

Bulgaria

1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

COURT JUDGEMENT	
Name of the judgement or the probation decision	<p>Court Judgement.</p> <p>Within the Bulgarian probation system probation intervention is possible only through a judgment of the court and is formulated within the contents of the sentence.</p>
Classification of this judgement or the probation decision	<p>Alternative sanction</p>
Legal basis of this judgement or the probation decision	<p>Penal Code of April 1968 (last amended and supplemented, SG No. 26/6.04.2010 and SG No. 32/27.04.2010, effective 28.05.2010)</p>
Definition of this judgement or the probation decision	<p>Probation has been defined as a penalty with the amendments and in the Bulgarian Penal Code (BPC) on 27.09.2002 and 23.11.2004, in force as of 1.01.2005.</p> <p>Probation is "a system of non-custodial measures for control and intervention that shall be imposed separately or collectively" (Art. 42a, para 1 of the BPC). In the system of penalties, probation has been defined as the toughest penalty without deprivation of liberty.</p> <p>The BPC defines the contents of the sentence, specific rules for juveniles, the contents of the agreement for cases of termination of criminal procedure with an agreement, the procedure for penalty execution - conditional release and substitution of probation with deprivation of liberty.</p> <p>According to Art. 42a, paragraph 5 of the BPC, probation shall be served in pursuance of a procedure specified by law. Such a procedure is provided for in Art. 200-232 of the Law on Execution of Penalties and Detention in custody.</p>

<p>Legal Conditions of this judgement or the probation decision</p>	<p>In general, the court shall determine the punishments within the limits provided by law for the crime committed, guided by the provisions of the General Part of the BPC and taking into consideration the following: the degree of social danger of the act and the perpetrator, the motives for crime perpetration, and other attenuating or aggravating circumstances.</p> <p>The attenuating circumstances shall condition the infliction of a milder punishment, and the aggravating ones of a more severe punishment.</p> <p>1) Probation can be imposed as a single penalty. Probation measures are imposed on persons who have committed crimes defined by relatively low public impact, for which the BPC envisages deprivation of liberty for up to three years. It should be noted that the competent court can impose a probation sentence only if this is provided for in the sanction of the relevant provision of the Special Part of the BPC applicable for the crime committed by the offender.</p> <p>2) The BPC allows in some cases deprivation of liberty to be substituted with probation (Art. 55, para 2, lit. b PC).</p> <p>3) Besides that, probation can also be imposed as a complementary penalty in cases of conditional sentencing (Art. 67, para 3 from the BPC). In such cases probation does not lead to suspension of the conditional sentence but adds to it by measures for supervision during the trial period. This option can be applied only if the sentence suspended is a custodial sentence for a period not less than six months.</p> <p>4) Finally, probation can also be imposed in cases of conditional release from prison. In such cases, a trial period shall be established for the conviction for a term equal to the unserved part of the punishment, but not less than six months, throughout which the court may impose one of the probation measures under Art. 42a, para 2, i. 1-4 BPC, taking into account a report from the probation officer.</p> <p>The general rules for the determination of the punishment in each case are set forth in Art. 54-58 of the BPC. According to Art. 54 of the BPC, the court shall determine the punishments within the limits provided by law for the crime committed, guided by the provisions of the General Part of the BPC and taking into consideration the following: the degree of social danger of the act and the perpetrator, the motives for crime perpetration, and other attenuating or aggravating circumstances.</p> <p>The attenuating circumstances shall condition the infliction of a milder punishment, and the aggravating ones of a more severe punishment.</p> <p>For Art. 55, paragraph 2, item 2, "b" of the BPC and Art. 58 BPC - see above. There are special rules for the under aged persons which are applicable to the minor offenders.</p>
<p>Type of probation measures</p>	<p>Probation activities in Bulgaria can be implemented by a court act, a verdict (sentence) or a court definition. The different probation measures and their nature are regulated by the Bulgarian Penal Code.</p> <p>Probation measures are exhaustively listed in the BPC.</p> <p>Probation measures create the structure of the sentence and are executed through various interventions. Six different probation measures have been defined in the BPC (Art. 42a):</p> <ol style="list-style-type: none"> 1) compulsory registration at the current address; 2) mandatory regular appointments with a probation officer; 3) restrictions on free movement; 4) admission to vocational training courses, public intervention programmes; 5) corrective labour;

	6) community service.
Combination of sanctions or measures	<p>N/A</p> <p>There are two possible ways to consider this combination of sanctions or measures :</p> <p>1) If the sentence has to be directly enforced and the imposed punishment is deprivation usually there is no combination possible ;</p> <p>2) If the judge has suspended the execution of the sentence. In such cases probation does not lead to suspension of the conditional sentence but adds to it by measures for supervision during the trial period. This option can be applied only if the sentence suspended is to deprivation of liberty for a period not less than six months.</p> <p>3) The first two measures - compulsory registration at the current address and mandatory regular appointments with a probation officer are mandatory imposed by the judge in parallel with the sentence.</p>
Authority responsible for taking such a decision	<p>The probation sentence is always imposed on the offender by the judgement of the competent court which examined the criminal case.</p> <p>The composition of the court is defined in Art. 28, paragraph 1 of the Penal Procedure Code (PPC).</p>
Authority responsible for supervising	<p>The execution of probation is regulated by the Law on Execution of Penalties and Detention in custody (LEPDC) (in force as of 1.06.2009; last supplemented, SG No. 73/17.09.2010, effective 17.09.2010) where in a special chapter are defined the organisational structure of the system of probation, the job specifications for the probation officers and the contents of the activities comprising the execution of the probation sentence.</p> <p>The penal sanction of probation shall be implemented by the probation services which shall be established and closed down by order of the Minister of Justice, who shall implement overall direction and control over the operation thereof. The direct management and control over the operation of probation services shall be implemented by the Director General of the General Directorate of Execution of Penalties. The latter is the institution that has the responsibility for execution of all penalties in the country.</p> <p>The judicial acts, whereby the penal sanction of probation has been imposed, shall be transmitted for implementation by the prosecutor to the competent probation service.</p> <p>The activities that should be carried out by the probation services include:</p> <ul style="list-style-type: none"> - evaluation of the offending behaviour of people sentenced to probation through utilisation of special methods for offender assessment; - execution of sentences, case planning and supervision of sentenced persons; - assessment of the need for corrective interventions and planning of the application of special programmes; - support to offenders for the establishment of constructive contacts with relatives and with the public institutions; - preparation of different reports and analyses related to the execution of probation measures; - establishment of effective work relationships with representatives of other institutions; - providing up-to-date and quality information at the meetings of the Probation Councils; - coordination of the activities of the institutions and the organisations that are linked to the supervision. <p>In the region of every regional court Probation Councils may be established,</p>

	<p>which shall meet not less frequently than once every month.</p> <p>The Probation Council makes decisions regarding :</p> <ol style="list-style-type: none"> 1. the facilities where community service is performed; 2. the selection of volunteers and non-governmental organisations, who and which are recruited to assist probation activities; 3. drafting of motions to the competent court in cases of infringement of the probation measures; 4. drafting of an opinion to the competent prosecutor on imposition of coercive medical measures under Articles 89 to 92 of the BPC.
Authority responsible in case of infringement	<p>If the sentenced offender fails, without a valid reason, to serve the probations measure imposed on him/her, at the proposal of the competent Probation Council or of the district prosecutor at the location where the sentence is served the court may:</p> <ol style="list-style-type: none"> 1. Rule the imposition of another probation measure; 2. Substitute probation, fully or partially, for deprivation of liberty. This is the provision of Art. 43a of the BPC. <p>The procedure is set forth in Art. 451-452 of the Penal Procedure Code.</p>

COURT JUDGEMENT	
Name of the judgement or the probation decision	Court Judgement.
Classification of this judgement or the probation decision	<p>Suspended sentence</p> <p>Conditional sentence</p>
Legal basis of this judgement or the probation decision	Bulgarian Penal Code (Chapter 7 EXEMPTION FROM SERVING AN IMPOSED PUNISHMENT; Section I - Conditional Sentencing)
Definition of this judgement or the probation decision	<p>In cases where the court imposes punishment by deprivation of liberty for up to three years, it may suspend the serving of the imposed punishment for a period of three to five years, provided the person has not been sentenced to deprivation of liberty for a crime of general nature and if the court finds that for the purpose of achievement of the objectives of the punishment, and above all for correction of the convict it is not imperative for him to serve the punishment.</p> <p>In such a case the probation period may not exceed the term of the imposed punishment by deprivation of liberty by more than three years.</p> <p>According to the provision of Art. 67, para 3 of the BPC where the court applies Art. 66 of the BPC and the sentence suspended is deprivation of</p>

	<p>liberty for a period not lesser than six months, the court may impose one of the probation measures under Art. 42a, para 2, i. 1-4 for the probation period provided for in the judgment/court decision.</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<ul style="list-style-type: none"> - The court imposes punishment by deprivation of liberty for up to three years; - The offender has not been sentenced to deprivation of liberty for a crime of general nature; - The court finds that for the purpose of achievement of the objectives of the punishment, and above all for correction of the convict it is not imperative for him to serve the punishment. <p>An additional condition for imposing one or more of the probation measures (see Art. 42a, para 2, i. 1-4 of the BPC, is provided for in Art. 67, para 3 of the BPC) as follows:</p> <ul style="list-style-type: none"> - The sentence suspended is deprivation of liberty for a period not less than six months.
<p>Type of probation measures</p>	<p><i>Bulgarian Penal Code:</i></p> <ol style="list-style-type: none"> 1. compulsory registration at the current address; 2. mandatory regular appointments with a probation officer; 3. restrictions on free movement; 4. admission to vocational training courses, public intervention programmes;
<p>Combination of sanctions or measures</p>	<p>N/A</p>
<p>Authority responsible for taking such a decision</p>	<p>The probation measure is always imposed on the offender by the judgement of the competent court which examined the criminal case and which court has decided to suspend the execution of the sentence "deprivation of liberty" and according to Art. 67 para 3 of the BPC has decided to impose one of the probation measures given in Art. 42a para 2 items 1 - 4.</p> <p>The composition of the court is defined in Art. 28, paragraph 1 of the Penal Procedure Code (PPC).</p>
<p>Authority responsible for supervising</p>	<p>The penal sanction of probation shall be implemented by the probation services which shall be established and closed down by order of the Minister of Justice, who shall implement overall direction and control over the operation thereof. The direct management and control over the operation of probation services shall be implemented by the Director General of the General Directorate of Execution of Penalties. The latter is the institution that has the responsibility for execution of all penalties in the country.</p> <p>The judicial acts, whereby the penal sanction of probation has been imposed, shall be transmitted for implementation by the prosecutor to the competent probation service.</p> <p>In the region of every regional court probation councils shall be established, which shall meet not less frequently than once every month.</p> <p>The Probation Council makes decisions regarding:</p> <ol style="list-style-type: none"> 1. the facilities where community service is performed; 2. the selection of volunteers and non-governmental organisations, who and which are recruited to assist probation activities; 3. drafting of motions to the competent court in cases of infringement of the probation measures;

	4. drafting of an opinion to the competent prosecutor on imposition of coercive medical measures under Articles 89 to 92 of the BPC.
Authority responsible in case of infringement	<p>If the conditionally sentenced offender does not fulfil without valid reason some of the probation measures, determined for him, the court can upon proposal by the probation council substitute it or rule to incur entirely or partially the postponed punishment imprisonment.</p> <p>The court of first instance that has delivered the suspended sentence shall consider the application of Art. 68, para 3 of the Penal Code (in accordance with Art. 306 para. 1 item 3 of the PPC).</p> <p>The proposal shall be examined by the district court at the location where probation is served sitting in panel composed of a one judge and two court assessors. The court shall issue a ruling, which shall be appealable and contestable within seven days following its rendering.</p> <p>The participation of the prosecutor, the Chair of the Probation Council and of the sentenced person shall be mandatory, excluding the cases under Article 269(3).</p> <p>The provisions of paragraphs 1 and 2 shall also apply when imposing another probation measure, as well as when substituting one probation measure with another. The court shall issue a ruling which may be appealed or protested within seven days.</p>

DEFINITION BY THE COURT	
Name of the judgement or the probation decision	Reasoned definition by the court (in accordance with Art. 440 of PPC).
Classification of this judgement or the probation decision	Conditional release
Legal basis of this judgement or the probation decision	Art. 70 - Art. 73 of the BPC
Definition of this judgement or the probation decision	The conditional release means that the court can rule a probationary release ahead of term for the remaining part of the punishment of imprisonment or probation regarding a convicted with exemplary conduct and honest attitude to the work, and who has proven his reformation and has served actually no less than half of the imposed punishment.

Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - Conditional release shall not be allowed for a second time, unless the perpetrator was rehabilitated for the crime to which conditional release has been applied; - The sentenced offender must given proof of his correction by good conduct and honest attitude towards labour, and has in fact served no less than half of the sentence; - These conditions shall also apply to individuals convicted of crimes qualifying as dangerous recidivism, where not less than two thirds of the sentence imposed have been actually served in fact, and the remainder of the punishment to serve is not more than three years.
Type of probation measures	<p>In cases of conditional release from prison, a trial period shall be established for the conviction for a term equal to the unserved part of the punishment, but not less than six months, throughout which the court may impose one of the probation measures under Art. 42a, para 2, i. 1-4 BPC, taking into account a report from the probation officer.</p> <p>Bulgarian Penal Code:</p> <ol style="list-style-type: none"> 1. compulsory registration at the current address; 2. mandatory regular appointments with a probation officer; 3. restrictions on free movement; 4. admission to vocational training courses, public intervention programmes;
Combination of sanctions or measures	<p>The combination of measures is possible but in any case it depends on the nature of the act and the reasoning of the judge.</p>
Authority responsible for taking such a decision	<p>The district, respectively by the military, court in the place of execution of the punishment (in accordance with Art. 438 of the PPC).</p>
Authority responsible for supervising	<p>The penal sanction of probation shall be implemented by the probation services which shall be established and closed down by order of the Minister of Justice, who shall implement overall direction and control over the operation thereof. The direct management and control over the operation of probation services shall be implemented by the Director General of the General Directorate of Execution of Penalties. The latter is the institution that has the responsibility for execution of all penalties in the country.</p> <p>The judicial acts, whereby the penal sanction of probation has been imposed, shall be transmitted for implementation by the prosecutor to the competent probation service.</p> <p>In the region of every regional court probation councils shall be established, which shall meet not less frequently than once every month.</p> <p>The Probation Council makes decisions regarding:</p> <ol style="list-style-type: none"> 1. the facilities where community service is performed; 2. the selection of volunteers and non-governmental organisations, who and which are recruited to assist probation activities; 3. drafting of motions to the competent court in cases of infringement of the probation measures; 4. drafting of an opinion to the competent prosecutor on imposition of coercive medical measures under Articles 89 to 92 of the BPC.
Authority responsible	<p>The district court that has delivered conditional release from deprivation of liberty - concerning the application of Art. 70, para 7, first sentence, second</p>

**in case of
infringement**

part of the Bulgarian Penal Code in accordance with Art. 306, para. 1 item 3 of the PPC).

2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	<p>"Compulsory registration at the current address" is a measure for supervision and control over the sentenced person. It is imposed on everyone sentenced to probation. The lawmaker has defined this measure in Art. 42b, para 1 of the BPC and Art. 210 of the Law on Execution of Penalties and Detention in custody. This probation measure establishes an obligation for the sentenced person to visit the probation office and sign up in a special book on a regular basis. The task of the probation service with regard to this measure is to execute supervision over the sentenced person through a day-to-day observation and personal contact with him/her.</p> <p>According to the Bulgarian PC this measure together with the measure "compulsory meetings with a probation officer" are being imposed on all persons sentenced to probation when imposed as penalty.</p>
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	<p>"Free movement restriction" is a measure for control and supervision imposed by appraisal of the court. It is legally defined by Article 42b, para 3 of the BPC and Art. 213 of the Law on Execution of Penalties and Detention in custody. This measure is by its nature a limitation of the freedom of movement imposed on the sentenced person. Three types of restrictions are included here:</p> <ul style="list-style-type: none">- restriction for visiting public places and entertainment places, clearly described in the sentence;- restriction for leaving the town/city for more than 24 hours without permission of the probation officer or the prosecutor;- restriction for leaving home during a certain period of the day/night. <p>The task of the probation service is to inform the owners or employees, responsible for the access to the public places and entertainment places that have been described in the sentence; to ensure in cooperation with the police adherence to the imposed restrictions.</p>
Obligation containing limitations on leaving the territory of the executing State	<p>The Bulgarian PC does not provide for such a probation measure.</p> <p>The Prohibition from leaving the boundaries of the Republic of Bulgaria is usually imposed by the judicial authorities and it is defined as measure of procedural coercion</p>

<p>Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</p>	<p>"Participating in vocational qualification courses and programs for corrective influence". This is a measure for support and assistance to the sentenced person that can be imposed by appraisal of the court. It is legally defined by Art. 42b, para 4 of the BPC and Articles 215-218 of the Law on Execution of Penalties and Detention in custody. The content of this measure comprises an obligation on the sentenced person to attend professional qualification courses and/or programs for corrective influence with the aim of labor integration and development of social skills and law-abiding behavior of the sentenced person. This measure, as said above, includes participation in professional qualification courses and/ or programs for corrective influence. Programs for corrective influence are two types:</p> <ul style="list-style-type: none"> - personal development programs include literacy courses, developing job search skills, positive communication with the social services and the police; - corrective programs are aimed at changing the personal values and behaviour of the sentenced person or to help him/ her to overcome an addiction. <p>The task of the probation service with regard to this measure is to organise and conduct qualification courses and different programs. In the process of execution of this measure, the probation service can cooperate with state institutions, NGOs and volunteers.</p>
<p>Obligation to report at specified times to a specific authority</p>	<p>"Compulsory regular meetings with probation officer" is a measure for control and supervision but includes also some elements of social support and assistance. It is also imposed on everyone sentenced to probation and is legally regulated by Art. 42b, para 2 of the BPC and Art. 212 of the Law on Execution of Penalties and Detention in custody. This measure comprises meetings with the probation officer who manages the particular case. They can be organised on the probation service premises or exceptionally at another appropriate place.</p> <p>There are three types of meetings: planned by the probation officer, unscheduled meetings requested by the probation officer and unscheduled meetings requested by the sentenced person.</p> <p>The task of the probation service with regard to this measure is to plan and conduct the meetings and to manage the execution of this measure. Besides, within the framework of the measure the probation officer can provide assistance for solving of various personal, administrative and other problems (helping the sentenced to obtain ID and other documents, to find accommodation and job, to pass vocational training courses, obtain social security status and/ or social assistance).</p> <p>According to the BPC this measure together with the measure "compulsory meetings with a probation officer" are being imposed on all persons sentenced to probation.</p>
<p>Obligation to avoid contact with specific persons</p>	<p>The BPC does not provide for such a probation measure.</p> <p>This institute is presented in the national legislation within the only scope of application of the Law on the Protection Against Domestic Violence - there it is determined as a protection measure. In case of breach of the measure it constitutes an offence according to the Article 296 from the BPC.</p>
<p>Obligation to avoid contact with specific</p>	<p>The BPC does not provide for such a measure.</p>

<p>objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</p>	
<p>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</p>	<p>There is no such probation measure. The financial compensation is based on the principle of the general law.</p>
<p>Obligation to carry out community service</p>	<p>"Community service" is a measure for reparation of the harm caused by the offence. It is imposed by appraisal of the court and is legally defined by Art. 42b, para 5 of the BPC and Art. 220-223 of the Law on Execution of Penalties and Detention in custody. It consists of work for the benefit of society for a period between 100 and 320 hours per year, for no more than 3 consecutive years. Community service shall be performed at the facilities of the Prison Service State-Owned Enterprise and facilities, endorsed by the competent Probation Council. The workplaces where this can happen; they should not be privately owned; state or municipal ownership wherein the State or a municipality does not hold an interest. The sentenced person does not get paid for this work and it is not included in the social security record.</p> <p>In regard to restorative justice, victims of the crime that have expressed agreement for this can benefit from community service.</p> <p>The task of the probation service with regard to this measure is to organise and manage the execution of community service. While executing this measure, the probation service should be supported by the local authorities or other responsible persons.</p> <p>The court determines the type of the probation measures imposed. There is an agreement (regulated by the Penal Procedure Code) where the attorney of the offender and the prosecutor can agree only on the type of penalty.</p> <p>Community service should not be imposed on persons younger than 16 years of age (Art. 42?, para 4 from the BPC) due to requirements for compliance with the labour legislation.</p>
<p>Obligation to cooperate with a probation officer or with a</p>	<p>See the stated above on this matter on the "Obligation to report at specified times to a specific authority"</p>

representative of a social service having responsibilities in respect of sentenced persons	
Obligation to undergo therapeutic treatment or treatment for addiction	<p>There is no such probation measure.</p> <p>This institute is presented in the national legislation within the only scope of application of the mandatory condition to follow a special therapeutic treatment or treatment for addiction according to the BPC.</p> <p>Generally the consent of the sentenced person is present in cases of medical treatment or treatment of addiction, but it is not necessary if the treatment falls in the scope of coercive measures of treatment or treatment for addiction imposed only by the court with a view to protecting the national security and the public order. Where punishment has been imposed without deprivation of liberty, compulsory treatment shall be implemented at medical establishments with special curative and working regime. The termination of the compulsory treatment is imposed by the court as well.</p>

b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?

- If yes, please define them and provide a description for each of them.

Other probation measures/alternative sanctions existing in your domestic law	Explanation
	<p>The probation measure "corrective labour" is a 10 to 25 % monthly deduction from the salary of the sentenced person for a certain period (from six months up to two years). It is executed at the place of employment of the particular offender. The period of the execution of the measure is not included in the social security records.</p> <p>Corrective labour should not be imposed on persons younger than 16 years of age (Art. 42?, para 4 from the BPC).</p>

c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?

The punishment for sexual offences is above the threshold that permits the application of probation as penalty but if the judge decides he/she may impose some of the types of the probation measures (see above). The domestic violence is regulated by the Law on the Protection Against Domestic Violence. It does not constitute a criminal offence but is qualified as a criminal behaviour punishable with variety of protection measures - one of them prescribes for visiting of special programs. When the offender obstructs or prevents the enforcement of a judgment or does not observe an order for protection against domestic violence in any way whatsoever shall be punished by deprivation of liberty of up to three years or a fine of up to BGN five thousand.

3) Electronic monitoring

Does your national law provide for the possibility to use Electronic Monitoring?

Yes

If yes:

Yes - Article 214 of the Law on Execution of Penalties and Detention in custody

Is Electronic Monitoring part of the classification provided for in Article 2 of this Framework Decision (suspended sentence, conditional sentence, conditional release or alternative sanction)?

May apply to suspended sentence, conditional release or alternative sanction. The Electronic Monitoring is not a part of the classification provided for in Article 2 of this Framework Decision but a way of applying a probation measures.

The Electronic Monitoring is a technical instrument to support the control of the execution on the probation measure imposed - compulsory registration at the current address and mandatory regular appointments with a probation officer;

Electronic Monitoring is not imposed on the offenders under the age of 16.

Is Electronic Monitoring considered as an execution modality of imprisonment, if other than conditional release?

No.

Is Electronic Monitoring considered a way of applying a probation measure or as a probation measure in itself?

Electronic Monitoring is considered a way of applying a probation measure (please see below Art. 214 of the Law on execution of penalties and detention).

What are the technical means provided for in your Member State that enables the use of the Electronic Monitoring (e.g. GPS)?

The system of Electronic monitoring includes voice recognition and confirmation of the location of the convicted person. The voice recognition is a biometric technology for identification of the convicted person through specific words or phrases pronounced by the convicted person. The confirmation of the location of the convicted person is performed through electronic surveillance by which the presence or the absence of the convicted person at certain location/s and in certain time limits, specified with the judgement, are being registered.

Is Electronic Monitoring dependant on particular conditions?

The Electronic Monitoring depends on the following conditions:

- May be applied only for the execution of the probation measures "obligatory registration upon present address" and "restrictions for free movement";
- Is always applied only with the consent of the convicted person;
- Is never applied to convicted persons below the age of 16 and to persons suffering from mental disorder, which does not exclude sanity;
- The voice recognition is applied to convicted persons with probation measure "obligatory registration upon present address".
- The system of Electronic monitoring for the confirmation of the location of the convicted person may be applied for the execution of the probation measure "restrictions for free movement".
- The voice recognition may continue during the whole term of the execution of the probation measure, while the electronic monitoring for the confirmation of the location of the convicted person may continues only for a term up to 6 months.

General remark:

According to Art. 214 para. 1 of the Law on execution of penalties and detention, the probation measures "obligatory registration upon present address" and "restrictions for free movement" may be executed by a system for electronic monitoring over the behaviour of the convicted person. According to para. 2 of the same article, the electronic monitoring over the behaviour of the convicted person shall be provided by an ordinance of the Minister of Justice. The ordinance of the Minister of Justice is currently available only in Bulgarian language.

4) Formalities

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

In principle all necessary documentation shall be attached to the request as relevant and sufficient to base a judgment on it. In case that the competent authority needs clarification or subsequent information it shall inform as soon as possible the requesting authority.