Measures against Prison Overcrowding in Bulgaria

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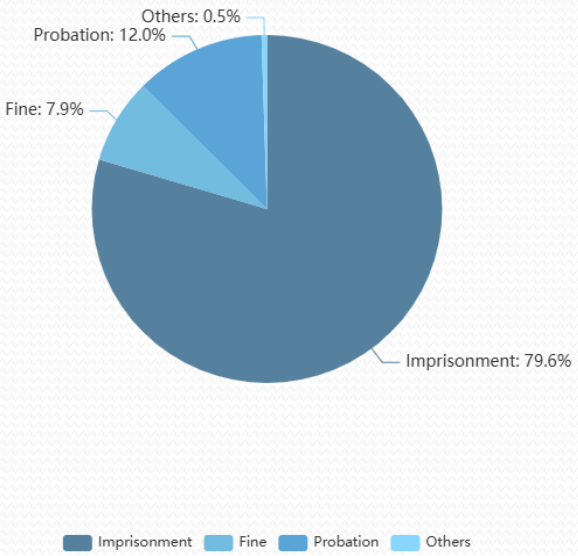
Deprivation of Liberty

- Traditionally deprivation of liberty is the most commonly used penalty in Bulgaria

Figure 4. Structure of persons convicted by type of penalties imposed in 2025



Persons convicted to deprivation of liberty

In 2025, 44.4 % of the persons convicted to deprivation of liberty are convicted **to a period of 6 months**;

34.6% are convicted to a deprivation of liberty **between 6 months and 1 year;**

The remaining 20 % have a term of imprisonment of **more than 1 year;**

Three persons were convicted to life imprisonment – 0.02 %.

Deprivation of liberty - suspended

- In 2025, 16,864 persons were convicted to imprisonment – 79,6 % of all convictions;
- Of these – 11,892 were convicted to imprisonment **suspended**, this is 70 % of persons convicted to imprisonment;
- Thus, roughly 30 % of those convicted to imprisonment go to prison on an annual basis;
- Similar numbers for 2015 – common approach of the Bulgarian courts.

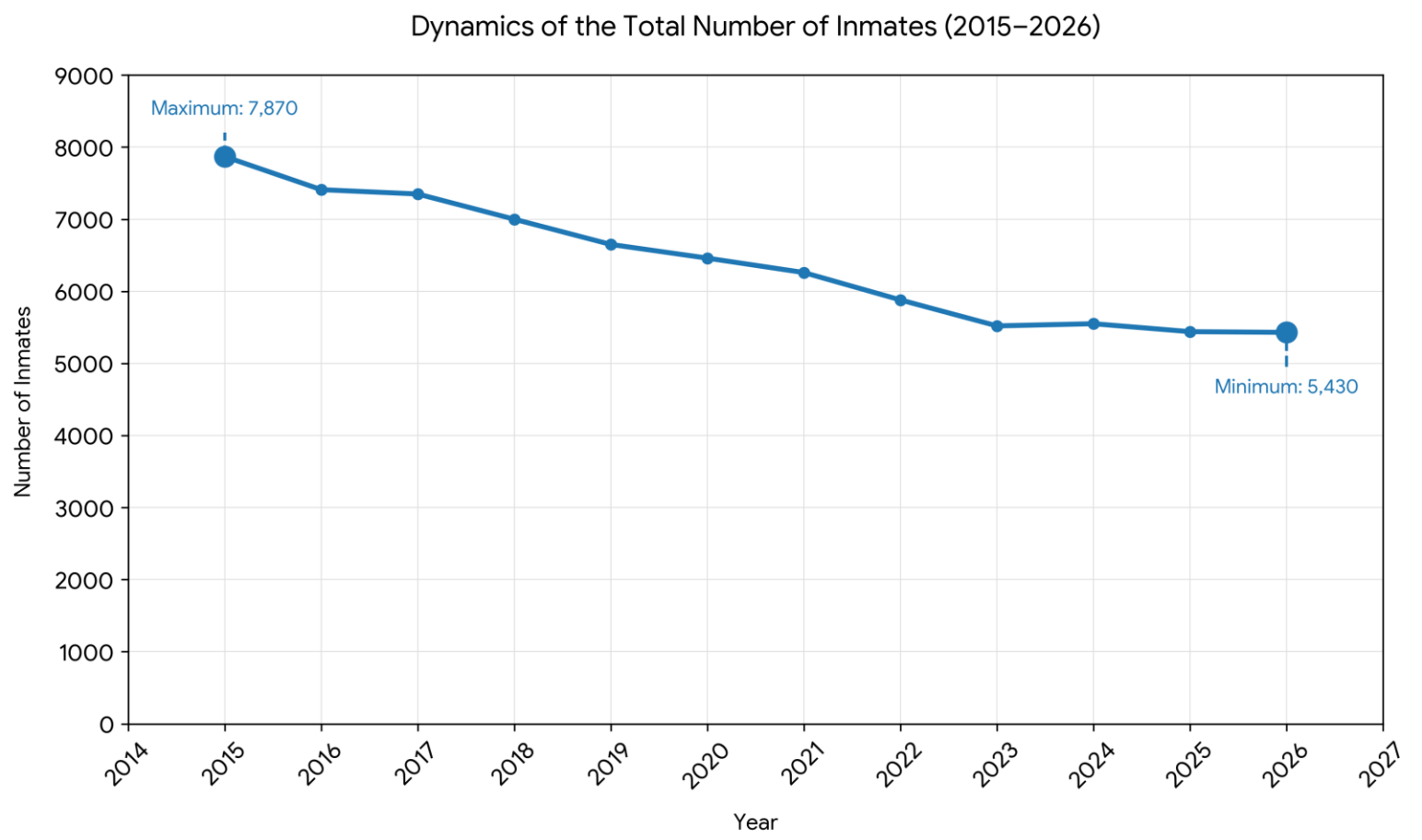
Suspension of imprisonment

- The punishment must be up to three years of imprisonment;
- The convicted must not have previous convictions of imprisonment for publicly prosecutable offences;
- The court must find that the aim of the punishment could be achieved outside prison;
- The court orders a suspension period between three and five years;
- In certain cases, the court may order probation measures in the suspension period.

Bulgaria ranks among the countries in the EU with lower rates of prisoners (with final convistions) per 100 000 persons – 2023 (sources: National Statistical Institute and Eurostat)

EU Country	Number	Per 100,000 persons of the population
Poland	74,505	**202.71**
Hungary	17,939	**186.87**
Czech Republic	19,569	**180.73**
Slovakia	9,724	**179.12**
Latvia	3,271	**173.71**
Lithuania	4,551	**159.28**
Estonia	1,841	**134.78**
Romania	23,650	**124.12**
Malta	672	**123.97**
Spain	56,698	**117.91**
Portugal	12,321	**117.16**
Croatia	4,445	**115.43**
France	75,913	**111.18**
Italy	61,568	**104.36**
Belgium	11,983	**102.05**
Cyprus	959	**101.04**
Austria	9,089	**99.83**
Greece	10,242	**98.35**
Sweden	9,748	**92.65**
Luxembourg	605	**91.55**
Ireland	4,731	**89.75**
Bulgaria	5,526	**85.70**
Germany	59,165	**71.18**
Denmark	4,154	**70.02**
Slovenia	1,438	**67.93**
Netherlands	11,681	**65.58**
Finland	2,962	**53.24**

Prison population for 2015-2026 (with final convictions) at the system capacity of approximately 8000 prisoners (4 sq.m)



Prison population (extracts)

	2014	2015	2021	2026
System Capacity *(4 sq.m/person)*	8,763	8,763	8,161	8,399
Prison Population	7,942	7,527	6,146	5,430

It appears that the capacity was not determined correctly until 2017 as the 4 sq.m included the sanitary facilities. This was noted also by the National Preventive Mechanism (the Ombudsman).

The measurement of 2026 (1 July 2026) also includes the capacity of the newly built Samoranovo prison.

Pre-trial detention

- Prisoners in pre-trial detention make roughly between 16 and 20 % of prison population since 2021, calculated on the basis of convicted prisoners + the remand prisoners in investigative detention facilities and prisons.

Pre-trial detention

Year	Total Number of Detainees on Remand (pre-trial and trial proceedings)
2015	**1,428**
2016	**1,453**
2017	**1,514**
2018	**1,465**
2019	**1,501**
2020	**1,458**
2021	**1,205**
2022	**1,043**
2023	**1,188**
2024	**1,054**
2025	**1,340**
1 July 2026	**1,072**

The information of the detainees on remand for the period 2015-2020 is taken from a report of the Bulgarian Helsinki Committee “Human Rights in Bulgaria – 2020” and is based on information provided by the General Directorate Execution of Punishments for the number on detainees on remand on 31 December at each year between 2015 and 2020.

The information of the detainees on remand for the period 2021 – 2026 is taken directly from the General Directorate. For the years 2021 – 2025 the information demonstrates the detainees on remand on 31 January of the respective year.

For 2026 – it is 1 July 2026.

Detainees on remand 2021 -2026



Pre-trial detention in Bulgaria

- In 2026:

Investigative detention facilities, some of them at the prisons

Capacity – 1,411 (based on 4 sq.m)

Remand prisoners population (1,072)

Almost zero overcrowding since 2020

Reform in the system – new investigative detention facilities and detention at prisons

- Detention on remand

Deadlines in domestic legislation for detention in pre-trial proceedings

Detention on remand only after a formal accusation (in Bulgaria it entails relatively high threshold of reasonable suspicion)

Human rights compliant approach by the domestic courts

Effective domestic remedy for unlawful detention

General situation

- Until 2023:

12 prisons – 11 for men and 1 for women

25 closed and open type prison hostels

2 correctional homes for minors

- New prison was constructed in 2023-2024 with a training centre attached to it (Samoranovo Prison)



The prison system after 1989

The initial phase – 1989 - 2015:

- Deplorable overcrowding and poor material conditions.
- Rapid deterioration of the system;
- Lack of money;
- Focus on the punishment rather than on rehabilitation;

Reform of the system (2016-2026)

Today - 2026:

- Zero overcrowding;
- Refurbished prisons and prison hostels;
- New investigative detention facilities;
- New prison with a training centre; focus on correction.

The situation 1989 - 2015

- CPT visits 1995 – 2015

Overcrowding

Violence

Poor material conditions

Endemic corruption

- The 2015 CPT statement and the pilot judgment of the ECHR *Neshkov and Others v. Bulgaria*
- Extreme overcrowding in prison and closed type prison hostels: prisoners convicted to imprisonment for more than 5 years and recidivists; no overcrowding in open type prison hostels.

Working group 2015 - 2017

- Working groups and preliminary research – government officials, judges, prosecutors, Ombudsman, NGOs;

- Conceptual points for combatting overcrowding:

More discretion for the sentencing court;

More power vested with the prison administration;

Oversight on the prison system – central executive, courts and prosecutors;

Larger use of open type prison hostels;

Reform of the procedure for preliminary release;

Electronic bracelet.

The 2017 legislative reform in the Execution of Sentences and Pre-trial Detention Law

- The requirement of 4 sq.m entered into force (section 43 (3));
- Lack of sufficient space as degrading treatment (section 3) and its relation to the new compensatory and preventive remedy;
- Initial allocation of prisoners and transfer of prisoners: wider recourse to placement in open type prison hostels and more power for the prison governors to order or allow transfers; right of the prisoner to request transfer on the grounds of overcrowding and judicial review (section 57-64a);
- New rules for early release;
- Preventive remedy (section 276-283);
- Full-fledged cooperation with the Norwegian partners and the Council of Europe for the application of the law.

What worked

The amendments in the law:

- The new rules for initial allocation and transfer of prisoners;
- Wider use of open type prison hostels;
- More powers vested in the prison administration;
- The enhanced oversight on the system – by the central administration, the judiciary and the prosecutor's office;

Other factors:

- Reform of the IDFs – transfer to prisons, closure of old ones, opening of entirely new ones;
- Human rights compliant approach to detention on remand by the domestic courts;
- Introduction of an electronic system for constant monitoring of the detained at any time at a central level;
- The improved economic situation;
- Demographic factors and emigration.

What did not work (as expected)

- Early release

Although the procedure was liberated and the convicted now has direct access to court, the number of early released prisoners did not rise. Potential reasons – the remaining time to be served is long, the courts are cautious in cases of long-term prisoners, better conditions in open-type prison hostels with appropriate correctional activities.

- Electronic bracelets

Very narrow use, problems with ensuring appropriate technology, concerns regarding private life

- Potential wider use of probation

Connected with the use of electronic bracelet; formalistic approach towards the correction of the convicted; courts prefer fine as a punishment or deprivation of liberty suspended (together with probation measures in the suspension period).

Conclusions

- More responsibility for the prison administration together with enhanced control;
- More focus on correction in open type prison hostels rather than on punishment;
- Judicial review of the acts of the prison governors and in general the enhanced judicial oversight;
- Cooperation with external partners and exchange of good practices;
- General criminogenic factors.

THANK YOU!

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