



**OMBUDSMAN OF THE REPUBLIC OF  
BULGARIA**

**ANNUAL REPORT OF THE OMBUDSMAN ACTING  
AS NATIONAL PREVENTIVE MECHANISM**

**2020**

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## SUMMARY

The functions of the Ombudsman as the National Preventive Mechanism (NPM) are related to the implementation of the Optional Protocol to the UN Convention against Torture and the 2012 amendments to the Ombudsman Act. The annual NPM reports provide an assessment of the state of human rights in places for deprivation of liberty and are aimed both at the institutions in the Republic of Bulgaria and at the international organisations and non-governmental associations whose work is related to the protection of persons deprived of liberty. Over the eight plus years of its work, the NPM has established itself as a recognisable independent monitoring authority performing its functions in places where children and adults are accommodated by virtue of a government act. Proof of the important role of the Ombudsman as the NPM is the fact that the opinions and annual reports are used in the work of courts.

The 2020 report is based on inspections on site, monitoring, document checks, meetings and interviews both with persons accommodated at places for deprivation of liberty and with persons working at these institutions, as well as complaints and signals received.

The conditions at certain places remain traditionally poor while other areas of monitoring register progress and positive change. This progress is also the result of the independent monitoring, the recommendations of the Ombudsman and the work of the NPM as well as the cooperation between institutions to guarantee the respect for human rights and the attainment of the goals of international and national law as well as the practices in its application.

The past 2020 posed a substantial challenge to the efforts of the Ombudsman's team to exercise effectively and fully its powers as the National Preventive Mechanism. The global COVID-19 pandemic forced the Bulgarian government authorities to declare a **state of emergency** on 13 March 2020 in the entire country for one month; on 3 April, it was extended until 13 May 2020. An **emergency epidemic situation** was declared from 14 May till 14 June which was then extended repeatedly until the very end of 2020.

In 2020, despite the difficult epidemic situation and the state of emergency, the Ombudsman as the NPM carried out inspections in **49** sites. The main goal of the inspections was related to, first, assessing the anti-epidemic measures taken in closed institutions and monitoring the implementation of recommendations issued during previous visits.

The main activities of the Ombudsman acting as the NPM are focused on the places accommodating persons deprived of liberty, detainees or persons placed there as a result of an act or with the consent of a government authority and these persons may not leave these places of their own accord. The annual

monitoring group of the NPM includes the places to serve the punishment of deprivation of liberty with the Ministry of Justice, detention centres at the Ministry of the Interior structures, special homes for temporary accommodation of foreigners with the Migration Directorate and registration and reception centres of the State Agency for Refugees at the Council of Ministers, residential social care for children and adults, state psychiatric hospitals. For some of the said groups of persons affected, the monitoring performed by the Ombudsman is the only form of independent control of the observance of their rights.

In 2020, a total of **3,848** persons received protection from the NPM. Throughout the period of state of emergency and emergency epidemic situation, the Ombudsman ensured immediate public access to the cell phones of the NPM experts to provide effective protection of the rights of all citizens residing in closed institutions.

The Ombudsman has always expressed concern for the respect for the rights of people at closed institutions but the protection of these rights proved to be a grave challenge in the COVID-19 pandemic situation because this affects seriously vulnerable persons given the nature of the restrictions imposed on them and the difficulties to ensure adequate protection and anti-epidemic measures at accommodation places. It is important to note that international law envisages restrictions of almost all fundamental human rights if certain statutory conditions are in place and the interference in these fundamental rights is carried out in the discretion of the State. **Only the prohibition of torture is absolute in nature – it may not be derogated or restricted in any way.**

**The Ombudsman took a clear stand in this regard** and noted the necessary measures to guarantee the rights of persons placed in closed institutions in the conditions of a pandemic situation. **The official statement of the ombudsman in this regard with a request that leading international and European law protection standards be applied was sent as early as during the state of emergency to all competent institutions, including the Minister of Justice, the Minister of the Interior, the Minister of Labour and Social Policy, the Director of the State Agency for Refugees.** Later, a new element was included in the methodology NPM representatives apply in inspections which is related to a check of the implementation of the recommendations issued.

The state of emergency and the emergency epidemic situation resulted in significant changes in the organisation of the work of the Ombudsman acting as the NPM.

First, in view of the need to **provide support to the citizens and their rights in real time**, in the beginning of the state of emergency, the cell phones of

the NPM experts were announced publicly to ensure a direct relation with persons deprived of liberty. As a result, even in the conditions of a state of emergency in the country, the institution of the public advocate continued to receive numerous complaints and signals from persons deprived of liberty and detainees which made it possible for the Ombudsman of the Republic of Bulgaria to continue to advocate effectively for their rights.

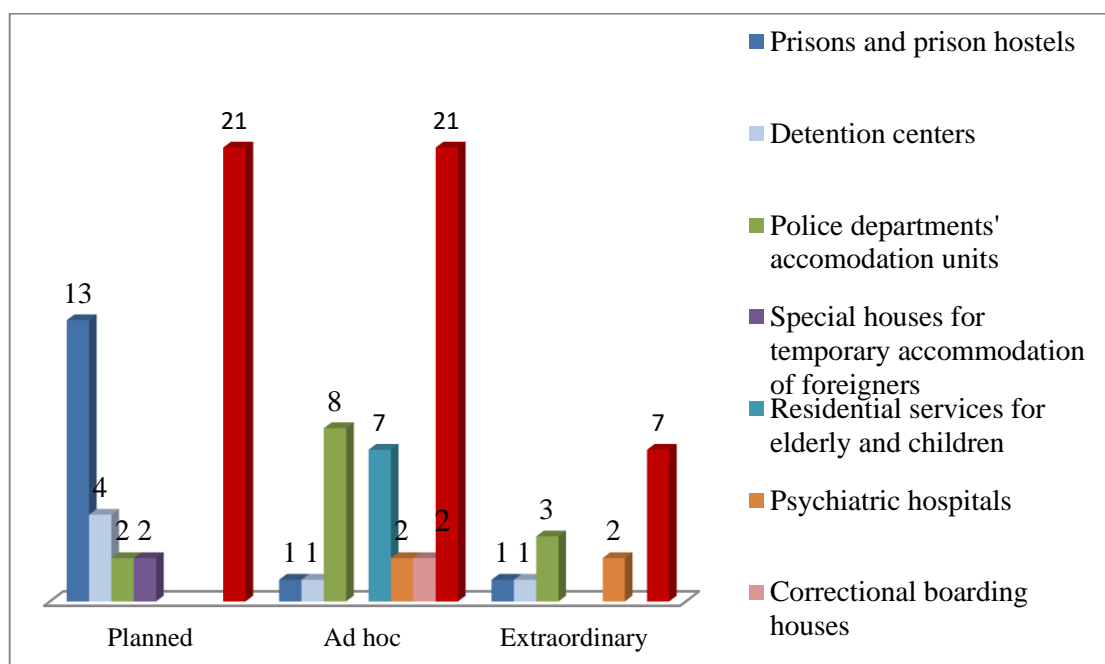
*In 2020, the NPM experts were contacted by the relative of a person deprived of liberty with an onco-hematologic disease serving his punishment at Vratsa prison. His punishment was suspended so he could undergo a course of chemotherapy in Sofia. The days he was released for were not sufficient for him to complete the therapy course.*

***After the mediation interference of the Ombudsman, the person deprived of liberty was convoyed to Sofia to complete the course of chemotherapy.***

Second, the state of emergency and the emergency epidemic situation led to a **change in the scope and annual schedule** of NPM inspections in order to include both the places for planned inspections in relation to the implementation of recommendations issued in previous years and a possibility for unplanned ad hoc inspections related to the application of the anti-epidemic measures in closed institutions.

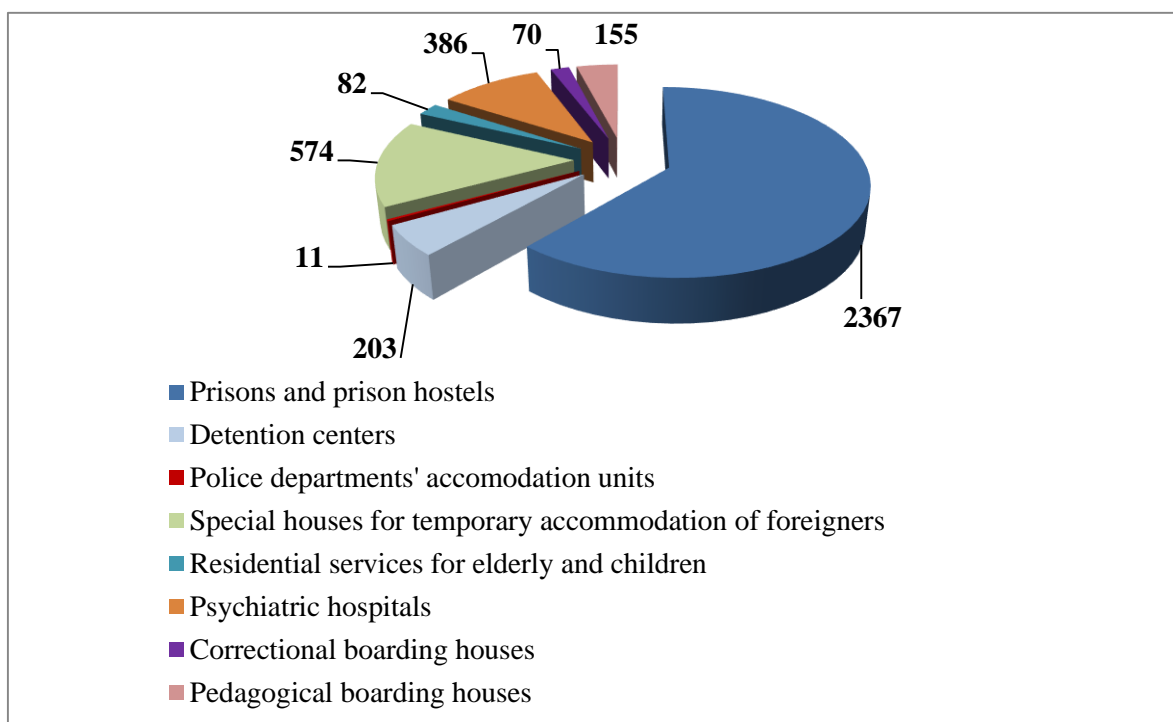
As a result, a total of 49 planned, unplanned and extraordinary inspections (*ex officio upon specific occasions*) were carried out in 2020 in different sites: prisons and prison hostels, detention centres, district and border police departments, psychiatric hospitals and others. This is an increase by 50% in comparison to the sites envisaged initially.

**Graph 1 – Inspections carried out in 2020 by the NPM (numbers)**



An emphasis in the inspections thus organised by the Ombudsman in the capacity of NPM in 2020 was the broadest scope possible of persons encompassed by the inspection. Thus, in 2020, a total of **3,848** persons were covered by the inspections performed.

*Graph 2 – Number of people encompassed by the inspections carried out in 2020*



As a result of the inspections carried out in 2020, a total of 39 recommendations were issued to specific institutions.

*Table 1 – Recommendations sent following NPM inspections in 2020*

No.	Name of institution inspected	Recommendation sent to	Number of recommendations sent
1	Home for Adults with Mental Disabilities – Village of Batoshevo	Sevlievo Municipality	2
2	Home for Adults with Dementia – Village of Gorsko Kosovo	Suhindol Municipality	2

3	For all state psychiatric hospitals	Ministry of Health Ministry of Labour and Social Policy	3
4	State Psychiatric Hospital – Byala	Ministry of Labour and Social Policy	1
5	Samoranovo Open-Type Prison Hostel	Ministry of Justice	1
6	Bobov Dol Prison	Ministry of Justice	3
7	Ztara Zagora Regional MoI Directorate	Ministry of the Interior	2
8	Stara Zagora Prison	Ministry of Justice	3
9	Burgas Regional MoI Directorate	Ministry of the Interior	1
10	Burgas Prison	Ministry of Justice	6
11	Plovdiv Prison	Ministry of Justice	5
12	Lyubimets Special Home for Temporary Accommodation of Foreigners	Migration Directorate, MoI	7
13	Harmanli Registration and Reception Centre	State Agency for Refugees, CoM	3

*Source: Statistics of the Ombudsman of the Republic of Bulgaria*

Third, additions were made to the methodology for performance of inspections in closed institutions to include the updated international and European law protection standards such as the Advice of the UN Subcommittee on Prevention of Torture to States parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic<sup>1</sup>, the Principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic adopted by the

<sup>1</sup> Approved on 25 March 2020.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)<sup>2</sup> and the guidance of the World Health Organisation on fighting the pandemic.

As a result, the NPM inspections have found numerous deficiencies visible especially in the systems on whose reform the Ombudsman has insisted for a long time.

For example, the NPM has found that in some places for deprivation of liberty there is no possibility to quarantine newly admitted persons. PCR tests are not implemented as an alternative to quarantine. In this regard, the Ombudsman has recommended to the Directorate General Execution of Punishments to apply a flexible approach to implementing the anti-epidemic measures taking into account the objective capabilities of prisons and detention centres and to exercise systemic control.

The monitoring results are announced in the Ombudsman's annual reports in order **to serve as a starting point to changing the policies and improving the conditions in the said places.**

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<sup>2</sup> Issued on 20 March 2020.



## I. PROTECTION OF CHILDREN AND ADULTS IN RESIDENTIAL SOCIAL CARE

Throughout 2020, one of the main focuses of attention of the Ombudsman and the NPM was the rights of children and adults in residential care through the principles of care deinstitutionalisation in the conditions of a pandemic crisis.

Unfortunately, a great part of the recommendations related to the systemic problems of these vulnerable groups of persons have not been taken into account by the responsible administrative authorities and instead of being resolved, the problems are increasing and deepening.

The inspections carried out in 2020 found **an alarming tendency for accelerated transition of children from homes for medical and social care at the end of the year while the new social care has not been built yet.** Some children are accommodated at family-type placement centres for children with disabilities, others are reintegrated, placed in foster care or adopted, while children with grave disabilities are accommodated at the four homes for medical and social care for children still working until the end of 2021.

In this regard, on 18.12.2020 the Ombudsman acting as the NPM contacted the Minister of Health and the Minister of Labour and Social Policy with a recommendation to suspend temporarily the transition of children from homes for medical and social care, especially of those with grave disabilities, until the construction of the new social care, preparation of the teams and the children, and overcoming the complex epidemic situation.

An NPM team carried out surprise inspections at the Homes for Medical and Social Care for Children in Pleven and Stara Zagora.

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### **Critical findings**

*Regardless of the fact that the last stage of the deinstitutionalisation process of the care for children related to the homes for medical and social care is underway, it is inadmissible to move children with grave disabilities to different institutions within short periods and in the conditions of a pandemic.*

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### **Main recommendations**

*Observe the principles of deinstitutionalisation when transitioning children and adults to alternative care, including advance preparation following an assessment of their individual needs, while the admitting institutions need to be ready and familiar with their individual needs.*

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During the inspection, the team found that eleven children had been transitioned from the Pleven Home in the period from 23.12.2020 till 15.01.2021. According to the Director, the children were not ready for the transition. Ten of them, who have grave disabilities, were accommodated at family-type placement centres for children and adolescents with disabilities whose teams were not ready to admit the children and were not familiar with their diagnoses. At the end of 2020, cases were registered of transitioning children in grave situations from the Sofia Home for Medical and Social Care for Children and placement at the Pleven Home for Medical and Social Care for Children without taking into account the impossibility for the parents (from Petrich, Kyustendil and Blagoevgrad) to maintain contacts with their children. There are cases where the documentation for the children is not appended with an assessment of the individual needs which hampers the staff at the new accommodation places to become familiar with the needs of the children and provide the best care in the interests of the children.

As regards the **adults accommodated at residential social care**, one of the main recommendations from the 2019 NPM Report was related to the Home for Adults with Dementia – Gorsko Kosovo Village, Suhindol Municipality. Due to the poor material and housing conditions and the insufficient care for the persons accommodated, the NPM recommended urgent measures to reduce the capacity of the institution ensuring enough personal space and sanitary units for the users. In performance of the NPM recommendations, an inspection was carried out by the Social Assistance Agency Inspectorate and placement at the home was suspended on 8 January 2020 until reaching the capacity of 30 people. The home will be closed down through building family-type placement centres and transitioning all users to them.

A plan is to be set as to how to transition every person placed at the home and to prepare for reintegration at the home environment or to use social or integrated health and social services for residential care. The plan for the transitioning of every person will be drafted by the Social Assistance Directorate with the participation of the person, representatives of the municipality who are responsible for the management of the home, social service suppliers, medical institutions, the person's family and kin.

The 2018-2021 Action Plan for the implementation of the National Strategy for Long-Term Care envisages that the Home for Adults with Mental Disorders – Govezhda Village, Georgi Damyanovo Municipality, will be closed down. The Ombudsman acting as the NPM send a recommendation to the MLSP that all persons placed at the home should be prepared for the transition in advance and informed about possible vacancies at other services located close to their families.

## II. PROTECTION OF THE RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW

Since 2012, the Ombudsman acting as the NPM has monitored the state and observance of the rights of children placed in social and pedagogical boarding houses and correctional boarding schools in the Republic of Bulgaria. In 2015, the institution released a special report after inspections of the existing six boarding houses in the country in which the Ombudsman insisted that the necessary steps should be taken to close the correctional boarding schools and social and pedagogical boarding houses due to the degrading living conditions.

### **Critical findings**

***The reform of juvenile justice in Bulgaria continues to be in its nascent stage. There are yet no adequate correctional and educational services in line with the leading standards of protection of the rights and interests of the child.***

### **Main recommendations:**

***Adopt a new strategy for a government policy in the area of juvenile justice for 2021-2030;***

***Reform the system of juvenile justice and assess the need for specialised judicial juvenile panels;***

***Repeal the Combating the Anti-Social Behaviour of Minor and Underage Persons Act in effect since 1958 and adopt a Criminal Justice Diversion and Imposition of Correctional Measures on Minor Persons Act;***

Despite the emergency epidemic situation, in 2020 teams of the Ombudsman carried out two inspections at correctional boarding schools and found that a large part of the recommendations made in 2015 to the Ministry of Education had been implemented. Three boarding houses were closed down. The number of children placed in the remaining three was reduced from 218 to 100. Psychologists, model teachers and medical staff were hired. The facilities were improved. The relationships between the children and the teachers were good.

Still, the placement of children at correctional institutions continues to pose problems – the NPM has found a girl placed in a correctional boarding school even though there is a judgment for placement at a social and pedagogical boarding house. In this regard, there is a finding of systemic disregard of inspections and control on the part of the State Agency for Child Protection – the latest inspection was carried out in 2016.

The correctional boarding schools and social and pedagogical boarding houses should have been closed down a long time ago due to the fact that they fail to meet the international standards of

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*Close down boarding institutions and introduce modern and effective measures to work with children perpetrators, including restorative justice and preventive work with them;*

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*Create a protective social system, including a network of services (integrated services as well as correctional, psycho-social and protective measures and mechanisms of support) with respect to children who are in conflict with the law and their families.*

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protection and support for children in conflict with the law. They were built in the 1960s, the buildings are old and away from regional centres; the children placed there do not have access to quality education or medical care. Their relatives are unable to visit them due to the remote location of the institutions and the lack of funds. The reintegration of the children later is difficult.

The Criminal Justice Diversion and Imposition of Correctional Measures on Minor Persons Act has not been adopted yet, even though it is the main driver of reforms. It is critical to open new alternative services for children in conflict with the law which are in line with their interests and do not violate their rights.

### III. PROTECTION OF PERSONS WITH MENTAL ILLNESSES

In October 2020, the Ministry of Health published a Draft Strategy for the Mental Health of the Citizens of the Republic of Bulgaria 2020-2030 along with the respective Action Plan and a deadline to submit opinions – 1 November 2020. In line with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsman of the Republic of Bulgaria acting as the NPM monitors annually state psychiatric hospitals (SPH), mental health centres (MHC), social institutions for persons with mental disorders. The main recommendation the Ombudsman as the NPM has made over the years to the Ministry of Health concerns the launch of urgent reforms in the sector of state psychiatric help. In this regard, the NPM submitted an opinion to the Ministry of Health.

In 2020, the NPM carried out three inspections at inpatient psychiatric institutions: Sevlievo SPH; Tserova Koria SPH, Byala SPH.

Improvement in the housing conditions was found in Sevlievo SPH and Tserova Koria SPH in comparison to the recommendations from previous inspections (2013 and 2014); in Byala SPH, however, the recommendations from the 2013 inspection were not implemented.

The NPM has found two main problems in the provision of psychiatric care at state psychiatric hospitals: the manner of funding and the lack of human resources. The budget is a key tool in the management of the activities at psychiatric hospitals to ensure respect for the patients' rights.

Over the past three years, the budget from the Maintenance Fund which covers the expenses for heating, water, food, medicines, bed linen, medical

#### **Critical findings**

**The systemic shortage of funding for state psychiatric help continues** which hampers the provision of quality medical care.

#### **Main recommendations:**

*Streamline the funding mechanism for all inpatient institutions for persons with mental disorders; It should be tied to the quality of the medical services provided;*

*Attract more applicants to the specialties "Psychiatry" and "Child Psychiatry";*

*Prepare an assessment for relocation tied to the restructuring of all state psychiatric hospitals;*

*Launch a sufficient number of appropriate social services for children and adults with mental disorders;*

*Develop a medical standard "Child Psychiatry"*

consumables, etc. has not only been left without an increase but has even been decreased in certain hospitals despite the consumer price inflation registered by the National Statistical Institute. The shortage of funding leads to the following negative findings:

1. A reduction failing to take inflation into account in the cost of food per day which, as of 30.09.2020, stands at BGN 2.30 at Sevlievo SPH (in comparison to BGN 2.55 in 2011); at Tserova Koria SPH it is BGN 2.29; at Byala SPH – BGN 2.03.

2. The NPM has also found a decrease in the cost of medicines per day which stands at BGN 1.51 at Sevlievo SPH as of October 2020 while it was BGN 4.99 in 2011, i.e. nine years later the cost of medicines per day has dropped almost four times.

3. Highly insufficient funds for bed linen and clothes; for the patients at Byala SPH the amount is BGN 0.02 per patient for the patient's entire stay.

**There has also been a downward trend over the past years for a decrease in the number of doctors specialising in psychiatry.** The insufficient number of doctors, nurses and attendants creates conditions for untimely treatment of poor quality as well as a risk with respect to the monitoring and care for patients with aggression and autoaggression. An issue is also social rehabilitation and psychological care, the long hospital stays and repeated hospitalisations of persons with a grave social status. **There are patients at state psychiatric hospitals (for example, homeless people) who live there on a long-term basis due to the lack of residential social care for persons with mental disorders.** In this sense, hospitals perform the unlikely function of social services.

## IV. PROTECTION OF ASYLUM SEEKERS

In 2020, the NPM performed an inspection at Lyubimets SHTAF in the conditions of an emergency epidemic situation in relation to the Covid-19 pandemic. The Medical Institute of the MoI Hospital has developed and systematically updates the anti-epidemic guidance for the special homes for temporary accommodation of foreigners in line with the provisions of the Ministry of Health and the specific situation at the homes. For the period March – December, Lyubimets SHTAF registered 17 foreigners and Sofia SHTAF registered 203 foreigners infected with Covid-19.

### **Critical findings**

*A serious concern continues to be the systemic failure to resolve the matter with the inclusion of unaccompanied children in the orders of adult foreigners where they do not know each other and do not have any relations. **It is inadmissible to keep children at special homes for temporary accommodation of foreigners due to the lack of coordination between the competent state authorities.***

### **Main recommendations**

*Improve the interinstitutional cooperation between SHTAF and SAD with respect to unaccompanied children held at SHTAF and hold regular meetings on the matters of protection of unaccompanied children;*

*Improve the interinstitutional cooperation between MoI, Migration Directorate and SAA to terminate the accommodation of unaccompanied foreign children at SHTAF.*

The home administration has taken action to renovate and improve the facilities but the foreigners still do not have sufficient personal space. The NPM has recommended that action be taken to ensure sufficient personal space for the foreigners.

During the interviews with foreigners placed there, the NPM did not receive signals of maltreatment or violence on the part of the home staff.

At the same time, there is still a serious issue with the inclusion of unaccompanied children in the orders of adult foreigners where they do not know each other and have no relations. In this case, the NPM has found that the authorities of the Social Assistance Directorate were informed by Lyubimets SHTAF about the cases of children but, due to formal obstacles and lack of resources (including a vehicle), the children were not moved timely to the SAD centres and they were held illegally for several days. What is even more paradoxical in the situation is that the adults with whom the children had been assigned were transitioned before the children.

The NPM team is raising a serious concern that this systemic problem has not

been resolved yet, despite the numerous recommendations to the Migration Directorate and the Social Assistance Agency over the years. **The NPM also recalls the case-law of the Bulgarian courts that unaccompanied minors may not be assigned with adults arbitrarily but there must be a complete examination of the facts and circumstances of importance in every case of a child seeking protection.**

The State Agency for Refugees with the Council of Ministers has implemented and observes the anti-epidemic measures laid down by the Ministry of Health in relation to the Covid-19 pandemic. For the period March – December 2020, a total of 25 persons placed at territorial units of the CoM State Agency for Refugees were diagnosed with Covid-19.

The issue with the language barrier is yet to be resolved due to the lack of interpreters which poses an additional obstacle in the work of medical specialists.



## V. PROTECTION OF PERSONS DEPRIVED OF LIBERTY AT PLACES FOR THE SERVING OF PUNISHMENTS WITH THE MINISTRY OF JUSTICE

In 2020, the NPM carried out inspections at four prisons, nine prison hostels and five detention centres with the Ministry of Justice.

The inspections of the living conditions found a positive trend in the improvement of the living conditions and reduction in the number of inmates at 18 places for deprivation of liberty with the Ministry of Justice.

The majority of the recommendations in the 2019 NPM report were implemented: for example, the closing down of the Smolyan Detention Centre was cancelled; specific recommendations were implemented as regards the use of additional staff positions and additional funds to expand the hostel, renovate the computer lab and cinema, mount sunshades and benches in the spaces for outdoor stay at Belene Prison and purchase the necessary computer equipment.

The NPM notes that along with the major problems with respect to which the competent authorities have taken action, there is a group of issues with respect to which no clear commitment to implement the recommendations was demonstrated in 2020.

A systemic deficiency the NPM has found over the years is **the lack of budget funding for adequate activities in the tasks of social workers**. The newly renovated detention centres do not

### **Critical findings**

*The majority of the recommendations made in 2019 have been implemented: for example, the closing down of the Smolyan Detention Centre was cancelled. However, there is a whole **group of problems** with respect to which no clear commitment to implement the recommendations was demonstrated in 2020; **the most significant ones remain medical care and social work with the persons deprived of liberty.***

### **Main recommendation not implemented over the years:**

*Improve the system of funding for social and health workers by introducing a new human resource policy;*

*Make systemic efforts to resolve the problem with cockroaches and bed-bugs at places for deprivation of liberty;*

*Take action to amend the EPDCA as regards “Medical Care” taking into account the national health system;*

have premises for social activities while the places with such premises (for example, Plovdiv Detention Centre) do not have social workers to perform them.

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*Transform the medical centres into health offices within the meaning of the Health Act.*

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*Transform the specialised hospitals for persons deprived of liberty into hospitals for long-term treatment.*

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*Close down Debelt Open-Type Prison Hostel.*

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The **long-standing problem with cockroaches and bed-bugs at places for deprivation of liberty** continues and this has been found at all places inspected – even in places where major renovation works were completed. In this regard, recommendations have been issued to the DGEP to find alternative ways to deal with the issue.

The NPM has found persistent **prerequisites for violation of the secrecy of correspondence**.

**According to the NPM, the most serious problem at prisons is medical care.** It should be noted that the long-standing promises of the Ministry of Justice to reform the health system in the penitentiary system and amend the Execution of Punishments and Detention in Custody Act were not fulfilled in 2020 either. The NPM reiterates that such action is critical to identify the existing problems in the system and set out the actual possibilities to organise the health services for persons deprived of liberty. There has been no improvement in the health care for persons deprived of liberty. In 2020, 52 persons died in comparison to 36 in 2017. Medical specialists are continuing to leave the system. Over the past year, support was provided for the activities related to outpatient medical care and 20 medical specialists were hired under service contracts; general practitioners were selected ex officio in line with the National Framework Agreement.

It should be noted that, in the long term from 2001 to 2020, there has been a lasting downward trend in the number of persons suffering from tuberculosis. In 2020, a screening examination for hepatitis C was carried out at Sofia Prison with the assistance of a non-governmental organisation.

## VI. PROTECTION OF PERSONS DETAINED AT ACCOMMODATION CENTRES WITH THE MINISTRY OF THE INTERIOR

In 2020, the NPM inspected thirteen premises for accommodation of detainees in the structures of the Ministry of the Interior, including structures of the Sofia Directorate of the Interior.

### **Critical findings**

*The state of the system of 24-hour detention at police departments remains unsatisfactory in 2020. The long-standing problems related to overcrowdedness, poor housing and living conditions, lack of sanitary units, no access to ventilation and natural light, access to legal aid are still top of mind.*

### **Main recommendations:**

*Develop a specific policy to overcome the problem with overcrowdedness, lack of access to ventilation and natural light at Mol detention centres;*

*Improve the awareness of detainees about their rights;*

*Ensure access to legal aid for detainees;*

*Improve the provisions for the need for medical help when unresponsive persons are detained (temporarily lacking legal capacity) within the meaning of Article 21, para 1 of Instruction No. 1821z-78 of 2015 on the procedure for detention, equipping premises for detainees and the order in them at the Ministry of the Interior.*

In view of the mass protests in the country, the NPM received complaints and signals from citizens and non-governmental organisations with information about serious violations of the rights of protesters detained by the police in Sofia on 10.07.2020 and 02.09.2020. There are indications that with respect to detainees at 2 District Department – Sofia Directorate of the Interior there was failure to respect a fundamental guarantee of protection – ensuring access to a lawyer, including in cases when lawyers engaged by relatives of the detainees appeared at the police and demanded to see their clients. It is noted that the conditions at the detention premises were unsatisfactory and they were overcrowded. There are also claims that the police authorities detained people who had not disturbed the public order. The media published a series of images of violence and unauthorised use of force against protesters and reporters. In addition, media publications show police officers carrying brass knuckles and wearing stickers on their uniforms in English reading “One hit. One kill. My decision. No remorse.” The use

of brass knuckles by police officers is inadmissible as per the requirement of Article 85 of the Ministry of the Interior Act which makes an exhaustive list of all auxiliary means and the cases in which they are **absolutely necessary**.

NPM teams carried out 5 inspections upon complaints at 1 District Department, 2 District Department and 3 District Department – Sofia Directorate of the Interior.

The Ombudsman sent a recommendation to the Minister of the Interior and the Director of the Sofia Directorate of the Interior demanding an impartial inspection and effective investigation of the cases in which there were serious concerns about the unauthorised use of force by police officers in the event of detention.

The Ombudsman expressly emphasises the need to examine if there is proportionality in the use of physical force and auxiliary means by the law-enforcement authorities as a fundamental principle set out in international acts, the Bulgarian law and the case-law of the European Court of Human Rights in Strasbourg. In line with this principle, any force used must correspond strictly to the attaining a legitimate aim.

By virtue of letter No. 5 13000-37281/03.08.2020, the Ombudsman was informed that an order of the Director of the Sofia Directorate of the Interior sets out an inspection under Article 205, para 2 of the MoI Act. After its completion, **the committee found exceeding of official powers on the part of police officers and violations of the citizens' fundamental rights in the use of physical force exceeding the limits set. The materials from the inspection were sent to the Sofia District Prosecutor's Office in view of competence.**

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