

# Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

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## Part I: National standards

### 1. Cells

#### a. Cell space

The national standard for cell space available to detainees has not changed since 2021. The requirements spelled out by the CJEU in its *Dorobantu* ruling<sup>1</sup> and those spelled out in para. 34 of the Commission recommendation of 8.12.2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions<sup>2</sup> are observed.

The minimum living space in the sleeping quarters for each person deprived of liberty must not be less than 4 m<sup>2</sup>.<sup>3</sup>

National jurisprudence has interpreted the legal standard for cell space in a number of cases, consistently awarding compensation to detainees accommodated in cells with less than 4 m<sup>2</sup>. Case law has also consistently included the furniture and excluded bathrooms and toilets when calculating the minimum living space.<sup>4</sup>

#### b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The national standards regarding access to natural light and fresh air in cells, cell equipment, furniture and facilities have not changed since 2021.

Sleeping quarters must have direct access to daylight and possibility of natural ventilation. The amount of daylight, the degree of artificial lighting, heating and ventilation are determined according to the requirements laid down in the respective standards for public buildings.<sup>5</sup>

Sleeping quarters must be furnished with a separate bed with bedding for each inmate, lockers for personal belongings, table, chairs, lighting and heating, and conditions must be provided for direct access to daylight and ventilation.<sup>6</sup> In cells used for solitary confinement, the beds, lockers for personal belongings, table, chairs, lighting and heating fixtures must be fixed (not movable).<sup>7</sup>

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<sup>1</sup> For the CJEU's calculation requirements, please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

<sup>2</sup> [RECOMMENDATION of 8.12.2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions.](#)

<sup>3</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 43, Par. (4).

<sup>4</sup> For example, see Bulgaria, Administrative Court – Plovdiv (*Административен съд – Пловдив*), Decision No 1657 on administrative case No 2290/2023 ([Решение № 1657 по административно дело № 2290/2023 г.](#)), ECLI:BG:AD718:2024:20230702290.001, 20 February 2024.

<sup>5</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 20, Par. (2).

<sup>6</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 21, Par. (1).

<sup>7</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 23, Par. (2).

National jurisprudence has interpreted the legal standards for lighting, heating and ventilation in a number of cases. In one such case, the court concluded that central heating working on a schedule combined with radiators in each cell were sufficient for complying with the heating requirements.<sup>8</sup>

### c. Video-surveillance of cells

The rules on video-surveillance in prisons and detention facilities have not changed since 2021.

There are no national standards for video-surveillance of cells. According to the law, all places for deprivation of liberty must be equipped with technical means for security and control, and inmates must be notified when such means are used, including audiovisual systems for control of behaviour.<sup>9</sup> More detailed provisions are envisaged only for the use of video-surveillance during meetings between inmates and their visitors.<sup>10</sup>

### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>11</sup>

The report does not include any general recommendations regarding cell space, access to natural light and fresh air, cell equipment, furniture, facilities, and video-surveillance of cells.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>12</sup>

„От проведените инспекции на условията за живот в общо 18 места за лишаване от свобода към Министерство на правосъдието се наблюдава положителна тенденция за подобряване на битовите условия и намаляване на броя на настанените лица.“

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<sup>8</sup> Bulgaria, Administrative Court – Lovech (*Административен съд – Ловеч*), Decision No 148 on administrative case No 16/2023 ([Решение № 148 по административно дело № 16/2023 г.](#)), ECLI:BG:AD713:2023:20230700016.001, 13 December 2023.

<sup>9</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 44, Par. (1) and (2).

<sup>10</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 73.

<sup>11</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>12</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

“From the inspections carried out on the living conditions in a total of 18 places of deprivation of liberty under the Ministry of Justice, there is a positive trend towards improvement of living conditions and a decrease in the number of detainees.”

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>13</sup>

„В следствие на извършените проверки се установи положителна тенденция за полагане на усилия от страна на затворническата администрация за подобряване на материално-битовите условия, разширяване на капацитета на затворите и намаляване на пренаселеността, с което да се отговори на европейските изисквания и стандарти.“

“As a result of the inspections carried out, there is a positive trend towards efforts by the prison administration to improve material and living conditions, expand the capacity of prisons and reduce overcrowding in order to meet European requirements and standards.”

„Проблемите констатирани от проведените проверки през 2023 година, както и разгледаните жалби от лишени от свобода, могат да бъдат систематизирани в няколко групи: [...] Оплаквания, свързани с нарушение на забраната на чл. 3 от ЗИНЗС: липса на достатъчно жилищна площ, храна, облекло, отопление, осветление, проветряване, медицинско обслужване, условия за двигателна активност, продължителна изолация без възможност за общуване, необоснована употреба на помощни средства, както и други подобни действия, бездействия или обстоятелства, които уронват човешкото достойнство или пораждаят чувство на страх, незащитеност или малоценност.“

“The problems identified by the inspections carried out in 2023, as well as the complaints examined from prisoners, can be systematised into several groups: [...] Complaints related to the violation of the prohibition of Art. 3 of the Execution of Penalties and Detention in Custody Act: lack of sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity, prolonged isolation without the possibility of communication, unjustified use of auxiliary aids, and other similar acts, omissions or circumstances that undermine human dignity or give rise to feelings of fear, insecurity or inferiority.”

*According to the consulted representatives of the National Preventive Mechanism, the required living space of 4 m<sup>2</sup> per detainee is respected. Prisoners' sleeping quarters have access to natural daylight, except in the majority of detention facilities for accused persons and defendants where there is limited access to natural light and poor ventilation. Furniture (lockers for personal belongings, table) is usually depreciated and rusty.*<sup>14</sup>

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<sup>13</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>14</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.



## 2. Allocation of detainees

### a. Geographical allocation

Convicted prisoners are allocated to detention facilities in accordance with the initial regime for serving the sentence determined by the court, the capacity and occupancy rate of detention facilities, and the possibility of serving the sentence closest to their permanent address.<sup>15</sup> Prisoners serving their sentence in a detention facility which is not nearest to their permanent address may enjoy the rights of visits and telephone calls under more favourable conditions determined by the prison administration.<sup>16</sup>

The geographical allocation of prisoners is further detailed by an order the Director General of the General Directorate for the Execution of Sanctions (GDES) (*Главна дирекция „Изпълнение на наказанията“*, ГДИН).<sup>17</sup>

National jurisprudence has interpreted the legal standard for geographical allocation of detainees, consistently repealing the decisions of the prison administration to accommodate prisoners in the closest facility to the persons with whom they maintain regular contacts.<sup>18</sup>

### b. Allocation within detention facilities

In prisons, defendants detained in custody, including pre-trial detainees, are accommodated separately from convicted prisoners.<sup>19</sup>

By order of the prison director, separate wards may be established for the accommodation of prisoners with a high degree of public danger, suffering from alcoholism or drug addiction, persons with mental disorders or vulnerable persons with a view to their safety, as well as the safety of other prisoners and staff.<sup>20</sup>

There are special rules on the allocation of new inmates. In prisons, new inmates are placed in a reception ward for a period of 14 days to one month. Those sentenced for the first time to imprisonment for up to five years for intentional offences and those sentenced for offences committed recklessly are accommodated separately from others.<sup>21</sup> The same applies to inmates who should serve their sentence in open-type prison dormitories and juvenile reformatories.<sup>22</sup>

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<sup>15</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 58.

<sup>16</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (5).

<sup>17</sup> Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Order No L-919/08.03.2017 on the allocation of prisoners to prisons, reformatories and prison dormitories ([Заповед № Л-919/08.03.2017 г. относно разпределение на лишените от свобода по затвори, поправителни домове и затворнически общежития](#)), 8 March 2017.

<sup>18</sup> For example, see Bulgaria, Administrative Court – Lovech (*Административен съд – Ловеч*), Decision No 144 on administrative case No 271/2023 ([Решение № 144 по административно дело № 271/2023 г.](#)), ECLI:BG:AD713:2023:20230700271.001, 8 December 2023.

<sup>19</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 246, Par. (3).

<sup>20</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 60.

<sup>21</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 47, Par. (1) and (2).

<sup>22</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 26, Par. (2).

There are also rules on the allocation and re-allocation of prisoners to sleeping quarters within detention facilities.<sup>23</sup>

### c. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>24</sup>

The report does not include any general recommendations regarding geographical allocation and allocation within detention facilities.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>25</sup>

The report does not include any general recommendations regarding geographical allocation and allocation within detention facilities.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>26</sup>

The report does not include any general recommendations regarding geographical allocation and allocation within detention facilities.

*According to the consulted representatives of the National Preventive Mechanism, a large proportion of detainees' complaints are related to their allocation to detention facilities and refusals by the prison administration to transfer them to another prison. The procedure for allocating prisoners is in accordance with the possibility of serving the sentence closest to their permanent address and the capacity of the prisons. In a number of cases, prisoners are transferred on the grounds of psychological*

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<sup>23</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 27.

<sup>24</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>25</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>26</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

*incompatibility or conflicts with the administration or other prisoners, or at their request (following an application on one of the statutory grounds). In practice, the regime of personal relations in these cases as well as the prisoners' rehabilitation are severely hampered.*<sup>27</sup>

### 3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

#### a. Access to toilets

The national standards regarding access to toilets have not changed since 2021.

All persons deprived of liberty must have permanent access to a toilet. In closed-type prison facilities and pre-trial detention facilities located inside prisons the use of toilet must take place inside the sleeping quarters.<sup>28</sup>

National jurisprudence has interpreted the legal standard of access to toilets in the sense that when the cells are permanently locked and the toilet is not located inside the cell, the use of the toilet according to a time schedule does not meet the legal standard for permanent access.<sup>29</sup>

#### b. Access to showers and warm and running water

The national standards regarding access to regularly cleaned shower/bathing facilities and warm and running water have not changed since 2021.

Persons deprived of liberty must be provided with access to bathing facilities once a day, if possible, or at least twice a week. After each use, the bathroom must be cleaned and disinfected.<sup>30</sup>

All persons deprived of liberty must have permanent access to running water. In closed-type prison facilities and pre-trial detention facilities located inside prisons the use of running water must take place inside the sleeping quarters.<sup>31</sup>

National jurisprudence has interpreted the legal standard for access to running water in the sense that the prison administration is obliged to provide permanent access to cold water and access to warm water only at bathing time.<sup>32</sup>

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<sup>27</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>28</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 20, Par. (3).

<sup>29</sup> Bulgaria, Administrative Court – Veliko Tarnovo (*Административен съд – Велико Търново*), Decision No 309 on administrative case No 452/2023 ([Решение № 309 по административно дело № 452/2023 г.](#)), ECLI:BG:AD706:2023:20230700452.001, 13 December 2023.

<sup>30</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 151, Par. (1).

<sup>31</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 20, Par. (3).

<sup>32</sup> For example, see Bulgaria, Administrative Court – Plovdiv (*Административен съд – Пловдив*), Decision No 1657 on administrative case No 2290/2023 ([Решение № 1657 по административно дело № 2290/2023 г.](#)), ECLI:BG:AD718:2024:20230702290.001, 20 February 2024.

### c. Access to sanitary products

The national standards regarding access to sanitary products have not changed since 2021.

All persons deprived of liberty must be provided with conditions for grooming, shaving, and hand and foot hygiene.<sup>33</sup> The type and quantity of sanitary products, which persons deprived of liberty can obtain, use and keep in the cells, are defined in a special list of permitted personal belongings approved by the Minister of Justice.<sup>34</sup> The list was last updated in December 2021.<sup>35</sup> The sanitary products that the prison administration is obliged to provide to detainees are further detailed by an order the Director General of the General Directorate for the Execution of Sanctions (GDES) (*Главна дирекция „Изпълнение на наказанията“*, ГДИН).<sup>36</sup>

National jurisprudence has interpreted the legal standard for access to sanitary products in a number of cases. In one such case, the court concluded that the monthly provision to each prisoner of two bars of soap, 400 grams of laundry detergent, as well as cleaning and disinfecting preparations for their cells and sanitary facilities was in compliance with the relevant standards.<sup>37</sup>

### d. Hygienic conditions in cells

The national standards regarding cleaning and cleanliness of cells, clothing and bedding have not changed since 2021.

Basic cleaning and disinfection of sleeping quarters and common areas must be performed every month, under the supervision of a medical specialist (doctor).<sup>38</sup> Cleaning and disinfection of sleeping quarters and of common areas is performed by the detainees with cleaning and disinfection materials provided by the administration of the detention facility.

Monthly cleaning of the living quarters must include washing the floor, the windows, the doors and the beds, shaking and ventilation of the blankets, sheets, pillows and subsequent disinfection. Bed linen must be washed after pre-soaking in hot soap solution or washing powder. The blankets must be washed once every 3 months.<sup>39</sup>

### e. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism* (*Годишен доклад на Омбудсмана*

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<sup>33</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 151, Par. (1).

<sup>34</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 122, Par. (1).

<sup>35</sup> Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Order No LS-04-746 of 8 December 2021 ([Заповед № ЛС-04-746 от 8 декември 2021 г.](#)), 8 December 2021.

<sup>36</sup> Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Order No L-1811/21.04.2020 on detergents, washing and disinfecting products and hygiene supplies to be provided in places of deprivation of liberty for one month ([Заповед № Л-1811/21.04.2020 г. относно полагащите се перилни, миещи, дезинфекциращи препарати и хигиенни консумативи в местата за лишаване от свобода за един месец](#)), 21 April 2020.

<sup>37</sup> Bulgaria, Administrative Court – Lovech (*Административен съд – Ловеч*), Decision No 148 on administrative case No 16/2023 ([Решение № 148 по административно дело № 16/2023 г.](#)), ECLI:BG:AD713:2023:20230700016.001, 13 December 2023.

<sup>38</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 151, Par. (2).

<sup>39</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010, Art. 73, Par. (2) and (3).

като *Национален превантивен механизъм за 2021 г.*), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>40</sup>

„Санитарно-хигиенните условия в затворите остават незадоволителни. През летния сезон, за поддържане личната хигиена и ползване на вентилатори се наблюдава различен режим, както и за ползване на топла вода и електричество в затворите. В тази връзка НПМ препоръча на ГДИН да удължи времето за ползване на топла вода и електричество през летния сезон в местата за лишаване от свобода.“

“Sanitary and hygienic conditions in prisons remain unsatisfactory. During the summer season, a different regime is observed for maintaining personal hygiene and using fans, as well as for using hot water and electricity in prisons. In this regard, the NPM recommended to the DG Execution of Punishment (DGEP) to the Ministry of Justice to extend the time for the use of hot water and electricity during the summer season in places of detention.”

„Основни препоръки: [...] Да се предприемат усилия за решаване на проблема с наличието на хлебарки и дървеници в местата за лишаване от свобода [...]“

“Key recommendations: [...] Make efforts to address the presence of cockroaches and bedbugs in places of detention [...]“

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>41</sup>

„Санитарно-хигиенните условия в затворите остават незадоволителни. Продължава да е налице дългогодишният проблем с наличието на хлебарки и дървеници в местата за лишаване от свобода, като това беше констатирано във всички проверени обекти. Омбудсманът като НПМ многократно е оценявал същия като грубо нарушение на чл. 3 от Закона за изпълнение на наказанията и задържането под стража и в тази връзка е отправял множество препоръки, в предходни свои доклади, за справяне с този проблем.“

“Sanitary and hygiene conditions in prisons remain unsatisfactory. The long-standing problem with cockroaches and bedbugs in detention facilities continues and was found in all sites inspected. The Ombudsman as NPM has repeatedly identified this as a gross violation of Article 3 of the Execution of Sentences and Detention Act and has made numerous recommendations in this regard in her previous reports in order to address the problem.”

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<sup>40</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>41</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

„Част от проблема с наличието на дървеници се дължи и на старите и амортизирани дюшеци и наличния постелъчен инвентар. Екипи на НПМ са констатирани, че дюшеците, на които спят лишените от свобода са крайно остарели и хигиенно ненадеждни. Този проблем беше отбелязан още през 2021 г., когато екипи на омбудсмана в качеството му на национален превантивен механизъм констатираха, че наличните дюшеци в спалните помещения, във всички места за изтърпяване на наказанието „лишаване от свобода“ са амортизирани, морално остарели и хигиенно ненадеждни, на които е невъзможно да се спи. В складовете на затворите от години не са доставяни нови дюшеци. При необходимост старите дюшеци се кърпят, дезинфектират и се ползват отново години наред. Същите са неудобни за спане, което налага лишените от свобода да поставят по 2-3 дюшека на легло. В тази връзка през 2021 г. беше отправена препоръка към ГДИН да бъдат предприети действия и да бъдат закупени нови дюшеци за лишените от свобода. През 2022 г. беше установено, че тази препоръка все още не е изпълнена предвид, което Националният превантивен механизъм отправи препоръка и към Министерство на правосъдието да предприеме необходимите действия за закупуването на нови дюшеци и подмяната им във всички места за лишаване от свобода. До момента омбудсманът в качеството му на Национален превантивен механизъм не е уведомяван за предприети действия във връзка с отправената препоръка.“

“Part of the bedbug problem is also due to old and depreciated mattresses and existing bedding. NPM teams have found that the mattresses on which prisoners sleep are extremely outdated and hygienically unreliable. This problem was noted as early as 2021, when the Ombudsman's teams, in their capacity as the national preventive mechanism, found that the mattresses available in the sleeping quarters in all places of detention were depreciated, outdated and hygienically unreliable, and impossible to sleep on. No new mattresses have been delivered to prison warehouses for years. When necessary, old mattresses are mended, disinfected and reused for years. The mattresses are uncomfortable to sleep on, requiring inmates to put 2-3 mattresses per bed. In this regard, a recommendation was made to the General Directorate Execution of Penalties in 2021 to take action and purchase new mattresses for prisoners. In 2022, it was found that this recommendation had not yet been implemented given which the NPM also made a recommendation to the Ministry of Justice to take the necessary action to purchase new mattresses and replace them in all detention facilities. To date, the Ombudsman, as the National Preventive Mechanism, has not been informed of any action taken in relation to the recommendation made.”

„Основни препоръки: [...] Да се предприемат усилия за решаване на проблема с наличието на хлебарки и дървеници в местата за лишаване от свобода [...]“

“Main recommendations: [...] Efforts should be made to address the problem of cockroaches and bedbugs in penitentiary facilities [...]”

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism* (*Годишен доклад на Омбудсмана*)

като *Национален превантивен механизъм за 2023 г.*), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>42</sup>

„Въпреки отбелязания напредък, с доклада на Европейския комитет за предотвратяване на изтезанията и нечовешкото или унижително отнасяне или наказание (КПИ) от неговото осмо посещение в България, публикуван на 18 октомври 2022 година, КПИ посочва като актуални и съществени проблемите, свързани с междузатворническото насилие, незадоволителните условия в затворите и арестите в страната, масовото разпространение на дървеници и хлебарки, както и липсата на смислени и конструктивни дейности за лишените от свобода. Горепосочените констатации се потвърждават и от извършените проверки на омбудсмана в качеството му на НПМ през 2023 година, което явно демонстрира продължаващата необходимост от реформиране на наказателната политика в пенитенциарната система.“

“Despite the progress made, with the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of its eighth visit to Bulgaria, published on 18 October 2022, the CPT identifies as pressing and significant the problems of inter-prisoner violence, the inadequate conditions in prisons and detention facilities in the country, the massive spread of bedbugs and cockroaches, and the lack of meaningful and constructive activities for prisoners. The aforementioned findings are corroborated by inspections carried out by the Ombudsman in its capacity as NPM in 2023, which clearly demonstrates the ongoing need to reform penal policy in the prison system.”

„Продължава да е наличен проблемът с наличието на вредители (хлебарки, дървеници, плъхове) в местата за лишаване от свобода. В хода на извършените проверки през 2023 година се установи, че след прекратяване на договора на Главна дирекция „Изпълнение на наказанията“ с външна лицензирана фирма за извършване на ДДД обработка, популацията на вредителите значително е нараснала, а в редица затвори и арести, служителите са принудени да закупуват препарати с лични средства. Във всичките си препоръки до Министерство на правосъдието, омбудсманът подчерта, че доказаното наличие на множество вредители е в нарушение на разпоредбата на чл. 3 от Закона за изпълнение на наказанията и задържането под стража (ЗИНЗС).“

“The problem of the presence of pests (cockroaches, bedbugs, rats) in places of detention persists. In the course of the inspections carried out in 2023, it was found that after the termination of the contract of the General Directorate for the Execution of Penalties with an external licensed company for the execution of DDD (disinfection, disinsection and deratisation) treatment, the pest population has increased significantly, and in a number of prisons and detention facilities, the staff is forced to purchase preparations with personal funds. In all of his recommendations to the Ministry of Justice, the Ombudsman stressed that the proven presence of multiple pests is in violation of the provision of Article 3 of the Execution of Penalties and Detention in Custody Act (EPDCA).”

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<sup>42</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.



„Основни препоръки: [...] Да бъдат предприети мерки за трайно справяне с проблема с дървениците и хлебарките в местата за лишаване от свобода [...]“

“Key recommendations: [...] Take measures to permanently tackle the problem of bedbugs and cockroaches in places of detention [...]“

*According to the consulted representatives of the National Preventive Mechanism, most places of detention have private bathrooms in the cells and shared showers for all cells in one corridor. There are frequent complaints from detainees about shortages and insufficiency of basic sanitary products (soap, detergents). The problem is more serious for socially deprived prisoners who do not have their own money and cannot purchase additional sanitary products from the prison shop.<sup>43</sup>*

## 4. Nutrition

### a. Quality and quantity of food

The national standards regarding the quality and quantity of food have not changed since 2021.

Prisoners have the right to free food, sufficient in chemical and caloric composition, according to tables approved by the Minister of Justice in coordination with the Minister of Health and the Minister of Finance.<sup>44</sup> Prisoners who work must receive an increased ration of food in accordance with the nature of the work performed. Pregnant women and mothers must receive an increased ration of food according to a special table during pregnancy and 10 months after birth.<sup>45</sup>

The nutrition table, approved by the Minister of Justice, specifies the food products (in grams and calories), which must be included in the daily ration of food of each person deprived of liberty. The daily ration of an adult prisoner consists of 27 products (2,622 calories). An additional ration of five products is envisaged for prisoners who work (517 calories for those engaged in medium intensity work and 1,024 calories for those engaged in high intensity work). The daily ration of a juvenile prisoner includes 28 products (3,108 calories). There is also a replacement table, which specifies the type and amount of food products that can be used as replacement in case the products listed in the nutrition table are not available.<sup>46</sup>

### b. Drinking water

The national standards regarding drinking water have not changed since 2021.

The directors of the places of deprivation of liberty are responsible for the provision of drinking water meeting the requirements laid down by the Minister of Health.<sup>47</sup> The water quality requirements for

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<sup>43</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>44</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 84, Par. (2).

<sup>45</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 84, Par. (3).

<sup>46</sup> Bulgaria, Ministry of Justice ([Министерство на правосъдието](#)), Tables for the ingredients of the daily ration of food and the food products for one person deprived of liberty ([Таблицы за състава на дневната дажба и полагаемите се хранителни продукти за един лишен от свобода](#)), 8 March 2007.

<sup>47</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010, Art. 74, Par. (1).



drinking water are defined by a regulation issued by the Minister of Health, the Minister of Regional Development and Public Works, and the Minister of Environment and Water.<sup>48</sup>

When using its own water source for central drinking water supply, the directors and the medical officers of the places of deprivation of liberty are responsible for monitoring the quality of drinking water with the frequency and in the volume according to the requirements set by the Minister of Health.<sup>49</sup>

### c. Dietary requirements

The national standards regarding healthy food, special diets or dietary restrictions have not changed since 2021.

Upon prescription by the prison doctor, ill prisoners can receive dietary food.<sup>50</sup> There are no other rules on special diets (for religious, ethical or other reasons).

### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>51</sup>

„Качеството на диетичното хранене в затворите е обект на постоянно недоволство от страна на лишените от свобода през годините.“

“The quality of dietary nutrition in prisons has been the subject of constant dissatisfaction among prisoners over the years.”

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>52</sup>

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<sup>48</sup> Bulgaria, Regulation No 9 of 16 March 2001 on the quality of water intended for drinking and household purposes ([Наредба № 9 от 16 март 2001 г. за качеството на водата, предназначена за питейни и битови цели](#)), 16 March 2001, last amended 16 May 2023.

<sup>49</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010, Art. 74, Par. (2).

<sup>50</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 84, Par. (3).

<sup>51</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debel 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debel 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>52</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

The report does not include any general recommendations regarding quality and quantity of food, drinking water and dietary requirements.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>53</sup>

„Проблемите констатирани от проведените проверки през 2023 година, както и разгледаните жалби от лишени от свобода, могат да бъдат систематизирани в няколко групи: [...] Оплаквания, свързани с нарушение на забраната на чл. 3 от ЗИНЗС: липса на достатъчно жилищна площ, храна, облекло, отопление, осветление, проветряване, медицинско обслужване, условия за двигателна активност, продължителна изолация без възможност за общуване, необоснована употреба на помощни средства, както и други подобни действия, бездействия или обстоятелства, които уронват човешкото достойнство или пораждаат чувство на страх, незащитеност или малоценност.“

“The problems identified by the inspections carried out in 2023, as well as the complaints examined from prisoners, can be systematised into several groups: [...] Complaints related to the violation of the prohibition of Art. 3 of the Execution of Penalties and Detention in Custody Act: lack of sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity, prolonged isolation without the possibility of communication, unjustified use of auxiliary aids, and other similar acts, omissions or circumstances that undermine human dignity or give rise to feelings of fear, insecurity or inferiority.”

*According to the consulted representatives of the National Preventive Mechanism, the prisons have their own kitchen where food is prepared according to pre-approved menus. Dietary menus are provided, as well as menus tailored to inmates' religious beliefs. In the majority of detention facilities for accused persons and defendants, food is provided by catering, and complaints about insufficient quantity and lack of fresh fruit and vegetables are common. The NPM's observations are that, in general, the food provided in detention facilities meets the required standards in terms of quantity and caloric composition.*<sup>54</sup>

## 5. Time spent outside the cell and outdoors

### a. Time spent outdoors

The national standards regarding the minimum time spent by detainees outside of their cell outdoors have not changed since 2021.

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<sup>53</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>54</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

The general standards for the time spent outdoors are at least one hour per day for all prisoners,<sup>55</sup> two hours per day for prisoners under 18 years of age,<sup>56</sup> and at least two hours per day and at least one hour per day during the winter for pregnant women, breastfeeding mothers and prisoners engaged in underground or harmful work.<sup>57</sup>

The same standards apply to accused persons and defendants detained in custody.<sup>58</sup>

National jurisprudence has consistently re-confirmed the legal standard for spending time outdoors and courts have regularly awarded compensation to detainees, who have been deprived of their right to spend time in the open.<sup>59</sup>

#### b. Time spent indoors

There are no national standards for the minimum time spent outside cells in indoor common areas. There are only rules specifying the time during which prisoners are locked in the cells. This time is different depending on the type of prison and the prison regime.

Prisoners on light regime or general regime, who are placed in open-type prison dormitories, are accommodated in premises, where only the corridors are locked during the night. Prisoners on general regime, who are placed in prisons or closed-type prison dormitories, are accommodated in cells, which are locked during the night. Prisoners on strict regime are always placed in prisons or closed-type prison dormitories and are accommodated in cells, which are locked during the night. Prisoners on special regime are placed in prisons and are accommodated in permanently locked cells.<sup>60</sup>

Accused persons and defendants detained in custody are placed in permanently locked cells.<sup>61</sup>

#### c. Recreational facilities

The national standards regarding access to sports and other recreational facilities have not changed since 2021.

Prisoners are allowed to join together during their stay outdoors to participate in physical exercise or sports games.<sup>62</sup> The prison administration must provide appropriate conditions, including facilities,

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<sup>55</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (1).

<sup>56</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 190, Par. (2).

<sup>57</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 71, Par. (6).

<sup>58</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 276, Par. (2).

<sup>59</sup> Bulgaria, Administrative Court – Veliko Tarnovo (*Административен съд – Велико Търново*), Decision No 309 on administrative case No 452/2023 ([Решение № 309 по административно дело № 452/2023 г.](#)), ECLI:BG:AD706:2023:20230700452.001, 13 December 2023.

<sup>60</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 51-54.

<sup>61</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 269, Par. (3).

<sup>62</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 71, Par. (4).

equipment and organised activities, encouraging the prisoners to maintain good physical health.<sup>63</sup> Where possible, prisoners must also be provided with conditions to participate in sport games and exercises for one hour per day in addition to the time spent outdoors. In case of unfavourable weather conditions these activities must take place indoors.<sup>64</sup>

#### d. Educational activities

The national standards regarding availability of educational facilities have not changed since 2021.

All prisons, prison dormitories and juvenile reformatories must have a physical library accessible to all prisoners.<sup>65</sup> Prisoners must have access to the library at least once a week.<sup>66</sup>

There are no rules on the access of prisoners to computers and the internet. National jurisprudence has interpreted the absence of such rules as a lack of obligation of the prison administration to provide prisoners with access to computers and the internet.<sup>67</sup>

#### e. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>68</sup>

The report does not include any general recommendations regarding time spent outdoors, time spent indoors, recreational facilities and educational facilities.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>69</sup>

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<sup>63</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 71, Par. (3).

<sup>64</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 164.

<sup>65</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 165.

<sup>66</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 154, Par. (2).

<sup>67</sup> For example, see Bulgaria, Administrative Court – Burgas (*Административен съд – Бургас*), Decision No 1651 on administrative case No 2301/2023 ([Решение № 1651 по административно дело № 2301/2023 г.](#)), ECLI:BG:AD704:2024:20230702301.001, 28 February 2024.

<sup>68</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>69</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

The report does not include any general recommendations regarding time spent outdoors, time spent indoors, recreational facilities and educational facilities.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>70</sup>

„Проблемите констатирани от проведените проверки през 2023 година, както и разгледаните жалби от лишени от свобода, могат да бъдат систематизирани в няколко групи: [...] Оплаквания, свързани с нарушение на забраната на чл. 3 от ЗИНЗС: липса на достатъчно жилищна площ, храна, облекло, отопление, осветление, проветряване, медицинско обслужване, условия за двигателна активност, продължителна изолация без възможност за общуване, необоснована употреба на помощни средства, както и други подобни действия, бездействия или обстоятелства, които уронват човешкото достойнство или пораждаат чувство на страх, незащитеност или малоценност.“

“The problems identified by the inspections carried out in 2023, as well as the complaints examined from prisoners, can be systematised into several groups: [...] Complaints related to the violation of the prohibition of Art. 3 of the Execution of Penalties and Detention in Custody Act: lack of sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity, prolonged isolation without the possibility of communication, unjustified use of auxiliary aids, and other similar acts, omissions or circumstances that undermine human dignity or give rise to feelings of fear, insecurity or inferiority.”

„Въпреки отбелязания напредък, с доклада на Европейския комитет за предотвратяване на изтезанията и нечовешкото или унижително отнасяне или наказание (КПИ) от неговото осмо посещение в България, публикуван на 18 октомври 2022 година, КПИ посочва като актуални и съществени проблемите, свързани с междузатворническото насилие, незадоволителните условия в затворите и арестите в страната, масовото разпространение на дървеници и хлебарки, както и липсата на смислени и конструктивни дейности за лишените от свобода. Горепосочените констатации се потвърждават и от извършените проверки на омбудсмана в качеството му на НПМ през 2023 година, което явно демонстрира продължаващата необходимост от реформиране на наказателната политика в пенитенциарната система.“

“Despite the progress made, with the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of its eighth visit to Bulgaria, published on 18 October 2022, the CPT identifies as pressing and significant the problems of inter-prisoner violence, the inadequate conditions in prisons and detention facilities in the country, the massive spread of bedbugs and cockroaches, and the lack of meaningful and constructive activities for prisoners. The aforementioned findings are corroborated by inspections carried out by the Ombudsman in its capacity

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<sup>70</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

as NPM in 2023, which clearly demonstrates the ongoing need to reform penal policy in the prison system.”

*According to the consulted representatives of the National Preventive Mechanism, prisoners participate in various events (sports tournaments, recitals, celebrations of national holidays). However, opportunities for meaningful time (especially for those under strict or special regime) are very limited. The findings of the NPM in the course of the inspections carried out are that the majority of prisoners spend their time in cells.<sup>71</sup>*

## 6. Solitary confinement

### a. Placement in solitary confinement

The national standards regarding placements in solitary confinement have not changed since 2021.

As a punishment, prisoners, who have committed one of the violations listed in the law, can be placed in a so-called ‘penal cell’ (*наказателна килия*). There are two different forms of this punishment: placement in a penal cell for up to 14 days and placement in a penal cell during the non-working or non-studying time, during days-off and during public holidays for up to 14 days in total in the course of up to three months.<sup>72</sup> The placement in a penal cell can be extended to up to 20 days when more than one punishment has been imposed and the prisoner has not served any of them.<sup>73</sup> Prisoners under 18 years of age can be placed in penal cells for up to three days, during which time they are allowed to go to work or to school.<sup>74</sup> There are detailed rules on the living conditions in penal cells, the access of prisoners to a bathroom, toilette, food and time outdoors, and the personal belonging they can take with them during their stay in such cells.<sup>75</sup>

As a preventive measure, to prevent prisoners from escaping, harming the life or health of others, or committing another criminal offence, inmates can be isolated in a so-called ‘individual cell’ (*единична килия*). The maximum duration of this measure is two months. Prisoners in individual cells cannot take part in collective activities.<sup>76</sup>

### b. Monitoring of detainees

The national standards regarding the checking and/or monitoring of the wellbeing of detainees in solitary confinement have not changed since 2021.

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<sup>71</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>72</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 101.

<sup>73</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 106, Par. (4).

<sup>74</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 193, Par. (1).

<sup>75</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 96, Par. (2).

<sup>76</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 120.



Prisoners isolated in penal cells must be visited by a medical specialist every working day.<sup>77</sup> Upon request of the prisoner, the medical examination must be performed immediately.<sup>78</sup>

### c. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>79</sup>

The report does not include any general recommendations regarding placement in solitary confinement and monitoring of detainees.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>80</sup>

The report does not include any general recommendations regarding placement in solitary confinement and monitoring of detainees.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>81</sup>

The report does not include any general recommendations regarding placement in solitary confinement and monitoring of detainees.

*According to the consulted representatives of the National Preventive Mechanism, the disciplinary measure solitary confinement is applied in cases of serious and systematic violations of the rules by a prisoner, which are of such a nature that they endanger the security of the prison as well as other*

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<sup>77</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 144, Par. (1).

<sup>78</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 144, Par. (2).

<sup>79</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>80</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>81</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

detainees. The NPM has not observed a practice of consistently extending periods of solitary confinement.<sup>82</sup>

## 7. Work and education of detainees to promote social reintegration

### a. General measures to promote social reintegration

There are no national standards aiming to promote social reintegration of detainees once they leave prison. There is only a general provision stating that before release, prisoners must be included in a programme for preparation for life at liberty. The programme lasts from one to three months and must be implemented on the basis of an individual action plan with realistic and practical steps for coping with the conditions of free life.<sup>83</sup> Prisoners who have been identified as having deficits that will hinder their successful reintegration must be enrolled in special programme to prepare them for a life of freedom.<sup>84</sup>

### b. Access to work

While serving their sentence, convicted prisoners have the right to suitable work which, if possible, suits their preferences.<sup>85</sup> For any work outside voluntary unpaid labour and duties of maintaining order and hygiene, prisoners must receive a certain proportion of the remuneration for the work done. The proportion is determined by order of the Minister of Justice and cannot be less than 30 %.<sup>86</sup> There are detailed rules determining the length of working days, overtime work, daily, weekly and annual rests, consequences of work-related accidents or occupational diseases, etc.<sup>87</sup> There are also rules setting out the procedures for vacancy announcements, application, recruitment and dismissal.<sup>88</sup>

Defendants detained in custody, including pre-trial detainees, who are accommodated in prisons, may work if they expressly request so in writing.<sup>89</sup>

### c. Access to education

Convicted prisoners must be provided with equal access to educational, training and qualification activities.<sup>90</sup> Four different types of educational activities must be available to prisoners: general and

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<sup>82</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>83</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 157a.

<sup>84</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 188, Par. (1).

<sup>85</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 77, Par. (1) and (2).

<sup>86</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 78, Par. (1) and (2).

<sup>87</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 79, Art. 82 and Art. 83; Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 56-66.

<sup>88</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 162.

<sup>89</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 257, Par. (1).

<sup>90</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 159, Par. (1).



vocational education, vocational training, literacy and vocational courses, and social education.<sup>91</sup> The law does not provide for educational programmes specifically aimed to prepare detainees for their release and to facilitate their reintegration into society. The only provision that indirectly makes reference to social reintegration is the requirement for consulting vocational qualification programmes with specialists from the labour offices in the respective municipalities in order to take account of regional labour market needs.<sup>92</sup>

Defendants detained in custody, including pre-trial detainees, who are accommodated in prisons, are also included in the organised educational and qualification activities.<sup>93</sup>

#### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>94</sup>

„Условията на труд в местата за лишаване от свобода се наблюдават от Служба по трудова медицина, определена от ГДИН, която веднъж годишно посещава обектите, което е недостатъчно за проследяване на даваните препоръки.“

“The working conditions in the places of imprisonment are monitored by the Occupational Medicine Service, appointed by the DGEP, which visits the sites once a year, which is insufficient to follow the given recommendations.”

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>95</sup>

The report does not include any general recommendations regarding general measures to promote social reintegration, access to work and access to education.

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<sup>91</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 162, Par. (3).

<sup>92</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 146, Par. (2).

<sup>93</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 133, Par. (4).

<sup>94</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>95</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>96</sup>

„Оплаквания, свързани с откази на администрацията на затвора за включване в образователен или трудов процес на лишени от свобода. Омбудсманът в качеството си на НПМ многократно се застъпва за правото на лишените от свобода на труд и образование, като подчертава пред затворническата администрация тяхното значение за поправително-превъзпитателното въздействие на наказанието, както и законово установеното право на лишените от свобода на подходяща работа – чл. 77, ал. 1 от Закона за изпълнение на наказанията и задържането под стража (ЗИНЗС): „По време на изтърпяване на наказанието лишените от свобода имат право на подходяща работа.“ Омбудсманът обърна и специално внимание на чл. 41, ал. 1 от Наказателния кодекс (НК) гласящ, че изтърпяване на наказанието лишаване от свобода се съпровожда с подходящ, съответно заплатен общественополезен труд, чрез който се цели превъзпитанието на осъдените, както и създаването и повишаването на тяхната професионална квалификация.“

“The problems identified by the inspections carried out in 2023, as well as the complaints examined from prisoners, can be systematised into several groups: [...] Complaints related to the prison administration’s refusal to include prisoners in the educational or employment process. The Ombudsman, as the NPM, has repeatedly advocated the right of prisoners to work and education, stressing to the prison administration their importance for the correctional impact of punishment, as well as the statutory right of prisoners to suitable employment – Art. 77, Par. (1) of the Execution of Penalties and Detention in Custody Act (EPDCA). The Ombudsman also drew special attention to Art. 41, Par. 1 of the Criminal Code (CC), which states that serving a custodial sentence shall be accompanied by appropriate, adequately remunerated community service aimed at the re-education of convicts and the creation and improvement of their professional qualifications.”

„Основни препоръки: [...] Да бъде увеличен бюджетът за училищата при местата за лишаване от свобода, тъй като обучението и образованието на лишените от свобода е важна част от реинтеграцията им [...]“

“Key recommendations: [...] To increase the budget for schools in places of detention, as the training and education of prisoners is an important part of their reintegration [...]“

*According to the consulted representatives of the National Preventive Mechanism, there is low motivation among prisoners to be involved in the educational process. A higher proportion of inmates are willing to work, as in addition to reducing their punishment, they can provide an income. Some prisons also offer vocational courses, but places are limited. Overall, the NPM’s assessment is that efforts are being made to encourage more prisoners to study and work, but due to objective circumstances this is not always possible (limited number of jobs, specific job requirements, health conditions, etc.).<sup>97</sup>*

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<sup>96</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>97</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

## 8. Healthcare (note – section 11 contains specific questions concerning female detainees)

### a. Access to healthcare

The national standards regarding the access to medical services in prisons have not changed since 2021.

Prisoners, who have requested a medical examination, must be seen by a doctor within 24 hours. Prisoners with temperature, traumas or in another emergency condition must be seen by a doctor immediately at any time.<sup>98</sup> At least once per year all prisoners must undergo annual prophylactic examinations, fluorography and laboratory tests, and receive all mandatory immunisations and re-immunisations.<sup>99</sup> Prisoners who do not agree with their diagnosis or the prescribed treatment can request consultation with a specialist from another medical establishment at their own expense.<sup>100</sup>

There is no general rule guaranteeing access to healthcare for people deprived of their liberty equal to the general population. There is only a general provision stipulating that the quality of healthcare services available to detainees must correspond to the medical standards and rules on good medical practice approved by the Minister of Health.<sup>101</sup>

There is a detailed regulation on the provision of healthcare in the places for deprivation of liberty, which governs the admission to and the treatment of patients in the medical units of prisons and the prison hospitals, the medical assessment of working capacity, the procedures for providing dental and psychiatric care, prophylactic activities, medical response to crisis situations, etc.<sup>102</sup>

There are different standards applicable to defendants detained in custody, including pre-trial detainees. Such persons must be visited by a doctor at least once a week, or immediately if the case is urgent.<sup>103</sup> There is also a different standard applicable to juvenile prisoners, who must undergo regular medical examinations at least once in every three months.<sup>104</sup>

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<sup>98</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 143.

<sup>99</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 140, Par. (1).

<sup>100</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 137, Par. (1).

<sup>101</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010, Art. 5, Par. (2).

<sup>102</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010.

<sup>103</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 255, Par. (1).

<sup>104</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 203.

National jurisprudence has interpreted the legal standards for access to healthcare in the sense that the existence of a medical centre on the territory of the detention facility is not sufficient if prisoners with health problems are not provided with timely and adequate medical care.<sup>105</sup>

#### b. Availability of medical staff

There are no national standards concerning the availability of qualified medical and nursing personnel.

#### c. Medical examination upon admission

The national standards regarding the medical examinations at the beginning of a period of deprivation of liberty have not changed since 2021.

All persons deprived of liberty (both convicted prisoners and defendants detained in custody) must undergo a medical examination upon their deprivation of liberty.<sup>106</sup>

#### d. Preventive care

Every prisoner must undergo a preventive examination, fluorographic and laboratory tests at least once a year and must be given the mandatory scheduled immunisations and re-immunisations.<sup>107</sup> All prisoners must also be provided with voluntary, anonymous or confidential HIV/AIDS counselling and testing.<sup>108</sup> More detailed rules on the prophylactic activities, health screening and immunisation in prisons are laid down in a regulation on the provision of healthcare in the places for deprivation of liberty.<sup>109</sup>

#### e. Specialised care

The national standards regarding the provision of specialised care have not changed since 2021.

Persons deprived of liberty with acute and exacerbated chronic diseases, who cannot be treated on an outpatient basis, persons for whom there is a danger for their life or for deterioration of their health condition, and persons with an unidentified diagnosis, requiring clinical observation and laboratory examination, are treated in the specialised hospitals for active treatment at the places of deprivation of liberty.<sup>110</sup>

In case of suspected mental disorder of a person deprived of liberty, clinical-psychological and psychiatric examinations must be conducted for clarification of the diagnosis.<sup>111</sup> Persons suffering from mental disorders, who need hospital treatment, must be accommodated in the specialised hospital for

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<sup>105</sup> Bulgaria, Administrative Court – Plovdiv (*Административен съд – Пловдив*), Decision No 1573 on administrative case No 1390/2023 ([Решение № 1573 по административно дело № 1390/2023 г.](#)), ECLI:BG:AD718:2024:20230701390.001, 19 February 2024.

<sup>106</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 139, Par. (1) and Art. 242, Par. (2).

<sup>107</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 140, Par. (1).

<sup>108</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 140, Par. (2).

<sup>109</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010.

<sup>110</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 132, Par. (1).

<sup>111</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 147, Par. (1).

active treatment at the places of deprivation of liberty.<sup>112</sup> In case of ascertained insanity, the person must be sent for treatment in a specialised psychiatric institution.<sup>113</sup>

For persons deprived of liberty with addictions specialised treatment programmes must be developed.<sup>114</sup>

#### f. Treatment of the detainee's choosing

The national standards regarding medical treatment of detainees' own choosing have not changed since 2021.

Persons deprived of liberty, who do not agree with their diagnosis or the prescribed treatment, can request consultation with a specialist from another medical establishment at their own expense.<sup>115</sup>

#### g. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>116</sup>

„Качеството на здравната грижа в местата за лишаване от свобода остава незадоволително. Министерство на правосъдието не извърши дългоочакваните промени в ЗИНЗС за реформиране на здравния сектор. Идентифицират се системни проблеми при медицинското обслужване на лишените от свобода, като недостиг на медицински специалисти в почти всички затвори, пренебрегване на оплакванията на лишените от свобода, несвоевременно извеждане на лишените от свобода на външни специалисти за диагностика и лечение, грубо отношение на медицинските специалисти към лишените от свобода и др.“

“The quality of health care in places of detention remains unsatisfactory. The Ministry of Justice has not implemented the long-awaited changes in the Law on the Execution of Sentences and Detention (LESD) to reform the provision of health care. Systemic problems in the medical care of prisoners are identified, such as shortage of medical specialists in almost all prisons, neglect of complaints of prisoners, untimely release of prisoners to external specialists for diagnosis and treatment, rude treatment of medical professionals to prisoners, etc.”

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<sup>112</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 147, Par. (2).

<sup>113</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 147, Par. (3).

<sup>114</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 148.

<sup>115</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 137, Par. (1).

<sup>116</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

„В почти всички затвори не се прави диспансеризация на хронично болните лишени от свобода по Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода.“

“In almost all prisons there is no medical examination of chronically ill prisoners under Ordinance No 2 of 22 March 2010 on the terms and conditions for medical care in places of imprisonment.”

„Основни препоръки: [...] Да се въведе работещ механизъм за гарантиране конфиденциалността на медицинските прегледи на лишените от свобода и арестантите [...] Медицинските специалисти на затворите да спазват изискванията на Наредба № 2 от 22 март 2010 г. и диспансеризират хронично болните лишени от свобода.“

“Key recommendations: [...] Introduce a working mechanism to ensure the confidentiality of medical examinations of prisoners and detainees [...] The medical specialists of the prisons to comply with the requirements of Ordinance No 2 of 22 March 2010 and to examine the chronically ill prisoners.”

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>117</sup>

„Качеството на здравната грижа в местата за лишаване от свобода за поредна година остава незадоволително. През изминалата 2022 година омбудсманът в качеството му на Национален превантивен механизъм констатира влошаване на предоставяните медицински грижи. Медицинското обслужване на лишените от свобода в проверените обекти не отговаря на нормативно установените изисквания и са налице предпоставки за нарушаване на правата на лишените от свобода като пациенти и здравноосигурени лица. Съществуват места за лишаване от свобода, в които месеци наред няма медицински специалист (напр. затвор – гр. Пловдив), а на други – назначените лица са на граждански договори, което на практика ги прави относително независими от ръководството на пенитенциарното заведение с произтичащите от това ограничения в извършваните дейности (напр. затвор – гр. Враца).“

“The quality of health care in penitentiary facilities remains unsatisfactory for yet another year. In the past 2022, the Ombudsman in her capacity as National Preventive Mechanism found deterioration in the medical care provided. The medical care of prisoners in the inspected facilities does not meet the legally established requirements and there are prerequisites for violating the rights of prisoners as patients and health insured persons. In some penitentiary facilities there is no medical specialist for months on end (e.g., the prison in the city of Plovdiv), and in others the appointed persons are on civil contracts, which in practice makes them relatively independent from the management of the penitentiary institution with the resulting constraints on their activities (e.g., the prison in Vratsa).”

„Липсата на медицински специалисти в почти всички затвори е системен проблем, но се идентифицират и други като пренебрегване на оплакванията на лишените от свобода,

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<sup>117</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.



несвоевременно извеждане на лишените от свобода на външни специалисти за диагностика и лечение, грубо отношение на медицинските специалисти към лишените от свобода и др.“

“The lack of medical professionals in almost all prisons is a systemic problem, but other problems are also identified, such as the neglect of prisoners' complaints, untimely referral of prisoners to external specialists for diagnosis and treatment, rough treatment of prisoners by medical professionals etc.”

„Основни препоръки: [...] Да бъде извършен задълбочен анализ на причините за липсата на лекари в местата за лишаване от свобода [...] Медицинските специалисти на затворите да спазват изискванията на Наредба № 2 от 22 март 2010 г. и диспансеризират хронично болните лишени от свобода [...]“

“Main recommendations: [...] To carry out a thorough analysis of the reasons for the lack of medical staff in penitentiary facilities [...] The medical specialists of the prisons to comply with the requirements of Ordinance No 2 of 22 March 2010 and should examine the chronically ill prisoners [...]”

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>118</sup>

„Проблемите констатирани от проведените проверки през 2023 година, както и разгледаните жалби от лишени от свобода, могат да бъдат систематизирани в няколко групи: [...] Оплаквания, свързани с нарушение на забраната на чл. 3 от ЗИНЗС: липса на достатъчно жилищна площ, храна, облекло, отопление, осветление, проветряване, медицинско обслужване, условия за двигателна активност, продължителна изолация без възможност за общуване, необоснована употреба на помощни средства, както и други подобни действия, бездействия или обстоятелства, които уронват човешкото достойнство или пораждат чувство на страх, незащитеност или малоценност.“

“The problems identified by the inspections carried out in 2023, as well as the complaints examined from prisoners, can be systematised into several groups: [...] Complaints related to the violation of the prohibition of Art. 3 of the Execution of Penalties and Detention in Custody Act: lack of sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity, prolonged isolation without the possibility of communication, unjustified use of auxiliary aids, and other similar acts, omissions or circumstances that undermine human dignity or give rise to feelings of fear, insecurity or inferiority.”

„Качеството на предоставяното медицинско обслужване продължава да бъде незадоволително. Това се дължи на недостатъчния медицински персонал в местата за лишаване от свобода, което води до затруднен или отказан достъп до медицински специалисти и услуги на лишените от свобода. Голяма част от медицинският персонал, зает в местата за лишаване от свобода, е назначен на граждански договор. Служебният избор на общопрактикуващ лекар от съответната районна здравноосигурителна каса създава възможност лишените от свобода да ползват права

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<sup>118</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

като здравноосигурени лица, но липсата на лекари в затворите, които да са там ежедневно, ограничава здравните им права.“

“The quality of medical care provided continues to be unsatisfactory. This is due to insufficient medical staff in detention facilities, which results in difficult or denied access to medical specialists and services for prisoners. A large proportion of the medical staff employed in places of detention is employed on a civil contract. The ex officio choice of a general practitioner by the respective regional health insurance fund creates the possibility for prisoners to enjoy rights as insured persons, but the lack of doctors in prisons who are there on a daily basis limits their health rights.”

„Основни препоръки: [...] Да бъдат продължени усилията и потърсени нови възможности за осигуряване на по-продължително присъствие на медицински специалисти в местата за лишаване от свобода [...] Да бъде създаден ред за заплащане на лекарствените продукти със средства на затворите, при констатирана липса на постъпление в личната сметка на лишените от свобода [...] Лишени от свобода с установени психически разстройства да бъдат настанявани в подходяща медицинска среда, под наблюдение на квалифицирани специалисти [...]“

“Key recommendations: [...] Continue efforts and seek new opportunities to ensure a longer presence of medical professionals in places of detention [...] Arrangements should be made for the payment of medicines from prison funds where it is found that there is a shortfall in the personal accounts of prisoners [...] Prisoners with established mental disorders should be placed in an appropriate medical environment, under the supervision of qualified professionals [...]“

*According to the consulted representatives of the National Preventive Mechanism, a large number of prisoners complain of difficulties in accessing medical care. This is largely due to the lack or insufficient number of medical staff in prisons. In a large percentage of cases, medical centres attached to places of detention do not have the necessary facilities for treatment. The NPM finds that in these cases the necessary arrangements are made by the prison administration for the persons to be taken to a medical facility outside the place of detention. Efforts should be made to ensure the permanent presence of a doctor in all places of detention.<sup>119</sup>*

## 9. Prevention of violence and ill-treatment

### a. Protection from violence by prison staff

There are no special measures to protect detainees from violence from prison staff.

There are general rules on the use of force by prisons staff, which define in what situations, under what conditions and against which categories of detainees prison staff can use force.<sup>120</sup> Thus, for example, physical force, additional means and tools, and weapons can be used only after an explicit warning has been given and only by employees of the detention facility who have passed a special training course.<sup>121</sup>

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<sup>119</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>120</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 112-118.

<sup>121</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 117, Par. (1) and (2).



Prison staff, including guards, are subject to technical means of control, including audio-visual systems.<sup>122</sup> The law provides detailed rules on the actions to be taken in the event of complaints of violence, visible signs of violence and the use of physical force by guards.<sup>123</sup>

There are no rules obliging the prison administration to install emergency call buttons. National jurisprudence has confirmed the absence of such buttons in practice without qualifying this as a detention conditions issue.<sup>124</sup>

#### b. Protection from violence by other detainees

Prisoners are expressly prohibited from using physical and psychological violence, including to resolve conflicts among themselves.<sup>125</sup> Violent behaviour, including threatening, is a disciplinary violation, for which prisoners can receive disciplinary sanctions.<sup>126</sup> When absolutely necessary, in cases of violence among prisoners, the prison staff is allowed to use physical force and, if physical force is not sufficient for achieving the result, additional means and tools such as handcuffs, batons, rubber cartridges, etc.<sup>127</sup> All prisons must be equipped with technical and other means of security and control and prisoners must be warned about their use, including the use of audio-visual systems for controlling prisoners' behaviour.<sup>128</sup> The law provides detailed rules on the actions to be taken in the event of complaints of violence or visible signs of violence.<sup>129</sup>

#### c. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>130</sup>

„Основни препоръки: [...] Да се подобри контролът относно коректната и своевременна регистрация на случаите на упражнена физическа сила [...]“

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<sup>122</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 88.

<sup>123</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 119d-119f.

<sup>124</sup> For example, see Bulgaria, Administrative Court – Burgas (*Административен съд – Бургас*), Decision No 1651 on administrative case No 2301/2023 ([Решение № 1651 по административно дело № 2301/2023 г.](#)), ECLI:BG:AD704:2024:20230702301.001, 28 February 2024.

<sup>125</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 97.

<sup>126</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 100, Par. (2).

<sup>127</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 113.

<sup>128</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 44.

<sup>129</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 119d-119f.

<sup>130</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

“Key recommendations: [...] To improve the control over the correct and timely registration of the cases of exercised physical force [...]“

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>131</sup>

The report does not include any general recommendations regarding protection from violence by prison staff and protection from violence by other detainees.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>132</sup>

„Проблемите констатирани от проведените проверки през 2023 година, както и разгледаните жалби от лишени от свобода, могат да бъдат систематизирани в няколко групи: [...] Оплаквания, свързани с нарушение на забраната на чл. 3 от ЗИНЗС: липса на достатъчно жилищна площ, храна, облекло, отопление, осветление, проветряване, медицинско обслужване, условия за двигателна активност, продължителна изолация без възможност за общуване, необоснована употреба на помощни средства, както и други подобни действия, бездействия или обстоятелства, които уронват човешкото достойнство или пораждат чувство на страх, незащитеност или малоценност.“

“The problems identified by the inspections carried out in 2023, as well as the complaints examined from prisoners, can be systematised into several groups: [...] Complaints related to the violation of the prohibition of Art. 3 of the Execution of Penalties and Detention in Custody Act: lack of sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity, prolonged isolation without the possibility of communication, unjustified use of auxiliary aids, and other similar acts, omissions or circumstances that undermine human dignity or give rise to feelings of fear, insecurity or inferiority.”

„Въпреки отбелязания напредък, с доклада на Европейския комитет за предотвратяване на изтезанията и нечовешкото или унижително отнасяне или наказание (КПИ) от неговото осмо посещение в България, публикуван на 18 октомври 2022 година, КПИ посочва като актуални и съществени проблемите, свързани с междузатворническото насилие, незадоволителните условия в затворите и арестите в страната, масовото разпространение на дървеници и хлебарки, както и липсата на смислени и конструктивни дейности за лишените от свобода. Горепосочените констатации се потвърждават и от извършените проверки на омбудсмана в качеството му на НПМ

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<sup>131</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>132</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

през 2023 година, което явно демонстрира продължаващата необходимост от реформиране на наказателната политика в пенитенциарната система.“

“Despite the progress made, with the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of its eighth visit to Bulgaria, published on 18 October 2022, the CPT identifies as pressing and significant the problems of inter-prisoner violence, the inadequate conditions in prisons and detention facilities in the country, the massive spread of bedbugs and cockroaches, and the lack of meaningful and constructive activities for prisoners. The aforementioned findings are corroborated by inspections carried out by the Ombudsman in its capacity as NPM in 2023, which clearly demonstrates the ongoing need to reform penal policy in the prison system.”

*According to the consulted representatives of the National Preventive Mechanism, the majority of detainees make use of the complaints mechanism. In a number of cases, detainees or their family members or relatives rely mainly on independent inspection by the NPM. Most detainees consider the inspections carried out by the administration of the places of detention to be biased. In carrying out inspections on reports of violence, the NPM has not had any cases in which the prison administration did not cooperate. On the contrary, free access to all premises is provided, and in some cases video recordings are reviewed. The NPM does not have direct oversight of the prison administration's investigation of inmates' complaints. Most of them are considered to be unfounded.<sup>133</sup>*

## 10. Contact with the outside world

### a. Visits

Convicted prisoners have the right to be visited not less than twice a month.<sup>134</sup> The monthly visits may last up to 40 minutes.<sup>135</sup> The same rules apply to persons detained in custody, including pre-trial detainees.<sup>136</sup>

Prison directors may prohibit, for a period of up to six months, visits of persons who exert a negative influence on the prisoner, with the exception of contacts with ascendants, descendants, spouse, siblings, lawyers and confidants or with a person with whom they are in de facto cohabitation.<sup>137</sup> During visits, inmates may receive food and items that they are entitled to use and keep with them.<sup>138</sup>

The maximum number of visitors is limited to four persons. This restriction does not apply to descendants and ascendants, spouses, siblings and the partner in the case of proven cohabitation

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<sup>133</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>134</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (1).

<sup>135</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 98, Par. (4).

<sup>136</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 277, Par. (1) and (2).

<sup>137</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (2).

<sup>138</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (4).

(identical registered address and children).<sup>139</sup> The same rule applies to persons detained in custody, including pre-trial detainees.<sup>140</sup> Visits of prisoners in closed-type prison facilities and of persons detained in custody are held in rooms equipped with partitions preventing direct contact, by telephone and under the close supervision of guards.<sup>141</sup> Visits of prisoners in open-type prison facilities and female prisoners are held in premises equipped with video surveillance allowing for direct contact with visitors.<sup>142</sup>

Prisoners may be transferred to another detention facility at their request or at the request of their relatives in case of change of the permanent address of the family or of the persons with whom the prisoner maintains contact.<sup>143</sup> National jurisprudence has interpreted the criteria for establishing whether a prisoner maintains regular contacts with their relatives noting that the number of visits should not be the sole criterion and other facts and circumstances such as written correspondence should also be considered.<sup>144</sup>

Prisoners may be advised by a lawyer of their choice and may meet their lawyers privately, correspond at any time of the day or night without restriction and use the telephone at any time during the day.<sup>145</sup> The meetings between the prisoners and their lawyers may be monitored, but their conversations may not be listened to or recorded.<sup>146</sup>

Representatives of electronic and print media may visit and conduct interviews with convicted prisoners with the permission of the prison director.<sup>147</sup> Priests of registered religious denominations can visit detention facilities and meet privately with prisoners.<sup>148</sup>

Prisoners with good behaviour may be rewarded with extended visits for up to four hours.<sup>149</sup> Extended visits take place in specially furnished premises.<sup>150</sup> Depending on the type of detention facility and prison

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<sup>139</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 73, Par. (9).

<sup>140</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 277, Par. (4).

<sup>141</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 73, Par. (12).

<sup>142</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 73, Par. (13).

<sup>143</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 62, Par. (1).

<sup>144</sup> For example, see Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), Decision No 144 on administrative case No 271/2023 ([Решение № 144 по административно дело № 271/2023 г.](#)), ECLI:BG:AD713:2023:20230700271.001, 8 December 2023.

<sup>145</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 76, Par. (2).

<sup>146</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 76, Par. (3).

<sup>147</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 91, Par. (3).

<sup>148</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 167, Par. (1) and (2).

<sup>149</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 98, Par. (1).

<sup>150</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 98, Par. (4).

regime, some categories of prisoners may be rewarded with visits with relatives outside the detention facility for up to 12 hours, monthly home leave of up to two nights and home leave for up to five days.<sup>151</sup>

#### b. Correspondence

Prisoners have the right to correspondence and the right to telephone calls in accordance with a procedure laid down by the prison administration.<sup>152</sup> Prison directors may prohibit, for a period of up to six months, correspondence or telephone contact with persons who exert a negative influence on the prisoner, with the exception of contacts with ascendants, descendants, spouse, siblings, lawyers and confidants or with a person with whom they are in de facto cohabitation.<sup>153</sup> The correspondence of prisoners cannot be subject to scrutiny as to its written content, except where necessary for the detection and prevention of serious crime.<sup>154</sup> For prisoners who are found to be indigent, the costs of correspondence are covered by the detention facility.<sup>155</sup> The nature and content of prisoners' telephone conversations cannot be subject to control by the prison administration.<sup>156</sup>

#### c. Visits with children

There are no national standards for ensuring family visits under child-friendly conditions.

#### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>157</sup>

The report does not include any general recommendations regarding visits, correspondence and visits with children.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана*

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<sup>151</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 98, Par. (1).

<sup>152</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (1).

<sup>153</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (2).

<sup>154</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 86, Par. (3).

<sup>155</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (4).

<sup>156</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 79, Par. (5).

<sup>157</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

като Национален превантивен механизъм за 2022 г.), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>158</sup>

The report does not include any general recommendations regarding visits, correspondence and visits with children.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>159</sup>

The report does not include any general recommendations regarding visits, correspondence and visits with children.

*According to the consulted representatives of the National Preventive Mechanism, among the prisoners there are some who do not have visits because their relatives do not visit them. Other prisoners are rarely visited because their relatives are sick or elderly and sometimes because of the distance of the prison from the place where the relatives live. The NPM has not observed any cases in which the prison administration deprives detainees of the opportunity to have visits and telephone calls with relatives. All places of detention have a visiting room, as well as a children's corner for visits by children of prisoners.*<sup>160</sup>

## 11. Special measures for female detainees

### a. General conditions of detention for women and girls

The general national standards for conditions of detention of women have not changed since 2021.

Prison staff working with detained women must undergo specialised training.<sup>161</sup> In the case of women deprived of their liberty, weapons can be used only in the event of an armed attack.<sup>162</sup>

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<sup>158</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>159</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>160</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>161</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 31, Par. (6).

<sup>162</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 116, Par. (2).



Female detainees must undergo a mandatory medical examination to assess their ability to work.<sup>163</sup> The recreational and sports activities for women must be organised in accordance with their age, physical characteristics and gender.<sup>164</sup>

#### b. Separation from men

The national standards regarding holding and accommodating female and male detainees separate from each other have not changed since 2021.

Women deprived of liberty are accommodated in separate prisons and prison dormitories.<sup>165</sup> Girls deprived of liberty are accommodated in separate reformatories for girls.<sup>166</sup> Men and women detained in custody are also accommodated separately.<sup>167</sup> Prison hospitals must also have separate units for the treatment of women.<sup>168</sup>

#### c. Hygiene

There are no national standards for special hygiene conditions or hygiene products for female detainees.

#### d. Healthcare

The national standards regarding special healthcare for female detainees have not changed since 2021.

Pregnant women and nursing mothers must be under regular medical supervision.<sup>169</sup>

Pregnant women must be monitored throughout pregnancy by a doctor with a recognised specialty in obstetrics and gynecology. If necessary, additional consultations must be held with other specialists. Maternity care of women deprived of liberty must be provided in medical establishments outside the places of deprivation of liberty.<sup>170</sup>

#### e. Pregnancy and women with babies or young children

The national standards regarding pregnant detainees and detainees with babies and young children have not changed since 2021.

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<sup>163</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 167, Par. (2).

<sup>164</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 151, Par. (3).

<sup>165</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 59, Par. (1).

<sup>166</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 59, Par. (2).

<sup>167</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 246, Par. (1).

<sup>168</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 131, Par. (2).

<sup>169</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 85, Par. (1).

<sup>170</sup> Bulgaria, Regulation No 2 of 22 March 2010 on the rules and procedure for healthcare in the places of deprivation of liberty ([Наредба № 2 от 22 март 2010 г. за условията и реда за медицинското обслужване в местата за лишаване от свобода](#)), 22 March 2010, Art. 42, Par. (1) and (2).

Pregnant women and nursing mothers must be accommodated in cells, which are appropriately furnished and meeting the necessary hygiene requirements.<sup>171</sup> Pregnant women and nursing mothers who are placed on strict regime must be placed on general regime as long as their condition lasts.<sup>172</sup> The minimum duration of outdoor stay for pregnant women is extended to two hours per day.<sup>173</sup> Pregnant women and nursing mothers cannot be engaged in heavy physical work or work during the night.<sup>174</sup> They must also receive an increased ration of food according to a special table during pregnancy and 10 months after birth.<sup>175</sup>

The children of women prisoners up to the age of one year can stay with their mothers in the prison crèche.<sup>176</sup>

#### f. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>177</sup>

The report does not include any general recommendations regarding general conditions of detention for women and girls, separation from men, hygiene, healthcare, pregnancy and women with babies or young children. However, the report provides a detailed assessment of the living conditions and healthcare services in the female detention facility in Sliven, which consists of one prison and two open-type prison dormitories and is the only facility in the country where convicted women serve their prison sentences.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана*

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<sup>171</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 85, Par. (1).

<sup>172</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 67, Par. (5).

<sup>173</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 276, Par. (2).

<sup>174</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 167, Par. (3).

<sup>175</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 84, Par. (3).

<sup>176</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 85, Par. (2).

<sup>177</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.



като Национален превантивен механизъм за 2022 г.), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>178</sup>

The report does not include any general recommendations regarding general conditions of detention for women and girls, separation from men, hygiene, healthcare, pregnancy and women with babies or young children.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism* (*Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.*), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>179</sup>

The report does not include any general recommendations regarding general conditions of detention for women and girls, separation from men, hygiene, healthcare, pregnancy and women with babies or young children.

*According to the consulted representatives of the National Preventive Mechanism, the requirement that women and girls in detention must be accommodated separately from men is observed. Female prisoners are accommodated in a separate prison. Women and girls detained in custody are accommodated in specially designated premises for women.*<sup>180</sup>

## 12. Special measures for foreign nationals

### a. General measures for foreign nationals

Convicted foreign nationals are allocated to prisons and prison dormitories designated by order of the Minister of Justice.<sup>181</sup> The Minister of Justice has designated the prison in Sofia for foreign nationals sentenced to imprisonment in a closed-type detention facility, and the prison dormitory in Kazichene for foreign nationals sentenced to imprisonment in an open-type detention facility. Foreign nationals with a permanent address in Bulgaria are allocated to detention facilities according to the general rules for allocation of prisoners.<sup>182</sup>

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<sup>178</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>179</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>180</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>181</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 59, Par. (3).

<sup>182</sup> Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Order No LS-04-560/28.03.2017 on the allocation of foreign nationals deprived of liberty to prisons and prison dormitories ([Заповед № ЛС-04-560/28.03.2017 г. относно разпределение на лишните от свобода чужди граждани по затвори и затворнически общежития](#)), 28 March 2017.

According to the law, within the prison, convicted foreign nationals may be accommodated in cells together with Bulgarian nationals.<sup>183</sup> According to an order of the Minister of Justice, foreign nationals without a permanent address in Bulgaria, who are allocated to the prison in Sofia, are accommodated separately from the other prisoners.<sup>184</sup>

Convicted foreign nationals deprived of liberty must be informed in a language they understand about their rights to meet with a representative of the diplomatic or consular service of the country of which they are nationals, and to receive legal assistance and protection from the relevant diplomatic or consular services.<sup>185</sup> The Ministry of Foreign Affairs must be immediately notified of the admission of prisoners who are not Bulgarian nationals.<sup>186</sup>

Foreign nationals detained in custody, including pre-trial detainees, are accommodated separately from the other detainees.<sup>187</sup> They must also be informed about their right to contact the diplomatic or consular service of the country of which they are nationals and immediately provided with facilities for doing so.<sup>188</sup>

Prison staff working with detained foreign nationals must undergo specialised training.<sup>189</sup> Foreign nationals deprived of liberty have some additional rights like the right to receive parcels by post from abroad containing food and items which they are entitled to use and keep with them.<sup>190</sup>

#### b. Interpretation and translation

There are no national standards regulating the provision of interpretation and translation services in detention.

#### c. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана*

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<sup>183</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 27, Par. (3).

<sup>184</sup> Bulgaria, Ministry of Justice (*Министерство на правосъдието*), Order No LS-04-560/28.03.2017 on the allocation of foreign nationals deprived of liberty to prisons and prison dormitories ([Заповед № ЛС-04-560/28.03.2017 г. относно разпределение на лишените от свобода чужди граждани по затвори и затворнически общежития](#)), 28 March 2017.

<sup>185</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 51, Par. (1).

<sup>186</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 51, Par. (2).

<sup>187</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 246, Par. (1).

<sup>188</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 243, Par. (3).

<sup>189</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 31, Par. (6).

<sup>190</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 82, Par. (4).

като Национален превантивен механизъм за 2021 г.), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>191</sup>

The report does not include any general recommendations regarding general measures for foreign nationals, interpretation and translation.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>192</sup>

The report does not include any general recommendations regarding general measures for foreign nationals, interpretation and translation.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>193</sup>

The report does not include any general recommendations regarding general measures for foreign nationals, interpretation and translation.

*According to the consulted representatives of the National Preventive Mechanism, foreign nationals deprived of their liberty are accommodated in separate wards of the places of detention. Communication between foreign detainees and prison staff is often hampered by the lack of interpreters. The language barrier is in some cases an obstacle for detainees to lodge their complaints or to address the prison administration.*<sup>194</sup>

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<sup>191</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>192</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>193</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>194</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

## 13. Special measures relating to detention of children and young adults/juvenile detention regime

### a. Age groups

The age categories of young offenders falling under Bulgaria's (juvenile) detention regime has not changed since 2021.

The juvenile detention regime applies to persons aged between 14 and 18 years.<sup>195</sup>

### b. General measures for detained children and young adults

Upon their admission, juvenile prisoners are placed in a reception ward where they stay from 14 days to one month under the supervision of an educator, a doctor and a psychologist.<sup>196</sup> Juvenile prisoners entering the reformatory for the first time must be accommodated separately from the others.<sup>197</sup>

Juvenile prisoners who are enrolled in schools and courses during school hours may be involved in work for up to three hours per day beyond the scheduled curriculum. Education must be provided in day schools and courses.<sup>198</sup> There are detailed legal provisions governing the allocation of juveniles prisoners within the detention facility, their participation in education, the restrictions related to the different prison regimes, and the contacts between the prison administration and the juveniles' parents and relatives.<sup>199</sup>

Juveniles deprived of their liberty must be provided with at least two hours of outdoor exercise.<sup>200</sup> They cannot be engaged in heavy physical work or work during the night.<sup>201</sup> The recreational and sports activities for juveniles must be organised in accordance with their age, physical characteristics and gender.<sup>202</sup>

Juvenile prisoners must undergo a medical examination, including a psychiatric examination, at least once every three months.<sup>203</sup>

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<sup>195</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Chapter 14.

<sup>196</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 187, Par. (1).

<sup>197</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 187, Par. (2).

<sup>198</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 189, Par. (1).

<sup>199</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 196-205.

<sup>200</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 190, Par. (2).

<sup>201</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 167, Par. (3).

<sup>202</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 151, Par. (3).

<sup>203</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 203.

Visits of juvenile prisoners can last up to 90 minutes and longer with the permission of the prison director. During visits, juveniles may receive food, fruit and vegetables outside the limits provided for in the regime.<sup>204</sup>

Prison staff working with detained juveniles must undergo specialised training.<sup>205</sup>

### c. Separation from adults

The national standards regarding the separation of children/young detainees from adults have not changed since 2021.

Juvenile prisoners serve their sentences in special penitentiary facilities called 'reformatories' (*поправителни домове*), separate for boys and girls.<sup>206</sup> When a juvenile prisoner turns 18, they must be transferred to a prison or a prison dormitory. Prisoners can remain in the reformatory until they turn 20 years of age if they request so or if they are attending school.<sup>207</sup> Juvenile defendants detained in custody are also accommodated separately from adult detainees.<sup>208</sup>

### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>209</sup>

The report does not include any general recommendations regarding general measures for detained children and young adults and separation from adults. However, the report provides some recommendations concerning the living conditions in the reformatory for juvenile boys in Vratsa, which is the only facility in the country where convicted boys serve their prison sentences.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>210</sup>

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<sup>204</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 206.

<sup>205</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 31, Par. (6).

<sup>206</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 59, Par. (2).

<sup>207</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 195, Par. (1) and (2).

<sup>208</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 246, Par. (1).

<sup>209</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>210</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison

The report does not include any general recommendations regarding general measures for detained children and young adults and separation from adults. However, the report provides a detailed assessment of the living conditions and healthcare services in the reformatory for juvenile boys in Vratsa, which is the only facility in the country where convicted boys serve their prison sentences.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>211</sup>

The report does not include any general recommendations regarding general measures for detained children and young adults and separation from adults.

*According to the consulted representatives of the National Preventive Mechanism, although the law gives priority to educational measures instead of sanctions against juvenile prisoners, in many cases educational measures have the characteristics of criminal repression, i.e., they impose a sanction or restriction. This is because the current law on juvenile delinquency is based more on a philosophy of "punishment" than "protection" of juveniles, a circumstance that has been criticised by international and national organisations.*<sup>212</sup>

## 14. Special measures to protect detainees with disabilities or serious medical conditions

### a. Care in detention

There are no national standards aiming to ensure that persons with disabilities or other serious medical conditions receive in detention appropriate care for their specific needs. There is only one general provision stating that seriously ill prisoners who are placed on special or strict regime must be transferred to general regime as long as their condition lasts.<sup>213</sup>

There are several legal provisions addressing the situation of prisoners with mental health-related medical condition. Persons suffering from mental disorders who require hospital treatment must be placed in the specialised hospital for active treatment attached to places of deprivation of liberty.<sup>214</sup> Prisoners with established insanity must be sent for treatment to a specialised psychiatric institution.<sup>215</sup>

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dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>211</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>212</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>213</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 67, Par. (5).

<sup>214</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 147, Par. (2).

<sup>215</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 147, Par. (3).



Prison staff working with detainees with mental disorders must undergo specialised training.<sup>216</sup>

#### b. Continuity of care

There are no measures aimed to ensure continuity of care in preparation for the release from detention for persons with serious medical conditions, including mental health-related medical conditions. The only legal provision addressing the situation of prisoners with serious medical condition who are about to be released states that if, on the day of release, the prisoner is undergoing treatment in a medical institution attached to the detention facility and their condition makes it necessary to continue the treatment, the prison administration must ensure that the prisoner is placed in another medical institution.<sup>217</sup> Where the patient's condition does not permit such a transfer, the person must remain in the medical facility attached to the places of detention, unless they disagree.<sup>218</sup>

#### c. Reasonable accommodation and accessibility

There are no standards to ensure reasonable accommodation of material detention conditions.

#### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>219</sup>

The report does not include any general recommendations regarding care in detention, continuity of care, reasonable accommodation and accessibility.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>220</sup>

The report does not include any general recommendations regarding care in detention, continuity of care, reasonable accommodation and accessibility.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана*

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<sup>216</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 31, Par. (6).

<sup>217</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 182, Par. (1).

<sup>218</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 182, Par. (2).

<sup>219</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>220</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.



като Национален превантивен механизъм за 2023 г.), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>221</sup>

The report does not include any general recommendations regarding care in detention, continuity of care, reasonable accommodation and accessibility.

*According to the consulted representatives of the National Preventive Mechanism, in most prisons, there is no psychiatrist, and if there is one, they are usually on a service contract. In quite a few cases, inmates file complaints against other inmates who have drug addiction or suffer from some form of mental illness, which leads to conflict situations. The NPM has found that in detention facilities mentally ill prisoners are not separated from other prisoners, and there is a general lack of measures to protect vulnerable groups among detainees. Consequently, in some cases the prison administration resorts to extreme measures such as prolonged restraint in a medical hospital.*<sup>222</sup>

## 15. Specific measures to protect detainees with special needs or other vulnerabilities

### a. Protection of LGBTI detainees

There are no special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence.

### b. Protection of trans detainees

There are no special measures in place with regard to the allocation (placement) of trans detainees within the detention facilities.

### c. Protection of other vulnerable detainees

There are no measures to protect vulnerable detainees from violence, which they might sustain because of their racial or ethnic origin or religious beliefs or on the basis of any other ground.

### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>223</sup>

The report does not include any general recommendations regarding protection of LGBTI detainees, protection of trans detainees and protection of other vulnerable detainees.

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<sup>221</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>222</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>223</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>224</sup>

The report does not include any general recommendations regarding protection of LGBTI detainees, protection of trans detainees and protection of other vulnerable detainees.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>225</sup>

The report does not include any general recommendations regarding protection of LGBTI detainees, protection of trans detainees and protection of other vulnerable detainees.

*According to the consulted representatives of the National Preventive Mechanism, the NPM has not monitored the protection of detainees with special needs or other vulnerabilities, including LGBTI and trans detainees.*<sup>226</sup>

## 16. Specific measures to address radicalisation in prisons

### a. General measures to prevent radicalisation

There are no standards specifically aimed to prevent radicalisation in prison. There are detailed rules on the risk assessment of prisoners, the development and implementation of individual plans for serving the sentence, and the applicable adaptation and rehabilitation programmes. However, these rules are focused on assessing and addressing the risk of damage and the risk of re-offending, and none of them refer to the risk of radicalisation.<sup>227</sup>

### b. Risk assessments

All prisoners undergo an initial risk assessment, based on which the prison administration develops their individual plans for serving the sentence.<sup>228</sup> A similar risk assessment is carried out for persons detained in custody, including pre-trial detainees.<sup>229</sup> There are no special rules applicable to detainees suspected

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<sup>224</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>225</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>226</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>227</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 153-158.

<sup>228</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 153-158.

<sup>229</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 243, Par. (5).

or convicted of terrorist and violent extremist offences. There is a general rule that for each prisoner the individual plan for serving the sentence must be developed on the basis of the type and nature of the crime committed, the duration of imprisonment and the results of the initial risk assessment.<sup>230</sup>

### c. Training of staff

Staff members are provided with tools and training to prevent and recognise signs of radicalisation at an early stage only in the framework of projects implemented by civil society organisations.<sup>231</sup>

### d. Deradicalisation measures

There are no measures in place specifically providing for rehabilitation, deradicalisation and disengagement programmes in prison, in preparation of release, or programmes after release to promote reintegration of detainees convicted of terrorist and violent extremist offences.

### e. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>232</sup>

The report does not include any general recommendations regarding general measures to prevent radicalisation, risk assessments, training of staff and deradicalisation measures.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>233</sup>

The report does not include any general recommendations regarding general measures to prevent radicalisation, risk assessments, training of staff and deradicalisation measures.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана*

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<sup>230</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 55, Par. (2), and Art. 156, Par. (2).

<sup>231</sup> For example, see Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2023), National cascade training under the project MIRAD-Multi-Ideological Radicalisation Assessment Towards Disengagement ([Национално каскадно обучение по проект „Оценка на мултиидеологическата радикализация и подходи към дерадикализация“](#)), press release, 13 December 2023.

<sup>232</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>233</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

като Национален превантивен механизъм за 2023 г.), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>234</sup>

The report does not include any general recommendations regarding general measures to prevent radicalisation, risk assessments, training of staff and deradicalisation measures.

*According to the consulted representatives of the National Preventive Mechanism, the NPM has not monitored the measures provided to address radicalisation in detention.*<sup>235</sup>

## 17. Inspections and monitoring

### a. Inspections

There are national standards with regard to the regular inspections of detention facilities by the Ombudsman in its capacity of National Preventive Mechanism. In carrying out the functions of National Preventive Mechanism, the Ombudsman is authorised to carry out visits to places of detention and receive and examine complaints from persons placed or detained there.<sup>236</sup> The visits may be scheduled or unannounced.<sup>237</sup> By 31 January each year, the Ombudsman publishes an schedule of visits to places of detention.<sup>238</sup> During the visits, the authorised officials of the Ombudsman have the right to have free access at all times to all facilities in places of detention, hold personal discussions with detainees, arrange medical examinations of detainees with their consent, access all information and documentation relating to the treatment of detainees and the conditions of detention, request information from and hold meetings with the staff of the places of detention and other persons present on the premises, and receive complaints and reports from detainees.<sup>239</sup> The officials of the Ombudsman may use a camera, sound and video recording devices, noise, temperature and humidity measuring devices, as well as other measuring devices necessary for the purpose of the visit.<sup>240</sup> Officials and employees in places of detention are obliged to provide assistance, access and all necessary information to the authorised officials of the Ombudsman.<sup>241</sup>

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<sup>234</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>235</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

<sup>236</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 26, Par. (1).

<sup>237</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 26, Par. (2).

<sup>238</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 26, Par. (3).

<sup>239</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 30, Par. (2).

<sup>240</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 30, Par. (3).

<sup>241</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 30, Par. (5).

#### b. Access to detention facilities by national authorities

By law, judges, prosecutors and the Ombudsman have access to detention facilities at all times and can talk to detainees in the absence of other persons.<sup>242</sup> Members of parliament, the President and the Vice-President, the Prime Minister, the Deputy Prime Ministers and the ministers also have free access to all prisons and detention facilities.<sup>243</sup>

#### c. Access to detention facilities by international bodies

The law explicitly states that the control and monitoring of the execution of penalties is carried out in cooperation with international public bodies and non-governmental organisations.<sup>244</sup> Apart from this general rule, there is only one other provision which specifies that access to accused persons and defendants detained in custody and to the places where they are accommodated must be granted to international experts who may visit them by virtue of and in compliance with international treaties ratified by the Republic of Bulgaria.<sup>245</sup>

The Ombudsman in its capacity of National Preventive Mechanism is authorised to have access without notice at any time to all places of detention, select the places of detention they wish to visit and the persons with whom they wish to talk, and hold discussions in private with persons deprived of their liberty.<sup>246</sup> The Ombudsman, as National Preventive Mechanism, can cooperate with relevant United Nations bodies and mechanisms, citizens' associations, and international, regional and national organisations whose scope of activities includes ensuring the protection of persons from torture and other cruel, inhuman or degrading treatment or punishment.<sup>247</sup>

Representatives of the Council of Europe, including the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), have free access to all prisons and detention facilities.<sup>248</sup>

There are no legal provisions specifically granting access to detention facilities to members of the European Parliament.

#### d. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism* (*Годишен доклад на Омбудсмана*)

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<sup>242</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 5, Par. (4), Art. 6, Par. (2) and Art. 7 (2).

<sup>243</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 295, Par. (2).

<sup>244</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 4, Par. (4).

<sup>245</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 253, Par. (2).

<sup>246</sup> Bulgaria, Ombudsman Act ([Закон за омбудсмана](#)), 23 May 2003, last amended 2 April 2024, Art. 28a, Par. (2).

<sup>247</sup> Bulgaria, Ombudsman Act ([Закон за омбудсмана](#)), 23 May 2003, last amended 2 April 2024, Art. 28e.

<sup>248</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 295, Par. (2).

като Национален превантивен механизъм за 2021 г.), Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>249</sup>

The report does not include any general recommendations regarding inspections, access to detention facilities by national authorities and access to detention facilities by international bodies.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>250</sup>

The report does not include any general recommendations regarding inspections, access to detention facilities by national authorities and access to detention facilities by international bodies.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>251</sup>

The report does not include any general recommendations regarding inspections, access to detention facilities by national authorities and access to detention facilities by international bodies.

*According to the consulted representatives of the National Preventive Mechanism, the administration of places of deprivation of liberty, the NPM's inspection teams are always provided with full assistance. To date, no cases have been identified in which attempts have been made to obstruct the NPM's inspections.*<sup>252</sup>

## 18. Access to remedy

### a. Legal remedies

The remedies available to detainees in case of breach or violation of the standards related to detention conditions have not changed since 2021.

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<sup>249</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarovo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>250</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>251</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarovo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

<sup>252</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.



Persons deprived of liberty have a general right to submit requests and complaints and to meet the prison director in person.<sup>253</sup> They can also authorise lawyers and non-governmental organisations to submit requests and complaints on their behalf.<sup>254</sup> Re-submitted requests and complaints are examined only if they contain new circumstances.<sup>255</sup>

The main remedy available to all detainees (both convicted prisoners and defendants detained in custody) in relation to detention conditions is their right to file a claim to the court. The law explicitly stipulates that the accommodation of persons in unfavourable detention conditions is a violation of the prohibition of torture, cruel, inhuman and degrading treatment.<sup>256</sup> Unfavourable detention conditions are defined as lack of sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity, prolonged isolation without opportunity for communication, unjustified use of restraint measures, as well as other similar actions, inactions or circumstances that undermine human dignity or create a feeling of fear, insecurity or inferiority.<sup>257</sup> Detainees can file a preventive claim (requesting that the violation be discontinued or prevented)<sup>258</sup> and/or a compensatory claim (requesting financial compensation for damages).<sup>259</sup>

Persons deprived of liberty can lodge complaints with the Ombudsman both as a national human rights institution and as National Preventive Mechanism. Complaints may be submitted at any time, including during the regular visits of the Ombudsman to the places of detention in its capacity of National Preventive Mechanism.<sup>260</sup>

#### b. Legal assistance

Prisoners may be advised by a lawyer of their choice and may meet their lawyers privately, correspond with them at any time of the day or night without restriction and talk on the phone at any time during the day.<sup>261</sup> The meetings between the prisoners and their lawyers may be monitored, but their conversations may not be listened to or recorded.<sup>262</sup>

#### c. Request and complaints

There are several general rules aimed to facilitate the submission of complaints by persons deprived of liberty, including complaints related to detention conditions. Persons deprived of liberty may submit their complaints personally or authorise lawyers and non-governmental organisations to submit

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<sup>253</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (1).

<sup>254</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (2).

<sup>255</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (5).

<sup>256</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 3, Par. (2).

<sup>257</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (2).

<sup>258</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 276-283.

<sup>259</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 284-286.

<sup>260</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 26, Par. (1).

<sup>261</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 76, Par. (2).

<sup>262</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 76, Par. (3) and Art. 254, Par. (3).



complaints on their behalf.<sup>263</sup> For those found to be indigent, the cost of lodging the complaint is borne by the place of detention.<sup>264</sup> As a safeguard against potential negative consequences, the law provides that prisoners cannot be subjected to disciplinary sanctions for filing requests or complaints.<sup>265</sup>

There are no rules specifically aimed to facilitate the filing of preventive and compensatory claims to the court. Preventive and compensatory claims are filed and dealt with under the general rules of administrative procedure.<sup>266</sup>

#### d. Independent authority

Complaints and requests addressed to the prison administration are examined by the director of the detention facility, the Director General of the General Directorate for the Execution of Sanctions (GDES) (*Главна дирекция „Изпълнение на наказанията“*, ГДИН),<sup>267</sup> or the Minister of Justice.<sup>268</sup> If the complaint is found to be justified, the decision against which it is lodged is repealed.

Preventive claims are examined by the administrative court in whose jurisdiction the place of detention is located.<sup>269</sup> If the claim is found justified, the court must order the respective detention facility or the official concerned to take specific action to prevent or bring to an unconditional end the acts or omissions constituting a violation.<sup>270</sup>

Compensatory claims are examined by the administrative court in whose jurisdiction the violation took place or the applicant has its registered address.<sup>271</sup> If the claim is found justified, the court must issue a decision for granting compensation to the applicant for the damages suffered as a consequence of the violation.<sup>272</sup>

Complaints submitted to the Ombudsman both as a national human rights institution and National Preventive Mechanism are examined by the Ombudsman in accordance with the institution's general rules for handling complaints.<sup>273</sup> If the complaint is found justified, the Ombudsman can make proposals and recommendations to the relevant authorities for the restoration of violated rights.<sup>274</sup> The

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<sup>263</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (2).

<sup>264</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (4).

<sup>265</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 90, Par. (6).

<sup>266</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 271, Par. (1), and Art. 285, Par. (2).

<sup>267</sup> Bulgaria, Rules for the Implementation of the Execution of Penalties and Detention in Custody Act ([Правилник за прилагане на Закона за изпълнение на наказанията и задържане под стража](#)), 2 February 2010, last amended 27 April 2021, Art. 7 and Art. 77, Par. (5).

<sup>268</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 10, Par. (2).

<sup>269</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 277, Par. (1).

<sup>270</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 280, Par. (2).

<sup>271</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 285, Par. (2).

<sup>272</sup> Bulgaria, Execution of Penalties and Detention in Custody Act ([Закон за изпълнение на наказанията и задържането под стража](#)), 3 April 2009, last amended 6 October 2023, Art. 284, Par. (1).

<sup>273</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 30, Par. (2).

<sup>274</sup> Bulgaria, Ombudsman Act ([Закон за омбудсмана](#)), 23 May 2003, last amended 2 April 2024, Art. 19, Par. (1).

authorities to whom the proposals and recommendations relate are obliged to consider them within 14 days and to notify the Ombudsman of the measures they have taken.<sup>275</sup> The Ombudsman can also include information about the complaint and the measures taken or not taken to implement the proposals and recommendations in its annual report.<sup>276</sup> In all cases the applicant must be informed about the outcome of the case.<sup>277</sup>

#### e. NPM assessment

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2022), *2021 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2021 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) and in [English](#)<sup>278</sup>

The report does not include any general recommendations regarding legal remedies, legal assistance, requests and complaints, and independent authorities.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2023), *2022 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2022 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#) with a summary in [English](#)<sup>279</sup>

The report does not include any general recommendations regarding legal remedies, legal assistance, requests and complaints, and independent authorities.

Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) (2024), *2023 Annual report of the Ombudsman acting as National Preventive Mechanism (Годишен доклад на Омбудсмана като Национален превантивен механизъм за 2023 г.)*, Sofia, Ombudsman of the Republic of Bulgaria, full text available in [Bulgarian](#)<sup>280</sup>

The report does not include any general recommendations regarding legal remedies, legal assistance, requests and complaints, and independent authorities.

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<sup>275</sup> Bulgaria, Ombudsman Act ([Закон за омбудсмана](#)), 23 May 2003, last amended 2 April 2024, Art. 28.

<sup>276</sup> Bulgaria, Ombudsman Act ([Закон за омбудсмана](#)), 23 May 2003, last amended 2 April 2024, Art. 22, Par. (1).

<sup>277</sup> Bulgaria, Ombudsman Act ([Правилник за организацията и дейността на омбудсмана](#)), 18 September 2012, last amended 26 June 2018, Art. 24, Par. (1).

<sup>278</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Vratsa, Pazardzhik, Burgas, Sliven, Varna, Sofia and Lovech, the reformatories for juvenile boys in Vratsa and juvenile girls in Sliven, the open-type prison dormitories Vratsa (in Vratsa), Pazardzhik (in Pazardzhik), Stroitel, Debelt 1 and Zhitarevo (in Burgas), Sliven and Ramanusha (in Sliven), Varna and Razdelna (in Varna), Kazichene (in Kazichene) and Poligona (in Lovech), the closed-type prison dormitories Boychinovtsi (in Boychinovtsi), Debelt 1 (in Burgas), Razdelna 1 (in Varna) and Atlant (in Lovech), and the detention facilities in Vratsa, Pazardzhik, Burgas, Sliven, Varna and Lovech.

<sup>279</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Lovech, Pleven, Plovdiv, Belene and Vratsa, the reformatory for juvenile boys in Vratsa, the open-type prison dormitories Veliko Tarnovo (in Veliko Tarnovo), Pleven 1 and Pleven 2 (in Pleven), Hebros (in Plovdiv), Smolyan (in Smolyan), Belene (in Belene) and Vratsa (in Vratsa), the closed-type prison dormitories Vit (in Pleven) and Boychinovtsi (in Boychinovtsi), and the detention facilities in Plovdiv, Pleven, Smolyan and Vratsa.

<sup>280</sup> In addition to the general findings and recommendations, the report also includes specific findings and recommendations for the prisons in Bobov dol, Burgas and Varna, the open-type prison dormitories Samoranovo (in Samoranovo), Debelt 1, Stroitel and Zhitarevo (in Burgas) and Varna (in Varna), the mixed open/closed-type prison dormitory Razdelna (in Varna), the closed-type prison dormitory Debelt (in Burgas), the detention facilities in Kyustendil, Blagoevgrad, Burgas, Varna and Haskvo, and the hospital in the prison in Sofia.

*According to the consulted representatives of the National Preventive Mechanism, the NPM has repeatedly recommended that information on the provision of free legal aid be placed in public places in detention facilities. All detainees have the right to lodge complaints and reports with the competent public institutions. To date, the NPM has not identified any cases in which complaints and reports from prisoners and detainees have been deliberately not sent to the authorities or the persons to whom they are addressed. Complaints received by the Ombudsman from prisoners and detainees are dealt with objectively and impartially. Where there is sufficient evidence of a violation, the Ombudsman refers the matter to the competent authorities and/or conducts an inspection, on the basis of which a report is drawn up and recommendations are sent to the persons responsible as soon as possible.<sup>281</sup>*

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<sup>281</sup> Consultation with representatives of the National Preventive Mechanism Directorate of the Ombudsman held by e-mail on 12 April 2024.

## Part II: National case-law

Bulgaria, Administrative Court – Plovdiv (Административен съд – Пловдив), Plovdiv / 2290, 2023

<b>Thematic area</b>	<b>1. Cells: a. Cell space</b> <b>3. Hygiene and sanitary conditions: b. Access to showers and warm and running water</b>
<b>Decision date</b>	20 February 2024
<b>Reference details</b>	Bulgaria, Administrative Court – Plovdiv (Административен съд – Пловдив), Decision No 1657 on administrative case No 2290/2023 ( <a href="#">Решение № 1657 по административно дело № 2290/2023 г.</a> ), ECLI:BG:AD718:2024:20230702290.001, 20 February 2024
<b>Key facts of the case</b>	The applicant, a convicted prisoner, sought compensation for non-pecuniary damages experienced due to poor detention conditions, including insufficient living space and poor hygienic conditions (lack of running cold and hot water, presence of cockroaches and bedbugs). The complaint concerns the prisons in Sofia and Plovdiv, where the applicant served a prison sentence in 2023. During his stay in the two prisons, the applicant was accommodated in several different cells.
<b>Main reasoning/argumentation</b>	For the time spent in Sofia Prison, the court acknowledged violations regarding insufficient living space and non-continuous access to running water. It concluded these conditions amounted to inhumane and degrading treatment. For the period spent in Plovdiv Prison, the court did not find evidence of the claimed violations regarding living space and access to water.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The key issues clarified by the case are the legal standards for living space (minimum 4 m <sup>2</sup> ) and access to running water. With regard to the living space, the court made precise calculations comparing the size of each cell, in which the applicant was accommodated, and the number of inmates sharing the cell. In the absence of a legal definition of living space, the court referred to the generally accepted rule of measuring the contour of the relevant vertical structural elements (walls and columns). According to the court, in order to be sufficient, the living space must ensure that persons can change their posture and move freely to satisfy their household needs (sleeping, dressing, indoor activities such as watching television, reading books, etc.). With regard to the running water, the court concluded that the prison administration was obliged to provide permanent access to cold water and access to warm water only at bathing time.
<b>Results (sanctions) and key consequences or implications of the case</b>	The court found the applicant's claim partly justified and awarded them a compensation for nonpecuniary damages of BGN 369 (approximately €185). The originally claimed compensation of BGN 30,000 (approximately €15,000) was reduced because, according to the court, the applicant was deprived of sufficient living space and access to running water for only part of the time to which the complaint relates.
<b>Key quotation in original language and translated into English with reference details</b>	<i>В чл. 43, ал. 4 ЗИНЗС е установено изискването минималната жилищна площ в спалното помещение за всеки лишен от свобода да не е по-малка от 4 кв. м. Липсва легална дефиниция на понятието "жищна площ", поради което тя следва да се определя по общоприетите правила, а именно, като се измерва по контура на съответните вертикални конструктивни елементи – стени и колони. За да е достатъчна тази жилищна площ, то тя следва да осигурява възможност лицата да сменят позата си и да извършват свободно движения за задоволяване на битовите си нужди – спане, обличане, занимания в затворени помещения, като гледане на телевизия, четене на книги и т.н.</i>

	<p>Article 43(4) of the Execution of Penalties and Detention in Custody Act establishes the requirement that the minimum living space in the sleeping area for each prisoner shall not be less than 4 square metres. There is no legal definition of the concept of 'living area', therefore it should be determined according to the generally accepted rules, namely by measuring the contour of the relevant vertical structural elements – walls and columns. In order to be sufficient, this living area must enable persons to change their posture and to move freely in order to satisfy their household needs – sleeping, dressing, indoor activities such as watching television, reading books, etc.</p> <p>Bulgaria, Administrative Court – Plovdiv (Административен съд – Пловдив), Decision No 1657 on administrative case No 2290/2023 (<a href="#">Решение № 1657 по административно дело № 2290/2023 г.</a>), ECLI:BG:AD718:2024:20230702290.001, 20 February 2024</p>
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Bulgaria, Administrative Court – Plovdiv (Административен съд – Пловдив), Plovdiv / 1390, 2023

<b>Thematic area</b>	<b>1. Cells: a. Cell space</b> <b>8. Healthcare: a. Access to healthcare</b>
<b>Decision date</b>	20 February 2024
<b>Reference details</b>	Bulgaria, Administrative Court – Plovdiv (Административен съд – Пловдив), Decision No 1573 on administrative case No 1390/2023 ( <a href="#">Решение № 1573 по административно дело № 1390/2023 г.</a> ), ECLI:BG:AD718:2024:20230701390.001, 19 February 2024
<b>Key facts of the case</b>	The applicant, a convicted prisoner, sought compensation for non-pecuniary damages experienced due to poor detention conditions, including insufficient living space and lack of access to a dentist. The complaint concerns the prison in Plovdiv, where the applicant served a prison sentence in 2023. The applicant also complained of poor living conditions, including lack of bedding, cutlery, furniture, poor hygiene of toilets and bathrooms, and lack of heating resulting in unfavourable winter temperatures.
<b>Main reasoning/argumentation</b>	The court acknowledged as violations the insufficient living space and the lack of access to a dentist. According to the court, the applicant was not provided with dental care at any point during a period of four months, during which they were placed first in the detention facility in Plovdiv and then in the Plovdiv Prison.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The key issue clarified by the case is the legal standard for access to dental care. The court noted that although there were certain arrangements for the provision of medical care in both the detention facility in Plovdiv and the Plovdiv Prison, there was no evidence that dental care was part of these services. In particular, the list of doctors designated to provide medical services in the two detention facilities included only general practitioners but not dentists, and there was no documentation certifying that the applicant had been examined by a dentist. The court concluded that the relevant circumstance in the case was not whether a medical centre existed in principle on the territory of the detention facility, but whether the applicant had specific health problems and how they were addressed.
<b>Results (sanctions) and key consequences or implications of the case</b>	The court found the applicant's claim partly justified and awarded them a compensation for nonpecuniary damages of BGN 890 (approximately €445). The originally claimed compensation of BGN 9,000 (approximately €4,500) was reduced because, according to the court, the applicant had not presented sufficient evidence in support of their claims related to the poor living conditions in the respective detention facilities.

<p><b>Key quotation in original language and translated into English with reference details</b></p>	<p>С други думи казано, относимото в случая обстоятелство е не дали по принцип съществува медицински център на територията на Арест – Пловдив и Затвора Пловдив, а дали ищецът е имал конкретни здравословни проблеми, на които специализираните органи по изпълнение на наказанията да не са реагирали своевременно, съответно да не му е било осигурено адекватно медицинско обслужване. За възникналите стоматологични проблеми на ищеца А. се установява отчасти от разпита на свидетеля Н. А. З., който потвърждава, че ищецът А. е изпитвал болки в зъбите, които сам си е вадил, поради липса на стоматологична помощ в Ареста Пловдив и Затвора Пловдив. От страна на ответника не е предоставен медицински картон на ищеца А. или други доказателства за оказана му стоматологична помощ през посочения период.</p> <p><i>In other words, the relevant circumstance in this case is not whether there is a medical centre on the territory of Plovdiv Detention Centre and Plovdiv Prison, but whether the applicant had specific health problems to which the specialised authorities for the execution of penalties did not react in a timely manner, respectively did not provide them with adequate medical care. The applicant's dental problems were partly established by the questioning of the witness N. A. Z., who confirms that the applicant A. had experienced pain in their teeth, which they had extracted themselves, due to the lack of dental care in the Plovdiv Detention Centre and the Plovdiv Prison. The defendant did not provide the applicant's medical records or any other evidence of the dental care provided to them during the period in question.</i></p> <p>Bulgaria, Administrative Court – Plovdiv (Административен съд – Пловдив), Decision No 1573 on administrative case No 1390/2023 (<a href="#">Решение № 1573 по административно дело № 1390/2023 г.</a>), ECLI:BG:AD718:2024:20230701390.001, 19 February 2024</p>
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Bulgaria, Administrative Court – Burgas (Административен съд – Бургас), Burgas / 2301, 2023

<p><b>Thematic area</b></p>	<p><b>5. Time spent outside the cell and outdoors: d. Educational activities</b> <b>9. Prevention of violence and ill-treatment: a. Protection from violence by prison staff</b></p>
<p><b>Decision date</b></p>	<p>28 February 2024</p>
<p><b>Reference details</b></p>	<p>Bulgaria, Administrative Court – Burgas (Административен съд – Бургас), Decision No 1651 on administrative case No 2301/2023 (<a href="#">Решение № 1651 по административно дело № 2301/2023 г.</a>), ECLI:BG:AD704:2024:20230702301.001, 28 February 2024</p>
<p><b>Key facts of the case</b></p>	<p>The applicant, a convicted prisoner, sought compensation for non-pecuniary damages experienced due to poor detention conditions, including limited access to showers, lack of hot and cold water faucets leading to the risk of burns, low temperature in the winter period, scarce heating, poor condition of cells (cracked and crumbling plaster) and sanitary facilities (fallen and ruined tiles), sparse and old furniture, torn bed linen and vermin, limited contact with the outside world, lack of internet access for electronic submission of papers to the court and self-study, lack of computer and printer, lack of radio and television in cells, inability to read and use receivers due to power outage between 10 p.m. and 6 a.m., limited access to the library on a scheduled basis with frequent postponement of visits, difficulty in receiving letters and parcels, limitation of visits to twice a month, inflated telephone charges, poor quality and small quantity of food, lack</p>

	of fresh fruit and vegetables, disproportionate distribution of food among prisoners, limited and overpriced food in the canteen, inadequate medical services (doctor available only twice a week at certain times, no doctor on duty at weekends, difficult access mediated by guards, no dental services), cockroaches and bedbugs in cells, excessive noise from detainees constantly shouting loudly at the guards or banging on the doors due to the lack of alarms, etc. The complaint concerns the prison in Burgas, where the applicant served a prison sentence in 2022.
<b>Main reasoning/argumentation</b>	The court acknowledged as a violation only the lack of hot and cold water shut-off taps. The court noted that the location of the hot and cold water shut-off taps in designated areas under the control of designated staff, had left the prisoners with no access to these taps and with no technical possibility to adjust the temperature of the bathing water themselves. This had led to cases of sudden temperature changes causing injury to the persons using the showers at that time. The court concluded that the prison administration had failed to provide safe conditions for prisoners to maintain hygiene and thus had created unfavourable conditions for serving the sentence.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The key issues clarified by the case are several legal standards related to detention conditions. With regard to the contacts with the outside world the court noted that the prison administration had no legal obligation to provide detainees with access to computers and internet. With regard to the lack of emergency call buttons and the resulting noise caused by detainees trying to establish contact with the guards, the court noted that these inconveniences did not go beyond those normally associated with the execution of the sentence and did not result in suffering, hardship or negative emotional experiences exceeding the inevitable level inherent in a custodial sentence.
<b>Results (sanctions) and key consequences or implications of the case</b>	The court found the applicant's claim justified only in its part concerning the lack of hot and cold water shut-off taps, and awarded them a compensation for nonpecuniary damages of BGN 60 (approximately €30). The originally claimed compensation of BGN 1,800 (approximately €900) was reduced because, according to the court, the other claims of the applicant had not presented sufficient evidence in support of their claims related to the poor living conditions in the respective detention facilities.
<b>Key quotation in original language and translated into English with reference details</b>	<p><i>Съдът споделя изложените мотиви за липса на незаконосъобразно бездействие, изразяващо се в неосигуряване възможност за достъп до интернет и компютър. За затворническата администрация липсва законово задължение за осигуряване на интернет достъп на лишените от свобода и задържани лица.</i></p> <p><i>The court agrees with the reasons given for the absence of unlawful omission in the form of failure to provide access to the internet and a computer. There is no legal obligation on the prison authorities to provide internet access to prisoners and detainees.</i></p> <p>Bulgaria, Administrative Court – Burgas (Административен съд – Бургас), Decision No 1651 on administrative case No 2301/2023 (<a href="#">Решение № 1651 по административно дело № 2301/2023 г.</a>), ECLI:BG:AD704:2024:20230702301.001, 28 February 2024</p>

Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), Lovech / 271, 2023

<b>Thematic area</b>	<b>5. Allocation of detainees: a. Geographical allocation</b>
<b>Decision date</b>	8 December 2023



<b>Reference details</b>	Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), Decision No 144 on administrative case No 271/2023 ( <a href="#">Решение № 144 по административно дело № 271/2023 г.</a> ), ECLI:BG:AD713:2023:20230700271.001, 8 December 2023
<b>Key facts of the case</b>	The applicant, a convicted prisoner, appealed against a decision of the prison administration rejecting their request to be transferred from the prison in Lovech to the prison in Sofia. In the request for relocation, the applicant noted that in the course of serving the sentence they had changed their permanent address to Sofia and that their relatives with whom they maintain contact also live in Sofia. The prison administration rejected the request on the grounds that a change of address after the serving of the sentence had begun was not among the grounds for transfer listed in the law.
<b>Main reasoning/argumentation</b>	The court concluded that in its decision, the prison administration had failed to take into account all relevant circumstances in the case, in particular the regular contacts of the applicant with their relatives in Sofia. According to the court, the prison administration had formally examined the request without clarifying all the facts and circumstances relevant to the case, which constituted an essential procedural irregularity resulting in unjustified and unlawful assessment.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The key issue clarified by the case is the legal standard for geographical allocation of detainees, in particular the requirements to allocate prisoners in the closest facility to their permanent address and to take into account the contacts with relatives when transferring prisoners to another detention facility. The court interpreted the criteria for establishing whether a prisoner maintained regular contacts with their relatives. The court noted that the prison administration had wrongfully interpreted the absence of more than one visit as the sole criterion for assessing the prisoner's contacts with their relatives, failing to take into account the regular written correspondence between them and the fact that the prisoner was regularly receiving money transfers from their relatives.
<b>Results (sanctions) and key consequences or implications of the case</b>	The court found the prison administration's decision to reject the applicant's request for transfer to another prison unjustified and unlawful. The decision was repealed and the case was returned to the prison administration with instructions for reconsideration.
<b>Key quotation in original language and translated into English with reference details</b>	<p><i>Липсата на повече от едно свиждане не е единствен критерий за поддържани близки контакти на лишеният от свобода Ш. със своя роднина А. И. К. Следвало е преди произнасянето по направеното искане от П. А. Ш. с Молба вх. № М-602/05.07.2023 г., административният орган да извърши отново проверка на обстоятелствата по чл. 40а от ППЗИНЗС, а не да се задоволи с посочването, че няма нови факти и обстоятелства. Напротив такива са налице с оглед събраните по делото доказателства за редовно водена писмена кореспонденция между Ш. и К. и редовно правени парични преводи от К. в полза на Ш.</i></p> <p><i>The absence of more than one visit is not the sole criterion for close contacts of the prisoner S. with his relative A.I.K. Before the deciding on the request made by P.A.S. No M-602 of 05.07.2023, the administrative authority should have re-examined the circumstances referred to in Article 40a of the Rules for the Implementation of the Execution of Penalties and Detention in Custody Act, and should not have contented itself with stating that there were no new facts and circumstances. On the contrary, they are present in the light of the evidence in the case of regular written correspondence between S. and K. and regular money transfers made by K. to S.</i></p> <p>Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), Decision No 144 on administrative case No 271/2023 (<a href="#">Решение № 144 по административно дело № 271/2023 г.</a>), ECLI:BG:AD713:2023:20230700271.001, 8 December 2023</p>

Bulgaria, Administrative Court – Veliko Tarnovo (Административен съд – Велико Търново), Veliko Tarnovo / 452, 2023

<b>Thematic area</b>	<b>3. Hygiene and sanitary conditions: b. Access to showers and warm and running water</b> <b>5. Time spent outside the cell and outdoors: a. Time spent outdoors</b>
<b>Decision date</b>	13 December 2023
<b>Reference details</b>	Bulgaria, Administrative Court – Veliko Tarnovo (Административен съд – Велико Търново), Decision No 309 on administrative case No 452/2023 ( <a href="#">Решение № 309 по административно дело № 452/2023 г.</a> ), ECLI:BG:AD706:2023:20230700452.001, 13 December 2023
<b>Key facts of the case</b>	The applicant, a pre-trial detainee, sought compensation for non-pecuniary damages experienced due to poor detention conditions, including lack of permanent access to a bathroom, running water, daylight, daily one-hour stays outdoors, substandard health care, and confidentiality of conversations with a lawyer. The complaint concerns the pre-trial detention facility in Veliko Tarnovo, where the applicant was detained in custody in 2023 and 2024.
<b>Main reasoning/argumentation</b>	The court concluded that the while being detained in custody the applicant was placed in inhuman and degrading conditions, consisting in the lack of natural light, fresh air, access to sanitary facilities, lack of staying outdoors, constituting a violation of both the Execution of Penalties and Detention in Custody Act and the Convention for the Protection of Human Rights.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The key issues clarified by the case are the legal standards for access to sanitary facilities and outdoor stay. With regard to the access to sanitary facilities the court noted that not only is hygiene an integral part of the respect which detainees owe to their bodies and to others with whom they share premises, especially for long periods of time, but it is also a prerequisite for the preservation of health. According to the court, in the absence of running water in the premises, it is impossible for detainees to maintain personal hygiene, even the most elementary washing of hands before meals. With regard to the outdoor stay the court concluded that the conditions of the outdoor stay – a room on another floor with barred windows – do not comply with the requirements of the law. According to the court, outdoor stay means the possibility for detainees to be outside, under natural weather conditions, with the possibility of shelter if these are unfavourable. Moving detainees from a room without openable windows to a room in which the windows can be opened, is not staying outdoors.
<b>Results (sanctions) and key consequences or implications of the case</b>	The court found the applicant’s claim justified, and awarded them a compensation for nonpecuniary damages of BGN 2,574 (approximately €1,287). The originally claimed compensation of BGN 7,000 (approximately €3,500) was reduced taking into account the nature, type and duration of the violation, the value of the interests affected, the economic standard in the country, and the case-law of the European Court of Human Rights.
<b>Key quotation in original language and translated into English with reference details</b>	<i>Престоят на открито означава възможност за задържаните лице да бъдат извън сградата, под естествени атмосферни условия, с възможност за подслон ако същите са неблагоприятни. Привеждането от една стая в друга, с разликата, че последната има отварящи се прозорци не е престой на открито. В решението Нешков срещу България Европейският съд по правата на човека приема, че за упражненията на открито трябва да бъде осигурено достатъчно пространство, като физическите характеристики на външните съоръжения за упражнения също имат значение. Даден е пример за двор за упражнения, който е само два квадратни метра по-голям от килията, заобиколен е от стени с височина от три метра и има отвор към небето, покрит с метални пръти</i>

	<p><i>и дебела мрежа, като този двор не предлага на затворниците подходящи възможности за почивка и възстановяване. След като описаното в решението пространство за упражнения на открито е двор и въпреки това не удовлетворява изискванията на Конвенцията, то на по-голямо основание стая с прозорци също не представлява място за упражнения на открито, което ответника е длъжен да осигури по силата на българското законодателство и международните стандарти..</i></p> <p><i>Staying outdoors means the opportunity for detainees to be outside, under natural weather conditions, with the possibility of shelter if these are unfavourable. Moving from one room to another, just because the latter has openable windows, is not an outdoor stay. In Neshkov v. Bulgaria, the European Court of Human Rights held that sufficient space must be provided for outdoor exercise, the physical characteristics of outdoor exercise facilities also being relevant. An example is given of an exercise yard which is only two square metres larger than a cell, surrounded by walls three metres high and with an opening to the sky covered with metal bars and thick netting, and which does not offer prisoners adequate opportunities for rest and recuperation. Since the outdoor exercise space described in the judgment is a courtyard and yet does not satisfy the requirements of the Convention, on a stronger basis a room with windows also does not constitute an outdoor exercise space which the defendant is obliged to provide under Bulgarian law and international standards.</i></p> <p>Bulgaria, Administrative Court – Veliko Tarnovo (Административен съд – Велико Търново), Decision No 309 on administrative case No 452/2023 (<a href="#">Решение № 309 по административно дело № 452/2023 г.</a>), ECLI:BG:AD706:2023:20230700452.001, 13 December 2023</p>
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Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), [Lovech / 16, 2023](#)

<b>Thematic area</b>	<b>1. Cells: b. Access to natural light and fresh air, cell equipment, furniture, and facilities</b> <b>3. Hygiene and sanitary conditions: b. Access to showers and warm and running water, and c. Access to sanitary products</b>
<b>Decision date</b>	14 December 2023
<b>Reference details</b>	Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), Decision No 148 on administrative case No 16/2023 ( <a href="#">Решение № 148 по административно дело № 16/2023 г.</a> ), ECLI:BG:AD713:2023:20230700016.001, 13 December 2023
<b>Key facts of the case</b>	The applicant, a convicted prisoner, sought compensation for non-pecuniary damages experienced due to poor detention conditions, including lack of sufficient light, fresh air and running hot water in the cells, peeling walls, holes in the floor, bedbugs, mould and dampness, non-provision of preventive examinations and life-sustaining medicines, poor quality of the food, lack of sufficient living space, low temperature in winter, lack of cleaning detergents for the toilets and bedrooms, etc. The complaint concerns the prison in Lovech, where the applicant was deprived of liberty between 2017 and 2023.
<b>Main reasoning/argumentation</b>	The court found no merit in any of the applicant’s claims. According to the court, the applicant was indisputably provided with an environment consistent with respect for human dignity and safeguarding prisoners’ health and physical condition, including the right to sufficient living space, food, clothing, heating, lighting, ventilation, medical care, conditions for physical activity and the opportunity to communicate.

<p><b>Key issues (concepts, interpretations) clarified by the case</b></p>	<p>The key issues clarified by the case are various legal standards related to detention conditions. With regard to the temperature in the cells the court noted that the central heating in the prison worked on a schedule from 6 a.m. to 10 a.m., from 1 p.m. to 3 p.m. and from 6 p.m. to 9 p.m., and the radiators in the cells were maintained at normal temperature. According to the court, whether cells are sufficiently warm is a subjective judgement, rather a matter of personal perceptions and individual needs, and not a criterion for assessing compliance with heating requirements. With regard to ventilation and access to fresh air in the cells, the court noted that the cells have large windows which can be opened to allow ventilation of the sleeping quarters. With regard to access to running water the court noted that the prison administration was not obliged to provide hot water in the cells, but only running water, and that requirement was fulfilled. The court also noted that the temporary schedule for access to the bathroom at greater intervals due to repairs was a natural consequence of any renovation in general and did not constitute a violation of the prisoners' right to access to a bathroom. With regard to access to sanitary products, the court noted that the monthly provision to each prisoner of two bars of soap, 400 grams of laundry detergent, as well as cleaning and disinfecting preparations for their cells and sanitary facilities was in compliance with the relevant standards for hygiene and cleanliness.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b></p>	<p>The court found none of the applicant's claims justified, rejected the complaint and refused to awarded the requested compensation for nonpecuniary damages of BGN 60,000 (approximately €30,000).</p>
<p><b>Key quotation in original language and translated into English with reference details</b></p>	<p><i>Установено с доказателствата по делото, парното отопление е работило по график от 06:00 ч. до 10:00 ч., от 13:00 до 15:00 ч. и от 18:00 ч. до 21:00 ч., като в спалните помещения има радиатори и се поддържа нормална температура. Дали в килиите е достатъчно топло е субективна преценка, по-скоро въпрос на лични възприятия и индивидуални потребности, които обаче не могат да бъдат определени за критерии по отношение на преценката за спазването на изискването за отопление. Предвид и обстоятелството, че лишениите от свобода, които са настанени в тези килии, през деня са на училище и реално не прекарват време в тях, е логично парното да се пуска по график.</i></p> <p><i>Established by the evidence in the case, the central heating worked on a schedule from 06:00 to 10:00, 13:00 to 15:00 and 18:00 to 21:00, with radiators in the bedrooms and maintained at normal temperature. Whether the cells are sufficiently warm is a subjective judgement, rather a matter of personal perceptions and individual needs, which, however, cannot be established as criteria for assessing compliance with the heating requirement. Given also that the prisoners in these cells are at school during the day and do not actually spend time in them, it is logical to run the heating on a scheduled basis.</i></p> <p>Bulgaria, Administrative Court – Lovech (Административен съд – Ловеч), Decision No 148 on administrative case No 16/2023 (<a href="#">Решение № 148 по административно дело № 16/2023 г.</a>), ECLI:BG:AD713:2023:20230700016.001, 13 December 2023</p>