup>41</sup> and books in Lyubimets (none of which was available in Busmantsi<sup>42</sup>). This was of particular concern with respect to the minors, for whom there were hardly any toys and no educational activities.

Furthermore, unlike in Lyubimets,<sup>43</sup> foreign nationals accommodated at the SHTAF in Busmantsi (and in the SAR Closed Unit) had no guaranteed access to daily outdoor exercise; in fact, access to the outdoor yard was usually only provided for between 25 and 30 minutes at a time, and persons held at the SAR Closed Unit had no outdoor exercise on weekends and public holidays, reportedly due to the shortage of available SAR staff.<sup>44</sup> This is indeed a truly deplorable state of affairs.

**24. The CPT calls upon the Bulgarian authorities to ensure as a matter of high priority that all foreign nationals in Busmantsi, including those accommodated at the SAR Closed Unit, are offered at least two hours of outdoor exercise every day. The objective should be to increase this entitlement even further, preferably by offering an open-door regime throughout the day. Exercise must take place in yards equipped with means of rest and shelters against inclement weather;** despite the Committee's previous recommendations, this has still not been done.

More generally, **the Committee reiterates its long-standing recommendation that the Bulgarian authorities make determined efforts to offer a range of constructive activities to foreign nationals detained at the SHTAFs in Lyubimets and Busmantsi, as well as the SAR Closed Unit. This should include organised sports, leisure activities (such as computer and board games), schooling, games and toys for minors, and genuine access to television (with foreign TV channels), radio, books, magazines and newspapers (in an appropriate range of languages). Further, to the extent possible, detained foreign nationals should be offered a possibility to engage in work, including on a voluntary unpaid basis (e.g. help with cleaning and maintaining the premises).**

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39. See paragraph 28 of document CPT/Inf (2019) 24.

40. Up to 2.5 years in the case of one of the foreign nationals accommodated at the SAR Closed Unit.

41. There was no TV set in any of the dormitories at the SAR Closed Unit.

42. There was a library in Busmantsi but none of the detained foreign nationals interviewed by the delegation seemed to be aware of its existence.

43. Where the detainees could go outdoors for at least 2 hours per day.

44. See also paragraph 28 below.



## 5. Health care

25. As regards health-care services in the two SHTAFs visited, the only positive aspects were the 24/7 health-care staff coverage<sup>45</sup> and an improved (compared with the situation observed during the 2018 ad hoc visit) access to outside consultations, including dental care, and hospitalisations.<sup>46</sup>

Alas, other aspects of health-care provision were unsatisfactory. Medical screening on arrival was perfunctory at best<sup>47</sup> and frequently factually inaccurate (with virtually all of the medical screening forms examined by the delegation's doctor containing absolutely identical data on pulse, blood pressure and temperature), perhaps in part due to communication difficulties<sup>48</sup> compounded by the persistent lack of access to interpretation (see paragraph 30 below). Medical records were extremely poor<sup>49</sup> and medical confidentiality not respected (medical data being available to non-medical staff<sup>50</sup>). Further, the equipment of health-care units was very basic, with no oxygen, broken ultrasound machines and ECG machines and defibrillators which had not been charged, and with meagre medication stocks.

Like in 2018, detained foreign nationals had a very poor access to psychiatric care, limited in fact to emergencies. As for psychological assistance, although both SHTAFs employed a psychologist, their task was, in the first place, to assist the interviewers/case officers and the administration (with psychological testing and risk assessments), supporting the staff in the second place and offering some psychological support (including crisis interventions) to detained foreign nationals only in the third place, if there was any spare time. In addition, and similar to what was the case for doctors, feldshers and nurses, communication problems between detained foreign nationals and psychologists (and the lack of interpretation) limited severely the possibilities to provide any psychological assistance.<sup>51</sup>

**26. The Committee again calls upon the Bulgarian authorities to take urgent steps to address the aforementioned serious deficiencies of health-care services at the SHTAFs in Busmantsi and Lyubimets Homes (as well as the SAR Closed Unit).**

**In particular:**

- **the quality of medical screening upon arrival must be improved (including the screening for tuberculosis, other transmissible diseases, mental disorders and other vulnerabilities);**
- **the procedure for the recording and reporting of injuries must be aligned *mutatis mutandis* with the precepts set out in paragraph 27 of the report on the 2017 periodic visit;**<sup>52</sup>

45. Unlike in the case of the SAR Closed Unit, visited by a doctor once a week (SHTAF medical personnel only intervening in case of emergency). The SHTAF in Busmantsi employed three full-time doctors, a full-time feldsher and a full-time nurse, whilst the SHTAF in Lyubimets had a full-time doctor, three full-time feldshers and a full-time nurse.

46. In Lyubimets, detained foreign nationals were usually taken to general hospitals in Harmanli or Haskovo; in the case of Busmantsi, detainees were as a rule taken to the Ministry of Internal Affairs Hospital in Sofia (see also paragraph 27 below).

47. Without a clinical examination and without testing for transmissible diseases and assessing any vulnerabilities. Furthermore, there was no recording of injuries on admission nor was there any injuries register.

48. Standard forms for medical screening on arrival all contained a reference to the "language barrier" followed by the words "no complaints".

49. There were no comprehensive individual medical records. While the admission and discharge forms were nominatively completed for detainees, there was very little annotation of other clinical information. If a foreign national had been to hospital, a looseleaf folder was kept which contained the hospital correspondence. If they were seen by the doctor or nurse or received medication, this was noted in the daily journal.

50. In particular, a copy of the admission medical form was given to the case officer.

51. See also paragraph 30 below.

52. The CPT report [CPT/Inf \(2018\) 15](#) (paragraph 27) states inter alia as follows: "The role to be played by health-care staff (and, in particular, medical doctors) in the prevention of ill-treatment has been repeatedly emphasised by the CPT in the past. In this context, the Committee notes the adoption by the Ministry of Justice, in October 2015, of new detailed instructions on medical examinations and notification to the prosecutor. The instructions follow, in the main, the CPT's previous recommendations on this subject:

- In case of complaints about ill-treatment, visible traces of violence and in case of use of force, the administration [...] must ensure immediate access of the inmate to a health specialist for a thorough medical examination. After obtaining the inmate's consent, the injuries shall be photographed. The information obtained must be diligently recorded and the injuries indicated on a body chart. The examination must be carried out in strict confidentiality. The content of the record must be presented to the inmate for signing. All documents shall be stored in the medical file of the prisoner.
- The record drawn up after the medical examination shall contain: an account of the statements made by the person, a



- regarding the reporting obligation, health-care staff must advise detained foreign nationals of its existence, explaining that the writing of such a report falls within the framework of a system for preventing ill-treatment and that the forwarding of the report to the competent prosecutor is not a substitute for the lodging of a complaint in a proper form;
- regarding access to interpretation, see paragraph 30 below;
- the quality of medical documentation must be improved; in particular, a single and comprehensive individual medical record must be created for every detained foreign national;
- confidentiality of medical data must be fully ensured;
- all the establishments must be provided with adequate equipment (including life-saving equipment such as defibrillators, oxygen and nebulisers) in working order;
- appropriate supplies of free-of-charge medication must be ensured;
- detained foreign nationals must be offered a reasonably rapid access to psychiatric care and an improved access to psychological assistance; in respect of the latter, efforts should be made to ensure that the work of psychologists employed in SHTAFs avoids combining two different roles i.e. risk assessment and therapeutic clinical work.

27. At the SHTAF in Busmantsi, the delegation's medical doctor came across the case of Ms S. D., Armenian national born on 13 November 1937 who had died shortly after her arrival at the aforementioned establishment on 23 June 2021. The delegation requested the Bulgarian authorities to be provided with a copy of the medical record (kept at the Ministry of Internal Affairs Hospital in Sofia) and the autopsy report regarding Ms D.

According to the information provided by the Bulgarian authorities in response to the delegation's request, Ms D. had arrived at the SHTAF in Busmantsi around 3 p.m. on 23 June 2021 having been brought there by ambulance from the Ministry of the Internal Affairs Hospital. The Head doctor of the SHTAF was informed by his colleague from the Ministry of Internal Affairs Hospital that Ms D. had been examined in detail at noon on 23 June 2021 and that based on the examination findings "no data indicating the presence of a serious, chronic, acute or oncological condition requiring hospitalisation" was found.

Her medical screening form, completed by the establishment's doctor on her arrival at the SHTAF in Busmantsi, stated as follows: "No allergies. No drugs. No diabetes. Language barrier. No parasites. Without fever. Well preserved general condition. Confused and disorientated. Heart and lungs normal. BP 115/70. Pulse 72. Abdomen soft, not tender. Peristalsis. Limbs normal. Temperature 36.1. Patient should be placed in 14a isolation. Diagnosis: no data about an acute disease, she can stay at the centre."

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full account of the objective medical findings based on a thorough examination, the diagnosis, the health specialist's observations. The record shall also contain the results of any additional examinations, detailed conclusions of specialised consultations, a description of treatment and of any other procedures performed. The recording shall be made on a special form and be accompanied by indications of injuries on a body chart for traumatic injuries.

- In cases of identified injuries, the health specialists must immediately inform the relevant prosecutor's office [...]. The file must be sent there together with the relevant documents and photographs. When the inmate requests or the prosecutor makes an order, the person must be examined by an external forensic doctor.
- Further, medical specialists in penitentiary establishments shall be responsible for maintaining a special register for the injuries observed on inmates. The register shall contain the complaints regarding inflicted injuries as well as the actually established injuries. The register shall also contain: the number of the complaint, the name of the patient, anamnestic information, diagnosis of the injury and recommended treatment.

[...]

**The Committee calls upon the Bulgarian authorities to take urgent steps to [...] ensure that the relevant Ministry of Justice instructions are duly implemented [...]. More generally, the CPT reiterates all its general recommendations concerning the procedure for recording and reporting injuries on persons brought to IDF's and prisons, set out in paragraph 23 of the report on the 2014 visit."**

Ms D. was found dead in her dormitory at the SHTAF in Busmantsi at 8.15 p.m. having been at the establishment for a period of around 5 hours. Cardiopulmonary resuscitation (CPR) was attempted by health-care staff but was unsuccessful and at 9.15 p.m. the ambulance doctor signed the death certificate. The report of the autopsy performed shortly after Ms D.'s death at the Forensic Medicine Clinic of Alexandrovska University Hospital in Sofia concluded, in the main, that she had died of an exacerbation of chronic heart failure.

In the CPT's view, it is clear from the aforementioned autopsy report that Ms D. suffered from a severe heart condition that should have been detected during her consecutive medical examinations, first at the Ministry of Internal Affairs Hospital and later on arrival at the SHTAF in Busmantsi. Furthermore, the presence of false data regarding her pulse, blood pressure and temperature (the same parameters as those recorded on admission with respect to other detainees, as already referred to in paragraph 25 above) adds to the Committee's serious concerns as to the quality of the medical screening at the SHTAF in Busmantsi.

**In the light of the above, the CPT recommends that a thorough and independent inquiry be carried out into the death of Ms S. D., with a particular focus on the quality of the medical screening at the SHTAF in Busmantsi and the medical examination performed at the Ministry of Internal Affairs Hospital. The Committee wishes to be provided with information on the outcome of this inquiry, including regarding any disciplinary or criminal sanctions imposed.**

## **6. Other issues of relevance to the CPT's mandate**

28. The staffing situation was far from satisfactory in the three immigration detention facilities visited, both as regards the staff's presence<sup>53</sup> and the range of specialties; in particular, there were no teachers, educators or social workers. Furthermore, despite the CPT's long-standing recommendation, custodial staff continued to work on 24-hour shifts, with 3 days off between the shifts.

**The CPT recommends that efforts be made to reinforce the custodial staff presence at the SHTAFs in Busmantsi and Lyubimets and at the SAR Closed Unit, so as to ensure that there is always enough custodial officers present to provide a safe environment and secure access to outdoor exercise and activities. Further, steps must be taken to recruit social workers, educators and teachers, in particular to work with the detained minors and their relatives.**

29. As previously, the staff's limited language skills (generally some basic English and Russian and, for a few officers, other languages such as basic Arabic or Turkish) rendered communication with the detainees problematic and did not facilitate the task of ensuring a safe and relaxed environment. In practice, staff relied on the help of some of the detained foreign nationals or on electronic means such as Google Translate, which was obviously insufficient.

**The Committee reiterates its recommendation 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. See also the recommendation in paragraph 30 below.**

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53. At the SHTAF in Lyubimets (capacity 660, population 327 at the time of the visit), there were 18 senior and 20 junior custodial officers and one or two case officers per shift (the total staff complement including 132 custodial and 7 case officers). If the additional residential container area across the street were to be used, the SHTAF would receive temporary reinforcements from the National Police (between 25 and 50 officers, see also paragraph 16 above). At the SHTAF in Busmantsi (capacity 400, population 287 at the time of the visit), one shift comprised 12 to 14 custodial and one or two case officers, the total complement consisting of 74 custodial and 8 case officers. As for the SAR Closed Unit, staffing levels were so low that there was no one from the SAR to take detained foreign nationals for outdoor exercise during weekends (as the custodial staff from the SHTAF in Busmantsi were not authorised to do it, see also paragraph 23 above).

30. At both SHTAFs (and at the SAR Closed Unit), access to interpretation had remained inadequate and limited (as a rule) to interpretation during interviews by the case officers. No interpretation was available in daily life situations including medical and psychological consultations, which had an obvious negative impact on the quality of care.<sup>54</sup>

**The CPT calls upon the Bulgarian authorities to remedy this unsatisfactory state of affairs.**

31. The delegation observed that foreign nationals held at the SHTAF in Lyubimets were generally provided with some written and oral information on their legal situation (including copies of detention decisions<sup>55</sup>) and their rights (including on avenues of complaint).<sup>56</sup> This was, however, not systematically the case in Busmantsi where most of the interviewed foreign nationals appeared to be unaware of their legal situation and their rights.

**The Committee reiterates its recommendation that steps be taken to improve access to information to foreign nationals detained at the SHTAF in Busmantsi and at the SAR Closed Unit. In particular, detainees should systematically receive a written translation in a language they understand of decisions regarding their detention/removal, and of the information on modalities and deadlines for appealing against such decisions.**

32. At the SHTAF in Lyubimets, detained foreign nationals had access to free legal aid (which, however, continued to be provided exclusively by NGOs, especially the Bulgarian Helsinki Committee).<sup>57</sup> This was not the case in Busmantsi where most of the interviewed foreign nationals were unaware of the very existence of free legal aid.

**In this context, the CPT calls upon the Bulgarian authorities to extend the State system of free legal aid (run by the National Legal Aid Bureau) to detained foreign nationals, in all phases of the procedure.<sup>58</sup>**

**Pending this, efforts must be made to improve access to the legal aid provided by NGOs for foreign nationals detained at the SHTAF in Busmantsi (and at the SAR Closed Unit).**

33. As for contact with the outside world, detained foreign nationals could send and receive correspondence (without restrictions) and could use their mobile telephones (without cameras),<sup>59</sup> pay-phones (up to twice a week) or, upon request and in justified circumstances (e.g. an important family event) make calls using staff's office phones.

Visits were also allowed upon request, up to twice per week for up to 30 minutes (though some detainees alleged the authorised duration was even shorter) and took place under open conditions but in the presence of the staff.<sup>60</sup>

**The Committee recommends that the Bulgarian authorities increase the visiting entitlement for foreign nationals detained at the SHTAFs in Busmantsi and Lyubimets (and at the SAR Closed Unit) to at least the equivalent of one hour per week. Further, save duly motivated exceptional circumstances based on an individual risk assessment, visits should be unsupervised.**

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54. See paragraph 25 above.

55. Usually, though not always, accompanied by a translation.

56. Information was in the form of posters (in several languages) printed by the UNHCR and the Bulgarian Helsinki Committee, stuck on the walls in accommodation areas, and copies of the house rules (in English, French, Turkish, Arabic, Persian, Pashto and Urdu) available on request. Further, DVDs prepared by the IOM and the UNHCR were screened non-stop in the corridors of the main accommodation block.

57. Representatives of the Bulgarian Helsinki Committee visited the establishment at least once a week.

58. See also paragraph 12 above.

59. Mobile phones with cameras were kept in locked central storage and detainees could ask to use them once or twice a week, in the presence of the staff.

60. Visits by lawyers and NGOs were unrestricted and unsupervised.

34. Despite the CPT's previous recommendations, detained foreign nationals had still no access to PCs equipped with VoIP (Voice over Internet Protocol) and access to premises equipped with free wi-fi was only granted twice per week. Because of this, many detainees complained that they quickly spent all their money on long-distance telephone calls or by using the Internet installed on their mobile phones.

**The Committee reiterates its recommendation that the Bulgarian authorities allow detained foreign nationals to use the VoIP technologies and unrestricted wi-fi on a free-of-charge basis to communicate with the outside world.**

35. The SHTAFs in Busmantsi and Lyubimets (and the SAR Closed Unit) continued to be monitored on a frequent basis by a range of outside bodies including the Ombudsperson/NPM and the relevant international<sup>61</sup> and non-governmental<sup>62</sup> organisations.

As regards external complaints, telephone numbers of outside bodies and organisations such as the Ombudsperson/NPM, the IOM and the UNHCR were, as had been the case during the 2018 ad hoc visit, posted in corridors of accommodation areas<sup>63</sup> and foreign nationals could call them using their mobile phones or pay-phones. That said, possibilities to make confidential calls depended on whether a detainee had a private mobile without camera (or not) and on one's financial resources (see paragraph 33 above).

One positive development since the 2018 ad hoc visit was that complaints boxes had been installed in the establishments visited, albeit in a manner which did not fully guarantee the confidential character of the complaints (as the boxes were usually fixed on the walls close to staff offices). Further, there was now a procedure for handling internal complaints (passed over through the staff and dealt with by the respective managers) and recording them.<sup>64</sup>

**36. Whilst welcoming the above-mentioned positive developments, the CPT reiterates its recommendation that the Bulgarian authorities review the operation of the complaints procedures at the SHTAFs in Busmantsi and Lyubimets (and the SAR Closed Unit) so as to make sure that detained foreign nationals are effectively enabled to send complaints in a confidential manner. The Committee also reiterates its recommendation that statistics on the types of internal complaints be kept as an indicator to the management of areas of discontent within the establishments.**

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61. Especially the UNHCR.

62. Especially the Bulgarian Helsinki Committee.

63. The telephone numbers were also shown in the DVDs referred to in paragraph 31 above.

64. Complaints appeared to be very rare in practice (e.g. three at the SHTAF in Busmantsi since the beginning of March 2024 and four in Lyubimets since the beginning of the year). Of those four at the SHTAF in Lyubimets, two concerned the fact of being detained, one was a complaint about bedbug infestation and one concerned health-care (lack of interpretation during medical consultations).

## C. Informal forced removals of foreign nationals (“pushbacks”)

37. At the outset of the visit, senior representatives of the Directorate General for Border Police and the State Agency for Refugees informed the CPT’s delegation of the challenges facing Bulgaria by virtue of large numbers of foreign nationals seeking unauthorised entry into the country, while taking into consideration the complexities involved in policing the external borders of the European Union. In this context, information was provided on various measures taken by the Bulgarian authorities to prevent foreign nationals from crossing the Bulgarian-Turkish border in an irregular manner, such as the active presence of police patrols<sup>65</sup> and enhanced technical surveillance along the border as well as the intensification of efforts to combat the smuggling of migrants. It was indicated that, as a result of those measures, the overall number of “prevented attempts of illegal entry” into the territory of Bulgaria had significantly decreased in 2024 compared to previous years.<sup>66</sup>

The delegation’s interlocutors emphasised that, despite the existing challenges, Bulgaria’s border policies “to discourage irregular movements” were implemented in conformity with international human rights and refugee law and the relevant EU standards and reiterated their commitment to zero tolerance of human rights violations, including the use of violence or “pushbacks”, in all activities related to border control.

38. As already indicated (see paragraph 3 above), the delegation interviewed a number of foreign nationals (male adults) who had recently been deprived of their liberty by Bulgarian law enforcement agencies and who were no longer in Bulgaria at the time of the interviews.

Based on the detailed and consistent accounts received by the delegation, a clear pattern emerged with regard to the treatment by Bulgarian law enforcement officials of migrants who had managed to enter Bulgarian territory from Türkiye through the “green border” (that is, the area between official land border crossing points) in August-September 2024. It would appear that the foreign nationals concerned, moving in groups of varying sizes (from a few to a dozen individuals), had crossed the Turkish-Bulgarian border by cutting or climbing over the barbed wire fences but had been apprehended while marching through the woods by Bulgarian security forces patrolling the border area and had been forcibly returned to Türkiye, outside any legally established procedures and without consideration of their individual circumstances or protection needs.

It further appeared that the apprehension of the foreign nationals concerned and their subsequent forced removal from Bulgaria had often been carried out by using physical violence and unmuzzled service dogs. The ill-treatment alleged by the persons interviewed mainly consisted of slaps, punches (including to the face), kicks, and blows with wooden sticks or tree branches, as well as of being chased and bitten by service dogs. In addition, many of them claimed to have been subjected to threats and/or verbal abuse.

Numerous allegations were also received that migrants had been forced to remove their clothes and shoes<sup>67</sup> and that their personal belongings (including money and telephones) had been seized, before being pushed back to Türkiye.

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65. As mentioned above (see paragraph 9), the Border Police were being assisted by officers of the National Police, Gendarmerie and Military Police.

66. According to the Bulgarian Ministry of Internal Affairs, there had been over 145.000 “prevented attempts” of irregular border crossing during the first eight months of 2023, while the numbers had dropped to some 41.000 in the same period of 2024. The total number of persons detained for irregular border crossing had also decreased from 10.657 in 2023 to 3.384 in 2024.

67. Medical evidence gathered by the delegation in some cases was indicative of walking barefoot in forested terrain.

39. In a number of cases, the allegations of physical ill-treatment, including dog bites, were supported by medical evidence observed by the delegation's forensic medical expert. By way of illustration, descriptions are given below of some of these cases:

(i) An Egyptian national met by the delegation stated that he had crossed the border from Türkiye to Bulgaria together with another person (see case (ii) below) several days earlier and managed to reach the town of Burgas where both of them had been apprehended by the local police. He further alleged that they had been handcuffed, placed in a police vehicle and taken to the woods on the outskirts of the town, where they had been thrown to the ground and kicked several times on various parts of the body, before being handed over to officers in army uniforms. The latter had reportedly driven them to the border and forced them to cross back to Türkiye. Later that day they had apparently made another attempt to enter Bulgaria, only to be captured by Border Police officers who had allegedly struck them repeatedly on their backs, arms and legs with a large wooden stick while also verbally abusing them. Thereafter, both of them had reportedly been forced to undress and remove their shoes and to return to Türkiye in their underwear through a gate in the border fence.

Upon examination by the delegation's forensic medical doctor, the person concerned displayed:

- a yellowish-blue bruise, measuring approximately 8 x 6 cm, on the left lateral aspect of the lower thorax and upper abdomen, partially exhibiting a tramline appearance;
- an extensive yellowish-blue bruise, measuring approximately 10 x 7 cm, on the lateral aspect of the left upper arm, located at its midsection, and a bluish bruise, measuring approximately 2 x 2 cm, on the anterior (palmar) aspect of the upper portion of the left lower arm;
- two distinct yellowish-blue bruises on the right upper arm, one measuring approximately 6 x 4 cm on the anterior aspect of the lower third and another measuring approximately 10 x 7 cm on the medial aspect of the middle third;
- significant swelling and extensive violet-blue bruising covering the entire posterior and medial surfaces of the left lower leg, with discoloration extending bilaterally to both ankles;
- multiple smaller abrasions on the anterior aspect of the left lower leg, concentrated in its middle third;
  - linear abrasions, consistent with handcuff marks, on the left wrist;
- a fracture of the right forearm (confirmed by the person's hospital records), the examination of which (and of the right wrist) was not possible due to the area being covered in a plaster cast.

In the CPT's opinion, the above-mentioned injuries are consistent with the person's allegations of having been subjected to multiple blunt force (kicks and blows with a blunt object such as a wooden baton) to the body and limbs several days previously.



(ii) In a separate interview, another Egyptian national – the traveling companion of the person mentioned in case (i) – provided fully matching details of their recent experience of border crossing to Bulgaria and the subsequent “pushback” to Türkiye and of the alleged severe ill-treatment (including multiple kicks and blows with a stick to his body and arms) by Bulgarian law enforcement officers.

When examined by the delegation’s forensic medical doctor, he displayed the following injuries:

- a tramline bruise with pale bluish discoloration, each line measuring approximately 7 cm in length and 0.5 cm in width, on the posterior aspect of the right shoulder region; an oval-shaped healing abrasion, measuring approximately 0.7 x 0.5 cm, in the middle part of the suprascapular region; a pale yellowish bruise measuring approximately 7 x 5 cm, extending laterally, in the area of the lower angle of the right scapula;
- a tramline bruise, each line measuring approximately 8 cm in length and 0.3 cm in width, in the left lumbar region;
- a pale yellowish and slightly bluish bruise, measuring approximately 5 x 5 cm, on the posterior aspect of the right upper arm (in the upper third);
- a pale yellowish bruise, measuring approximately 11 x 9 cm, on the anterolateral aspect of the left upper arm (in the upper part);
- a tramline bruise, each line measuring approximately 3.5 cm in length and 0.3 cm in width, on the dorsal aspect of the left forearm (in the upper third).

In the CPT’s opinion, the above-mentioned injuries are consistent with the person’s allegations of having been subjected to multiple blunt force to the body and arms several days earlier.

(iii) An Iraqi national met by the delegation stated that, shortly after crossing the Turkish-Bulgarian border in a group of some 10 people around mid-August 2024, he and some other migrants from the group had been apprehended by persons in army uniforms while marching in the woods. He alleged that he had been pushed to the ground and received multiple blows with a wooden stick on his arms (as he was trying to protect his head) and legs, before being transferred in a van to the border and expelled to the Turkish side of the border.

During his examination, the delegation’s forensic medical doctor made the following findings which are, in the CPT’s view, consistent with the allegations of ill-treatment made:

- a yellowish bruise measuring approximately 2 x 1 cm on the lateral aspect of the left upper arm;
- a yellowish bruise measuring approximately 6 x 4 cm on the lateral aspect (in the upper part) of the left femoral region;
- both lower legs and feet immobilised in plaster casts.



(iv) A Moroccan national interviewed by the delegation indicated that he had crossed the Turkish-Bulgarian border around mid-September 2024 together with several other people of the same nationality (see cases (v) and (vi) below). Having marched through the woods several kilometres into the Bulgarian territory, the group had apparently encountered two armed men in military uniforms who had unleashed their service dogs on them. He said that when he started running away, one of the dogs had quickly pinned him on the ground and bit him in the legs, before the officers had arrived and punched him on the face and struck him repeatedly with a wooden stick on various parts of the body. He also claimed that they had seized his money and telephone, after which he and a few other migrants had been driven to the border and made to cross back to Türkiye.

When examined by the delegation's forensic medical doctor, the person concerned displayed the following injuries:

- a pale bluish bruise measuring approximately 1 x 0.5 cm on the right infraorbital region;
- a swelling of the tissues in the upper part of the nose, without associated bruising;
- a superficial wound measuring approximately 1.2 x 0.5 cm in the lateral part of the right subclavicular region;
- an abrasion measuring approximately 2.5 x 0.5 cm in the lateral edge of the right scapula;
- an abrasion measuring approximately 4 x 0.5 cm on the right thorax, just below the axillary fossa;
- on the right upper arm: an extensive dark blue and slightly yellowish bruise measuring approximately 16 x 13 cm on the anterior, medial and lateral aspects, in the upper and middle thirds; two punctiform wounds approximately 5 cm apart, measuring approximately 1 x 0.5 cm and 0.5 x 0.5 cm, on the posterolateral aspect, in the upper third;
- on the right femoral region: an abrasion measuring approximately 3 x 0.5 cm on the anterolateral aspect, in the upper third; an abrasion measuring approximately 5.2 x 0.5 cm on the posterolateral aspect, in the upper third; an abrasion measuring approximately 10 x 0.5 cm on the lateral aspect, in the middle third; an abrasion measuring approximately 1 x 0.5 cm on the posterior aspect, in the middle third;
- on the left femoral region: a punctiform wound measuring approximately 1 x 1 cm on the anterior aspect, in the lower third; a punctiform wound of a similar size surrounded by a bluish-yellowish bruise, measuring approximately 7 x 5 cm, on the posterior aspect.

In the CPT's opinion, these findings are consistent with the allegations of the person concerned of having been subjected to multiple blunt force and dog bites several days earlier.

(v) In separate interviews, two other Moroccan nationals – members of the same migrant group as the person mentioned in case (iv) above – provided fully matching details of their attempted border crossing experience in mid-September 2024 and their collective expulsion to Türkiye.

One of them also alleged severe ill-treatment (such as a punch in the face, blows to the legs with a wooden stick, and dog bites) upon his apprehension by Bulgarian law enforcement officers. He displayed the following injuries when examined by the delegation's forensic medical doctor:

- a linear abrasion measuring approximately 5 x 0.5 cm in left supraorbital region;
- a pale yellowish bruise measuring approximately 4 x 3 cm with a centrally located small abrasion in the left infraorbital region;
- several abrasions of varying shapes and sizes covering an area of some 8 x 4 cm on the anterior aspect of the right knee;
- an abrasion measuring approximately 3 x 2 cm on the anterior aspect of the left lower leg (at the border between the middle and lower thirds);
- a number of abrasions of varying shapes and sizes covering an area of some 7 x 5 cm on the anterior and lateral aspects of the left ankle, extending to the adjacent dorsum of the left foot.

The second person stated that he had been bitten by a service dog when trying to run away from

the law enforcement officers but had not been physically ill-treated by them. His medical examination revealed the following injuries:

- a sutured wound measuring approximately 1.5 x 0.5 cm, surrounded by multiple abrasions of varying shapes and sizes, on the lateral aspect of the left upper arm (in the upper third);
- on the left lower leg: on the lateral aspect, two sutured wounds measuring approximately 3 cm and 5 cm in length; on the medial aspect, a single sutured wound measuring approximately 2 cm in length; numerous abrasions of varying shapes and sizes in the vicinity of these wounds, on both the lateral and medial aspects of the lower leg.

In the CPT's opinion, the above-mentioned findings are consistent with these persons' allegations of having been subjected to multiple blunt force and/or dog bites several days earlier.

(vi) An Iraqi national met by the delegation claimed that he had crossed the Turkish- Bulgarian border through the barbed wire fence around mid-September 2024 but had been quickly intercepted by Bulgarian law enforcement officials with the help of a service dog and forced to return to Türkiye.

When examined by the delegation's medical doctor, the person concerned displayed the following injuries which are, in the CPT's view, consistent with his allegations of dog bites: on the anterior aspect of the right femoral region, in its upper third, and on the anteromedial aspect of the right femoral region, at the border between the upper and middle thirds, two punctiform wounds measuring approximately 1 cm in diameter and 0.7 x 0.5 cm, respectively. Both wounds were surrounded by an extensive area of bluish-violet and yellowish discoloration consistent with bruising, covering an approximate area of 22 x 8 cm.

(vii) A Moroccan national told the delegation that a few days earlier he had crossed the border into Bulgaria by climbing over the barbed wire fence and had marched through the woods until he had reached a village where he had apparently been reported by local residents to the police. Upon apprehension by the latter, he had allegedly been bitten by a service dog and kicked by an officer, before being forcibly returned to Türkiye.

Upon examination by the delegation's medical doctor, the person concerned was found to display:

- on both upper limbs and the lower legs (predominantly on the right leg), several linear abrasions which extended in various directions, with some arranged parallel to one another, ranging in length from 2.2 to 7.5 cm;
- on the lateral aspect of the right knee, two parallel linear abrasions measuring 0.9 cm and 1.4 cm in length, with widths ranging from 0.2 to 0.4 cm. The larger, lower abrasion was surrounded by an area of bruising, measuring approximately 0.7 x 1.2 cm.

The injuries observed on the upper limbs and the lower legs are typical of those caused by contact with barbed wire. Further, the lesions on the right knee are consistent with the person's allegation of a dog bite.

40. In examining the treatment of detained foreign nationals in the context of "pushback" operations at frontiers, the CPT has always paid due attention to the inviolable right of States to control their sovereign borders and acknowledged the disproportionate challenges faced by certain countries confronted with large-scale migratory arrivals, especially by virtue of their geographical situation. At the same time, the Committee has repeatedly emphasised that these challenges cannot absolve Council of Europe Member States from meeting their human rights obligations. In particular, there can be no limitations on or derogations from fundamental norms of international law such as the prohibition of torture and inhuman or degrading treatment of persons deprived of their liberty, including in the context of the general principle of *non-refoulement*. More specifically, in the case of a "pushback" to another Council of Europe member state, the CPT's assessment is also guided by the objective risk of chain *refoulement* that the person concerned might face if removed onwards to a third country.

The Committee also considers that there must be effective procedures in place to ensure that foreign nationals intercepted or apprehended at the border and/or entering the country are individually identified and registered, undergo health screening and a vulnerability assessment, and are offered the opportunity to apply for asylum. Individualised detention orders and custody records should be systematically used for all foreign nationals deprived of their liberty in the context of border control activities. They should also receive individualised removal orders and be placed in a position to effectively make use of the legal remedies available against their forced removal (with automatic suspensive effect), based on an individual assessment of the *prima facie* risk of ill-treatment in the case of removal.<sup>68</sup>

41. In light of the above, **the CPT recommends that all Bulgarian law enforcement agencies concerned are given a clear and firm message on a regular basis that any form of ill-treatment of apprehended foreign nationals – including demeaning and humiliating actions, threats and verbal abuse – as well as any tolerance of such ill-treatment by senior officers, is unlawful and will be punished accordingly. Moreover, all law enforcement officers concerned should be provided with further practical training relating to the proportionate use of force, including control and restraint techniques, in the context of apprehending foreign nationals at the border.**

**In addition, any allegations or other relevant information indicative of ill-treatment of foreign nationals in the context of border control activities should be effectively investigated and, where offences are found to have occurred, the responsible officials should be held accountable.**

**The CPT also recommends that the Bulgarian authorities take the necessary measures to prevent any practices of the kind described in paragraph 38, that is, forcibly returning irregular migrants arriving at the border or present in the territory of Bulgaria, without any prior individualised screening with a view to identifying persons in need of protection.**

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68. See the substantive section of the CPT's 32nd General Report on "[The prevention of ill-treatment of foreign nationals deprived of their liberty in the context of forced removals at borders](#)".

# **APPENDIX – List of the Authorities met during the visit**

## **National authorities**

### **Ministry of Internal Affairs**

- Miroslav Rashkov, Acting Chief Secretary
- Anton Zlatanov, Head of Border Police
- Nikolai Nikolov, Head of Migration Directorate
- Marieta Angyusheva, Head of Bilateral Cooperation Section EU and International Cooperation Directorate
- Yordan Stanev, Expert, EU and International Co-operation Directorate

### **Ministry of Justice**

- Dimitar Terziivanov, State Expert, International Legal Co-operation and European Affairs Directorate

### **Ministry of Foreign Affairs**

- Dimitr Filipov, Senior State Expert, Human Rights Directorate

## **Other bodies**

### **State Agency for Refugees**

- Elena Zaharieva, Head of Dublin Unit, Quality of International Protection Procedure Directorate
- Maria Kodzhabashyska, Chief Expert, Administrative and Legal Services and Human Resources Directorate

## **Parliamentary Ombudsman / National Preventive Mechanism**

- Katya Hristova-Vulcheva, Chief of Cabinet
- Boycho Arnaudov, Head of the NPM Department
- Ivelina Velkova, Senior Expert, NPM Department
- Pavel Ivanov, Senior Expert, NPM Department
- Evelina Chuchuganova, Junior Expert, NPM Department

## **International organisation**

- UNHCR Bulgaria

## **Non-governmental organisation**

- Bulgarian Helsinki Committee



## **“NO ONE SHALL BE SUBJECTED TO TORTURE OR TO INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT”**

*Article 3 of the European Convention on Human Rights*

**E**stablished in 1989 by the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the CPT's aim is to strengthen the protection of persons deprived of their liberty through the organisation of regular visits to places of detention.

The Committee is an independent, non-judicial preventive mechanism, complementing the work of the European Court of Human Rights. It monitors the treatment of persons deprived of their liberty by visiting places such as prisons, juvenile detention centres, police stations, immigration detention facilities, psychiatric hospitals and social care homes. CPT delegations have unrestricted access to places of detention, and the right to interview, in private, persons deprived of their liberty. They may access all the information necessary to carry out their work, including any administrative and medical documents.

The CPT plays an essential role in promoting decency in detention, through the development of minimum standards and good practice for states parties, as well as through coordination with other international bodies. The implementation of its recommendations has a significant impact on the development of human rights in Council of Europe member states and influences the policies, legislation and practices of national authorities regarding detention.



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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.