

Real Rights: young people engaging with law enforcement

 Bulgaria



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And ASKING Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How Do I Make A Complaint If I Have Questions or Feel My Rights Have Been Violated?
- What If I Feel I Was A Victim of Discrimination or Racism?
- How can I respond to circumstances involving discrimination?
- What Can You Do If The Police Perform an Improper Search? Or I Was Improperly Detained?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully

Can the police arrest you for refusing to answer questions?

No, the police cannot arrest you for not answering questions. The police cannot force you to say anything, and you do not have to answer their questions. The police must have a

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warrant to arrest you, which you have a right to see. A warrant is a document issued by a legal or government official authorizing the police to take action.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1)

What if an officer just begins speaking to me but does not order me to do anything?

The police cannot arrest you for not answering questions. The police cannot force you to say anything, and you do not have to answer their questions. The police must have a warrant to arrest you, which you have a right to see. A warrant is a document issued by a legal or government official authorizing the police to take action.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1)

What if the officer is not in uniform or identified as an officers but I think it is one?

You may ask if the person is a police officer since Bulgarian police officers may be undercover. If the person is an undercover officer, they have the same authority as a uniformed officer. You should request to see identification from the police officer confirming that they are indeed a police officer.

Source: [Ministry of Interior Act](#), Art. 97.

Can I tell police I do not want to speak without a lawyer?

Yes, you have the right to a lawyer before you are questioned. If you can't afford a lawyer, a lawyer on duty will be appointed and you are entitled to a lawyer at all stages of the legal process.

Bulgarian Supreme Bar Council should be able to assist with finding names and contact details of local lawyers. (Source: <https://www.fairtrials.org/app/uploads/2022/01/BULGARIA-Mar-2016-Printer-Friendly.pdf> Q4)

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 72(5).

Source: [Constitution of the Republic of Bulgaria](#), Art. 30(4).

Source: ["CRIMINAL PROCEEDINGS AND DEFENSE RIGHTS IN BULGARIA" - Fair Trial International Resource 2014](#)

If I sit down, am I resisting?

It is unclear whether sitting down could be deemed to be resisting. However, if the officer orders you to sit or stand, and you defy this order, you can be arrested for defying an officer's lawful order.

Source: [2014 Ministry of Interior Act](#), Art. 85-86.

If I am stopped in a group, and some kids run, can I run?

No, you cannot run. Police are authorized to use force on those who disobey or resist their orders. Police may not be able to use force against you if you haven't been accused of a serious and dangerous crime, but it is always safer not to run and obey their orders. Police cannot use force against you if you are 14 years of age or younger, except when there is a lot of disruption and they have no other options. Also, police may use weapons if absolutely necessary after a warning, when arresting you, if you try to run.

Source: [2014 Ministry of Interior Act](#), Art. 87

Can I tell others (siblings, for example) to run?

No, you could get them into trouble. Police can arrest you for not following their orders. If they tell you to stop running, and you don't listen, they can arrest you.

Source: [2014 Ministry of Interior Act](#), Art. 85-87.

If the officer's language is not my first language, can I tell them without waiving my rights?

Yes. You have the right to a translator/interpreter, free of charge, if you don't speak Bulgarian. If the police talk to you, tell them you need a translator/interpreter. If you are arrested, tell your lawyer you need a translator/interpreter. You also have the right to receive translations of the charges against you, pre-trial detention court definitions, and of all sentences/judgments at all stages of your criminal proceedings. You may also request translations of other documents or evidence which are important for your defense.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(3).

Source: [Ministry of Interior Act](#), Art. 74(2)(6)(f), 106a.

Source: <https://www.fairtrials.org/app/uploads/2022/01/BULGARIA-Mar-2016-Printer-Friendly.pdf>

When can police search you and your surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of your person.
- You have the right to say no to searches of your car, house or other surroundings.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order so you have no choice but to consent.

What if a police officer wants to search my phone?

In general, your personal information is protected. However, the police can search your phone **without a warrant** under "pressing circumstances". Whether there is a pressing circumstance for a warrantless search is circumstantial, but this exception will only apply if the police have no other alternative to obtain information relevant to a crime that has been committed.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 81(1), 82.

Source: [European Convention of Human Rights](#), Art. 8

What if a police officer asks me for my password to my phone?

Say no, and ask if they have a warrant.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 81(1), 82.

Source: [European Convention of Human Rights](#), Art. 8 Source: [European Convention of Human Rights](#), Art. 8

Source: [Constitution of Bulgaria](#), Art. 34.

What if they tell me to give them my password or other access to my phone?

Say no, and ask if they have a warrant.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 81(1), 82.

Source: [European Convention of Human Rights](#), Art. 8

Source: [Constitution of Bulgaria](#), Art. 34.

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

No. You don't have to answer their questions or give your password.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 81(1), 82.

Source: [European Convention of Human Rights](#), Art. 8.

Source: [Constitution of Bulgaria](#), Art. 34.

What tools can police use to search me? What technology?(Facial recognition, hidden cameras, finger print searches, etc.)

The police can use fingerprints, pictures of your face, measurements, and DNA samples to identify you. However, the police will generally only use these tools if they suspect you have committed a crime.

If you have been accused of a crime, the police can search you, take your picture, collect your fingerprints, and take your DNA without your consent. If you have been arrested, the police can also search you for dangerous objects. Depending on your cooperation, they may use a warning, force, search aids, or weapons. The police can only conduct a body search by a person the same gender as you and must not be carried for the sole purposes of humiliating you.

Source: [Code of Criminal Procedure](#), Chapter 13 and 14.

Source: [Ministry of the Interior Act](#), Art. 68, 70-71, 75, 91.

Can they search my backpack or other item I am carrying?

Yes. The police may search your backpack or personal belongings if they suspect that they contain information relevant to a crime that has been committed or if you are at a checkpoint.

Source: [Code of Criminal Procedure](#), Chapter 14, Art. 160.

Source: [Ministry of Interior Act](#), Art. 81(1).

Can they take my picture or record me?

Yes. The police can take photos or videos of you to carry out the investigation. These photos and videos must not be published in the media or elsewhere without your permission. The only exception for publishing these photos or videos is if these photos or videos can help to investigate a crime.

Source: [Constitution of the Republic of Bulgaria](#), Art. 32(2).

Can they ask me where I am going and why?

Yes. The police can ask you where you are going and why, but you do not have to answer them. At a checkpoint the police are allowed to ask you questions, including where are you going and why, however you can refuse to answer.

Source: [Code of Criminal Procedure](#), Chapter 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 72(5)

Reasons police may Detain or Arrest you

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.
- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

What if I did not do anything illegal, must I speak with the police and answer questions?

No. You don't have to answer their questions. If you are detained/arrested, you have the right to have a lawyer present. If your lawyer is with you, ask your lawyer whether you should answer the police's questions.

Source: [Code of Criminal Procedure](#), Ch. 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 72(5).

What if they tell me something they are investigating that is wrong? Must I correct them?

No. You don't have to answer their questions, even to correct something they tell you that is not accurate. However, if you decide to speak with the police, you must tell the truth, which includes correcting the police if they tell you something that is not accurate. If you are detained/arrested, you have the right to have a lawyer present. If your lawyer is with you, ask your lawyer whether you should answer the police's questions.

Source: [Code of Criminal Procedure](#), Ch. 7, Art. 55(1); Ch. 14, Art. 140(4).

Source: [Ministry of Interior Act](#), Art. 72(5).

What if an officer just begins speaking to me but does not order me to do anything?

You don't have to answer their questions. See answer to 3a.

Source: [Code of Criminal Procedure](#), Ch. 7, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 70(1), 72(5).

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

You don't have to answer their questions before or after your arrest.

If you're under the age of 14, you can't be questioned without a teacher, psychologist, or, in some cases, your parent or guardian. If you're over the age of 14, the police can decide if you need to have a teacher, psychologist, or parent/guardian present.

No matter how old you are, you always have the right to have a lawyer with you. If your lawyer is with you, ask your lawyer whether you should answer the police's questions.

Source: [Code of Criminal Procedure](#), Ch. 14, Section II, Art. 140.

Source: [Ministry of Interior Act](#), Art. 72(5).

Source: [Constitution of the Republic of Bulgaria](#), Art. 30(4).

Source: [Criminal Proceedings and Defense Rights in Bulgaria](#), Question 8.

The difference between police TELLING me what to do and ASKING me to do something.

What is the difference between the police deciding to search me or my belongings (phone, person, backpack) and me agreeing to the search?

In general, the police require a warrant to search you. However, the police can search you **without a warrant** under "pressing circumstances". However, once you agree to a search, the police have a right to search you and your personal belongings.

Source: [Code of Criminal Procedure](#), Chapter 14, Art. 160.

Source: [Ministry of Interior Act](#), Art. 81(1), 82.

Source: [European Convention of Human Rights](#), Art. 8

What if they tell me to give them information versus them asking and me providing answers voluntarily?

You do not have to give them information or answer their questions, regardless of whether a police officer tells you or asks you voluntarily to provide that information. You have the right to remain silent when questioned but are advised to have a lawyer present and take their advice.

Source: [Ministry of Interior Act](#), Ch. 14, Sec. II, Art. 140.

Source: [Code of Criminal Procedure](#), Ch. 7, Art. 55(1).

Do police need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

- No. Police officers can legally arrest you without a warrant in several circumstances:
 - When the crime is committed in front of the police officers; or

- When the officer has probable cause (reason to suspect) that the suspect committed a felony, whether or not the act was done in front of them.

If I did not do anything, can they stop me?

Yes. The police can stop you if they suspect you of any wrongdoing, but they must have a warrant. A warrant is a document issued by a legal or government official authorizing the police to take action.

Source: [Ministry of Interior Act](#), Art. 61, 72, 74.

Can I ask for the reason they stopped me?

Yes. You have the right to ask why the police is engaging with you during a stop, a search, detention or during an arrest. You should be informed of your rights in writing immediately after you have been told of the accusations against you.

Source: <https://www.fairtrials.org/app/uploads/2022/01/BULGARIA-Mar-2016-Printer-Friendly.pdf> - section on INFORMATION ON CRIMINAL PROCEEDINGS AND DEFENSE RIGHTS IN BULGARIA

Source: [Bulgaria: Code of Ethics for Police](#), Part IV, No. 75.

Source: [Code of Conduct for Civil Servants at the Ministry of Interior](#), Sec. IV, Art. 87.

Source: [Ministry of Interior Act](#), Art. 74.

Can I advocate for another young person stopped by police if we are stopped together?

No. Stay quiet and don't answer any questions relating to your friends. If you speak, you may cause them trouble or compromise their rights to remain silent.

If I think the stop is unjustified, what can I do?

Ask for the reason for the stop. If confronted with an allegation, don't admit anything. Instead, tell the police that you are innocent. Remember that you can always remain silent, and you can ask for your parents to be contacted.

Can I get the officer's identifying information for a future complaint?

Likely, yes. The police must provide you with information about their actions if you request it, so long as no classified information is included.

"All police activities shall be subject to complaints on behalf of citizens, and shall be subject to objective inspections performed by the relevant institutions authorized by the law."

Source: [Bulgaria: Code of Ethics for Police](#), Part VIII, Art. 63.

"Citizens have the right to obtain information from any state body or institution on any matter of legitimate interest to them, provided that such information is not classified as a state secret or other secret protected by the law and does not affect the rights of others."

Source: [Constitution of the Republic of Bulgaria](#), Art. 41(2).

"Citizens shall have the right to present complaints, suggestions, and petitions to the state authorities."

Source: [Constitution of the Republic of Bulgaria](#), Art. 45.

"The Civil Servant shall provide the public with accurate and objective information about his actions without disclosing classified information."

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not feel free to leave.
- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.
- An arrest without rights warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

What if I do not know if I am under arrest?

You can ask if you are under arrest, and the police must tell you if you are under arrest. If you are under arrest, the police must have a warrant and must tell you why you are under arrest. If the police do not have a reason to keep you under arrest, they must release you.

Source: [Bulgaria: Code of Ethics for Police](#), Part IV, Art. 75, 82.

Source: [Code of Conduct for Civil Servants at the Ministry of Interior](#), Sec. IV, Art. 87.

Source: [Ministry of Interior Act](#), Art. 74.

What is the difference between detention and arrest?

Under Bulgarian law, there is no difference between detention and arrest. Bulgarian law uses the words interchangeably.

Source: [Ministry of Interior Act](#), Art. 72-75.

I am handcuffed, am I arrested?

Likely, yes. If you are restrained in some way, then you are most likely arrested.

Note: Bulgarian law discusses methods of detention/restraint but does not speak directly to handcuffing.

Source: [Code of Criminal Procedure](#), Ch. 7, Sec. II.

If my liberty is restricted, am I under arrest?

Yes. If you aren't allowed to go anywhere, you are under arrest.

However, if the police do not have a reason to keep holding you, they must release you.

Source: [Ministry of Interior Act](#), Art. 73.

What to do after being warned of your rights?

Proposed Information

It is important to follow this advice:

- You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right.
- You are also able to waive your rights (that is, not use them) by, for example, saying 'Yes, I understand my rights but I am ready to talk to you.' This is not a good idea without a lawyer present.
- Make sure you know what you're doing in giving up your rights

How do things change if I am read my rights by police?

Nothing changes. You still don't have to answer any questions, you can always have a lawyer with you, and you can have a translator if you don't know Bulgarian.

Source: [Code of Criminal Procedure](#), Art. 55(1), (3).

Source: [Ministry of Interior Act](#), Art. 72(3), (5).

Does it matter where I am when the police read me my rights? (street, station, police car, etc.)

No. You have the same rights no matter where the police read them to you.

Source: [Code of Criminal Procedure](#), Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 74(3).

Police questioning you

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions or participate in a police investigation, and you never have to go anywhere with the police unless they have arrested you.
- If police have arrested you and if you are under the age of 18, police are required to immediately notify your parent, caretaker or legal guardian.

Am I required to make a statement?

No. You are not required to make a statement.

Source: [Code of Criminal Procedure](#), Ch. 7, Art. 55(1).

Must police notify my guardian?

Yes. The police must provide you the opportunity to notify your guardian.

Source: [Code of Criminal Procedure](#), Art. 140.

Source: [Bulgaria: Code of Ethics for Police](#), Part IV, Art. 81.

Must I confess?

No. You are not required to confess.

Source: [Code of Criminal Procedure](#), Ch. 7, Art. 55(1).

What adults can I ask to be with me?

If you are under the age of 14, you cannot be questioned without a teacher, psychologist, or, in some cases, your parent or guardian.

If you are over the age of 14, the police can decide if you need to have a pedagogue teacher, psychologist, or a parent or guardian present.

No matter how old you are, you always have the right to have a lawyer with you.

Source: [Code of Criminal Procedure](#), Chapter 14, Section II, Art. 55(1), 140.

Note: According to the following secondary source, a minor **must** have an attorney present during questioning.

See e.g., [lili_terhelti_20210111_deisgn.indd \(fairtrials.org\)](#)

Who do police have to contact if I am a legal minor?

If you're under the age of 14, you can't be questioned without a teacher, psychologist, or, in some cases, your parent or guardian. If you're over the age of 14, the police can decide if you need to have a teacher, psychologist, or parent/guardian present.

Source: [Code of Criminal Procedure](#), Ch. 14, Sec. II, Art. 55(1), 140.

Note: According to the following secondary source, a minor **must** have an attorney present during questioning.

See e.g., [lili_terhelti_20210111_deisgn.indd \(fairtrials.org\)](#)

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

- You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.
- This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

What if I am just a witness?

You always have the right to have a lawyer present.

Source: [Code of Criminal Procedure](#), Ch. 14, Sec. II, Art. 55(1).

Source: [Ministry of Interior Act](#), Art. 72(6).

Do police always have to tell the truth?

Proposed Information

- No. The police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to try and get you to talk more.

Can the police lie to me?

No. The police cannot lie to you.

Source: [Code of Conduct for Civil Servants at the Ministry of Interior](#), Ch. 1, Art. 13(e).

Do I have to tell the police the truth?

Yes. If you choose to speak with the police, you must tell them the truth.

Source: [Code of Criminal Procedure](#), Ch. 14, Sec. II, Art. 140(4).

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

Contact the office of the Ombudsman of the Republic of Bulgaria. The Ombudsman investigates complaints about police misconduct, abuse of power, and violation of human rights. Website: <https://www.ombudsman.bg/>; Address: 1202 Sofia, 22 George Washington Str. Bulgaria; Email: priemna@ombudsman.bg; Phone number: 02/81-06-955.

The Bulgarian Constitution protects your right to make a complaint to or ask questions of state authorities.

Source: FAIR TRIALS: Criminal Proceedings and Defense Rights in Bulgaria. [BULGARIA-Mar-2016-Printer-Friendly.pdf \(fairtrials.org\)](#)

Source: [Constitution of the Republic of Bulgaria](#), Art. 45.

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

If you have been discriminated against, you can either file a complaint with the Commission for Protection against Discrimination or sue. The Bulgarian Constitution prohibits discrimination on the basis of race, nationality, ethnic identity, or origin.

Source: Protection Against Discrimination Act https://kzd-nondiscrimination.com/layout/images/stories/pdf/ZAKON_za_zasita_ot_diskriminaciq_Zagl_i_zm_DV_br_68_ot_2006_g.pdf

Source: [Constitution of the Republic of Bulgaria](#), Art. 6-7.

Source: [Code of Conduct for Civil Servants at the Ministry of Interior](#), Art. 39, 41.

Article 6 of the Constitution prohibits discrimination on the basis of race, gender, sex, education, and many other grounds. You can sue the state.

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

You can file a complaint and/or sue. The Bulgarian Constitution prohibits discrimination on the basis of race, nationality, ethnic identity, or origin.

Source: [Constitution of the Republic of Bulgaria](#), Art. 6-7, 45.

Source: [Bulgaria: Code of Ethics for Police](#), Part VIII, Art. 63.

Source: [Code of Conduct for Civil Servants at the Ministry of Interior](#), Art. 39, 41.

What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

It is important to follow this advice:

You can file a complaint with the police department, or you can get a lawyer to represent you so that you take action against the state (sue).

Source: [Constitution of the Republic of Bulgaria](#), Art. 6-7, 45.

Source: [Bulgaria: Code of Ethics for Police](#), Part VIII, Art. 63.

Source: [Code of Conduct for Civil Servants at the Ministry of Interior](#), Art. 41.

You can get a lawyer to represent you so that you take action against the state (sue). This is allowed by Article 7 of the Constitution.

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Law is generally described as of April 2023.

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