

RULES OF PROCEDURE OF THE OMBUDSMAN INSTITUTION

In force as of 18 September 2012.

Adopted by a decision of the National Assembly on 4 September 2012.

Promulgated SG no. 71 of 18 September 2012

Section V. National Preventive Mechanism

Article 26. (1) In acting as National Preventive Mechanism, the Ombudsman shall visit the places of detention referred to in Article 28a, para 1 of the Ombudsman Act and shall review complaints and signals from persons detained therein.

(2) Visits under paragraph 1 may be planned or ad hoc.

(3) The Ombudsman shall approve a schedule of visits in places of detention by 31 January every year. The schedule shall be published on the website of the Ombudsman.

Article 27. (1) Visits in places of detention shall be made by at least two servants of the Ombudsman authorized by an order.

(2) The visits shall be conducted following a methodology approved by the Ombudsman.

(3) Servants under paragraph 1 shall make themselves known by a service card and order issued by the Ombudsman authorizing the visit.

(4) Servants under paragraph 1 shall not disclose information of which they become aware in the course of the visits or personal data of the detained persons.

Article 28. (1) In case of planned visits, the Ombudsman shall notify the head of the detention place not later than 7 days prior to the visit.

(2) The notification contains the names of the authorized servants; the date of the planned visit; a list of documents that the servants would like to inspect; and other information where appropriate.

(3) The head of the detention place shall inform the persons detained or accommodated therein as well as his or her officers about the pending visit in an appropriate manner.

Article 29. Ad hoc visits shall be made without prior notification upon the Ombudsman's discretion, for example following a signal or in order to check progress on his recommendations.

Article 30. (1) During visits authorized servants monitor how detained persons are treated; protection measures; material conditions; access to medical services; contacts with the outside world; the administration and funding of the detention places as well as other conditions and circumstances related to the prevention of torture and other forms of cruel, inhuman or degrading treatment of the persons detained or accommodated therein.

(2) During visits servants under paragraph 1 shall be entitled to the following:

1. free access at any time to all facilities in the places of detention and possibility to test the equipment provided to the persons detained or accommodated therein;

2. carry out personal talks with the persons detained or accommodated therein;

3. organize medical examinations of the persons detained or accommodated therein with their consent;

4. access to all information and documentation related to the treatment of the persons and the conditions under paragraph 1;

5. require information and conduct meetings with the officers in the places of detention and with other persons at the territory of the inspected detention place;

6. receive complaints and signals that are entered in the register under the terms of Section IV.

(3) During visits the servants under paragraph 1 shall be entitled to use camera, voice and video recording devices, noise/temperature/humidity measurement equipment as well as other measurement devices necessary for the purpose of the visits.

(4) For the purpose of conducting the examinations referred to in Article 28a, para 2, item 7 of the Ombudsman Act, the Ombudsman may use the service of independent medical experts who have the rights and duties of the servants under paragraph 1.

(5) Officials and employees in the places of detention must assist the authorized servants of the Ombudsman, ensure access and provide required information.

Article 31. (1) Within 14 days after the visit the authorized servants shall draw up a report stating their findings and making recommendations. The report shall be signed by the Ombudsman.

(2) The report under paragraph 1 shall be sent to the head of the detention place and the respective competent body.

(3) The persons and bodies under paragraph 2 shall inform the Ombudsman in writing within one month about the action taken in response to the recommendations made.

Article 32. Every year by 15 February the Ombudsman shall publish on its website a report of his work as National Preventive Mechanism. The report shall be drawn up in accordance with the requirements set forth in Article 28b, para 2 of the Ombudsman Act.

Article 33. (1) Where in the course of his work acting as National Preventive Mechanism the Ombudsman establishes that legislative amendments are required, he may make proposals and recommendations to the National Assembly and the Council of Ministers.

(2) Proposals and recommendations about legislative amendments and the respective action taken shall be included in the annual report of the Ombudsman.

Article 34. The Ombudsman shall cooperate with the national preventive mechanisms of other states, with the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and other bodies or institutions of international organisations that work in the area of protection against torture and other forms of cruel, inhuman or degrading treatment or punishment.