



**MONITORING OF THE UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, UNHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN BULGARIA**

**SUMMARY OF REPORT 2024**

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**THE CONVENTION**

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) was adopted by the General Assembly on 10 December 1984 and entered into force on 26 June 1987.

The Convention is the most significant international human rights treaty to insist on the universal abolition of torture and completes the process of codifying the fight against torture.

The main idea of the Convention is to unite States in their fight against torture by taking positive action to prevent it at both national and international levels. Specifically, the Convention requires States Parties to criminalize torture as a form of offence in their national legislation. In addition, the Convention establishes an international mechanism to monitor the implementation of its provisions, the UN Committee against Torture.

The Convention introduces two types of obligations on States: positive and negative. Negative obligations require each State to refrain from all forms of ill-treatment. **All acts containing the characteristics of torture should be criminalized and prosecuted as crimes in the domestic law of each State.**

Positive obligations are linked to the adoption of concrete measures to prevent torture (legislative, administrative, judicial, provision of training for staff in places of deprivation of liberty or others). In cases where a violation of the prohibition of torture has occurred, States should ensure that victims are fairly and adequately compensated.

On 18 December 2002, the UN General Assembly adopted the Optional Protocol to the Convention. The purpose of the Optional Protocol, in force since 22 June 2006, is to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment and to establish a preventive system. One element of the preventive system is the **establishment and maintenance of an independent NPM** for the prevention of torture and ill-treatment at national level.



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With the amendments to the Ombudsman Act in 2012, the Ombudsman of the Republic of Bulgaria began to perform the functions of the NPM in accordance with the Optional Protocol to the Convention. In this role, the Ombudsman carries out annual monitoring of places for serving imprisonment under the Ministry of Justice, places of detention of persons in the structures of the Ministry of the Interior, special homes for accommodation of foreigners under the Migration Directorate and registration and reception centres of the State Agency for Refugees under the Council of Ministers, residential social services for children and adults, public psychiatric hospitals.

### **UN CAT IMPLEMENTATION IN BULGARIA 2024**

The main recommendations made by the Committee against Torture in its sixth periodic report remained valid in 2024.

The Committee notes that **the Bulgarian law does not contain a legal definition of “torture”** within the meaning of Article 1 of the Convention. According to that provision, torture is to be understood as any **act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person** for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

**In 2023, the Ombudsman submitted a proposal to the National Assembly to amend the Criminal Code to criminalise acts that have the characteristics of torture through the introduction of a new criminal offense.** The main provisions of the proposed amendments envisage criminal liability for acts whereby a person deliberately uses force against another person or causes them physical suffering or pain in a manner or by means that clearly humiliate the human dignity of the victim, oppress them, cause them severe stress, mental pain or a feeling of inferiority, helplessness or fear, or places another person in a position or keeps them in a position that clearly degrades the human dignity of the victim, oppresses them, causes them severe stress, mental pain or a feeling of inferiority, helplessness or fear. More severe penalties are provided for in cases the act was committed by an official in the course of or in connection with the performance of their duties or with his or her express or tacit consent; against a pregnant woman, a minor or underage person, or more than one person; in a manner particularly painful for the victim; in the conditions of domestic violence. **In order to respond to public sentiment, the National Assembly included a new provision in the Criminal Code criminalizing the offense of “torture,”** albeit with a narrower (compared to the Ombudsman’s proposal) scope of criminal liability from an objective and subjective point of view. In particular, the definition of the crime under Article 144b, para 1 of the Criminal Code adopted by the Bulgarian legislator states that **anyone who, by force, threat,**



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or other means, tortures another person in order to obtain information or a confession from that person or another person, so that the person may be punished for an act which he or she has committed or is suspected of having committed, shall be punished for torture with deprivation of liberty of one to six years, unless subject to a more severe penalty, and **where the act is committed by a public official in the course of or in connection with the performance of their duties**, the penalty shall be deprivation of liberty of two to eight years.

Next, the Committee draws attention to the problems with 24-hour detention. The Bulgarian State needs to guarantee that all fundamental legal guarantees for detained persons are guaranteed in practice, not just in law.

Every detainee must be provided with access to a lawyer from the very beginning of their detention. The Committee expresses its concern that, in most cases, the detainees do not have access to a lawyer from the very beginning of the criminal proceedings against them and, even if they are provided with a lawyer during the 24-hour detention, the meetings take place in the presence of a police officer. Another problem is that, very often, arrested persons are not informed of their rights. Medical examinations are often carried out in the investigation detention facilities and are not recorded in the medical records.

In 2024, the Ombudsman carried out nine inspections of **detention facilities within the Ministry of Interior system**. The material and living conditions in detention facilities remain **unsatisfactory, with poor access to daylight and obsolete facilities**.

A positive change to be noted is the amending of Instruction No. 8121h-78 of 24 January 2015 on the procedure for detention, the equipment of detention facilities and the order therein at the Ministry of Interior, which implemented the Ombudsman's recommendation about the **mandatory participation of a lawyer when the detainee is a minor**.

The Ombudsman as NPM also considers it a positive change that the telephone number of the National Legal Aid Office is displayed in a prominent place in all inspected premises, along with an up-to-date list of lawyers on duty at the relevant bar association, which guarantees the right to defence of detainees.

Next, the Committee notes the problem of excessive use of force (especially in the prisons in Sofia and Burgas), as well as in police detention facilities. The Committee also notes the poor conditions in places of deprivation of liberty, specifically mentioning problems related to infrastructure, overcrowding, lack of hygiene and adequate sanitation facilities, insufficient access to water, inadequate heating, and lack of trained staff. The Committee emphasises the problems with medical care in prisons, in particular: **shortage of medical staff; difficulties in accessing medicines; unsatisfactory quality of medical examinations; limited access to psychiatric care; lack of special care for people deprived of liberty who have physical and/or mental disabilities; lack of measures to deal with the widespread use of drugs and related problems such as HIV and hepatitis**.



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In 2024, the Ombudsman as NPM carried out planned inspections in five prisons (Pazardzhik Prison, Pleven Prison, Sliven Prison, Stara Zagora Prison and Plovdiv Prison), seven prison hostels (five open-type ones and two mixed-type ones), one reform home (Reform Home for Minor Girls with Sliven Prison), and eight police detention facilities (in Elhovo, Haskovo, Svilengrad, Pazardzhik, “G.M.Dimitrov”, “Vekilski”, Sliven and Stara Zagora). Following reports received, the Ombudsman carried out four ad-hoc inspections in prisons, prison hostels, reform homes and police detention facilities: Pleven Prison, Burgas Prison, and three ad-hoc inspections in Sofia Central Prison, one of which was in the Specialised Hospital for Active Treatment of Prisoners.

The inspections found **systemic deficiencies in the medical care provided to persons deprived of liberty, ongoing problems with worn-out, obsolete and unhygienic bedding, presence of pests in places of deprivation of liberty, etc.**

The main recommendations made by the Ombudsman in 2024 in relation to the systemic problems in prisons are:

- Take measures to address permanently the problem with bedbugs and cockroaches in places of deprivation of liberty;
- Increase the budget for schools at places of deprivation of liberty, as the training and education of persons deprived of liberty is an important part of the correctional process and the subsequent reintegration into society;
- Continue the efforts and seek new opportunities to ensure a longer-term presence of medical professionals in places of deprivation of liberty;
- Set a procedure for the payment of medicinal products with prison funds in cases where no funds have been received in the personal accounts of the persons deprived of liberty;
- Persons deprived of their liberty with established mental disorders need to be placed in an appropriate medical environment under the supervision of qualified specialists.

Another important matter raised in the Committee’s report concerns the **problems of social institutions**. The Committee expresses its concern that people with mental and psychosocial disabilities in state and municipal medical institutions continue to have limited legal capacity and that there are still no adequate procedural and substantive legal safeguards. The Committee’s report also notes the **lack of sufficient independent monitoring** of these types of institutions, as well as the remote locations of the homes. The Committee also highlights the problem of **excessive use of medication to restrict movement**, the involuntary application of irreversible psychiatric therapies and the violence among patients, including self-harm. Next, the Committee draws attention to the extremely poor **material and living conditions** in some institutions which amount to inhuman and degrading treatment (poor hygiene, poor access to sanitary facilities, etc.).

In 2024, the Ombudsman carried out a total of **17 inspections in psychiatric institutions and residential social services centres**. The issue of protecting the rights of people with mental illnesses was raised with particular urgency. In performing the functions of National Preventive



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Mechanism, the Ombudsman of the Republic of Bulgaria conducts annual monitoring of state psychiatric hospitals (SPHs), mental health centres (MHCs) and social institutions for people with mental disorders. Within the meaning of the Convention, **state psychiatric hospitals are places of deprivation of liberty** as some of the patients are placed there by court orders and may not leave voluntarily. Therefore, the Ombudsman, as NPM, pays particular attention to preventing torture and other forms of inhuman or degrading treatment in these places.

During the inspections, the Ombudsman found systemic problems in SPHs that are incompatible with the fundamental standards for protection against torture and other forms of cruel, inhuman or degrading treatment or punishment such as:

- Humiliating living conditions in state psychiatric hospitals;
- Chronic malnutrition of patients due to an incorrect financing model;
- Poor quality of medical care due to the lack of staff and a sustainable policy to resolve this issue;
- Absence of social services to assist in the reintegration of patients in SPHs.

In relation to the excessive use of restrictive measures, the Ombudsman, as NPM, recommended to the Ministry of Health to review Regulation No. 1 of 28 June 2005 on the terms and procedure for implementing measures for temporary physical restraint of patients with mental disorders and to prepare a protocol for the application of the coercive measures of immobilisation and isolation, clearly stating the duration and frequency with which patients may be isolated and restrained for a period of 24 hours, as well as specifying the grounds on which these measures are applied.

Next, the Committee draws attention to the problems related to the situation of people seeking protection and migrants. The Committee emphasises that States Parties to the Convention need to ensure that people seeking international protection are not subjected to arbitrary detention, that judicial review of detention is provided, and that alternatives to detention are available. Another major problem highlighted in the Committee's report is the registration of unaccompanied children as "accompanied" by adults with whom they have no connection. The Committee draws attention to the need to improve the material conditions in reception centres to ensure an adequate standard of living and to reduce overcrowding in migrant detention centres, in particular in the Special Centres for Temporary Accommodation of Foreigners in Sofia and Lyubimets.

In the capacity of National Preventive Mechanism, the Ombudsman carries out inspections in the **special centres for temporary accommodation of foreigners (SCTAFs)** under the Ministry of Interior and in refugee accommodation centres under the State Agency for Refugees (SAR) with the Council of Ministers. The main focus of each inspection is to assess **the conditions in which unaccompanied minors and underage persons live and the forms of support provided**. The inspections in 2024 found **a large number of unaccompanied minors and underage persons**. The Ombudsman's recommendation about the need to introduce a systematic policy for the protection and integration of unaccompanied children remains relevant.



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In accordance with the Foreigners in the Republic of Bulgaria Act (FRBA), in 2024 the Ombudsman monitored the implementation of 33 coercive administrative measures for return to the country of origin, transit country or third country and expulsion. The monitoring teams identified systemic problems in the verification of foreigners' personal files:

- Incomplete documentation, especially with regard to appeals against orders imposing coercive administrative measures;
- Lack of evidence that foreign nationals are aware of the content of the orders imposing coercive administrative measures issued against them, as well as of their right to contest them as per the Administrative Procedure Code;
- Lack of evidence that foreign nationals placed in SCTAF are aware of their right to legal aid and that they have met with lawyers who have advised them and informed them of their rights and legal options.

In view of the ongoing military conflict in Ukraine, the Ombudsman as NPM monitors closely the observance of the rights of people granted temporary protection. In 2023, in a letter to the National Assembly, the Ombudsman expressed support for the proposal made by Members of Parliament to conduct a study of the needs, social and financial status of displaced persons from Ukraine, on the basis of which different groups in need would be defined for whom a specialised support mechanism would be developed. The introduction of such a mechanism is of utmost importance as it would contribute to the long-term and sustainable integration of vulnerable groups into Bulgarian society and would facilitate their access to a range of social services and medical care.

## **THE OMBUDSMAN IN DEFENCE OF PERSONS DETAINED IN INSTITUTIONS IN BULGARIA**

The functions of the Ombudsman of the Republic of Bulgaria as the National Preventive Mechanism (NPM) are related to the implementation of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the amendments to the Ombudsman Act of 2012.

**The matter of protecting the rights of people with mental illnesses has been particularly acute in recent years.** The Ombudsman of the Republic of Bulgaria, in the exercise of its functions as the National Preventive Mechanism, monitors on an annual basis state psychiatric hospitals (SPHs), mental health centres (MHCs) and social facilities for people with mental disorders. In August 2024, the Ombudsman, acting as NPM, carried out an inspection at the psychiatric clinic of the St. Marina University Multi-Profile Hospital for Active Treatment – Varna **on the occasion of another tragic case of a burnt patient while under a temporary measure of physical restraint for immobilisation.**



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**The inspection found significant violations of the requirements of Regulation No. 1 of 28 June 2005 on the terms and procedure for implementing measures for temporary physical restraint of patients with mental disorders, as well as non-compliance with the instructions of control authorities, the most important of which are:**

- **Failure to monitor the patient continuously, as required by the provisions of Article 11 of the Regulation** – pursuant to para 2 of the above-mentioned provision, a patient who is subject to a temporary physical restraint measure shall be monitored **continuously** by the nurses designated by the doctor, who shall change every hour. The nurses monitor the patient by direct visual observation or by remote means during temporary isolation and at the patient's bedside during temporary immobilisation;
- **The failure to register measures of temporary physical restraint** by isolation is a prerequisite for the application of this measure without medical justification and without following the procedure laid down for this, thereby violating patients' rights;
- **The lack of a fire alarm system with central signalling, despite instruction from the control authorities**, is also among the reasons for the late detection of the fire. As early as 2019, the Ombudsman institution alerted the Minister of Health to the need to provide for a requirement to install smoke detectors as a quality criterion for healthcare, in order to improve the safety of patients with mental illnesses.

**Alarmingly critical continue to be issues with the provision of social services to vulnerable groups** and the lack of control over the implementation of basic standards which create conditions for a threat to the lives of the people in facilities. **In another case of a serious incident of death in an institution that provides social services without having the required license in 2024, the Ombudsman institution immediately reached out to the competent authorities with a proposal to take urgent action to provide for criminal liability of people who provide social services without a license or do not comply with the standards and quality criteria for social services and these actions result in danger to the life and health of people using social services.**

The observations and inspections carried out in 2024 also brought to the fore the issue of the **protection of the rights of asylum seekers in the Republic of Bulgaria** with particular urgency. In view of the strategic geographical position of the country and the fact that the Republic of Bulgaria is an external border of the European Union, the migration pressure in the country has traditionally been increased.

In its work as the NPM, the Ombudsman institution has identified chronic problems which have been repeatedly brought to the attention of the competent authorities, but so far the necessary actions to eliminate them have not yet been taken.

The main shortcomings in the protection of the rights of people seeking international protection, people with temporary protection as well as foreigners who have been refused protection include:



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- Poor material and living conditions caused by insufficient funding in the accommodation centres of the SAR with the Council of Ministers and the special centres for temporary accommodation of foreigners (SCTAF) under the Ministry of Interior, taking the form of pests on the premises, high temperatures during the summer months, obsolete and unusable material facilities;
- Deficiencies in medical services due to the shortage of medical specialists, resulting in severely hampered and limited access to medical care;
- Lack of complete and clear information for asylum seekers on their rights and the terms for lawful residence on the territory of the Bulgarian State;
- Lack of a sustainable and long-term state strategy for the support and integration of displaced people which will permanently guarantee their rights of access to social, health and educational services;
- Lack of a well-established practice for foreigners to be informed about the content of individual administrative acts issued against them in a language they know, as well as about their right to contest them in court within the statutory time limit.

In 2024, teams of the Ombudsman institution, acting as National Preventive Mechanism, carried out inspections in the two special centres for temporary accommodation of foreigners under the Ministry of Interior and in five of the accommodation centres for asylum seekers under the State Agency for Refugees (SAR) with the Council of Ministers.

**The main focus of each inspection is the assessment of the conditions in which the accommodated people live, the forms of support provided for their integration into the community, as well as the respect of their guaranteed legal rights, the most important of which are:**

- **Right to remain on the territory of the country;**
- **Right to social support;**
- **Right to health insurance;**
- **Right to accessible medical care and free use of medical services under the terms and procedure for Bulgarian citizens, and others.**

According to official data from the SAR with the Council of Ministers, the total number of people who applied for protection in 2024 is **12,250**, of whom **56** applicants have been granted refugee status, **4,895** have been granted humanitarian status, **3,140** have received refusals. The total number of application proceedings is **15,392**, of which **7,301** proceedings were terminated.

The increase in the number of unaccompanied minors in the country remains alarming. According to the statistics of the SAR with the Council of Ministers, for the period 01.01.2024 - 31.12.2024, the total number of applications for protection submitted by unaccompanied minors is **2,601**, of whom **234** are minors, **717** children are aged between 14-15 years, **1,650** children are aged between 16-17 years.





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The greatest number of applications comes from citizens of countries with military conflicts such as Syria, Afghanistan, Morocco, Egypt and Iraq.

**Significant progress in the protection of the rights of unaccompanied children is the implementation of the recommendation repeatedly made over the years by the Ombudsman institution to establish a safe zone for unaccompanied children seeking protection in the largest registration and reception centre of the SAR with the Council of Ministers in Harmanli.**

**The zone was launched on 16 May 2024** in the presence of representatives of all stakeholder institutions, including representatives of the Ombudsman. The capacity of the safe zone is **98 places** for accommodation with the option to increase them in the event of a crisis.

Despite the progress made, a number of problems persist, such as problems with the control of **hygiene and sanitation conditions, with access of people to specialised healthcare, with the need to provide better security at the facilities.**

***The Ombudsman's recommendation on the need to introduce a systematic policy for the protection and integration of unaccompanied minors continues to be relevant. There is a need to assess possible measures to provide protection and support to unaccompanied persons through their integration into the community. Efforts need to be made to remove children from refugee centres once they have acquired refugee, humanitarian or asylum status in the country and to place them in an appropriate social service in the community.***

Another major problem for the children granted status in the country is related to their **obligation to leave the centres where they are accommodated at within 14 days and to declare their address in the municipality where they will settle.** This puts them in a difficult and vulnerable situation because of the obstacles they face in finding an address at which to register. In practice, the Ombudsman has found that registration often poses difficulties for foreigners who have a very short deadline to declare an address and often do not have the necessary documents such as a valid rental contract. As a result, a **mass practice of unauthorised “selling” of address registrations** has been created, in particular Bulgarian citizens allow refugees to register at their address for a fee while the refugees are forced to “buy” address registrations in the country.

In relation to this pressing problem, a proposal was made, within the framework of a working group for amendments to the Civil Registration Act involving the Ombudsman institution, to supplement the Civil Registration Act with a new provision. **The proposal of the Ombudsman's experts was to introduce a provision that would regulate the right of people**



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**who have obtained status in the country to declare their address in the municipality where they reside in cases where they do not have the legally required documents and have failed to register within the short 14-day period. The proposal was approved and published in the Official Gazette on 8 October 2024, and a new provision of the Civil Registration Act was introduced, Article 93, para 6, which entered into force on 10 December 2024.**

Pursuant to Article 39a, para 2 of the Foreigners in the Republic of Bulgaria Act (FRBA), **the Ombudsman is the only state institution that monitors the removal of foreign nationals** subject to coercive administrative measures – return to the country of origin, transit country or third country; and expulsion. In connection with these powers, in 2024 the Ombudsman monitored the implementation of a total of **30 coercive administrative measures of return to the country of origin**. The monitoring teams identified **systematic problems** in the verification of the personal files of foreign nationals, mostly related to the incomplete set of documentation (a foreigner's file):

- Lack of evidence that foreign nationals are familiar with the content of the orders issued with respect to them regarding the imposition of coercive administrative measures, their right to contest them under the Administrative Procedure Code and their right to obtain legal aid;
- Imposing the most severe coercive administrative measure of placement at SCTAF without examining the existing possibilities for a lighter, non-repressive measure under the FRBA.

In relation to the rights of foreigners accommodated forcibly at SCTAF, the Ombudsman, acting as NPM, was contacted at the beginning of the year by a non-governmental organisation which reported the imposition of the coercive administrative measure of forced placement in a special centre for temporary accommodation of foreigners on a citizen of the Islamic Republic of Iran.

It was established that the foreign national had been living in Bulgaria **for 13 years and that his return to Iran would expose him to an imminent risk of torture, inhuman or degrading treatment by the Iranian authorities**. The Iranian national is seeking protection in the Republic of Bulgaria because of a well-founded fear of religious and political persecution in his country of origin.

The inspection team found **that there were no legal grounds to impose the most severe coercive administrative measure on the foreign national**; therefore the Ombudsman turned to the Director of the Migration Directorate at the Ministry of Interior **with a recommendation to issue an order for a lighter precautionary measure and to order the immediate release of the person**.

In response to the recommendation, the Migration Directorate provided information that the foreign national **had been released** from the special centre for temporary accommodation of foreigners, that a protection procedure under the Asylum and Refugee Act had been opened and that the foreign national already **had refugee status and resided legally in the country**.



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In 2024, the Ombudsman institution as the NPM carried out a total of **53 inspections** in prisons and prison hostels, in police detention facilities, in state psychiatric hospitals, in refugee accommodation centres and special centres for temporary accommodation of foreigners, in 24-hour detention facilities with district police departments and in family-type residential centres for children and adults. The number of inspections carried out by categories of inspected facilities is as follows:

Facilities with the Ministry of Justice (prisons, prison hostels, reform schools and police detention facilities) - **22**;

Facilities with the Ministry of Interior - **9** (5 district police departments, Detention Facility – Kapitan Andreevo Village, accommodation premises at Sofia Airport for people not allowed to enter, SCTAF);

Registration and reception centres under the SAR with the Council of Ministers - **5**;

Residential services for children and adults - **14**;

Psychiatric hospitals and mental health centres - **3**.

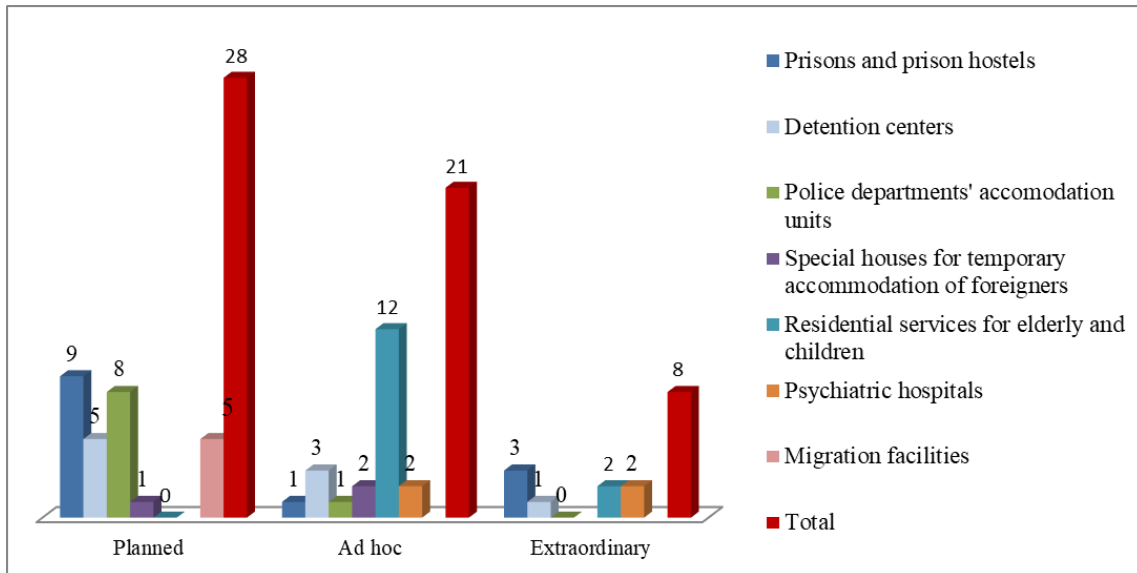


Figure 1: Inspections by type and by categories of sites in 2024.

Source: Statistics of the Ombudsman of the Republic of Bulgaria

In 2024, the trend of a high number of inspections in facilities for deprivation of liberty and detention with the Ministry of Justice continued, with **5 prisons**, **7 prison hostels** and **8 police detention facilities** inspected. The inspections of places for deprivation of liberty and execution of the measure of remand in custody covered the largest number of people - a total of **1,409** persons deprived of liberty and detainees in the facilities at the time of inspection.

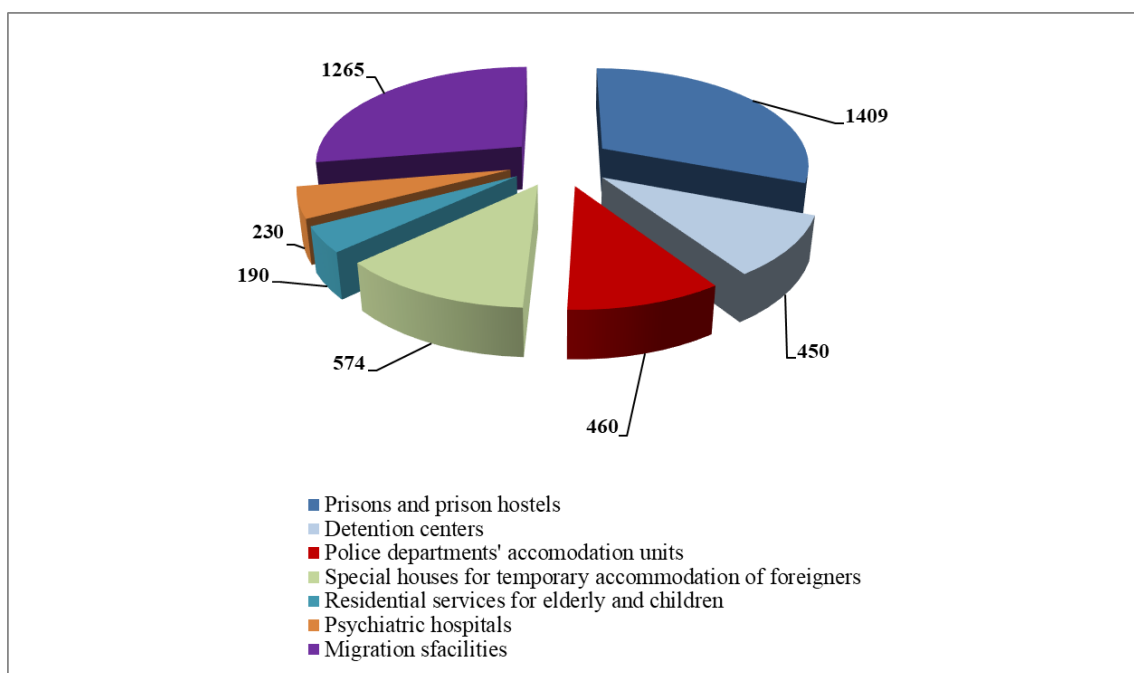


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The **main problems of the penitentiary system** identified by inspections carried out over the years remain:

- Poor material and living conditions: limited access to natural daylight, lack of ventilation and air conditioning during the summer months, overcrowding in dormitories, obsolete buildings;
- Difficult access to medical care for persons deprived of liberty and detainees and a shortage of the medicinal products delivered under a contract between the DGEP and a pharmaceutical company;
- Presence of cockroaches, bedbugs and other pests despite ongoing disinfection activities;
- Complaints of ill treatment, violence and uncooperative prison administration;
- Lack of budget funding for social activities due to which the resocialisation and reintegration of the persons deprived of liberty is severely hampered.



*Figure: Number of people accommodated in places subject to planned and unplanned NPM inspections in 2024*

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

Another highlight of the Ombudsman's work as NPM in 2024 continued to be the protection of the rights of people in the 24-hour detention facilities of the Ministry of Interior. In



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2024, teams from the Ombudsman institution carried out inspections in the detention facilities of five district police departments. The material and living conditions in detention facilities continue to be **unsatisfactory, with poor access to natural daylight and obsolete building facilities. The detention premises are in need of major renovation as well as capacity expansion due to the high occupancy rates.**

All inspected facilities have separate premises for the accommodation of minors and the recommendations made by the Ombudsman to comply with the provision of Article 2 of the Child Protection Act when detaining minors are followed. The amendments to Instruction No. 8121h-78 of 24 January 2015 on the procedure for detention, the equipment of detention facilities and the order therein at the Ministry of Interior have implemented the Ombudsman's recommendation on the **mandatory participation of a lawyer when the detainee is a minor.**

In 2024, the Ombudsman as NPM acted *ex officio* 4 times in **cases of police violence, suicide attempts and escape from the detention facilities of the Ministry of Interior**, and made recommendations to the Minister of Interior. A particularly disturbing case from the beginning of the year was in connection with a **person detained by officers of the Stara Zagora Regional Police Department who died in custody as a result of excessive use of physical force.** In a letter to the then caretaker Minister of Interior, the Ombudsman emphasised that **the use of physical force and auxiliary means by police officers is a measure of last resort to be applied only when absolutely necessary and insisted on a full, comprehensive and objective investigation of the case. In a reply to the Ombudsman institution, the Ministry of Interior stated that a number of shortcomings and deficiencies had been identified on the part of MoI officers in finding and detaining the person. Two officers were imposed the penalty of dismissal on account of the breaches found in the performance of their duties.**

In the course of all inspections carried out in 2024, the Ombudsman as NPM identified **similar problems and deficiencies in the medical care** at the inspected facilities, which can be summarized as follows:

- **Lack of sufficient number of medical staff**, mostly full-time doctors, which makes it necessary for other medical professionals (lab technicians, nurses) to perform activities not specific to their position such as outpatient examinations and even prescribing treatment;
- **Lack of dental doctors** and limited access to dental treatment in all inspected facilities;
- **Poor material and living conditions** in many of the medical centres and their inpatient facilities which do not meet the requirements for medical institutions and need major renovation;
- **A limited range of medicinal products and consumables** which are procured centrally (on request) in accordance with procurement contracts. If a medicinal product prescribed by an external specialist is missing, it is replaced by an analogous product



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or a medicinal product with the same effect, and **in the absence of such a product, the residents have to organise its purchase themselves;**

- **Lack of interpreters** which hampers the provision of medical care when the people concerned include foreign nationals;
- **Poor treatment** on the part of medical staff with regard to people detained.

*In view of the protection of the rights of all vulnerable groups of people in closed institutions which they cannot leave of their own free will, the Ombudsman of the Republic of Bulgaria is of the opinion that it is imperative **to improve medical care by taking the following specific measures:***

**1) Renew the attempts to attract a sufficient number of medical staff, especially doctors, to the medical centres of the institutions concerned;**

**2) Discuss ways to increase the attractiveness of medical work, including as regards the work remuneration and other benefits, as well as through individual discussions with doctors in the place or area where the institution is located;**

**3) Launch an initiative, in cooperation with NHIF and RHIF in the respective region, to ensure that the doctor who is head of the MC is able to carry out the full range of activities for issuing referrals, prescriptions, etc., in order to guarantee the rights of the health insured persons;**

**4) Discuss, jointly with the Ministry of Health, the possibilities for doctors in all institutions to have the opportunity of continuing training and, in particular, specialisation;**

**5) Update regularly the list of medicinal products and consumables provided centrally, while taking into account the price increases for a number of medicinal products and consumables;**

**6) Assess the need to carry out renovation works in medical centres and their inpatient facilities, bringing them in line with the hygiene standards and the requirements for medical facilities, in order to create normal conditions for patients and staff.**