

# Real Rights: young people engaging with law enforcement



Sofia, Bulgaria



# Rights:

## What rights do I have when I encounter law enforcement?

### Questions 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
- Reporting Crimes To The Police
- Responding To Bad Treatment By The Police
- 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 can you do if the Police perform an improper search?

## 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.
- 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, not cooperate or not follow the instructions of the police, even if you're innocent or if you think the police are acting unfairly or in a way that would be against the law.
- The police cannot use physical force unless it is absolutely necessary, i.e. if:
  - you resist or refuse to obey a legal order;
  - they are attempting to detain (hold) you and you resist or do not obey;
  - you attempt to escape when they are escorting you;
  - you are illegally stopping other state bodies or officials from doing their duties;
  - you attack other citizens or police officers;
  - they need to in order to release hostages;
  - you violate the public order as part of a group;
  - it is to prevent you attacking from buildings, other premises or vehicles;
  - required to remove you from a site you are illegally staying in; or
  - to protect their personal safety.
- The police cannot use physical force against anyone who is visibly under 14 years of age.

### Legal Source:

Ministry of the Interior Act, Articles 80, 81 and 83 (SG No. 53/27.06.2014)  
<https://www.lex.bg/laws/ldoc/2136243824>

Use of police force: Ministry of the Interior Act, Article 85 (SG No. 53/27.06.2014)  
<https://www.policinglaw.info/country/bulgaria>

## What should you do if the police question you?

### Proposed Information

It is important to follow this advice:

You have the right to remain silent when police are questioning you. In certain cases of detention (holding or custody), specifically, when the police detain you because there is evidence you have committed a crime, you have the right to remain silent when being interrogated (questioned) by the police, and your silence cannot be used against you.

### Legal Source:

Criminal Proceedings and Defence Rights in Bulgaria  
<https://www.fairtrials.org/wp-content/uploads/Criminal-Proceedings-and-Defence-Rights-in-Bulgaria.pdf>

*\*Disclaimer: Information from this source and other secondary sources may not constitute the most up-to-date legal source, however, information derived from this source is believed to be reliable and accurate at the time researched. We do not endorse this source more generally.*

## Can the police search you and your surroundings?

### Proposed Information

It is important to follow this advice:

The police can search you if they have reason to believe you are committing a crime.

A police officer of the same sex as you must do the search. For example, if you're a girl then a female officer must search you.

The police are also able to search your personal belongings, car or house in limited circumstances.

The police are able to search you if they have reason to believe that you carry dangerous or prohibited objects, if you are found at a place where a crime or the violation of a public order has been committed, or where they have evidence that you have items that are related to the crime or violation; or if you are detained on any of the grounds provided by law. Otherwise, you have the right to refuse being searched.

The police are also allowed to check your personal belongings where:

- they have evidence that you are hiding items related to a committed crime or violation; or
- otherwise as determined by law.

The police can search your car or other vehicles if they have evidence that you have committed a crime or violation of a public order.

The police can search your house or other premises without your consent only if:

- a serious crime is about to start, or has started and should be prevented;
- they have proof or evidence that a person who has committed a serious crime is hiding in your house; or
- they need to urgently assist someone whose life, health or personal freedom is in danger, or if it is otherwise necessary for them to enter your house;
- or other cases of ultimate necessity are at hand.

### Refusal of a search:

If the police do not have one of the above reasons to search your house or other premises, or car or other vehicle, you can refuse to consent to them searching your house or other premises.

### Legal Source:

Ministry of the Interior Act, Articles 80, 81 and 83 (SG No. 53/27.06.2014)  
<https://www.lex.bg/laws/ldoc/2136243824>

## What information must the police share with you?

### Proposed Information

It is important to follow this advice:

The police are able to carry out a search on you if they have reason to believe that you carry dangerous or prohibited objects, if you are found at a place where a crime or the violation of a public order has been committed, or where they have evidence that you have items that are related to a crime. Otherwise, you have the right to refuse being searched.

When a search is performed, the police bodies write a protocol. The protocol needs to be signed by the police officer, by one witness and by you. You shall also receive a copy of the protocol.

The protocol will contain the date, place, names and position of the police officer, names of the witness, your names, the objects found in your possession as well as your explanations and objections, if any. They may not include the specific reasons for the

stop and search apart from simply stating the legal basis for the search. However, you could ask them to provide reasons and ask if they could be included in the protocol.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 151 (1)  
<https://www.lex.bg/laws/ldoc/2136243824>

## Do you have to answer all of the police officer's questions?

### Proposed Information

It is important to follow this advice:

When there is evidence you have committed a crime and you have been detained or held in custody by a police officer, remember, you have the right to remain silent.

Your silence cannot be used against you during trial.

However, when you are being held by the police and without evidence you have committed a crime, the law does not provide for entitlement to remain silent.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72 (5)  
<https://www.lex.bg/laws/ldoc/2136243824>

Criminal Proceedings and Defence Rights in Bulgaria  
<https://www.fairtrials.org/wp-content/uploads/Criminal-Proceedings-and-Defence-Rights-in-Bulgaria.pdf>

## Can the police arrest you for lying?

### Proposed Information

It is important to follow this advice:

A police officer may detain a person where they believe that they have committed a crime; are preventing the police from fulfilling their duty; or hiding identity. If lying gives the police the impression that the person is acting suspiciously then it may be grounds for arrest. It is better to remain silent than lie.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72  
<https://www.lex.bg/laws/ldoc/2136243824>

[https://e-justice.europa.eu/content\\_rights\\_of\\_defendants\\_in\\_criminal\\_proceedings\\_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1](https://e-justice.europa.eu/content_rights_of_defendants_in_criminal_proceedings_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1)

## When are the police allowed to detain you?

### Proposed Information

It is important to follow this advice:

The police may detain a person:

1. for whom there is evidence that he has committed a crime;
2. who, after due warning, deliberately prevents a police officer from fulfilling its duty;
3. who shows severe mental deviations and whose behaviour violates public order or exposes their life or the life of other persons to obvious danger;
4. in case of impossibility to establish his identity;
5. who has escaped prison;
6. who is declared wanted for the purpose of detention in Bulgaria, in connection with extradition or in execution with a European arrest warrant; or
7. in other cases determined by law.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72  
<https://www.lex.bg/laws/ldoc/2136243824>

[https://e-justice.europa.eu/content\\_rights\\_of\\_defendants\\_in\\_criminal\\_proceedings\\_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1](https://e-justice.europa.eu/content_rights_of_defendants_in_criminal_proceedings_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1)

## Can the police detain you for refusing to answer questions?

### Proposed Information

It is important to follow this advice:

When you are being held by the police because they have evidence you have committed a crime, you have the right to remain silent when questioned. It is suggested you speak to your lawyer and discuss with them if you should or should not remain silent during police questioning. Your silence can not be used against you during trial. For example, even if you are silent they cannot say because you were silent you are guilty. Again, you should speak with your lawyer on what is best for you to do in this scenario.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72 (5)  
<https://www.lex.bg/laws/ldoc/2136243824>

Criminal Proceedings and Defence Rights in Bulgaria  
<https://www.fairtrials.org/wp-content/uploads/Criminal-Proceedings-and-Defence-Rights-in-Bulgaria.pdf>

## What to do if you are detained by the police?

### Proposed Information

It is important to follow this advice:

From the moment of detention, the police have to immediately contact a person identified by you and you have the right to a defence counsel. When you are a minor held in custody by the police you will be kept in a separate area than other adults who are also being held for criminal purposes.

In cases where you are arrested on suspicion of committing a crime, the police must prepare a written document that shows:

the name, position and the police officer's place of work and the name of the officer that issued the document. Additionally, they must provide the factual and legal grounds for detention; the identity of the person held in custody; the date and time of the detention; whether any of the detained persons rights have been restricted; and the detained person's rights. If you are held in custody you have the right to:

- a. to challenge in court the lawfulness of the detention;
- b. to a lawyer from the moment of detention;
- c. to medical assistance;
- d. to make a telephone call;
- e. to contact the consular authorities (if relevant)
- f. to use an interpreter in case he / she does not understand Bulgarian.

You can be detained for up to 24 hours without being told the exact nature of the accusations against you, but you must still be informed of the grounds or reasons for the arrest.

You have the right to appoint a lawyer, and must be given time to find one and meet them in private prior to being questioned. If you cannot afford your own lawyer, you are entitled to the lawyer on duty.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72 (5),(6), (8), Article 74  
<https://www.lex.bg/laws/ldoc/2136243824>

Criminal Proceedings and Defence Rights in Bulgaria  
<https://www.fairtrials.org/wp-content/uploads/Criminal-Proceedings-and-Defence-Rights-in-Bulgaria.pdf>

## Do the police always have to tell the truth?

### Proposed Information

It is important to follow this advice:

The police officers may conduct investigative interviews. There are no limitations on the questions or information they can ask in such interview.

During the investigative interview the principles of respect, guarantee of the rights and freedoms of the citizens and their dignity, objectivity and impartiality must be followed by the police.

In most cases, after such interview, you would be asked to write an "explanation" in which you record what you have said and sign it. However, this explanation cannot be used as evidence in criminal proceedings against you. Police officers cannot be questioned as witnesses and testify on what you have said during the investigative interview.

If you are accused of a criminal offence, a decree would be presented to you which would state the offence that you are of

and the legal qualifications of the accused.

Evidence would only be provided if it would not obstruct the investigation. If you are arrested, you will be asked whether you understand the charges and will be asked to tell the police using your own words, everything you know about the case, if you wish to do so. Once you start talking, the police may ask additional questions based off of what you have already said in order to clarify the situation. Such questions should be relevant to your arrest.

If police officers are questioned as witnesses in the course of court proceedings, they promise to testify in good faith and accurately everything to their knowledge about the case, and carry legal responsibility for false testimony as any other witness would.

In any case, we recommend that:

- 
- you have a lawyer present during the investigative interview or the interrogation;
- you stay calm even if any misleading or accusatory claims or questions are made by the police bodies;
- you carefully read any written statements you give before signing them;
- you remember that you have the right to remain silent in certain cases.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 10  
<https://www.lex.bg/laws/ldoc/2136243824>

Code of Criminal Procedure Article 138, Article 219  
<https://www.lex.bg/laws/ldoc/2135512224>

Code of Criminal Procedure/"CCP" Article 219  
[Lex.bg - Laws, Regulations, Constitution, Codes, State Gazette, Implementing Rules](https://www.lex.bg/laws/ldoc/2136243824)

## When are the police allowed to detain you in custody?

### Proposed Information

It is important to follow this advice:

he police may detain a person:

1. for whom there is evidence that he has committed a crime;for whom there is evidence that he has committed a crime;
2. who, after due warning, deliberately prevents a police officer from fulfilling its duty;
3. who shows severe mental deviations and whose behaviour violates public order or exposes their life or the life of other persons to obvious danger;
4. in case of impossibility to establish his identity;
5. who has escaped prison;
6. who is declared wanted for the purpose of detention in Bulgaria, in connection with extradition or in execution with a European arrest warrant; or
7. in other cases determined by law.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72  
<https://www.lex.bg/laws/ldoc/2136243824>

[https://e-justice.europa.eu/content\\_rights\\_of\\_defendants\\_in\\_criminal\\_proceedings\\_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1](https://e-justice.europa.eu/content_rights_of_defendants_in_criminal_proceedings_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1)

## For how long can the police keep you detained?

### Proposed Information

It is important to follow this advice:

No more than 24 hours. After this time has passed, the police must release you or present your case to the prosecutor. The prosecutor can formally charge you with having committed a criminal offense and detain you for another 72 hours before you are presented to a court.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 73  
<https://www.lex.bg/laws/ldoc/2136243824>

Code of Criminal Procedure Article 64(2)  
[Lex.bg - Laws, Regulations, Constitution, Codes, State Gazette, Implementing Rules](https://www.lex.bg/laws/ldoc/2136243824)

<https://www.state.gov/wp-content/uploads/2019/03/BULGARIA-2018.pdf>

## Will you be informed of your rights?

### Proposed Information

It is important to follow this advice:

The police should inform you of your rights in writing immediately after you have been told of the accusations against you. Following this, you must sign a document stating that you have been informed of your rights. This document must be either written in your language or translated by a professional interpreter.

**Legal Source:**

Information on Criminal Proceedings and Defence Rights in Bulgaria (Page 9)  
<https://www.fairtrials.org/wp-content/uploads/Criminal-Proceedings-and-Defence-Rights-in-Bulgaria.pdf>

## Can you be searched when you are arrested?

### Proposed Information

It is important to follow this advice:

Following arrest, the police can undertake a body search. The court should later give its approval for the personal effects found on you to be used as evidence.

[https://e-justice.europa.eu/content\\_rights\\_of\\_defendants\\_in\\_criminal\\_proceedings\\_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1#No2](https://e-justice.europa.eu/content_rights_of_defendants_in_criminal_proceedings_-169-BG-maximizeMS-en.do?clang=en&idSubpage=2&member=1#No2)

## Where must you be held once you have been arrested?

### Proposed Information

It is important to follow this advice:

Once arrested you can be detained in a room for accommodation of detained persons. However, as a minor (under the age 14) you must be held in place that is separate to adults.

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72 (2) and (8)  
<https://www.lex.bg/laws/ldoc/2136243824>

[Kinder- und Jugendschutz / Protection of minors \(protection-of-minors.eu\)](https://www.kinder-und-jugendschutz.eu/Protection-of-minors/protection-of-minors.eu)

## Are there any language requirements?

### Proposed Information

It is important to follow this advice:

When the detained person does not speak Bulgarian, they shall be immediately informed of the grounds for their detention in a language they understands.

**Legal Source:**

Ministry of the Interior Act, 2014 (SG No. 53/27.06.2014) Article 72 (3)  
<https://www.lex.bg/laws/ldoc/2136243824>

## How do I complain if the police have: performed an improper search; mistreated you; or harassed you?

### Proposed Information

It is important to follow this advice:

Complaints can be made to the following:

- Ombudsman of the Republic of Bulgaria;
- the Ministry of Internal Affairs; and
- the European Court of Human Rights.

[back to top](#)

[back to top](#)



It may also be possible to contact the following NGOs who advocate for human rights in Bulgaria:

- Bulgarian Helsinki Committee; and
- Bulgarian Lawyers for Human Rights.

Other organisations such as Amnesty International and Human Rights Watch may also be able to provide guidance.

### Ombudsman

Complaints can be made to the Ombudsman who investigates misconduct of public authorities, including alleged violations of human rights.

Complaints can be submitted to the Ombudsman by post, in person, by email or even orally.

The Ombudsman can issue criticisms and make recommendations in cases where a public authority has behaved improperly, but he cannot overrule decisions.

The Ombudsman cannot handle complaints about court decisions or allegations of misconduct by prosecutors.

www.ombudsm n.bg  
E: priemna@ombudsm n.bg  
T: +359(0)2810 6955  
+359(0)2980 9510  
1202 Sofia,  
George Washington St., 22

### Ministry of Internal Affairs

You could file complaints for abuse of power and corruption, mismanagement of state property or for other illegal or inappropriate actions or inactions of police bodies. The complaints may be made in writing or orally, submitted in person or through an expressly authorized representative, by telephone, fax or e-mail, as follows:

- in person or through an authorized representative in the offices of the structures of the Ministry of Interior or in the Reception of the Ministry of Interior every working day from 10.00 to 12.00 and from 14.00 to 16.00;
- electronically:
  - a) through the official e-mail - priemna@mvr.bg;
  - b) to the announced e-mail addresses of the structures of the Ministry of Interior;
- by mail
- alerts for corruption against employees of the Ministry of Interior can be submitted on telephone number 02/982 22 22 or through the Mol website.

The official language of the complaints is Bulgarian. Documents submitted in a foreign language must be accompanied by an accurate translation into Bulgarian.

Ministry of Interior Sofia,  
1000, 6th of September Street 29  
tel.: 02/9825000  
Central Ministry of Interior Coordination and Administrative Services Directorate Electronic mailbox: dkao@mvr.bg; Reception  
Ministry of Interior - Sofia, 29 6th of September Str., Working hours: 10 - 12h. and 2 pm - 4 pm,  
tel.: 02/982 25 74

### European Court of Human Rights

As a last resort, after exhausting all remedies available to you in Bulgaria, you may bring an action before the European Court of Human Rights in Strasbourg if an EU country has violated a fundamental right guaranteed by the European Convention on Human Rights.

Bulgarian Helsinki Committee is a non-governmental organisation that works for the protection of human rights in Bulgaria, by carrying out advocacy and law reform activities. In certain cases, the Bulgarian Helsinki Committee may be able to help

[back to top](#)

### Bulgarian Helsinki Committee

Bulgarian Helsinki Committee is a non-governmental organisation that works for the protection of human rights in Bulgaria, by carrying out advocacy and law reform activities. In certain cases, the Bulgarian Helsinki Committee may be able to help individuals file complaints with the European Court of Human Rights.

### Bulgarian Lawyers for Human Rights

Bulgarian Lawyers for Human Rights is a non-governmental organisation that works for effective protection of human rights in Bulgaria according to international standards. They provide information and training to lawyers on human rights standards, and they intervene or provide legal assistance in certain cases.

#### Legal Source:

[https://e-justice.europa.eu/content\\_fundamental\\_rights-176-bg-en.do?member=1](https://e-justice.europa.eu/content_fundamental_rights-176-bg-en.do?member=1)

<https://www.fairtrials.org/wp-content/uploads/BULGARIA-Mar-2016-Printer-Friendly.pdf>

[https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/how-report-breach-your-rights\\_en](https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/how-report-breach-your-rights_en)

### How can you respond to improper or unlawfully prolonged detention?

#### Proposed Information

It is important to follow this advice:

No one should be subject to detention and search, except in cases strictly defined by the law. Within 24 hours of any detention, the police are obliged to notify the court, which in turn should adjudicate on the justification for the arrest.

Within the Ministry of the Interior (department within the Government), there is a Permanent Committee for the Protection of Human Rights. To which citizens can complain, leading to disciplinary measures against police officers who have breached the procedures for checks and searches. When excessive force or other transgressions occur, the victim has the right to turn to the courts, including the European Court of Human Rights.

#### Legal Source:

Article 30, Constitution of Bulgaria  
<https://lex.bg/laws/ldoc/521957377>

### How can you respond to improper or unlawfully prolonged detention?

#### Proposed Information

It is important to follow this advice:

Complaints can be made to the Anti-Discrimination Commission and the National Council for Ethnic Minorities and Integration.

Anti-Discrimination Commission

Cases can be brought before the Anti-Discrimination Commission:

- on the basis of a written complaint from the affected person or persons;
- at the Anti-Discrimination Commission's own initiative;
- on the basis of information received from natural or legal persons, or state or public bodies.

The complaint or tip-off must be filed within three years of the offence being committed.

The complaint must include:

- the name of the complainant;
- the complainant's contact address or registered address;
- a description of the circumstances on which the complaint is based: in the case of actions committed in a personal capacity, what acts or omissions were committed and when, where and by whom, or in the case of employees of the defendant, what acts or omissions arising from their statutory or contractual obligations and related to their activities make the defendant liable for the discrimination committed;
- specific details of the remedy sought. This must be within the powers of the Anti-Discrimination Commission, which are laid down in the Act on Protection against Discrimination. Complainants must provide evidence, for example

[back to top](#)

- written documents or other specific evidence they feel should be examined by the Anti-Discrimination Commission (indicating, for example, persons they would like to see questioned as witnesses and the location of written evidence in the possession of third parties not participating in the proceedings).
- the date and the signature of the complainant or his/her representative.
- short description of procedure/proceedings in accordance with which the applications/complaints/claims are processed.

address:

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Fax: + 359 2 807 30 58  
E-mail: [kzd@kzd.bg](mailto:kzd@kzd.bg)  
Website: <http://www.kzd-nondiscrimination.com/>

**Legal Source:**

[https://e-justice.europa.eu/content\\_fundamental\\_rights-176-bg-en.do?member=1](https://e-justice.europa.eu/content_fundamental_rights-176-bg-en.do?member=1)

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Law is generally described as of November 2021.

[back to top](#)

[back to top](#)