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Response

**of the Bulgarian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Bulgaria**

from 10 to 17 December 2018

The Bulgarian Government has requested the publication of this response. The CPT's report on the December 2018 visit to Bulgaria is set out in document CPT/Inf (2019) 24.

Strasbourg, 11 July 2019

**Report to the Bulgarian government on the visit of the European committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
10 – 17 December 2018**

Comments of the Interior Ministry to

FACTS, ESTABLISHED DURING THE VISIT, AND RECOMMENDED ACTIONS

A. Border Police General Directorate (GDBP) premises

8. CPT recommends that the Bulgarian authorities ensure that the 24-hour time-limit for the custody of persons by the Border Police is always duly respected.

Law enforcement authorities of the GDBP, executing their functional duties, detain foreigners that have illegally crossed the state border, for which they issue a written order that has a time-limit of no longer than 24 hours. During the detention a number of procedures are performed with the aim of identification and initial registration of the foreigners.

Immediately after detention, all persons are made aware of the legal grounds, their statutory responsibility by law and all rights in regards to detention and legal assistance availability are explained:

- The opportunity of the detained person (on his own or through his defense/lawyer) to appeal to a court the legality of the measure of detention in accordance with the Administrative Procedure Code.
- Right to a defense lawyer from the moment of detention, who can be chosen by his own will, as Interior Ministry authorities provide the opportunity to contact him or to request a lawyer in accordance with the Law on Legal Assistance. With the aim of securing the access to legal assistance, an updated list of on-duty lawyers is present at every detention center, maintained and provided for by the lawyers' council, as well as phone numbers to the National Bureau for Legal Assistance.

All persons, who have not applied for international protection, are transferred to specialized accommodation of the Migration Directorate under the Interior Ministry, while all unaccompanied foreign minors detected at the borders are transferred to the relevant Social Aid Directorate, which takes protective measures in accordance with the Law on Child Protection.

All foreigners, who have applied for international protection to the GDBP authorities are transferred to the structures of the State Agency for Refugee within the Council of Ministers (SAR, part of the CM)

9. The Committee recommends that a firm message be delivered to Border Police officers that all forms of ill-treatment (including verbal insults) of persons deprived of their liberty are unlawful and will be punished accordingly.

As an EU member state, it is a duty to the Republic of Bulgaria to comply with all signed international legal acts in the sphere of refugee law, of which fundamental is the Geneva Convention Relating to the Status of Refugees of 1951. The procedure of admitting foreigners, performing background checks, administrative processing, distribution and transfer for

accommodations by other competent institutions is performed in accordance with current national legislation while strictly adhering to the rights of the detained persons, enumerated in the Constitution of the Republic of Bulgaria, the Convention Relating to the Status of Refugees, The New York Protocol of 1967 and the European Convention on Human Rights and Basic Freedoms. With the aim of complying with these obligations a number of directives and regulations have been transposed in the Law on Asylum and Refugees of the national legislation. Furthermore, all actions by the police authorities of the Interior Ministry do not include perpetration, provocation or tolerance of any act of torture, inhumane or humiliating attitude or punishment, as well as all acts of discrimination regarding the detainees.

From the onset of the increased migration pressure, GDBP implements an open and transparent policy providing access to the border and all centers for accommodation of large numbers of official delegations, international and non-governmental organizations, national and foreign media, observing for the compliance with the rights of the detainees.

With the aim of regulating all available tactical actions in the current specialized police operation (SPO) on the Bulgarian-Turkish border all commissioned personnel go through a mandatory briefing, aiming to present the situation on the border and the general principles of the Handbook for the Basic Human Rights, developed by Frontex aiming to train border police officers, as well as with the developed by GDBP personnel guidelines regarding the procedure of application for asylum before law enforcement officers and actions taken during detention of foreigners on the state border. During the daily briefings to the personnel, serving on the border, special point is made of strictly adhering to border control and protection of basic human rights legislation, including the order and rules for gun use, auxiliary devices and physical force.

Regarding adherence to rules during SPO, daily control is exercised on the execution of immediate tasks as well as avoidance of violence or unprofessional behavior to foreigners, respecting their human dignity and supporting them in situations that carry a risk to their life and personal health.

An additional argument for the lawfulness and effectiveness of the actions of the Bulgarian border police is the constant presence of Frontex personnel, who work cooperatively with the Bulgarian border police in the framework of the joint operation "Flexible Operative Actions" (FOA). Frontex rules demand the unconditional obligation that every act of violence or other infringement of human rights be immediately reported and clarified. According to the Frontex Regulation, the agency halts every joint operation in case of established serious violations of the basic rights or duties of international protection. As of date, there has not been any such case in Bulgaria.

Modern technical equipment ensures video footage 24/7 on the green border and storage of all illegal crossings of the border and the relevant circumstances. This guarantees that every possible act of violence could be detected and recorded. All surveillance systems record independently and any outside intervention is not possible.

According to the conclusions of the CPT, the conditions in the premises for accommodation of detainees in the structures of the GDBP are acceptable given the maximum time limit of 24 hours.

11. The CPT recommends that steps be taken to ensure that the two Border Police cells at Sofia Airport never hold more than one person each at a time. Further, considering their small size, the two cells should not be used to hold persons for more than a few hours, and never overnight. Ways should also be sought to improve the design of the cells so as to offer more privacy.

As regards the Border Police detention facility at Kapitan Andreevo, the Committee recommends that it be thoroughly refurbished and cleaned, cells being equipped with an effective heating system, and that detainees be offered food at normal meal times.

In compliance with this recommendation in the accommodation premises for detainees in the Border Police Station Sofia of the Regional Directorate of Border Police “Airports” the second levels of all present beds have been deinstalled, as a result of which sufficient space has been provided for persons, placed in separate rooms (with one bed). In this way all premises have been arranged in accordance with the order of performing an arrest and the equipment of the premises for accommodation of detainees is in line with the directives of the Interior Ministry.

Despite the good conditions, all premises for detention of Border Police Station Sofia have underwent refurbishment. Two new mattresses have been bought. According to the existing practice, all vacated premises are cleaned and disinfected after departure. (photos of the two premises are attached)

Due to the building’s architectural specificities there is no possibility of ensuring natural sunlight, but the constructed ventilation system is fully supported and functional.

According to the Law on the Ministry of Interior all accommodated persons are detained only for the necessary period of time, until the finalization of the relevant procedures, after which they are taken out and transferred for accommodation to the relevant institutions – State Agency for Refugees, Temporary Accommodation Centers to the Migration Directorate, etc. In the Regional Directorate of Border Police “Airports” all necessary measures have been taken to avoid the detention of persons for periods longer than 24 hours. Moreover, additional measures are taken individually for every case with the aim of shortening the period of stay.

All rooms for “Mothers with children” and all four rooms of the new sector Premises for Accommodation of Detained Persons at Kapitan Andreevo have been plastered, coated and painted.

All non-functioning piping elements of the sanitary units have been reconstructed. The electrical system in the premises is maintained, all heating appliances have been checked and two radiators have been repaired. These heating appliances are used when the installed air conditioners in the premises for accommodation cannot reach the optimal air temperature.

Adhering to a timetable, all premises are cleaned and disinfected regularly, not less than twice a week.

Regarding offering food at normal meal times to the detainees, opportunity for offering meal packages 24/7 has been ensured. Due to the terrain of the Bulgarian-Turkish border, foreigners are detained almost always during the dark part of the day, visibly exhausted of the long passage. This necessitates emergency measures for the preservation of their health and life, in the form of provision of food, water, emergency medical aid, etc. upon their accommodation in the premises.

12. The Committee recommends that instructions be issued to all Border Police establishments to ensure that detained foreign nationals' requests to see a doctor are responded to quickly and positively, without any filtering by Border Police officers. As regards notification of custody, steps must be taken to ensure that detained persons are provided with feedback on whether it has been possible to notify a close relative or other person of the fact of their detention. Further, the practice of relying on other detained foreign nationals to provide interpretation during interviews is to be avoided: apart from serious questions that arise about the reliability of interpretation thus provided, the aforementioned practice has a dubious impact on safeguarding detained persons' rights.

Border police officers ensure the preservation of life and health of all persons, who cross the border. A number of operations have been conducted with the aim of rescuing migrants, who are in danger during the border crossing. During the last few years group attempts to illegally cross the border have prevailed, and often groups of 20-30 people are detained. This necessitates measures based on legislation, consistent with a number of factors such as belonging to a "vulnerable persons" category, preserving families unseparated, health conditions, etc. In connection with this, processing foreigners, belonging to the "vulnerable persons" category and those in a visibly bad condition, is a top priority.

These last few years the International Migration Organization (IMO) organized a number of trainings on the subject "Migration and health" for health experts, social workers, law enforcement officers. The aim of the project is development of key competences of the medical experts, law enforcement officers and other frontline experts, working with migrants and refugees for the provision of quality healthcare. GDBP, Migration, State Agency for National Security, State Agency for Refugees, Social Assistance Directorate, the Medicine Institute took part in the training. Moreover, adhering to the trilateral Memorandum signed between UNHCR, BHC and the GDBP and with the aim of implementing the best European practices for working with vulnerable groups, there are yearly trainings for Border Police personnel on the subject of "Access to territory", "Work with vulnerable groups", "Cultures of different races", "Professional burnout and stress management", etc.

13. The Committee recommends that – similar as with respect to notification of – the Border Police systematically provide detained foreign nationals with feedback on whether the consular or diplomatic representative has been informed of the detained person's wish to contact him/her. The fact (and the date and exact time) of having transmitted such information should be duly recorded in writing.

Every person in the premises for accommodation of detained person, after being acquainted with his rights, is given the opportunity to contact a relative if he so wishes. In most cases foreigners personally make contact with their relatives via their own or an office phone. Similar is the situation with regard to the notification of the relevant consulate or diplomatic agencies for the detention upon stated by the detainee explicit desire. As a result of these communications, it is often that consular officers will visit detainees during police detention, converse with them and provide support to border officers in the form of translation in cases of rare languages.

With the aim of avoiding the stated gaps and adhering to the recommendations of the different points in the report, all regional directorates have been made aware of these deliberations. Strict adherence to the given recommendations by the CPT and avoidance of any gaps related to the conditions of the premises for accommodation of detained persons in the structures of the GDBP is therefore commanded.

B. Detention Centres for migrants

1. Preliminary notes

16. The Committee recommends that steps be taken to ensure that Section 58 (4) of the LAR is always duly applied and that, more generally, no foreign national is detained at a Home for a total/cumulative period exceeding the maximum time-limit of 18 months.

Upon application for asylum by a foreigner, who is placed in a Centre, the application is immediately sent to the State Agency for Refugees (SAR). Release of asylum seekers from the Detention Centres, resulting from their application forms, is organized immediately after receiving a confirmation from SAR, that the form is registered. The established finding for detention of persons with submitted applications for asylum up to 17 months is based on the statements of accommodated foreigners, without seeking the comments of the officers from the Centre for Temporary Accommodation of Foreigners and does not match the established practice. There are more than a few cases, where accommodated foreigners do not want to submit applications for asylum during their first months of stay in the Detention Centres, relying on favorable court decisions cancelling their accommodation. Only after rejection of their appeal by the courts and knowing that this would be the easiest way to repeal the coercive measure they have received, they do submit applications for asylum.

Moreover, the established finding of exceeding the maximum 18-month period for accommodation of foreigners legally stipulated in the Law on Foreigners in the Republic of Bulgaria, is not confirmed by the practice and the available documentation for accommodated foreigners at the Migration Directorate (MD). It is necessary to underline that in all cases of multiple accommodations of a foreigner in a Centre, the 18-month time-limit is strictly adhered to and is **calculated as a sum of all the periods of accommodation in the Centres** of MD, regardless of the Centres' location in Sofia or Lyubimets.

With regard to the given recommendation, MD will continue to strictly adhere to and implement the legally stipulated limits of detention of foreigners in Centres and a main guarantee is the civil and judiciary control by organizations, working in the area of human rights.

18. The Committee recommends that the management of Busmantsi and Lyubimets Homes continue to deliver a clear message to all staff that the ill-treatment of detained persons (whether of a physical or verbal nature) is illegal and will be punished accordingly.

During the daily briefings of police officers of the security staff special attention is given to their attitude towards accommodated foreigners and periodically as part of the thematic trainings for the officers without suspension of their duties, their knowledge and duties are refreshed with regard to observing the Ethical Code on the behavior of civil servants at the Ministry of Interior.

Efforts are made to improve the attitude of officers towards foreign citizens by providing preventive training from psychologists in the Centres.

There is an upcoming update of the established Plan and Procedure for interaction between psychologists of the Psychology Institute (PI) and officers of MD and part of them will be the vision of a complex approach towards the individual (foreigner), including successive and determined actions depending on the individual needs and concerns.

During the second half of 2019 there will be Additional Psychological Insurance (API) conducted for all officers of the Centre for Temporary Accommodation of Foreigners in Sofia, aimed at forming optimal attitude for professional work of the officers and early maintenance of professional stress. Part of the API-programmed activities are the trainings of officers for increasing their professional skills. Examples of some of the subjects of the offered trainings are: Stress management – professional stress and burnout; Conflict management; Effective communication; Organizational ethics; Work with citizens with problematic behavior; Police violence prevention; Competence and communication with foreign cultures, etc.

One of the important long-term aims of the API is the prevention of improper attitude and the unwarranted use of force towards the foreigners, as part of the ethical behavior development.

In 2018-2019 PI has realized the project “Increase in the expert capacity of the officers of the Ministry of Interior for the prevention of aggressive acts in society, corruption and radicalization” with the aim of building skills in officers for management of reactions of anger and the control of aggressive behavior in stressful situations.

The main message of the project is sending a clear signal to officers of the Ministry of Interior to avoid any harsh attitude, threats and police violence while on-duty.

Adhering to Activity 1 of the project, three-day trainings were conducted on the subject of “Anger management and aggressive acts. Effective communication and stress resilience in the daily challenges of officers of the Ministry of Interior”.

In the period September 2018 – December 2018 through Activity 1 a total of 200 officers from the Centres in Sofia and Lyubimets were trained; psychologists of the Centres conducted a total of 26 trainings as educators.

Part of the training syllabus was subjects and practical skills, aiming at increasing the self-control of officers in highly stressful situations and increasing their skills for communication with citizens.

19. The CPT recommends that the management and staff of Busmantsi and Lyubimets Homes remain vigilant and make use of all the means at their disposal to prevent interdetainee violence and intimidation.

Upon entry in the Centres, the foreigners are closely observed to be accommodated in bedrooms according to their nationality and religious identity. On formation of a conflict between the foreigners, immediate actions are taken to separate them in different bedrooms and the security staff is watching for any acts of violence. In case of a submitted by a foreigner request to be moved into a different bedroom due to a conflict with another foreigner, the request is satisfied if such a possibility is available. Additional resource in dealing with aggressive behavior by foreigners provoking conflict and pressure is the intervention by the psychologists of the Centre.

23. The Committee recommends that urgent steps be taken to remedy the abovementioned deficiencies at Busmantsi and Lyubimets Homes. In particular, all the remaining accommodation areas (as well as toilets and washing facilities) should be refurbished, adequately equipped (including with new beds, mattresses, pillows, bed sheets, blankets and call-bells) and heated, and maintained in a clean condition (free from vermin including bedbugs); occupancy levels should be reduced in all dormitories (to provide the minimum of 4 m² of living space per person) and spare beds removed. More efforts are also required to ensure adequate supply of free-of-charge personal hygiene items, cleaning materials and products, and suitable clothing and shoes for detained foreign nationals.

Further, the CPT invites the Bulgarian authorities to review the food arrangements at both Homes in order to ensure that the dietary habits and needs of detained foreign nationals are being adequately catered for. The possibilities of involving detainees in the setting up of food menus and allowing them to cook their own meals should be seriously considered.

Painting of all bedrooms for accommodated foreigners has been going since January 2019 in the Centre in Lyubimets together with a painting in the common premises in Block 2 – corridors and stairs. Basic cleaning of all bedrooms' beds and nightstands, which have been repaired and reinforced additionally, has been conducted. Luggage cupboards of the accommodated foreigners have been thoroughly cleaned and all have been painted. There is stronger oversight on the daily hygiene on the premises of the Centre by the staff. After the cleaning of bathrooms and toilets, they are maintained daily in a hygienic state, leaking taps and other existing damages have been fixed.

In 2018 the Centre in Sofia underwent repairs in the bedrooms, corridors and the dining-room in the building for accommodating foreigners, lights were changed, which was reported in the findings of the delegation. The equipment in the premises for accommodating foreigners is daily maintained and everything obsolete and unavailable for use has been thrown out.

Regarding the recommendation for carrying out unused beds from the bedrooms with the aim of optimization of the living space it is needed to underline that both Centres have an established bed capacity for accommodation of foreigners, which, regardless of the seriously weaker flow of migrants during the last months, is to be maintained ready for a potential future migration pressure. The Centres do not possess free storage spaces for the beds.

In 2017 following a public procurement, both Centres were provided with 2280 mattresses, 2790 bedsets, 3000 blankets and 3900 pillows, which are used for accommodated foreigners.

Actions have been taken to repair the heating problems in some rooms of the Centre in Sofia, established by the delegation during their visit. Glass has been changed in the rooms with broken windows. Heating appliances have been provided in the rooms with problems with the steam installation. Air-conditioners have been installed in the dining-rooms for foreigners, the training room, the visitor's room, the library. There are plans for the non-working radiators to be changed with new aluminum ones until the next heating season. Additionally, since 3 May 2019 a new contract for provision of fuel has been in effect, under which there are no limits to the stated fuel used for heating.

In connection with disinfestation and addressing problems related to bedbugs, regular visits are conducted by MI specialists for disinfection, disinsection, deratization in public and specialized buildings. Disinfestation is performed not only in bedrooms, sanitary and other rooms in the Centres, but also on the bedsheets. As prevention against the diffusion of bedbugs, the mattresses of accommodated persons were replaced. Upon the recommendation of the health inspectors from the State Health Control and adhering to internal rules every 2 weeks bedsheets are changed and washed at 60 degrees C. Upon foreigners' accommodation the so-called "preliminary filter" is implemented, which ensures everyone the opportunity to wash himself, provision of clean and disinfected clothes is made, while his personal clothes are washed at an appropriate temperature. In the Centre in Lyubimetc there is a 24-hour freeze of luggage policy of every newcomer with the aim of disinfection.

With a donation from the Bulgarian Red Cross washing rooms in both Centres have been equipped with 15 washing and drying appliances, aimed at washing the foreigners' clothes.

Sufficient cleaning and disinfection detergents for the needs of both Centres have been provided. In the corridors of the Sofia Centre on every floor, where foreigners are accommodated, metal cupboards with different washing and cleaning detergents are placed, free for use by the foreigners. Every newcomer is given a sanitary package of tools for personal hygiene, which are replenished during his stay.

In regards to the recommendation for provision of appropriate clothes and shoes for the accommodated persons it is necessary to underline that MD does not possess sufficient budget to support clothes for accommodated foreigners on storage, however, there are no cases of neglect of needs. As a result of the fruitful cooperation between MD and organizations working on the ground in support of accommodated foreigners, there are periodical provisions of donations for the accommodated persons. The main partner is the organization of the Bulgarian Red Cross (BRC), whose specific activity on the territory of the Centres is the provision of direct donations of the foreigners in need, including clothes, shoes, medicine, hygiene tools. In 2018 BRC donated to the accommodated foreigners in the Centres 200 sports sets for all age groups. The International Organization for Migration also provided direct donations to the accommodated individuals, including sports sets, shoes and hygiene materials.

Since 24 April 2019 a **new Contract for delivery of food ready for breakfast, lunch and dinner for the accommodated persons in the Centres is in effect**, as a result of which there is daily control on the quality as well as quantity of the food delivered by the staff. To this moment there have been no established deficiencies. Effort is made to ensure that weekly menus include fixed energy values (calories, fats, protein and carbohydrates) from the different nutrients for breakfast, lunch and dinner, according to the accepted norms of nutrition of the population. The food contract foresees that meals are not cooked with pork or products containing pork meat, in line with the religious identity of the majority of accommodated persons. **All meals are prepared according to “Collection of recipes for public eating” or to a developed and established technological documentation for production, in line with the Law on Foods.** Accommodated foreigners are daily provided with fruits depending on the season. Special meals are provided for children in the age group of 1 years of age and also 1 to 3 years of age as well as dietary meals on prescription by a doctor for persons suffering from diabetes or having gastrological problems.

The recommendation of the Committee for the inclusion of the detained persons in the preparation of the menu and the opportunity for them to prepare their own meal themselves is at this time hard to accomplish due to several reasons: observation of sanitary norms that are in effect in similar public establishments for the accommodation of persons it is necessary to observe strictly not only the type and quantity of food but also its quality with the aim of preventing poisonings of spoiled food or development of gastrointestinal infections. For that purpose daily samples of all delivered products used in the delivered pre-prepared food are mandatory kept in special conditions with the aim of performing laboratory tests in case of any issues. Direct participation of the accommodated persons in the preparation of the menu is hard to implement due to the big number of accommodated persons with various tastes and preferences, however their opinion is taken under consideration by the Centres' staff and this has on many occasions led to changes in the offered menu by the supplier via inclusion of foods, preferred by the foreigners.

24. At Lyubimets Home, the delegation was told that there were plans to build a completely new detention facility with a better design. The Committee would like to receive more detailed information on these plans and the timeline for their implementation.

CPT recommends that any further refurbishment/reconstruction of both Homes include the transformation of large-capacity dormitories into smaller living units, offering more privacy.

The subject, pointed to by the CPT, refers to activities for expanding the Lyubimets Centre, which at this time have been financed under “Emergency measures” for the first stage – terrain preparation (leveling and removal of scrapped buildings) and development of infrastructure (water supply and plumbing, electricity, fencing). For the realization of the first stage a public procurement for choosing an executive is finalized and the decision of the contracting authority has been appealed and a decision by the Supreme Administrative court is expected. The second stage – erecting a new building, is not financed yet.

29. The Committee calls upon the Bulgarian authorities to make further efforts to offer a range of constructive activities to foreign nationals detained at Busmantsi and Lyubimets Homes, as well as the SAR Closed Unit. As a first step, all detainees (including women and families in Busmantsi) should be enabled to watch foreign TV channels, and more radio sets, books, magazines and newspapers (in an appropriate range of languages) should be made available. Further, detained foreign nationals must be offered the genuine possibility to engage in sports and play board games on a daily basis, and minors should have adequate access to the playgrounds (i.e. much more than it is currently the case). As regards the outdoor areas, to which access should be granted for at least 2 hours per day (and possibly more), they should be equipped with a suitable number of shelters against inclement weather.

The CPT would also like to be informed about the outcome of the tender procedures referred to in paragraph 27 above, and to receive confirmation that the new indoor gym is now operational in Lyubimets and that detained foreign nationals in both Homes have access to PCs.

After the visit of the delegation of CPT in December 2018, in connection with the organization of leisure time of the accommodated persons in the Centres the following actions have been taken:

Since April 2019 in both Centres new color TVs have been delivered with satellite receivers, which provides access to the accommodated persons to over 160 TV programs, the majority of which are foreign or use languages, accessible to the foreigners. In the Centre in Lyubimets six 40” LED/LCD TVs with satellite receivers and in the Centre in Sofia two 40” LED/LCD TVs and four 60” LED/LCD TVs with satellite receivers have been delivered. TV rooms are separated with benches for sitting.

At the Centre in Lyubimets four video walls with two computer configurations are available. Five tennis tables have been delivered, which are actively used by the accommodated foreign nationals in the Centre. The fully-equipped gym is used by the foreign nationals at the established periods of time /photographs are attached/. For the expansion of the opportunities for sport and active relaxation of accommodated foreign nationals in the Centre in Sofia four tennis tables, volleyball nets, basketball baskets and balls for different kinds of sports have been delivered.

15 computer configurations ready for use have already been delivered to the Centre in Sofia, as well as a projector and a projecting screen to the hall for conducting trainings of the accommodated citizens of third countries /photographs are attached/. At this moment there is no separate computer hall for foreign nationals at the Centre in Lyubimets, but future opportunities for project financing will be sought after.

A procedure for development and equipment in both Centres of outside playgrounds with two separate areas (for children up to 3 years of age and for children 4 to 12 years of age) has been announced as well as an outdoors gym for adults in the Centre in Sofia. It is expected that the playgrounds for sport and play will be complete by the end of 2019.

Opportunities for expanding the libraries for foreign nationals with books, magazines and newspapers in appropriate languages are constantly sought after, but the finding of such publications is a serious challenge, as a result of which cooperation with international organizations partnering MD is pursued.

During the current year the Migration Directorate will continue cooperating with partnering organizations – International Organization for Migration and Caritas Sofia, which conduct amusing and educational activities in support of accommodated persons, such as: activities with percussion instruments, English, Bulgarian, Spanish, French language courses for adults, cultural orientation and geography, artistic and recreational activities with children, English for children, organization of sporting events, experimental theater, Italian for children and families. Since May 2019 Caritas Sofia expanded the scope of its program for direct work with foreign nationals and sporting activities with the accommodated persons have been included – football, running, jumps etc.

Access of foreign nationals to outdoor spaces on the territory of both Centres is provided for twice a day in line with the established routines for 2-hour periods at a time. Additionally, when outdoor sports activities are available, accommodated persons have the opportunity to be on the yard and participate in the activities.

33. The Committee calls upon the Bulgarian authorities to take urgent steps to address the aforementioned serious deficiencies of health-care services at Busmantsi and Lyubimets Homes. In particular:

- the infirmary (both the in-patient premises and the staff offices) at Busmantsi Home must be refurbished and kept clean;

- **both Homes must be provided with adequate equipment (including life-saving equipment such as defibrillators, oxygen and nebulisers) in working order;**
- **appropriate supplies of free-of-charge medication must be ensured, and all the expired medicines destroyed;**
- **detained foreign nationals at both Homes must be given reasonably rapid and free-of-charge access to outside specialists, including to dental care and to a gynaecologist and a psychiatrist;**
- **qualified interpretation must be provided in cases when detained foreign nationals and health-care staff cannot communicate with each other;**
- **confidentiality of medical consultations and documentation must be ensured;**
- **the quality of medical documentation must be improved at both Homes; in particular, a single and comprehensive individual medical record must be created for every detained foreign national;**
- **the quality of medical screening upon arrival must be improved (including the screening for tuberculosis, other transmissible diseases and mental disorders including signs of PTSD);**
- **as for the recording and reporting of injuries, the rules applicable should be aligned mutatis mutandis with those described in paragraph 27 of the report on the 2017 visit;**
- **regarding the reporting obligation, health-care staff must advise detained foreign nationals of its existence, explaining that the writing of such a report falls within the framework of a system for preventing ill-treatment and that the forwarding of the report to the competent prosecutor is not a substitute for the lodging of a complaint in a proper form.**

In the medical service in the Sofia Centre in Busmantsi, there is an ongoing search for medical staff and as of this moment there is one nurse ready for appointment. The deployment of a medical doctor from the Medical Institute (MI) in Sofia for inclusion in the monthly timetable of the medical staff is continuing. There have been no issues with provision by medical experts of psychiatric, obstetric, gynecologic and dental help.

Medical staff in the Centres has been instructed to strictly detail medical documentation on entry, departure and current examination of migrants, consultations performed, taking note of every alteration on the skin of traumatic or sickly nature.

For stricter control of vulnerable migrants groups, since 01.04.2019 on each 14th day of the month information is expected at MI on the type and number of seriously sick migrants, including rare exotic diseases such as malaria, leishmaniosis, tuberculosis etc.; number and health status of pregnant women.

There is a pending half-year report at the beginning of July 2019 on the health conditions of migrants in Sofia and Lyubimets Centres, which will be presented to MD management.

In the medical staff of Lyubimets Centre there is an pending contract for dental help with an expert from the town of Lyubimets. In 2020 tri-channeled EKG appliances and appliances for measuring blood pressure will be purchased for the needs of the medical staff.

In the “Outpatient care” sector of MI there is a continuing dispatch of 3-month-spanning reports on the morbidity of migrants by nosological values by the medical staff of the Centres.

MI has signed contracts with medical institutions in the country for emergency aid and basic treatment of migrants from Lyubimets Centre and also with the Specialized Hospital for Active Treatment of Children’s Diseases “Prof. Ivan Mitev”, with whose help it provides the necessary specialists for medical care of migrants in the Centres. This is conducted in a timely manner, without delays. The cost of the provided treatment is paid for by the Internal Ministry’s budget and since 01.10.2017 by an EU project.

For medical staff of the Centres both in Sofia and Lyubimets in 2020 a defibrillator will be purchased, oxygen tanks, inhalators, auxiliary appliances – wheelchairs, cupboards for medical drugs, etc.

Control on the correct and complete organization of medical documentation will be ongoing.

35. The Committee calls upon the Bulgarian authorities to strive to improve the level of psychological assistance to foreign nationals detained at Busmantsi and Lyubimets Homes, including the provision of professional interpretation.

Execution of individual and group psychological work with accommodated foreign nationals in the Centres is based on the principle of informed participation, respectful attitude and observance of their rights, keeping the ethical and professional standards for performing psychological activities.

Psychological work with foreign nationals is realized in accordance to internal regulations and the Plan and Procedure of Interaction between Staff Members of the Centres – MD and Psychologists from the Psychology Institute Located at the Centres, agreed on and established by both structures of the Interior Ministry in May 2015.

Firstly, in the detailed assignments of psychologists are activities **with the accommodated foreign nationals**:

- psychological maintenance and stress and aggressive behavior prevention
- psychological interventions in suicide attempts and individual crisis conditions
- consultative and therapeutic work

Foreign citizens in the Centres have full access to psychological help in all its forms. Visits to a psychologist are mitigated to a maximum degree by:

- direct request by a foreign national
- signal for the necessity of a meeting by the interviewers, working at the Centre
- signal by the management, medical staff or security officers

In May 2019 in the Sofia Home an additional room for use by the psychologists was equipped which seriously mitigated the access of foreign nationals to psychological help.

Secondly, assignments for **the officers of MD** have been detailed as follows:

- methodical provision of the activity of the interviewers relating to the psychological status of the accommodated individuals
- support of interviewers in the process of familiarizing with the accommodated foreign nationals, their groups and communities
- conducting trainings for the staff
- consulting officials and their families
- consulting MD management relating to the approaches and decisions taken in connection with the accommodated foreign nationals

Activities, connected with the psychological provision of officials – performing of crisis, organizational and individual psychological consultations, are part of the job descriptions of all psychologists from PI.

Part of the job descriptions of the psychologists, working in the Centres, includes support of interviewers in the Centres., The aim of this aspect of the work is to ensure better and fuller interaction with the foreign nationals, connected with social support, adequate psychological evaluation and offering psychological support.

Thirdly, in the established plan there are **areas of interaction between the two structures**, relating to **logistical and organizational provision** of the activity of psychologists, including the provision of interpreters during interviews with accommodated foreign nationals.

Usually psychological interventions connected to the accommodated persons are related to emotional difficulties and behavioral issues in a wide range such as: depressive symptoms, emotional liability, general anxiety, high level of internal pressure and/or cumulative stress, psychosomatic complaints etc. rooted in uncertainty (*palpitations, nausea, various pains, exhausted resources for coping, making threats of self-harm, conflict behavior, verbal or physical aggression, psychological and social issues as a result of continuing alcohol or drug abuse, etc.*)

More serious manifestations of suffering and psychopathologies are rarer, as a reaction to PTSD in victims of rape or people, dealing with severe psychological traumas, autistic, mentally ill or schizophrenic children, etc.

Cases which pose a challenge are those in which information is missing about the needs of an accommodated person of psychological intervention, or that he is a part of a vulnerable group or is with a high likelihood of dangerous behavior. With the aim of reducing the frequency of such situations, in 2018 psychologists of the Sofia Centre developed a method for performing social activities and “casework”, which, after the approval of MD management, was put into practice. Psychologists of the Sofia Centre conducted trainings and eventually – 25 supervisions over experts, working as “interviewers”, aiming at adoption of the developed model and the specifics of “casework”. Expectations are that this approach will optimize the interviewers’ activity, as it presents the opportunity to work exhaustively with each of the accommodated, to cover cases fully

and to take successive and determined actions towards each individual foreign national (including the provision of psychological help if necessary).

Generally, after request for the psychologists, consultations are conducted with the relevant person, including psycho-diagnosical evaluation, conversing and negotiating a particular direction of future consultative work and accordingly - its implementation. Procedures of crisis interventions are different, the aim being certain relaxation of the persons and solution of the critical situation. With persons part of a vulnerable group who are suffering from mental illness, it is necessary to have a wider coordination of the cases with the psychiatric authorities, the Centre officials and other structures depending on the current case. With people, who commit self-harm or attempts of suicide, psychological consultations are conducted and if there is a direct request by them, an anti-suicidal contract is negotiated and signed.

Furthermore, psychologists are often busy with solution of social or everyday issues in the Centres, which if left unchecked can lead to a surge in tension and stress in the accommodated individuals.

In 2018 in the Sofia and Lyubimets Centres, 2 288 foreign nationals were accommodated, of which 1 345 only short-term (up to 30 days). 530 foreign nationals of them have been consulted. 12 crisis interventions have been performed.

Since the beginning of 2019, up to 18 March, 66 consultations with accommodated persons have been conducted and 131 have been accommodated up to this point.

In the **Procedure** of interaction between officials in the Centres and psychologists from PI working in Homes that is in effect, work with “vulnerable persons”, including those that have been tortured or otherwise abused in different forms, is coded as a priority assignment of the psychologists in ordinary situations.

To sum up, all areas, in which psychologists available in the Centres are conducting psychological work with accommodated persons, can be framed as follows:

- psychological consultations for evaluation of the current psychological state with the aim of foresight, planning, and psychologically-corrective actions;
- psychological consultation relating to a directly stated by the foreign national psychological issue of emotional, behavioral, personal or interpersonal nature, life crisis or a pathological process of dysfunctional condition;
- crisis intervention in emergency cases, crisis situations and psychological crisis
- psychological maintenance with the aim of prevention of high-risk or non-adaptive behavior; support of psychological health and attainment of psychological well-being;

37. The CPT would like to know whether the Bulgarian authorities have considered the option of placing such staff under the authority of a structure other than the Ministry of Interior (e.g. the Ministry of Health).

At this time there have been no plans of adopting such measures.

38. The Committee recommends that more efforts be made in the immigration detention establishments visited to improve staff’s training in languages most commonly spoken by detained foreign nationals (including also Pashto and Urdu) and intercultural communication.

Periodically, in the thematic plans for professional training of police officers without suspension of duties, subjects are placed, relating to the specifics of working in a multicultural setting and official communication of citizens of third countries, identification of vulnerabilities and work with vulnerable groups, standards and guarantees for the protection of human rights and specific peculiarities of official interaction with citizens of third countries of nationalities such as Afghanistan, Iraq, Syria, Pakistan, etc.

All opportunities for inclusion of police officers in trainings and seminars, organized by international and non-governmental organizations, partnering with MD, are taken advantage of. During the current 2019, participation of officials from both Centres in trainings, conducted by UNHCR, in line with the signed Memorandum for Cooperation with MD, is ongoing. The first of which was conducted in April of the current year, in subjects relating to the cultural specifics of the foreign nationals, work with vulnerable groups and specifically children, including the identification of unaccompanied minors, strategies of interaction with citizens of third countries with the aim of protection of human rights, were explored. Training with similar subjects was conducted in April by the International Organization for Migration, with the assistance of a large group of MD officials, and more similar trainings are due by the end of the year.

Efforts to widen the professional preparation of officials through foreign-language training and inclusion in courses, organized by the Interior Ministry Academy, are ongoing. Since the beginning of 2019, seven officials of MD have undergone courses in English and three officials took part in a courses in Arabic – A2 level. Unfortunately, training of officials in rare languages (incl. Pashto and Urdu) is not possible due to a lack of habilitated teachers and training programs on national scale.

39. The CPT recommends that further steps be taken to improve access to information to foreign nationals detained at Busmantsi and Lyubimets Homes (and the SAR Closed Unit). In particular, detainees should receive a written translation in a language they understand of decisions regarding their detention/removal, and of the information on modalities and deadlines for appealing against such decisions.

Decisions on detention and imposing coercive measures for aims of return are given to the foreign nationals to familiarize with by the relevant authorities, which imposed the measure, which are structures outside the MD. On their accommodation in a Centre, officials, executing admission procedures of newly-accommodated persons, inform them in an understandable for them language of the order and conditions for residence in the Centre. In the interviews that follow, the interviewers and officials from the Department for Prevention of Illegal Migration at the MD, which communicates with outer institutions regarding the legal position of migrants and the organization of execution of the measures imposed on them, regularly inform the accommodated foreign nationals about the course of their procedures. The national migration legislation stipulates the obligation of migration authorities to inform/familiarize foreign nationals in an understandable for them language with relevant acts and actions. For this purpose the services of the interpreter's company, with which MD has a signed contract, are regularly employed. Cooperation with qualified interpreters of partnering institutions and organizations, which MD has signed agreements with, is sought after, as it is with their help that workshops and informative meetings for the accommodated foreign nationals are conducted.

Every accommodated person has guaranteed access to the official (interviewer), leading his case, who he can ask questions of different nature – as looking for information relating to his accommodation and rights, fulfillment of health, social or needs of different kinds.

40. The Committee reiterates its recommendation that steps be taken to ensure that foreign nationals detained at Busmantsi and Lyubimets Homes (and the SAR Closed Unit) receive, whenever necessary, the assistance of qualified interpreters. The use of fellow detainees as interpreters should be avoided.

The recommendation is accepted and efforts will be made in this area.

At the same time, we would like to underline that all practices of depending on fellow detainees for interpretation is not relevant to GDBP, as its officers have been instructed to perform all procedures with foreign citizens in the presence of an interpreter.

For the needs of GDBP for work with foreign nationals and persons, seeking asylum, public procurements for interpretation services for the so-called rare languages are announced. A big part of interpreters, used by GDBP, are citizens of the countries of origin of the migrants and asylum seekers. For the procurement of interpreters, GDBP has spent BGN 871 199 for the last four years, as follows – for 2015 - BGN 365 224, 2016 - BGN 261 322, 2017 - BGN 129 726, 2018 - BGN 114 924.

According to provisions of the signed trilateral Memorandum of understanding and monitoring of the borders between GDBP, the UNHCR representatives in the Republic of Bulgaria and the Bulgarian Helsinki Committee (BHC), detained foreign nationals have the right of access to legal aid, interpreter and support, ensured by BHC.

41. The CPT reiterates its recommendation that the system of legal aid (run by the National Legal Aid Bureau) be extended to detained foreign nationals, in all phases of the procedure. For indigent foreign nationals, these services should be provided free of charge.

On accommodation of a foreign national in a Centre of MD, he is informed by the interviewers of his rights and duties relating to his stay at the Centre, as of the opportunity to use free legal aid, in line with the Law on Legal Aid.

The national legislation guarantees access to free legal aid by the state for a foreign national, on whom a mandatory coercive measure has been imposed and has been accommodated in a Centre according to the Law on Foreign nationals in the Republic of Bulgaria. Upon request by a foreign national for provision of free legal aid in the course of the legal proceedings he is provided with support for filling the necessary documents, which are presented before the court for appointment of a lawyer.

The provided legal aid to foreign nationals by non-governmental organizations (BHC, “Access to Rights” Foundation, legal advisors from International Organization for Migration, etc.) is also free for the accommodated persons.

42. The Committee recommends that the Bulgarian authorities provide the possibility of unsupervised visits for detainees at Busmantsi and Lyubimets Homes (and at the SAR Closed Unit).

The recommendation is incompatible with the established measures for security and organization of the premises for outsiders on Interior Ministry grounds, which both Centres of MD are. Visits and meetings of the foreign nationals with outsiders are conducted under security officers’ supervision

firstly for ensuring order and safety of all persons during the meetings and secondly with the aim of preventing attempts to smuggle forbidden objects or substances. The restrictions are stipulated in the established Rules of Internal Order of the Centres and both the accommodated foreign nationals and the visitors are informed of them.

43. The Committee reiterates its recommendation that the Bulgarian authorities allow detained foreign nationals to use the VoIP technologies on a free-of-charge basis to communicate with the outside world.

The Rules of Internal Order of the Centres allow the accommodated foreign nationals to use their own mobile devices with Internet access and the VoIP technologies. MD does not possess sufficient financing to provide free-of-charge Internet access for the needs of the foreign nationals.

46. More generally, while acknowledging that it may on occasion be necessary to sanction detained foreign nationals for improper behaviour, the CPT wishes to stress that any such sanction (including the transfer to a “high-security dormitory” or to the SAR Closed Unit) must be accompanied by appropriate procedural safeguards such as those mentioned in paragraph 44 above. **The Committee recommends that the relevant legislation and the house rules in Busmantsi and Lyubimets Homes be amended accordingly.**

The imposition of sanctions on accommodated foreign nationals is not stipulated and such are not implemented. With a decision by the Supreme Administrative Court of Bulgaria dated March 2016 the provision, which allows imposition of the transfer to a “high-security dormitory” sanction, has been cancelled. Transfer of a foreign national to the SAR Closed Unit is not a sanction, imposed on foreign nationals, accommodated in Centres, but is realized in line with the Law on Asylum and Refugees – after a submitted request for international asylum and a decision by the head of SAR for accommodation in the Closed Unit.

48. The CPT recommends that the Bulgarian authorities review the operation of the complaints procedures at Busmantsi and Lyubimets Homes (and the SAR Closed Unit) so as to make sure that detained foreign nationals are effectively enabled to send complaints in a confidential manner (and are duly informed of this possibility). Detainees should be able to make written complaints at any moment and place them in locked complaints boxes (to which only the Director and/or another designated management member has the key) located in each accommodation unit. All written complaints should be recorded in a dedicated register. Internal complaints should be processed expeditiously (with any delays duly justified in writing) and detainees should be informed within clearly defined time periods of the action taken to address their concerns or of the reasons for considering the complaint not justified. In addition, statistics on the types of internal complaints made should be kept as an indicator to the management of areas of discontent within the establishments.

As relates to the given recommendations by the CPT for provision of procedures for submission of complaints by foreign nationals confidentially in the Lyubimets Centre the placement of 5 boxes in places accessible to foreign nationals at any moment, was organized /photographs are attached/. Informational boards are placed by the boxes themselves, with a sign “You can submit your propositions, complaints and praises regarding your stay at the Centre to the head of the Department, here”. The informational boards have been translated to English, Arabic and Farsi. The opening of these boxes will be performed every Monday and Thursday of the week, in the presence of a Commission, appointed by the Director. For every box opening, the Commission will prepare a report, in which the date of the opening of the boxes, the type and total number of the submitted

propositions, complaints and praises, as well as the names of the members of the Commission, will be detailed. On each of them a Registration number of the business system will be placed. Then they will be detailed in an Inbox diary, after which they will be reported to the head of the department, with the aim of developing a resolution for future actions.

As it pertains to the Sofia Centre, there is a process of establishment an identical procedure for submission of complaints confidentially and after approval of the director of MD 4 boxes will be placed in accessible places for the foreign nationals – in the corridors of every floor.