



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the sixth periodic report of Bulgaria, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 62nd session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/BGR/CO/6, para. 37) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 12 (b) and (d)-(f), 20 and 24(b)-(e) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 6 December 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/BGR/CO/6/Add.1) and to make the following comments:

Excessive use of force and impunity for acts of torture and ill-treatment (para. 12 (b) and (d)-(f))

The Committee appreciated receiving the information provided by the State party on the contents of article 6 of the Ordinance of 14 March 2017 (No. 81213-418) on the use of physical force and auxiliary devices by law enforcement officers, as well as on the methodological guidelines regarding the use of physical force adopted in August 2018. However, the Committee observes with concern the scant information provided on the number of complaints which may relate to torture and ill-treatment and the low number of pre-trial proceedings initiated against law enforcement officers in this regard. Moreover, the Committee remains concerned at the lack of an independent investigative and oversight mechanism to examine the allegations of criminal conduct by law enforcement officers.

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It also reiterates its recommendation that the State party ensure that all persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, while ensuring that the principle of presumption of innocence is observed. Lastly, the Committee takes notes of the additional assessment that is being carried out by the authorities of the State party with a view to introducing video and audio recording of interrogations (2/B2).

Ombudsman institution and the national preventive mechanism (para. 20)

The Committee welcomes the recent amendments to the Ombudsman Act and the decision of the Office of the Ombudsman to reapply for accreditation with the Global Alliance of National Human Rights Institutions. Nevertheless, the Committee regrets the lack of information regarding the measures taken to ensure the follow-up and effective implementation of recommendations issued by the Office of the Ombudsman as a result of its monitoring activities of places of deprivation of liberty. In addition, it is still unclear to the Committee whether the Office of the Ombudsman, in its capacity as national preventive mechanism against torture and ill-treatment, can carry out unannounced visits to psychiatric hospitals and other institutions for persons with mental and psychosocial disabilities. The Committee regrets that the State party has not provided any information with regard to the budget and resources allocated to the national preventive mechanism, or on the manner in which it is ensured in practice that non-governmental organizations are allowed to undertake monitoring activities of places of detention (2/B2).

Situation of asylum seekers and migrants (para. 24 (b)-(e))

While taking note of the information submitted by the State party on the implementation of the Asylum and Refugee Act and related training provided to police officers and border guards, the Committee notes with concern that the follow-up replies do not include information on the measures taken to prevent the registration of unaccompanied children apprehended upon irregular entry as being “accompanied” by adults that they are not related to, and to establish a single body for coordinating the child protection policy. The Committee also appreciates the information provided on the interpretation services available during the asylum procedure, as well as on the existing procedures for the identification of persons in a vulnerable situation, although it regrets the absence of information on the measures taken to ensure the availability of adequate procedural safeguards regarding protection and refugee status determination procedures. Finally, the Committee would appreciate receiving further information on the content of the State Agency for Refugees’ standard operating procedures for treating victims of sexual or gender-based violence (2/B2).

Implementation plans (para. 48)

While taking note of the additional information provided by the State party about the inspections and pre-trial proceedings relating to the deaths of 238 children in specialized institutions between 2000 and 2010, the Committee remains seriously concerned by the fact that no ensuing actions have taken place. It also regrets the fact that the State party has not provided any further information about its plans to



implement, within the reporting period, the other remaining recommendations included in its concluding observations (C).

The Government of Bulgaria is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on sixth periodic report of Bulgaria.

The Committee looks forward to a continued constructive dialogue with the authorities of Bulgaria on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture

