



Support for the implementation of the European Court of Human Rights judgments and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment standards and recommendations in Bulgaria

(Prison Reform)

The Council of Europe will assist Bulgarian authorities in the process of the prison reform and in overcoming the identified shortcomings related to conditions in prisons and treatment of sentenced persons.

The project will be implemented in close cooperation with the Bulgarian Ministry of Justice and its General Directorate for Execution of Sentences and the National Institute of Justice.

The project is funded by the Human Rights Trust Fund (HRTF) and will be implemented by the Council of Europe.

The technical assistance and expertise will be provided in the areas of implementation of effective compensatory and preventive remedies to challenge the conditions of detention, prison overcrowding, ill-treatment, prisoner inter-violence, corruption in prison, rehabilitation of prisoners (in particular vulnerable groups) and prison health care.

The duration of the project is 12 months and is expected to be completed by 30 October 2017, with an overall budget of EUR 400,000.

Background information

Bulgaria is party to the European Convention on Human Rights (ECHR) and the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and committed itself to eradicate torture and other forms of inhuman or degrading treatment or punishment.

However, the European Court of Human Rights (ECtHR) has rendered a number of judgments which have found that the conditions of detention in Bulgaria are incompatible with the Convention's requirements (group of cases *Kehayov v. Bulgaria*). Given the persistent nature of the problems identified which manifest themselves in a continuous flow of repetitive applications before the ECtHR, the latter has applied a pilot-judgment procedure in the case of *Neshkov and Others v. Bulgaria* on 27 January 2015. In its pilot judgment, the Court found that in Bulgaria there are systemic problems of poor conditions of detention and lack of effective remedies available to inmates. The Court indicated that the Bulgarian authorities should introduce effective preventive and compensatory remedies complying with the criteria established in its case law. It also pointed out possible ways of dealing with the problems of overcrowding and poor material conditions of detention and found that this should be done without any delay. The CoE Committee of Ministers is closely following the implementation of this pilot judgment within the above mentioned deadlines.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out many visits to Bulgaria since 1995 and has repeatedly identified numerous shortcomings concerning conditions in the prison and police custody particularly in the context of prison overcrowding, ill-treatment of prisoners, inter-prisoners violence, corruption, the lack of legal safeguards for persons deprived of liberty, the lack of proper health care and lack of a compensatory remedy. As a result of these findings, on 26 March 2015, the CPT issued a Public statement concerning Bulgaria indicating these shortcomings and committing itself to giving assistance to the Bulgarian authorities.

The Ministry of Justice requested the Council of Europe to assist the country in the process of the prison reform, to that effect a table was organized in Sofia in July 2015 in order to discuss the above issues and find ways of overcoming them. The project was developed following this request and the results of the round table, and its main aim is to assist the authorities in the implementation of *Neshkov* pilot judgment and the CPT recommendations.

Expected Results

The **overall objective** of the project is to improve and support effective and comprehensive prison reform in Bulgaria in conformity with the European standards and in particular with the ECHR and CPT standards and recommendations.

The **first specific objective** is to support implementation of a remedy enabling persons deprived of their liberty to effectively challenge conditions of detention taking into account ECtHR case law.

The **second specific objective** is to enhance the capacity of judges and prosecutors regarding the general prohibition of torture, inhuman and degrading treatment as established in the jurisprudence of the ECtHR.

The **third specific objective** is to extend the use of community sanctions and measures (CSM) through strengthening the functioning of Probation Service, including Electronic Monitoring (EM).

The **forth specific objective** is to strengthen the organisational and management capacity of the penitentiary system in the country in order to ensure the full protection of human rights in the treatment of the detained and convicted persons and provision of health care in prisons.

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