



Surveillance Technologies at European Borders

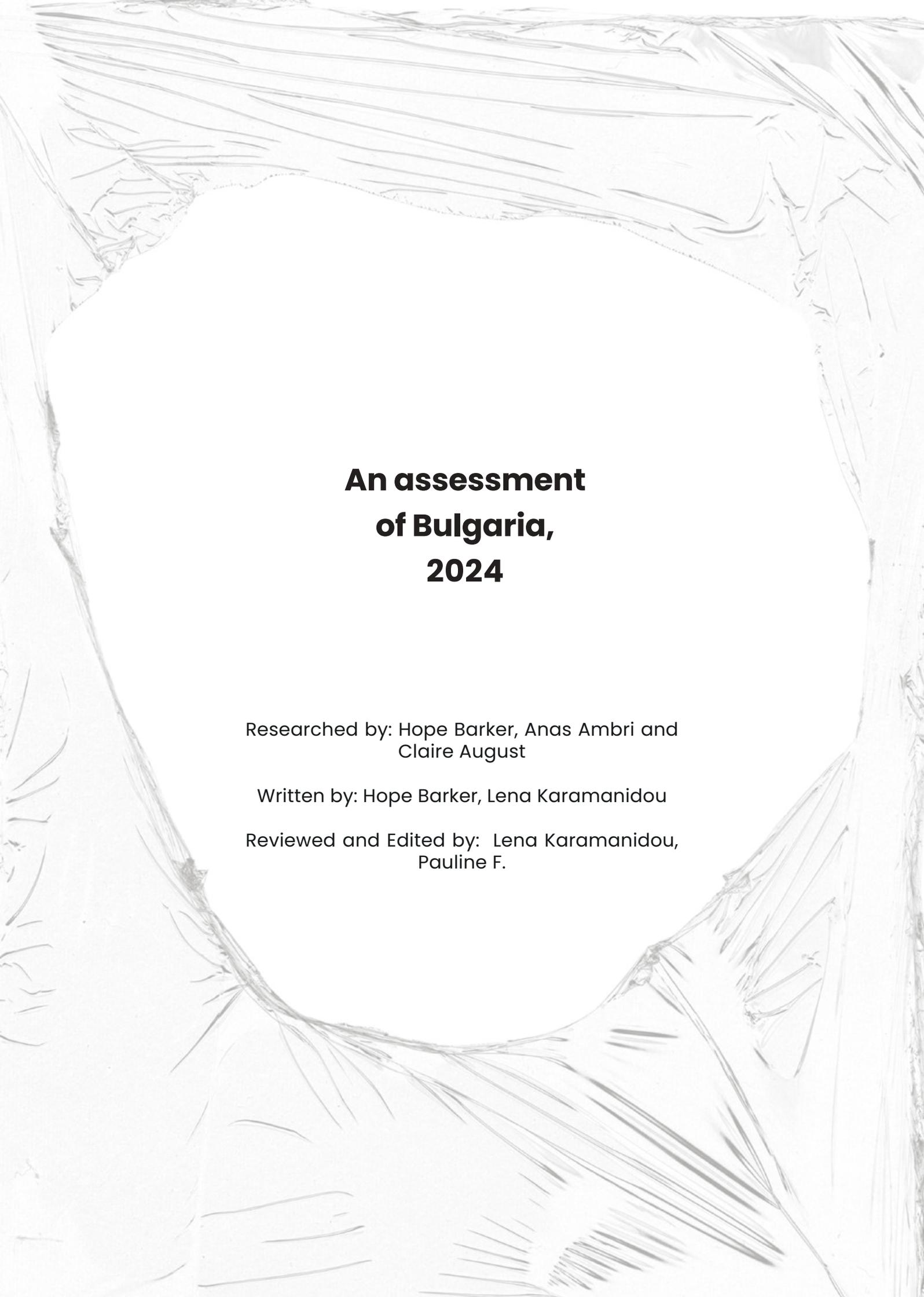
Assessment of Bulgaria



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Border Violence Monitoring Network



An assessment of Bulgaria, 2024

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For a while now, civil society organizations have been denouncing the dangers of the use of new technologies and Artificial Intelligence in the field of migration and border control, including the deployment of intrusive surveillance technology and the collection of biometric data from people on the move. The lack of transparency and regulation surrounding these processes and their impact results in a lack of accountability on the part of the authorities, tech companies, as well as public research institutions, as it poses severe difficulties in the monitoring of likely violations of human rights. The recently adopted EU Artificial Intelligence Act is a missed opportunity to safeguard against the harms of intrusive AI. Instead, it excludes the field of migration and law enforcement from important regulations. This report is one in a series of research publications produced by the members of the Border Violence Monitoring Network, with the objective of expanding the knowledge and evidence of new technologies being used as part of the European migration regime. With a lack of concrete case studies and research from countries along the so-called Balkan Route, we look into the developments in border surveillance in these regions and analyze the (actual and potential) harmful impacts of these technologies on people crossing borders.

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List of abbreviations

BMP: Border and Migration Police

BMVI: Integrated Border Management Fund

BVMN: Border Violence Monitoring Network

CEAS: Common European Asylum System

CPT: Convention on the Prevention of Torture

ECHR: European Convention on Human Rights

ECtHR: European Court of Human Rights

ECPA: European Community Police Assistance

EEAS: European External Action Service

EES: Entry/Exit System

EUA formerly EASO: European Asylum Support Office became the European Union Agency for Asylum

EMLO: European Migration Liaison Officer

EMPACT: European Multidisciplinary Platform Against Criminal Threats

EU: European Union

FOI: Freedom of Information (Request)

FRO: Fundamental Rights Office (of Frontex)

IOM: International Organisation for Migration

IPA: Instrument for Pre-Accession (EU fund)

MIDAS: Migration Information and Data Analysis

Mol: Ministry of Interior

MSS: Mobile Surveillance System

MS: Member State

NGO: Non-governmental Organisation

OSCE: Organization for Security and Co-operation in Europe

POM : People on the move

SAR: State Agency for Refugees

UNHCR: United Nations High Commissioner for Refugees

1. Introduction/Contextual background

1.1. Context of migration movements

When it comes to the context of human mobility, the Bulgarian context is somewhat unique and requires analysis from a historical perspective to better understand present-day dynamics. Mass emigration has had a strong impact on demographics in Bulgaria, with the population declining by 1.85 million from 1985 – 2016, largely as a reaction to the falling of the Iron Curtain in 1989. With Bulgaria's accession to the EU and access to EU labour markets in the mid 2010's, emigration from Bulgaria increased again for economic reasons.

The accession of Bulgaria to the EU rendered the country an external border of the European Union, and thus an entry route into EU territory. Yet, Bulgaria has been a transit country for people on the move (PoM) trying to reach other European countries since the 1990s.¹ The main nationalities of apprehended border crossers between 1990 and 1994 were Romanians, Turks, Albanians and Yugoslavians,² reflecting patterns of mobility in the region following the dissolution of communist regimes. Nevertheless, PoMs from Middle Eastern countries, such as Syrians and Iraqis, and from African countries, such as Nigerians, Ghanaians, and Liberians, also used this route. In the following years, Bulgaria continued to be a transit country for PoMs from post-communist countries as well as from Middle Eastern, Asian and African countries fleeing conflicts, oppression or poverty. Crossing to neighbouring Greece, through the Evros border or the mountainous Rhodopi region was a common route.³

These patterns continue into the 2000s. While crossing to or through Bulgaria by nationals of post-communist countries declined throughout the decade, statistics record irregular crossing in particular by North Macedonian, Romanian and Moldovan nationals.⁴ However, the Turkey-Bulgaria route remained an important crossing point for movements from the Middle East and African countries, especially for Turkish, Iraqi, Iranian, Palestinian and Afghan nationals.⁵ Between 2006 and 2009, the Border Police recorded 3957 crossings of the green border.⁶

Asylum applications were at their highest in 2002 (Table 1) but declined afterwards, mainly because of fewer applications by people displaced by conflicts in the Balkan area as well as due to increasingly stricter border controls.⁷ Bulgaria, however, remained mainly a transit country, with people crossing onwards to Greece, often to seek protection.⁸ Alternatively, PoMs crossed Bulgaria to reach Central and Western Europe via the Bulgarian-Serbian border, and a smaller number still cross over into North Macedonia across the Strandzha mountains to continue their journey.⁹

1 IOM (1994) Transit Migration in Bulgaria, <https://csd.eu/publications/publication/transit-migration-in-bulgaria/>

2 *ibid*

3 IOM 1994; Yagmaian, B. (2005) *Embracing the Infidel*, New York; Delta

4 IOM (2008) *Migration in Bulgaria: A Country Profile 2008*, <https://publications.iom.int/books/migration-bulgaria-country-profile-2008>; Ministry of the Interior [MoI] (2011) *External Borders Fund Multiannual Programme 2010-2013* (copy with authors)

5 *ibid*

6 *ibid*

7 Chonkova, B., Horváth, A., and Mišić, G. (2011) *Dynamics of European Migration: A Comparative Assessment of Croatia, Bulgaria and Hungary*, CEU, <https://openresearch.ceu.edu/entities/publication/0e257020-aa91-4313-80e9-55832fe88684>

8 IOM 2008; Ministry of the Interior [MoI] (2010) *National Strategy on Migration, Asylum and Integration* https://migrant-integration.ec.europa.eu/library-document/national-strategy-migration-asylum-and-integration-2011-2020_en

9 *Ibid*; IOM 2008; MoI 2011

Table 1: Asylum applications 2000–2010

Year	Applications
2000	1755
2001	2428
2002	2888
2003	1549
2004	1127
2005	822
2006	639
2007	975
2008	746
2009	853
2010	1025

Source: State Agency for Asylum and Refugees, cited in Chonkova et al 2011

Crossings increased in the 2010s. One factor early in the decade was the reinforcement of the Greek–Turkish border. However, similar to other Eastern Mediterranean and Balkan countries, crossings to Bulgaria increased between 2013 and 2016 as a result of conflict and oppression in Syria, commonly known as the so-called European ‘refugee crisis’.¹⁰ In 2013, Bulgaria saw a sharp increase in arrivals and asylum applications, mainly by Syrians crossing through the Bulgarian Turkish border.¹¹ Over an estimated 11,000 people arrived through this border that year compared to 1,700 in 2012, while 7,144 asylum applications were submitted compared to 1,387 in the year before.¹² In 2015, 34,056 people were apprehended for irregular entry, exit and stay.¹³ The number fell sharply to 18,844 in 2016, with only 4,600 detected for irregular entry.¹⁴ In spite of these seemingly high numbers, the amount of PoM reaching Bulgaria remained significantly lower than in neighbouring countries during the years of the so-called ‘refugee crisis’.¹⁵ Greece remained a core route, the Turkish–Bulgarian border constituted an alternative one towards Central Europe for Syrians but also other nationalities, including Afghans, Iraqis, Algerians, Malians, Ghanaians and Somalis.¹⁶ In more recent years, border crossers were mainly Syrians, Afghans, Moroccans and Iraqis.¹⁷

10 MoI (2021) National Programme of the Republic of Bulgaria under the Instrument for Financial Support for Border Management and Visa Policy; MoI (2017) ISF Interim Evaluation Report - Bulgaria National Programme ISF. Copy with the authors.

11 AIDA (2014) National Country Report - Bulgaria, <https://asylumineurope.org/reports/country/bulgaria/>; Amnesty International (2013) Bulgaria: Refugees and migrants at risk in Bulgaria, <https://www.amnesty.org/en/documents/eur15/003/2013/en/>

12 AIDA (2013) National Country Report - Bulgaria, <https://asylumineurope.org/reports/country/bulgaria/>; Trilling, D. (2014) Syrians in Bulgaria: ‘Why don’t they help us’ <https://www.aljazeera.com/features/2014/5/6/syrians-in-bulgaria-why-dont-they-help-us> ; AIDA 2014; Amnesty International 2013

13 AIDA (2017) Country Report Bulgaria, <https://asylumineurope.org/reports/country/bulgaria/>

14 Ibid

15 Kyuchukoc, L (2016) Impact of the Refugee Crisis on Bulgarian Society and Politics: Fears But No Hatred https://migrant-integration.ec.europa.eu/news/bulgaria-impact-refugee-crisis-both-society-politics-fears-not-hatred-poll-shows_en

16 Sienko, N. (2020) Bulgarian Migration Policy- Contemporary Challenges along the Balkan Transit Route, Scientific Journal of the Military University of Land Forces, 52(1): 76-86; Osseiran, S. (2017) ‘Europe’ from ‘Here’: Syrian Migrants/Refugees in Istanbul and Imagined Migrations into and within ‘Europe’, in De Genova, N. (ed) The Borders of “Europe”: Autonomy of Migration, Tactics of Bordering, Durham: Duke University Press; Nancheva, N. (2016) Bulgaria’s Response to Refugee Migration:

17 Novinite (2023) Bulgarian Authorities Detain Over 18,000 Migrants in 2023: A Year of Challenges and Crackdowns, 30 December, <https://www.novinite.com/articles/223265/Bulgarian+Authorities+Detain+Over+18%2C000+Migrants+in+2023%3A+A+Year+of+Challenges+and+Crackdowns>

In general, publicly available statistics on unauthorised crossings vary across sources. Official statistics on apprehensions for irregular entry are generally lower than numbers of 'prevented entries'. While official apprehensions declined between 2017 and 2020, 'prevented entry' statistics from the Ministry of Interior increased in 2018 and 2020 (Table 2). Since 2020, apprehensions for irregular entry have also increased steadily) as did overall apprehensions (Table 3). In parallel, official sources have cited high numbers of arrivals and interceptions. According to statements in the media, as of September 2022, 85,000 POM had crossed into Bulgaria – more than double that in all of 2021 (41,000).¹⁸ However, another source refers to 164,000 averted attempts to cross by August of the same year.¹⁹ The European Commission reported a decrease in arrivals in 2023, following measures taken by the Bulgarian authorities,²⁰ yet in another statement in January 2024, the Interior Minister claimed that a total of 180,000 irregular entries were prevented in the same year.²¹ In October, 2024, however, a media report referred to 2,062 apprehensions for irregular entry and 2,723 for irregular exit since the beginning of that year, even suggesting a 35% increase compared to 2023.²²

The variations in numbers reflect possible different definitions of detected irregular entries, apprehensions and prevented entries, as well as political interests shaping representations of border crossings – for example in mobilising resources or stressing the effectiveness of measures. One respondent during the field research stated that there was speculation that many of the officially reported numbers in the media were inflated as part of a political move to support former Prime Minister Boyko Borisov. The perception is that migration was calmer during his time as the country's leader due to good relations with Erdogan. This was particularly evident in March 2020, when Erdogan bussed thousands of migrants to the Greek land border and pushed them to cross into the EU, whilst Bulgaria's border with Turkey remained calm.²³ Nevertheless, an overall analysis of statistics show that mobility through Bulgaria is indeed on the rise in recent years.

18 ANSA (September 07, 2022). Bulgaria records sharp increase in migrant arrivals from Turkey. InfoMigrants. Retrieved February 14, 2023 from <https://www.infomigrants.net/fr/post/43151/bulgaria-records-sharp-increase-in-migrant-arrivals-from-turkey>

19 Van Brunnersum, S.J. (2022) Bulgaria migrant pushbacks: EU political pressure and surveillance, <https://www.infomigrants.net/en/post/51215/bulgaria-migrant-pushbacks-eu-political-pressure-and-surveillance-44>

20 EU Commission (2023) Report of the third voluntary fact-finding mission to Bulgaria - latest developments in the application of the Schengen acquis, https://home-affairs.ec.europa.eu/document/download/634c9fb4-9860-472b-9d1b-09762a782ab4_en#:~:text=Bulgaria%20started%20the%20procurement%20for,million%20Euro%20have%20been%20signed.

21 AIDA (2024) Country Report - 2023 Update https://asylumineurope.org/wp-content/uploads/2024/04/AIDA-BG_2023-Update.pdf

22 Kirilov, K. (2022) Repair Teams Inspect, Reinforce Border Barrier with Turkiye Daily to Prevent Compromised Sections. Bulgarian News Agency, 07 October, <https://www.bta.bg/en/news/bulgaria/756728-repair-teams-inspect-reinforce-border-barrier-with-turkiye-daily-to-prevent-com#migrant>

23 Martino, F. (2020) Balkan route: fragile calmness on the Bulgarian front <https://www.balcanicaucaso.org/eng/Areas/Bulgaria/Balkan-route-fragile-calmness-on-the-Bulgarian-front-199954>

Table 2: Irregular Entries and Averted Crossings

Year	Irregular entry apprehensions	v
2017	743	8044
2018	689	10019
2019	489	7422
2020	510	13042

Source: AIDA 2024; Programme Bulgaria BVMI (averted attempts)

Table 3: Apprehensions 2021–2023

	2021	2022	2023
Irregular Entry	1386	2298	1803
Irregular Exit	1097	2337	1990
Irregular Stay	8316	12092	14791
Total Apprehensions	10779	16767	18554

Source: SAR

Whilst Bulgaria remains, and was described by almost everybody interviewed during the field research, a 'transit country', asylum-seeking dynamics have also fluctuated across the years. Asylum applications increased in 2015 and 2016 comparatively to previous year, reflecting the rise in crossings in the country but also dynamics in the wider Southeastern Mediterranean area. While their number fell steeply between 2017 and 2019, asylum applications rose again, nearly doubling, between 2021 and 2023 (Table 4).

Table 4: Asylum applications 2015–2023

<i>Year</i>	Applications
2012	1387
2013	7144
2014	11081
2015	20391
2016	19418
2017	3700
2018	2536
2019	2152
2020	3525
2021	10999
2022	20407
2023	22518

Source: SAR

As the data shows, the number of people crossing into Bulgaria as well as those seeking asylum has consistently increased in recent years. This might be explained through the increased use of systematic pushbacks and other forms of violence and inhuman and degrading treatment at the Greek–Turkish land border in Evros, causing the route to shift.²⁴ As the latter has become more violent and deadly, and systematic pushbacks prevail as the dominant approach to ‘migration management’, routes have significantly shifted to take transit groups through Bulgaria instead. In response, Bulgaria has also ramped up its pushback policy and increasing levels of violence have been observed, both by BVMN and local actors on the ground (see section 1.4).

1.2 Policy Developments

1.2.1 National Asylum Procedures

National politics in the country have been fraught with citizens voting in six general elections over the past three years and failing to form a majority government.²⁵ Whilst a number of cross-party caretaker governments have taken the wheel, it has meant that any substantial legislation or reforms have been impossible to move through parliament due to a lack of political majority.²⁶

This has had a particular impact on migration and asylum policies which have not been prioritised, meaning the adoption of amendments has been continuously delayed.²⁷

24 van Brunnensum 2023

25 Todorov, S. (2024) Bulgaria Moves Closer to Seventh General Election in Three Years, <https://balkaninsight.com/2024/07/22/bulgaria-moves-closer-to-seventh-general-election-in-three-years/>;

26 <https://balkaninsight.com/2024/02/08/bulgaria-coalition-cracks-widen-ahead-of-govt-rotation/>

27 AIDA 2024

Nevertheless, there are two key pieces of legislation which regulate migration, mobility and border management in the country: The Law on Aliens in the Republic of Bulgaria (LAR) and the Law of Asylum in Refugees (LAR). The former was passed in 1999 and amended in 2002,²⁸ whilst the latter came into effect in 2002. The LAR provides the legal framework for the granting of asylum and refugee status and lays out the process for applications, as well as the conditions for protection and integration. According to the legislation, anybody entering Bulgaria has the right to lodge an application for protection, whether they do so at the border crossing point (BCP), after being apprehended and detained in a pre-removal centre, or found to be staying irregularly on the territory of the country.

The State Agency for Refugees (SAR), established in 2002, is the competent national authority for processing applications for international protection. The SAR is made up of different units which are composed of caseworkers dealing with specific procedures e.g. Dublin returns or accelerated procedures. In 2022, the head of the SAR – Petya Purvanova – who had held the position for six years was dismissed due to unsatisfactory performance.²⁹ She was replaced by Mariana Tosheva who comes from an NGO background, having worked for the UNHCR, the Bulgarian Helsinki Committee, and the International Committee of the Red Cross³⁰ over the last 30 years. The new management spearheaded a number of internal reforms such as ensuring two quality checks on all decisions by two different case workers before final sign-off by the Chairperson of the SAR, and strengthened collaboration with UNHCR, and implementing partner the Bulgarian Helsinki Committee, for monitoring each stage of the procedure.³¹

Whilst an application for international protection is being examined by the SAR – for which there is a 6-month time limit imposed by the LAR, with a maximum extension of up to 21 months total³² – a person can be accommodated in either a closed or an open Reception and Accommodation Centre (RAC). Open reception centres were established in Sofia (Ovcha Kupel) and the Nova Zagora municipality soon after the establishment of SAR in 2002.³³ The centre is close to the Bulgarian-Turkish border and has the capacity to accommodate approximately 300 people. Although it was initially presented as a ‘closed’ centre, in reality people accommodated there are able to come and go as they wish. The construction of the Pastrogor centre was funded in part by the EU’s PHARE programme and is specifically designed for people who are going through accelerated procedures.³⁴ In 2013, as asylum applications increased almost seven-fold, three new RACs were opened – two in Sofia called Voenna Rampa and Vrazhdebna and one near the Turkish border in the city of Harmanli.³⁵ All three of these were constructed as, and remain to this day, open centres which allow free movement of those accommodated there.³⁶ The different centres are divided to accommodate different nationalities to “reduce intercommunal violence” according to a spokesperson of the SAR interviewed during the field research. Voenna Rampa houses Pakistani, Afghan, Sri Lankan, Nepalese and Bangladeshi nationals; Vrazhdebna and Harmanli house Arabic speakers and Ov-

28 Chonkova et al 2011

29 The Sofia Globe (2022) Bulgaria’s government replaces head of State Agency for Refugees <https://sofiaglobe.com/2022/03/23/bulgarias-government-replaces-head-of-state-agency-for-refugees/>

30 Ibid

31 Interview with SAR employee

32 AIDA 2024

33 IOM (2016) Assessment Report: Health Situation at EU’s Southern Borders - Migrant, Occupational, and Public Health - Bulgaria https://publications.iom.int/system/files/pdf/sar_bulgaria.pdf

34 Global Detention Project (2011) Bulgaria Detention Profile, <https://www.globaldetentionproject.org/wp-content/uploads/2016/10/Bulgaria-Detention-Profile-2011.pdf>

35 IOM 2016

36 AIDA 2024

cha Kupel accommodates a mixture of different national groups.³⁷ Safe zones for unaccompanied minors have been established in Ovcha Kupel and Voenna Rampa since 2019, run by IOM, and a third was established in Harmanli in May 2024³⁸ through joint efforts of the SAR, UNICEF Bulgaria and IOM with the financial support of the State Department of Migration of Switzerland.³⁹

When a person is apprehended at the border, or in a situation of irregular stay on the territory, and prior to lodging an application for asylum they are held in Pre-Removal Centres. Bulgaria has two such centres: Lyubimets, close to the Turkish border, and Busmantsi, in Sofia. Busmantsi was established in 2006,⁴⁰ while Lyubimets opened in 2011.⁴¹ Following an amendment to the LARB in 2017 which aligned the national legislation with the EU Returns Directive (2008/115)⁴², individuals can be held for 18 months in lieu of removal and also made it possible for Immigration Police to order extensions of up to a 6 month period without judicial review by a national court.⁴³

1.2.2 The EU and Schengen Accession and the reinforcement of border control and surveillance

Bulgaria officially joined the European Union in 2007. Yet significant reforms of its institutions, including of its migration, asylum and border regimes started in its pre-accession period, aiming at harmonising laws, institutions and practices with EU norms and frameworks, with the aim of joining the Schengen area after accession.⁴⁴

Following the 2007 accession process, legislative reforms, including on visas and residence permits, continued to align the country's legal frameworks with the Schengen acquis.⁴⁵

Both before and after accession, the Bulgarian authorities focused on increasing border control and surveillance capacities in order to fulfil the requirement for joining the Schengen area.⁴⁶ These efforts included the acquisition of surveillance means and technologies such as thermovision equipment, patrol vehicles and vessels as well as the development of ICT infrastructures.⁴⁷ Further, the Bulgarian authorities undertook significant reforms of the police, developed structures such as national and regional coordination centres in preparation for EUROSUR and developed an Integrated Border Management Strategy in 2006 to prepare for Schengen accession and in 2010 a national strategy on Migration, Asylum and Integration and for the Adoption of the Schengen Acquis.⁴⁸

37 Interview with SAR spokesperson

38 IOM (2024) IOM Bulgaria Attends Opening of New Safe Zone for Unaccompanied Minors in Harmanli, <https://bulgaria.iom.int/news/iom-bulgaria-attends-opening-new-safe-zone-unaccompanied-minors-harmanli>

39 Unicef (2024) SAR, UNICEF, IOM and the Swiss Embassy opened a Safe Zone for unaccompanied refugee children in the Registration and Reception Centre – Harmanli <https://www.unicef.org/bulgaria/en/press-releases/sar-unicef-iom-and-swiss-embassy-opened-safe-zone-unaccompanied-refugee-children>

40 IOM 2016

41 <https://www.globaldetentionproject.org/wp-content/uploads/2016/10/Bulgaria-Detention-Profile-2011.pdf>

42 AIDA 2024

43 Ibid.

44 Chonkova et al 2011

45 Ibid

46 Ibid; MoI 2011

47 MoI 2011

48 European Commission (2018) Ex-post evaluation of the External Borders Fund 2011-2013, https://commission.europa.eu/publications/ex-post-evaluation-external-borders-fund-2011-2013_en; MoI 2011

A crucial driver in the Europeanisation of border control and surveillance was cooperation with Frontex. The reform of police dog units, for example, is attributed to observing Frontex's equivalent practices in joint operations.⁴⁹

While Bulgaria joined some of the core components of EU border management, such as EUROSUR in 2012, its bid to join Schengen in 2011 was unsuccessful.⁵⁰ This was the result of a range of factors, for example in 2008 the European Commission suspended EU aid worth hundreds of millions of euros after a series of reports criticising the Bulgarian government for failing to take effective action against corruption and organised crime.⁵¹ A further obstacle to joining Schengen was demands by European institutions to further reinforce the Bulgarian-Turkish border. Powerful Member States of the EU stated that their opposition to Bulgaria joining Schengen came down to migratory pressure at the border, with Austria leading the charge.⁵² However, other Member States also cited the previously mentioned issues of corruption and organised crime.⁵³

The increase of arrivals in 2013–2014 highlighted the inadequacies of reception capacities and the shortcomings of the Bulgarian asylum system, resulting in a humanitarian crisis.⁵⁴ In response, the European Commission allocated additional funding to Bulgaria and a number of new RACs were opened as a result. Yet, the predominant response of the Bulgarian state was to reinforce border controls. The construction of a wall at the Bulgarian-Turkish Border was announced in 2013 and completed in 2016.⁵⁵

The Bulgarian authorities increased police presence and checks at border areas, in particular at the Bulgarian Turkish border, and started sharing surveillance information with Turkish authorities in order to prevent crossings.⁵⁶

Funding from the European Union financed border surveillance and control capabilities.⁵⁷ Since the resumption of EU funding in 2014,⁵⁸ Bulgarian authorities have utilised EBF and Internal Security Fund (ISF) grants to carry out various projects aimed at strengthening further the capacity of the Border Police in terms of ICT, patrol vehicles, infrastructures such as police stations, BCPs and coordination centres, surveillance and control equipment and training of police personnel both in the use of border technologies as well as in asylum and human rights law and procedures.⁵⁹ ISF funds, including emergency actions, were also

49 MoI 2011

50 MoI (2014) National Programme ISF, copy with the authors

51 EU Commission (2008) Report from the Commission to the European Parliament and the Council On the Management of EU-funds in Bulgaria, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52008DC0496>; Weaver, M. (2008) EU suspends Bulgaria's funding, The Guardian, 23 July, <https://www.theguardian.com/world/2008/jul/23/eu>; The Guardian (2008) EU suspends Bulgaria's funding, <https://www.theguardian.com/world/2008/jul/23/eu>

52 Liboreiro, J. (2023) Austria still opposed to Schengen accession of Romania and Bulgaria, preventing December vote, Euronews, 12 December <https://www.euronews.com/my-europe/2023/12/05/austria-still-opposed-to-schengen-accession-of-romania-and-bulgaria-preventing-december-vote>

53 Wikipedia contributors. (November 25, 2023). Schengen Area. In Wikipedia, The Free Encyclopedia. Retrieved November 26, 2023, from https://en.wikipedia.org/w/index.php?title=Schengen_Area&oldid=1186824992

54 Nancheva 2016

55 Ibid; Sienko 2020; IRIN News (2013) On the EU frontlines of migrant reception in Bulgaria, The New Humanitarian, <https://www.thenewhumanitarian.org/feature/2013/11/05/eu-frontlines-migrant-reception-bulgaria>

56 AIDA 2015; MoI 2017 ISF Interim Evaluation; Bulgarian News Agency (2016) Bulgaria Steps Up Checks of Vehicles, Tightens Border Security amid Increasing Migration <https://www.bta.bg/en/news/145086-Bulgaria-Steps-Up-Checks-of-Vehicles-Tightens-Border-Security-amid-Increasing-M>; Nancheva 2016

57 European Commission 2018

58 novinite.com (2014) Bulgaria Restores Suspended EU Payments under Regional Development OP, <https://www.novinite.com/articles/162678/Bulgaria+Restores+Suspended+EU+Payments+under+Regional+Development+OP>

59 EU Commission (2017) Grant Agreement for an Action with one Beneficiary - Agreement Number - HOME/2017/ESFB/AG/EMAS/0065; MoI (2020) ISF Implementation Report (copy with author); MoI 2017 ISF Interim Evaluation; MoI (2018) National Programme ISF, <https://mvr.bg/dmp/%D0%B4%D0%B5%D0%B9%D0%BD%D0%BE%D1%81%D1%82%D0%B8%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%B5%D0%BD%D0%BF%D0%B5%D1%80%D0%B8%D0%BE%D0%B4-2014-2020/%D1%84%D0%BE%D0%BD%D0%B4-%D0%B2%D1%8A%D1%82%D1%80%D0%B5%D1%88%D0%BD%D0%B0-%D1%81%D0%B8%D0%B3%D1%83%D1%80%D0%BD%D0%BE%D1%81%D1%82-2014-2020/%D0%BD%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B8-%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%B8>

used for the maintenance of police equipment such as vehicles and vessels.⁶⁰ Cooperation in the domain of border management with neighbouring countries was enhanced with the establishment of a trilateral contact centre between Bulgaria, Turkey and Greece at the Kapitan Andreevo BCP.⁶¹ While the Turkish-Bulgarian border remained an area of focus, Bulgarian authorities were also concerned with controlling exits through the Bulgarian - Serbian border. In this respect, the ISF 2014-2020 programme included measures aimed at strengthening infrastructures at this border.⁶² In addition, two new BCPs were established at the border with North Macedonia and one with Turkey.⁶³

Investment on border policing, including border technologies, is set to continue under the 2021- 2027 BMVI funding cycle, under which Bulgaria is to receive over 200.000.000 euro.⁶⁴ In addition to reinforcing technological infrastructures discussed in section 1.5), the programme includes actions such as the acquisition of further vehicles and vessels.⁶⁵

For instance, an additional 72 vehicles and buses for the Border Police.⁶⁶ Another area of action was increasing the human resources of the MoI, both in terms of border guards and other staff.⁶⁷ Overall, there is a persisting emphasis on border control and surveillance, manifested both in continuing, EU-supported, investment and political discourse.

Various structures to develop cooperation with neighbouring countries in the field of border management were also developed, including bilateral agreements on cross border cooperation with Greece and Romania, joint patrols with Romanian, North Macedonian and Serbian border police, and a joint action plan with Austria to 'to enhance joint efforts and capabilities in preventing illegal migration'.⁶⁸ Bulgaria also continued to cooperate closely with Europol 'to counter migrant smuggling networks and to limit secondary movements within the EU'.⁶⁹ Such actions are also supported by BVMI funds.⁷⁰

60 EU Tenders (2021) 663573-2021 - Result <https://ted.europa.eu/en/notice/-/detail/663573-2021>; MoI (2021) Procedure of direct provision of BFP under project BG65ISNP001-3.008 "Post-warranty maintenance of border police vessels", <https://mvr.bg/dmp/%D0%B4%D0%B5%D0%B9%D0%BD%D0%BE%D1%81%D1%82%D0%B8/%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%B5%D0%BD-%D0%BF%D0%B5%D1%80%D0%B8%D0%BE%D0%B4-2014-2020/%D1%84%D0%BE%D0%BD%D0%B4-%D0%B2%D1%8A%D1%82%D1%80%D0%B5%D1%88%D0%BD%D0%B0-%D1%81%D0%B8%D0%B3%D1%83%D1%80%D0%BD%D0%BE%D1%81%D1%82-2014-2020/%D0%B7%D0%B0%D1%82%D0%B2%D0%BE%D1%80%D0%B5%D0%BD%D0%B8-%D0%BF%D1%80%D0%BE%D1%86%D0%B5%D0%B4%D1%83%D1%80%D0%B8>

61 MoI (2018) National Programme ISF

62 ibid

63 ibid

64 PICUM and ECRE (2024) Beyond walls and fences: EU funding used for a complex and digitalised border surveillance system <https://picum.org/blog/new-research-finds-that-eu-funds-digital-walls-and-police-dogs-at-the-eus-borders/>

65 MoI (2024) SFC2021 Programme for AMIF, ISF and BMVI, v.3, <https://mvr.bg/dmp/%D0%B4%D0%B5%D0%B9%D0%BD%D0%BE%D1%81%D1%82%D0%B8/%D1%84%D0%B8%D0%BD%D0%B0%D0%BD%D1%81%D0%BE%D0%B2-%D0%BF%D0%B5%D1%80%D0%B8%D0%BE%D0%B4-2021-2027/%D0%B8%D0%BD%D1%81%D1%82%D1%80%D1%83%D0%BC%D0%B5%D0%BD%D1%82-%D0%B7%D0%B0-%D0%A4%D0%9F%D0%A3-2021-2027/%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%BD%D0%B8-%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8>

66 EU Tenders (2024) 611374-2024 - Result, <https://ted.europa.eu/en/notice/-/detail/611374-2024>

67 MoI 2024 SFC2021; European Commission (2023) Report of the third voluntary fact-finding mission to Bulgaria - latest developments in the application of the Schengen acquis, 30 November 2023

68 MoI 2022 Report on national plan; European Commission 2023; Report of the third voluntary fact-finding mission p.20; European Commission 2023 Reporting on the Progress

69 European Commission 2023 Report of the third voluntary fact-finding mission p. 22

70 PICUM and ECRE 2024

1.2.3 The 2023 Pilot Project

In March 2023, the EU commission launched a six-month pilot project to address shortcomings in Bulgaria's asylum system and develop capacities for screening, returns, border management and international cooperation.⁷¹ The project envisaged greater support from Frontex in border control and European Union Asylum Agency (EUAA) in reception and protection procedures.⁷² Further, the project offered an additional 45 million euros on top of agreed Border Management and Visa Policy Instrument (BMVI) funding, citing specifically the need for the fortification of the Bulgarian-Turkish border.⁷³ A further 24.5 million were made available under specific actions.⁷⁴ Further, European agencies like Frontex and the European Union Agency for Law Enforcement Training (CEPOL) as well as international organisations such as UNHCR and IOM are to be involved in various areas of capacity development, including on the use of technologies, policing, deportations, human rights and asylum procedures.⁷⁵ Some training is also set to be provided by Norwegian authorities through the Norwegian Financial Mechanism.⁷⁶

In the domain of asylum, the Pilot Project provided support to Bulgarian authorities to implement accelerated procedures and introduce a list of safe countries of origin and safe third countries.⁷⁷ This has been coupled with national programmes of the Bulgarian Ministry of Interior towards an increasing emphasis on developing capacity for return and pre-removal detention of PoMs.⁷⁸ As such, Bulgarian law is to be amended to allow for the simultaneous delivery of a negative asylum decision and a return decision.⁷⁹ The testing ground for accelerated procedures and swift returns was designated as the transit centre of Pastrogor which currently houses predominantly applicants from safe countries of origin namely Morocco, Iraq and some sub-Saharan African countries. All the individuals accommodated there have their applications reviewed under accelerated asylum procedures and are largely rejected as manifestly unfounded.⁸⁰ Under the Pilot Project, the Ministry of the Interior and Frontex agreed on an Action Plan on Return. Frontex provided two return specialists and two cultural mediators who contributed to providing information on forced and voluntary return through 'counselling sessions'⁸¹ inspired by the Cyprus model which has been hailed as a huge success in encouraging voluntary returns.⁸² As such, a new Assisted Voluntary Return Programme was to be launched in 2024.⁸³ Deportation-related actions are funded largely through EU mechanisms such as BMVI and AMIF, but also through the Norwegian Financial Mechanism.⁸⁴

The SAR's 2023 annual report states that, during the implementation of the Pilot Project, 1,582 third country nationals were registered in Pastrogor, 1,235 asylum decisions were taken and 1,104 of those entered into force by the final date of the Pilot Project (31 August 2023). However, very few of those people were actually handed over to the Ministry of Interior for removal. As

71 European Commission (2023) Joint Pilot Project in Bulgaria annex, https://home-affairs.ec.europa.eu/news/progress-bulgaria-and-romani-as-pilot-project-commission-fast-asylum-and-return-procedures-2023-06-07_en

72 ibid

73 Ibid; European Commission (2023) Reporting on the Progress made on the Pilot Project for fast asylum and return procedures with Bulgaria, https://home-affairs.ec.europa.eu/reporting-results-pilot-project-fast-asylum-and-return-procedures-bulgaria_en

74 ibid

75 MoI (2022) National Plan of the Republic of Bulgaria for 2022, <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1625>; MoI (2022) Report on the National Plan of the Republic of Bulgaria for 2022, <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1625> European Commission 2023, Reporting on the Progress

76 MoI 2022 Report on the national plan

77 European Commission 2023 Reporting on the Progress

78 Ibid; European Commission 2023, Report of the third voluntary fact-finding mission

79 European Commission 2023 Reporting on the Progress

80 BVMN (2023) Illegal pushbacks and border violence reports - Monthly report October 2023, <https://borderviolence.eu/app/uploads/BVMN-Monthly-Report-October-2023.pdf>

81 European Commission 2023 Reporting on the Progress

82 FOI Document of the EU Commission. Copy with the author.

83 ibid

84 MoI 2022 National plan; MoI 2022 Report on the national plan

Pastrogor is an open centre, more than 90% of the individuals issued a removal decision absconded.⁸⁵ Nevertheless, in October 2023, the Commission issued a report on the project which highlighted “good progress”⁸⁶ in all aspects.

Another key aspect of the project is related to the digitalisation of Bulgaria’s asylum procedure. This included a visit to neighbouring Greece in June 2023 where Bulgarian officials were introduced to the technical specifications of Greece’s ALKYONI II system,⁸⁷ in spite of continued critique of the system’s functioning in Greece.⁸⁸ It is noted in the document that Bulgarian officials noted that they currently have no financial resources or experts to develop a digitalised system but that the SAR has plans to apply for support under the Technical Support Instrument Programme (TSI) of DG REFORM for this purpose.

In terms of border management, the continued emphasis on preventing crossings and stepping up border surveillance was reflected in the Commission’s Pilot Project alongside changes to the legal framework. In March 2024, the Pilot Project was deemed a success and upgrade to a ‘cooperation framework’⁹⁰ which allows for Bulgaria to apply for additional funding to extend or upgrade the existing border surveillance systems, purchase means of transport with thermo-vision capabilities, and purchase operating equipment such as movement detection or thermo-vision cameras.⁹¹ The funding for the cooperation framework will be provided under the BMVI funding cycle, rather than unique Pilot Project funding.

These policy measures were tightly connected to the Commission’s Pilot Project which, in turn, is a key part of Bulgaria’s bid to join the Schengen area. There have been some measures under the Pilot Project to strengthen compliance with fundamental rights at Bulgaria’s borders.⁹² In 2010, an official Tripartite Memorandum of Understanding between the Bulgarian Helsinki Committee, the UNHCR and the Bulgarian Border Police established an Independent Monitoring Mechanism (IMM) in Bulgaria.⁹³ As part of the ongoing Cooperation Framework between the Commission and Bulgaria, training on fundamental rights was provided by the Bulgarian Helsinki Committee, UNHCR and Frontex as well as the Fundamental Rights Agency of the European Union.⁹⁴

85 SAR 2023 annual report

86 European Commission 2023 Reporting on the Progress

87 AIDA (2024) Country report Bulgaria 2023 Update https://asylumineurope.org/wp-content/uploads/2024/04/AIDA-BG_2023-Update.pdf

88 FOI documents from the EU Commission. Copy with the author.

89 RSA Aegean (2023) The upgrade of the “Alkyoni” system of the Asylum Service leaves processes and people in the air <https://rsaegean.org/en/alkyoni/>

90 https://ec.europa.eu/commission/presscorner/detail/en/ip_24_1283

91 Ibid

92 European Commission 2023 Report of the third voluntary fact-finding mission

93 European Commission 2023 Reporting on the Progress

1.3 Actors in border surveillance and control

1.3.1 Border Police

The Border Police entered a period of reform in 1997 in preparation for the country's accession to the EU.⁹⁵ The General Directorate Border Police is part of the Ministry of Interior and through various regional directorates oversees the control of Bulgarians land, air, sea and river borders.⁹⁶ Its tasks include surveillance and patrols within border zone, detecting unauthorised entries, checks at border crossing points, and the apprehension of border crossers.⁹⁷ It also performs tasks such as producing the national situation picture for EUROSUR and risk analysis in the context of EU integrated border management.⁹⁸

Although now the main task of Bulgaria's Border Police is to stop individuals from entering the territory irregularly, from the 1950s until the late 1980s their task was to stop people from exiting the territory. Many East Germans who sought to flee the GDR did so through Bulgaria as it seemed a more porous border than the one between East and West Berlin. At least 18 Germans were killed attempting to flee through Bulgaria,⁹⁹ shot down by border guards who were given the instructions to "shoot on sight".¹⁰⁰

State Agency for Refugees (SAR)

As detailed in section 1.2, the SAR is the authority that is responsible for processing all claims relating to applications for international protection in Bulgaria, and also for running the RACs which accommodate asylum seekers whilst they await decisions on their applications.

They are responsible for identifying vulnerable groups and referring them to specialised procedures – with the support of specialised NGOs, for conducting interviews, for issuing decisions on claims, and for processing Dublin returns.¹⁰¹

95 MoI 2011; MoI (2024) Main Directorate "Border Police" - a modern border police service, <https://mvr.bg/gdgp/%D0%B4%D0%B8%D1%80%D0%B5%D0%BA%D1%86%D0%B8%D1%8F%D1%82%D0%B0/%D0%B8%D1%81%D1%82%D0%BE%D1%80%D0%B8%D1%8F/nsgp>

96 MoI (2024) Main Directorate "Border Police, <https://mvr.bg/gdgp/%D0%B4%D0%B8%D1%80%D0%B5%D0%BA%D1%86%D0%B8%D1%8F%D1%82%D0%B0/%D1%80%D1%8A%D0%BA%D0%BE%D0%B2%D0%BE%D0%B4%D1%81%D1%82%D0%B2%D0%BE/dgp>

97 MoI 2024 Main directorate; ; MoI 2011; MoI 2018 ISF

98 ibid

99 Sontheimer, M. and Supp, B. (2008) Avenging East Germans Killed in Bulgaria <https://www.spiegel.de/international/europe/the-cold-war-s-forgotten-victims-avenging-east-germans-killed-in-bulgaria-a-563992.html>

100 Interview conducted with former border guard during field research

101 <https://www.refugees.org.uk/wp-content/uploads/2024/04/ADA-DC-20240401.pdf>, accessed November 11, 2023 from <http://asylum.org.uk/wp-content/uploads/2024/04/ADA-DC-20240401.pdf>

1.3.2. Frontex

The involvement of Frontex in Bulgaria has gradually increased in the last years as a response to increased migration along the so-called Western Balkan Route(s) and the expansion of the agency. Frontex has conducted joint operations in the Western Black Sea close to the border with Romania since at least 2013, implementing several coast guard functions, including fighting cross-border crime, saving life at sea, detecting marine pollution and illegal fishing, and border surveillance.¹⁰² In 2016, Frontex presence in Bulgaria was expanded in response to increases in migration throughout the region with EU border guards taking part in six Frontex-coordinated joint operations in Bulgaria: JO Focal Points Sea, JO Flexible Operational Activities 2016 Land on border Surveillance (South Eastern Borders and Western Balkans), JO Focal Points Land, JO Flexible Operational Activities 2016 Land on Border Checks, JO Focal Points Air and JO Vega Children. As a part of this operational response, 192 officers and staff, including 136 border surveillance experts, were sent to Bulgaria's borders with Turkey and Serbia. The agency also deployed 10 dog teams, 46 patrol cars and five thermo-vision vans.

In August 2018, Frontex deployed its first liaison officer to Bulgaria, with the aim of enhancing cooperation between the agency and the national authorities responsible for border management, returns, and coast guard functions. Her role consists of contributing to risk analysis and monitoring/reporting on border control and management on a national level, as well as assisting in preparing contingency plans for border management and reporting on the situation at the external borders.

Since the creation of the Frontex standing corps (2019-2020), officers have been active in Bulgaria.¹⁰³ Their main tasks include: assisting with border checks, supporting 'migration management' (nationality screening, registration and fingerprinting), deportations, and preventing drug trafficking.¹⁰⁴ The standing corps officers have executive powers to perform border control and may carry a firearm. In 2022, Bulgaria participated in Joint Operation Terra 2022, a Frontex-led operation in 12 Member States through which standing corps officers supported national authorities with border management.¹⁰⁵

In 2023, Frontex increased its presence in Bulgaria, tripling the number of standing corp officers¹⁰⁶ and deploying more technical equipment.¹⁰⁷

Under the Pilot Project, the European Commission urged Member States to increase their contributions of officers to the standing corps.¹⁰⁸ The Agency also deployed mobile Operational Support Teams for combating cross-border crime as part of joint operations with the Bulgarian authorities.¹⁰⁹ Frontex operations were expanded to the Bulgarian-Serbian border in 2023.¹¹⁰

The Agency's role in return operations has been strengthened over the last two years. In 2022, the majority of Assisted Voluntary Return (AVR) operations had already been handed over from IOM to Frontex and the Ministry of Interior – that year, IOM conducted 42 return op-

102 Frontex (December 14, 2022) Fighting border crime, illegal activities and saving people in the Black Sea. Retrieved February 14, 2023 from <https://frontex.europa.eu/media-centre/news/news-release/fighting-border-crime-illegal-activities-and-saving-people-in-the-black-sea-N1xuXq>

103 Frontex (n.d.) Standing Corps. Retrieved February 14, 2023 from <https://frontex.europa.eu/about-frontex/standing-corps/>

104 MoI 2022 Report on the National Plan; European Commission 2023 Report of the third voluntary fact-finding mission

105 Frontex (March 2, 2022) Joint Operation Terra 2022. Youtube. <https://www.youtube.com/watch?v=1GibbNxIN3w> ; MoI 2022 Report on the National Plan

107 European Commission 2023 Report of the third voluntary fact-finding mission

108 European Commission 2023 Reporting on the Progress

109 European Commission 2023 Report of the third voluntary fact-finding mission

110 ibid

erations whilst Frontex and the Ministry of Interior conducted over 400.¹¹¹ Later, in June 2023, Bulgaria and Frontex also signed a Joint Action Plan on Returns as part of the Pilot Project.¹¹²

1.3.3 European agencies and International Organisations

Since October 2022, Europol deploys officers in Bulgaria who conduct secondary security checks related to terrorism and serious organised crime.¹¹³

EUAA agreed an Operation Plan with Bulgaria in 2022 which entails support with temporary protection, reception and asylum.¹¹⁴ In the context of the Pilot Project of 2023, EUAA was to deploy 27 interpreters and 5 reception experts to support national authorities.¹¹⁵

1.3.4 International Non-Governmental Organisations (iNGOs)

The **International Organisation for Migration (IOM)**, as stated above, have gradually handed over their competencies in AVR to Frontex and the Ministry of Interior over the last 2-3 years. The main project of IOM in Bulgaria is running safe-zones for unaccompanied minors in Ovcha Kupel and Voenna Rampa RACs. These zones are separate sections of the camp which are staffed 24/7 with social workers and security guards who maintain the safety of these spaces. They provide informal education and basic workshops on health, hygiene and integration as well as activity programmes like sports. They also work with local NGOs to facilitate smaller projects such as excursions to museums and zoos in the city centre. IOM often shares its cultural mediator and interpreter staff with the SAR for asylum interviews and legal procedures as the SAR do not have sufficient capacity in this area.¹¹⁶

The **UNHCR** has taken a back seat in direct support to PoM in Bulgaria in the last few years. Their main implementing partner is the Bulgarian Helsinki Committee who do all of the monitoring work, but they also partner with Caritas, Refugee Council of Women, Foundation for Access to Rights, and the Bulgarian Red Cross. Most of the work UNHCR supports is done through the operations of these partners. UNHCR's role pertains largely to capacity building of the border police in Bulgaria. They train border police on the rights of people to access Bulgarian territory and on identifying vulnerable groups. Additionally, they seek to improve access to information for PoM who are apprehended by disseminating brochures on asylum access and procedures in Bulgaria in various languages and providing monitors in border police stations to show this information in a more accessible format.¹¹⁷

1.3.5 Civil Society

Civil Society organisations working in support of people on the move and countering violent border practices are mainly divided into organisations providing legal aid and those working in reception centres to improve reception conditions for asylum seekers. There are also

111 Interview with IOM representative

112 ibid

113 European Commission 2023 Report of the third voluntary fact-finding mission

114 European Commission 2023, Annex; European Commission 2023 Reporting on the Progress

115 European Commission 2023 Report of the third voluntary fact-finding mission

116 Interview with IOM.

117 Interview with UNHCR

a range of large INGOs, institutional NGOs and grassroots solidarity groups operating across the country.

The Bulgarian Helsinki Committee is the implementing partner of UNHCR in Bulgaria and carries out monitoring activities at the border, in the RACs and pre-removal centres, and throughout the asylum procedures. They are one of the three members of the Tripartite Memorandum of Understanding for an Independent Monitoring Mechanism and, as such, they have access to police stations, reception centres, and to police data on new arrivals. Their mandate extends to the Romanian, Serbian and North Macedonian borders as well as the Turkish and the Greek. They use the data they are able to gather to launch legal interventions and do advocacy work at the national and EU levels, providing recommendations to the government as well as participating in consultations with Frontex's Fundamental Rights Office and the EU Commission.¹¹⁸

The Foundation for Access to Rights (FAR) works to provide legal aid to people seeking asylum in Bulgaria and to do advocacy at the national and EU levels on their behalf. They operate an online platform where people can fill out a form to request assistance, in recent years this has been increasingly used to ask for support with pushback cases and deaths and disappearances in the border regions. However, this is not FAR's main area of intervention and support.¹¹⁹

Centre for Legal Aid – Voice in Bulgaria (CLA) are a group of lawyers working on the rights of people transiting through or seeking asylum in Bulgaria. In recent years they have focused their efforts on strategic litigation in pushback cases where they have initiated several criminal cases at the national level. The organisation is seeking to coherently monitor border violence, support lawyers in other countries who are opposing Dublin returns to Bulgaria, and advocate for fair asylum procedures and an end to border violence and pushbacks. CLA is a member of the Border Violence Monitoring Network (BVMN). They have been vocal about surveillance technology and data privacy concerns in the context of border management.¹²⁰

CLA works closely with **Mission Wings Foundation (MWF)** in Harmanli, who are also a new member of the BVMN. MWF have been engaging in monitoring and collecting the testimonies of individuals who are pushed back over the last two years. Previously the majority of their work was focussed on Sexual and Gender Based Violence (SGBV) with the Sinti and Roma population in Stara Zagora and the camp population in Harmanli, and in offering activities for minors in Harmanli RAC. However, over the last two years they received mounting requests for support in gaining access to the asylum system in Bulgaria. Due to their proximity to the border, they are in a unique position to understand the evolving dynamics of the situation and to monitor pushbacks, border violence and interrelated rights violations.

Caritas Bulgaria and the **Bulgarian Council on Refugees and Migrants** work on advocating for fair and efficient asylum and migration systems in Bulgaria.¹²¹ The **Bulgarian Red Cross** and **Caritas** are also present in RACs through the provision of social workers and psychosocial support.¹²² These organisations either did not respond to requests for interview or declined to be interviewed for the purpose of this research.

118 Interview with BHC.

119 Interview with FAR

120 Centre for Legal Aid Voice in Bulgaria (2023) Statement of “Voice in Bulgaria” on the “Regulation of the European Commission and of the Council laying down harmonised rules on Artificial Intelligence – Artificial Intelligence Act” and its application in Migration. <https://centerforlegalaid.com/en/statement-of-voice-in-bulgaria-on-the-regulation-of-the-european-commission-and-of-the-council-laying-down-harmonised-rules-on-artificial-intelligence-artificial-i/>

121 Information retrieved from the website of the Bulgarian Council on Refugees and Migrants on November 11, 2023 <https://refugee-integration.bg/en/>

122 Information retrieved from the website of Caritas Bulgaria on November 11, 2023, specifically from the subpage ‘Refugees’ <https://caritas.bg/en/causes/refugees/>

1.4 Key human rights issues

1.4.1 Pushbacks

Pushbacks in Bulgaria have been documented for a number of years. The first most important shift to the use of pushbacks as a tactic of border management occurred in 2013 with the arrival of Syrian–Kurds at the Bulgarian border. In response to the sudden increase in demands on the asylum system the Bulgarian border police started to resort to violent prevention of entry tactics. Back then a leaked recording¹²³ documented a Bulgarian border guard saying his unit had been told to stop any entries, and to “beat them and send them back”. This moment marked a shift towards violence becoming a central part of the norm in border control at the Bulgarian–Turkish border. With the introduction of violent pushbacks as a central tactic of border control, came also the arrival of civilian vigilante border hunting groups, who started informally supporting the military and Bulgarian border police in their operations. There are a number of these groups, namely the Shipka Bulgarian National Movement (BNO)¹²⁴, the Organisation for the Protection of Bulgarian Citizens (OPBC)¹²⁵, and the Civil Squad for the Protection of Women and Faith. One prolific individual engaging in border vigilantism is Dinko Valev from Yambol (50 km from the Turkish border) who would post films of himself rounding up and punishing border crossers on TikTok.¹²⁶

In 2021, pushbacks began exponentially increasing. Bulgaria’s Independent Monitoring Mechanism recorded 15,170 pushback survivors in 2020 compared to 2,510 pushback incidents impacting almost 45,000 individuals in 2021. Furthermore, between 2021 and 2022 BVMN also documented 10 incidents of so-called “chain pushbacks” in the tri-border area between Bulgaria, Greece and Turkey.¹²⁷ Discussions with key civil society actors during the field research centred around the development of pushbacks into coordinated procedures that would begin in reception centres and camps – as far into the country as Sofia. In May 2021, organisations noted that new arrivals to Bulgaria would show up at their offices and asked to be accompanied to the reception centre to reduce the risk of a pushback. A new practice was established whereby legal organisations would create forms for the individuals that documented their intent to apply for asylum, and send copies to the State Agency for Refugees with an email that indicated the person would self refer to the camp to initiate the procedure. This was intended to create a paper trail and protect individuals from being unlawfully pushed back. One office in Harmanli filled out and sent over 500 forms in two years – they began experiencing harassment from the Bulgarian secret service as a result and were interrogated and had their premises searched. After this, when a new group arrived the following day, they did not follow this procedure and the group later reported approaching the camp alone and being immediately pushed back to Turkey. According to the State Agency for Refugees, the practice of people being pushed back from reception centres in Sofia and Harmanli ended in 2023 but this cannot be confirmed.

2022 marked a further escalation, with increased visibility of pushbacks and systemic human rights violations along Bulgarian borders, as well as an increase in violence perpe-

123 Bulgarian National Television (2013) Behind the walls of the Harmanli refugee camp with a hidden camera. How the police work, <https://bnt.bg/bg/a/zad-stenite-na-bezhanskiya-lager-v-harmanli-sa-s-skrita-kamera-kak-raboti-politsiyata>

124 Bishop, M.W. (2017) Bulgarian Vigilantes Patrol Turkey Border to Keep Migrants Out 10 March, <https://www.nbcnews.com/storyline/europes-border-crisis/bulgarian-vigilantes-patrol-turkey-border-keep-migrants-out-n723481>

125 Bielica, J. (2017) Far Beneath the European Average: The treatment of Afghan migrants in Bulgaria, 21 November, <https://www.afghanistan-analysts.org/en/reports/migration/far-beneath-the-european-average-the-treatment-of-afghan-migrants-in-bulgaria/>

126 Brunwasser, M. (2016) Bulgaria’s vigilante migrant ‘hunter’, 30 March <https://www.bbc.com/news/magazine-35919068>

127 BVMN (March 10, 2021). They just ordered us to jump in the middle of the river. They don’t care if you’re holding a baby or not. Retrieved February 14, 2023 from <https://www.borderviolence.eu/violence-reports/march-10-2021-0000-lavara-karayusufu/>

trated against PoM. Bulgaria's Independent Monitoring Mechanism (IMM) estimates 5,270 pushbacks affecting 87,650 people occurred at the Bulgarian-Turkish border in 2022.¹²⁸ This number rose again in 2023, with 9,897 pushback incidents impacting 174,588 individuals recorded.

Alleged Frontex involvement has also been documented in Bulgarian pushbacks. Officers have been identified by respondents as wearing uniforms with a "Frontex logo",¹²⁹ or Frontex's "light blue armband".¹³⁰ In one pushback incident, the respondent reported that the group of officers apprehending them included German-speaking Frontex officers and one female member of the group was strip-searched by a male officer.¹³¹ Multiple testimonies of pushback incidents recall unidentified German-speaking officers, either in uniforms with German flags¹³² or wearing civilian clothes.¹³³ An in-depth investigation by the Balkan Insight Reporting Network (BIRN) revealed that whistleblowers within Frontex had been reporting on pushbacks and high levels of violence at the Bulgarian-Turkish border as early as 2022, but instead of triggering Article 46 and withdrawing troops, whistleblowing officers were simply reassigned to different locations.¹³⁴ In fact, a second investigation¹³⁵ found that several Frontex officers had directly witnessed pushbacks taking place in Bulgaria but were instructed not to file SIRs.

In spite of this, cooperation with Frontex continues and is even stepped up. In a recent visit, Frontex's Executive Director Leijten called Bulgaria a "very important partner"¹³⁶, indicating the agency's willingness to turn a blind eye to ongoing, systematic rights violations in the name of fortifying the EU's external border.

1.4.2 Violence during pushbacks

The Border Violence Monitoring Network (BVMN) has recorded 92 pushback testimonies since 2020, impacting approximately 1,746 individuals. Within the testimonies taken, 100% of respondents reported theft of their personal belongings, 99% reported being beaten, 89% reported being kicked. Additionally, 26% reported being subject to dog attacks, 57% reported being forced to undress, 47% reported being threatened with guns and 17% reported being sexually assaulted. The pushbacks and accompanying violence are reported to have been perpetrated by a mixture of Bulgarian border police and Bulgarian military (identified through their uniforms), and unidentified masked men. Furthermore nine of the testimonies identify perpetrators which spoke languages other than Bulgarian and English or who wore blue armbands on their uniforms which could indicate Frontex involvement in violent pushbacks. These testimonies match up with the field observations of local organisations who reported that 90-100% of new arrivals they encounter have been subject to pushbacks, and

128 Bulgarian Helsinki Committee (April 25, 2021). Annual Report on Border Monitoring: Bulgaria 2020. Retrieved February 14, 2023 from <https://www.bghelsinki.org/web/files/reports/146/files/2021-annual-border-monitoring-report-for-2020-en.pdf>

129 BVMN (May 07, 2021).. When they saw us, the officers put the dog on us. So we froze. One of the dogs bit me on my arm and on my leg. Retrieved February 14, 2023 from <https://www.borderviolence.eu/violence-reports/may-7-2021-0000-malko-tarnovo-to-sukrupasa/>

130 BVMN (July 18, 2021). We wished for rain so that we could at least drink something. We were so thirsty. Retrieved February 14, 2023 from <https://www.borderviolence.eu/violence-reports/july-18-2021-0000-elhovo-kucunlu/>

131 see BVMN (May 07, 2021)

132 BVMN (March 15, 2021). They pulled each one of us out of the group, and then ordered the dog to bite him once on each leg. Retrieved February 14, 2023 from <https://www.borderviolence.eu/violence-reports/march-15-2021-0000-malko-tarnovo-sukrupasa-3/>

133 BVMN (May 12, 2021). Our friends were beaten so hard that they couldn't walk. One of them could barely stand on his feet. Retrieved February 14, 2023 from <https://www.borderviolence.eu/violence-reports/may-12-2021-1500-malko-tarnovo-inesirt/>

134 Chereseva, M. and Stavinoha, L. (2024) Schengen in Sights, EU and Frontex Overlook Violent Bulgarian Pushbacks, BIRN, 26 February <https://balkaninsight.com/2024/02/26/schengen-in-sights-eu-and-frontex-overlook-violent-bulgarian-pushbacks/>

135 Stavinoha, L and Chereseva, M. (2024) EU Border Force Officers Intimidated into Silence on Migrant Abuse in Bulgaria, BITN, 06 September, <https://balkaninsight.com/2024/09/06/eu-border-force-officers-intimidated-into-silence-on-migrant-abuse-in-bulgaria/>

136 Reuters (2024) EU border agency to triple officers on Bulgaria-Turkey frontier, 29 February, <https://www.reuters.com/world/europe/eu-border-agency-triple-officers-bulgaria-turkey-frontier-2024-02-29>

70–80% report accompanying violence. The violence is carried out indiscriminately against women and children, with one 14 year old unaccompanied minor from Syria reporting being undressed, and beaten with both a whip made of cable wires and a metal baton for what felt like 30 minutes during a crossing attempt when he was 12 years old. Furthermore, individuals are often subject to more than one pushback – both in the testimonies and during conversations with transit communities during field work in Bulgaria, respondents reported being subject to 20–30 pushbacks before successfully crossing, remaining on the territory, and lodging an asylum application.

On the 3rd of October 2021, a 19-year-old Syrian refugee was shot on the Bulgarian–Turkish border and shortly after was pushed back to Turkey with a group of other POM. A video of the incident was published by a team of investigative journalists, along with a report analysing the incident.¹³⁷ Similar incidents have been documented going back to 2015 when an Afghan refugee was shot and killed by Bulgarian police in the border region.¹³⁸ In July 2021, the European Court of Human Rights (ECtHR) unanimously ruled¹³⁹ that the Bulgarian government had violated Articles 3 and 13 of the European Convention on Human Rights (ECHR), the prohibition against torture and inhuman and degrading treatment, and the right to legal remedy when, in 2016, it pushed back a Turkish journalist to Turkey without a risk assessment or allowing him to challenge his removal.¹⁴⁰

1.4.3 Incommunicado detention during pushbacks

In December 2022, Lighthouse Reports published an investigation into the use of informal detention sites by Bulgarian border authorities in the process of pushing people back to Turkey. These detention sites are described as “small, cage-like structure[s]” next to a border police station in Sredets, a town around 40 kilometres from the Turkish border. PoM are reportedly held there for anything from several hours to up to three days and are systematically denied access to food and water while detained. Lighthouse Reports further stated the system operates in plain sight of officers from Frontex, and denounced it as a violation of international law.¹⁴¹ This site was visited during the field research and appears to no longer be in use, however there are many abandoned sites along the border which could be used for this purpose and reports of incommunicado detention prior to pushbacks persist.

1.4.4 Deaths in Transit

Deaths during border crossings and transit in Bulgaria are unfortunately a common occurrence. In 2023 a Lighthouse Reports investigation shone light on the topic revealing that the number of reported deaths for example by IOMs Missing Migrants Project are likely highly underestimated. According to the investigation, individuals most commonly die through asphyxiation or dehydration in trucks, or as a result of over-exertion during their transit on foot through the Strandzha mountains. Most bodies remain unidentified and end up

137 Tillack, Anna (December 05, 2022). Flüchtling an der EU-Außengrenze angeschossen. ARD. Retrieved February 14, 2023 from <https://www.tagesschau.de/investigativ/pushbacks-bulgarisch-tuerkische-grenze-101.html>

138 mf (October 16, 2015). No tears for killed Afghani migrant. Bordermonitoring Bulgaria. Retrieved February 14, 2023 from <https://bulgaria.bordermonitoring.eu/2015/10/16/no-tears-for-killed-afghani-migrant/>

139 European Court of Human Rights (July 2021). D v. Bulgaria - 29447/17. HUDOC. Retrieved February 16, 2023 from <https://hudoc.echr.coe.int/fre?i=002-13366>

140 ECCHR (July 20, 2021). European Court of Human Rights: Bulgaria’s pushback practice violates human rights. Retrieved February 13, 2023 from <https://www.ecchr.eu/en/press-release/european-court-of-human-rights-bulgarias-pushback-practice-violates-human-rights/>

141 RFI (December 08, 2022). Investigation exposes ‘cage-like’ migrant detention sites in Eastern Europe. Retrieved February 14, 2023 from <https://www.rfi.fr/en/europe/20221208-investigation-exposes-cage-like-migrant-detention-sites-in-eastern-europe>

piled in morgues or buried without a trace. In October 2022, reports emerged of dozens of unclaimed bodies of POM who had died along the route in the Burgas region, close to the Turkish border. The only forensic doctor in the district, Dr. Galina Mileva, stated on the topic: "There is a huge refugee flow, not only as migrants across the Turkish border, but also Ukrainians. We have many Ukrainians who died here. The relatives of some of them are ready to carry out their funerals here. However, others remain in the morgue, unclaimed."¹⁴² Car accidents are also a major cause of death, of people on the move. In 2023 alone there were at least 9 road accidents resulting in the deaths of people on the move – most scrutinised was the case in which 18 Afghans were found asphyxiated in an abandoned lorry near Sofia.¹⁴³

Solidarity collectives have been attempting to monitor and respond to distress calls in the region of Southern Bulgaria, but are often faced with non-response by the authorities and risk criminalisation if they attempt to launch interventions themselves.¹⁴⁴ Reports from people in the region over the summer of 2024 indicate deaths and disappearances – either through car accidents or in the forest – have reached a peak of 4–5 cases per week.¹⁴⁵

1.4.5. Inefficient Asylum procedures

In contrast to the consistent emphasis placed on border reinforcement, the asylum system in Bulgaria has been characterised by multiple shortcomings despite reforms such as slow procedures, low recognition rates for some nationalities and inadequate reception conditions.¹⁴⁶ Support for integration has also been non-existent.¹⁴⁷ Since 2013 Bulgaria has followed a "zero integration policy" in spite of the supposed adoption of a National Programme for the Integration of Refugees in 2013.¹⁴⁸ One factor underpinning these patterns was the deeply embedded perception of Bulgaria as primarily a country of transit, not asylum or settlement.¹⁴⁹ As a result of these dynamics, in 2023 46% of asylum applicants absconded during their procedures which were subsequently terminated.¹⁵⁰ Whilst the SAR processed the highest ever annual number of decisions in 2023 – a total of 8,738 – the amount of absconsions totalled 16,211.¹⁵¹

The SAR has faced huge issues when it comes to resourcing and capacities. In December 2022, the EU's Asylum, Migration and Integration Fund (AMIF) to Bulgaria ran out and there was no subsequent funding allocated to the SAR in the national government budget. As a result, they had to cut 100 staff members.¹⁵² In May 2023, they got the green light for a new round of AMIF funds and in a meeting with the SAR during the research assessment, the SAR stated that they were hoping to recruit and be fully operational by July 2023. These

142 novinite (October 18, 2022). Bulgaria: Hospitals in Burgas are full of Unclaimed Bodies of Refugees. Retrieved February 14, 2023 from <https://www.novinite.com/articles/217133/Bulgaria%3A+Hospitals+in+Burgas+are+full+of+Unclaimed+Bodies+of+Refugees>

143 AP (2023) Bodies of 18 migrants found in abandoned truck in Bulgaria, 17 February, <https://apnews.com/article/bulgaria-bodies-found-in-truck-15705663988ef78c78a0ae8520adfe66>

144 Melting Pot Europa (2023) Bulgaria, for all border deaths, 18 August, <https://www.meltingpot.org/en/2023/08/bulgaria-for-all-border-deaths/>

145 Interviews by the researcher.

146 AIDA (2024) Overview of the main changes since the previous report update [http://www.forintegration.eu/pl/bulgaria-asylum-seekers-and-refugees-face-numerous-issues-with-using-financial-services](https://asylumineurope.org/reports/country/bulgaria/overview-main-changes-previous-report-update/#:~:text=The%20usual%20reasons%20motivating%20asylum,programs%20(see%20Reception%20Conditions); NIEM (2021) Bulgaria: Asylum seekers and refugees face numerous issues with using financial services, <a href=)

147 ibid

148 AIDA (2024) 2021 as the tenth "zero integration" year, <https://asylumineurope.org/reports/country/bulgaria/content-international-protection/2019-sixth-zero-integration-year/>

149 Sienko 2020

150 AIDA 2024 2021 as the tenth <https://asylumineurope.org/reports/country/bulgaria/content-international-protection/2019-sixth-zero-integration-year/>

151 AIDA 2024 Country Report

152 Information attained in a meeting between researchers and the SAR.

shortfalls in funding and personnel will undoubtedly have put a strain on the operational capacity of the Agency, leading to further shortcomings in the system.

1.4.6. Violence and Inhuman Treatment in Reception and Accommodation, Transit and Pre-Removal Centres

Deficiencies in the centres used to accommodate asylum seekers and people with negative decisions awaiting removal have persisted since the inception of the centres. After increased arrivals in 2013, detention centres were overwhelmed and detainees went on hunger strikes in Lyubimets and Busmantsi.¹⁵³ Later, in 2015, the EU Commission supported Bulgarian authorities with funding for reception facilities and services, both through long-term and emergency funds.¹⁵⁴ However, inadequate and degrading conditions persisted with reports from the Bulgarian Helsinki Committee in 2024 attesting to “vermin infestations, such as bedbugs, lice, cockroaches and rats”, as well as “poor sanitary conditions, especially regarding soiled mattresses” and “crumbling buildings and poor sewage and bathroom conditions”.¹⁵⁵ These issues have been consistently reported since 2013 but no significant action has been taken to date. During the field research, visits were conducted to a number of RACs where the conditions recorded by the BHC were confirmed by the researcher who noted inadequate, dirty conditions in all the centres except Vrazhdebna. At the end of 2023, all six of the centres were 75% full with 2,563 people seeking asylum accommodated inside.

153 *ibid*

154 EU Commission (2017) Funding for Short-Term Migration Needs in Bulgaria, https://home-affairs.ec.europa.eu/system/files/2021-07/202107_funding-short-term-migration-needs-bulgaria.pdf; EU Commission (2020) EU Financial Support to Bulgaria, https://home-affairs.ec.europa.eu/system/files/2020-02/202002_managing-migration-eu-financial-support-to-bulgaria_en.pdf; The Sofia Globe (2016) Bulgarian deputy interior minister: EC made ‘lightning decision’ on funding aid for border protection, 18 September, <https://sofiaglobe.com/2016/09/18/bulgarian-deputy-interior-minister-ec-made-lightning-decision-on-funding-aid-for-border-protection/>

Figure 1: Reception and Detention Centres

Reception centre	Location	Capacity	Occupancy end 2021	Occupancy end 2022	Occupancy end 2023
Sofia	Sofia	1,526	742	1,047	1,154
<i>Ovcha Kupel shelter</i>		560	220	615	568
<i>Vrazhdebna shelter</i>		300	168	184	307
<i>Voenna Rampa shelter</i>		650	343	236	270
<i>Closed reception ward in Busmantsi</i>		16	11	12	9
Banya	Central Bulgaria	70	93	53	64
Pastrogor	South-Eastern Bulgaria	320	261	134	108
Harmanli	South-Eastern Bulgaria	1,676	1,381	1,178	1,410
Total		3,592	2,447	2,412	2,736

Source: SAR. Note that the occupancy rate includes asylum seekers accommodated in the closed reception ward within the premises of Busmantsi immigration detention centre - a closed type asylum facility under SAR jurisdiction.

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Furthermore, during interviews conducted with PoM during the field research it became evident that minors were being held with the general adult population in Lyubimets Pre-Removal centre prior to being moved to an open RAC after lodging an application for protection. One 14 year old unaccompanied minor reported being held there for 23 days where he witnessed violence between the other detainees, as well as the use of batons and electric discharge weapons against detainees by the authorities working in Lyubimets Centre.

Another safeguarding concern pertains to the open nature of the centre in Harmanli. A number of respondents interviewed during the field research expressed concern about the safety and security of asylum seekers housed there due to open access during the night hours when the majority of the staff are not present and private security companies are responsible for monitoring entry and exit to the centre. The Harmanli centre is, therefore, severely compromised due to the presence of smugglers and drug dealers who have unhindered access to the centre.¹⁵⁷ Whilst this situation will hopefully be remedied for the cases of unaccompanied minors with the establishment of the new safe zone, other member of the camp population remain at risk.

156 AIDA 2024 Country Report

157 AIDA 2024 Country Report; interviews with UNHCR, FAR, BHC, CLA, MWF

1.5 Overview of developments in border surveillance and control technologies

The pre-EU accession period was a time of significant expansion of border control and surveillance capacities and technologies, underlying the impact of EU membership as a driver for the securitisation of external borders. These early projects were financed primarily by the EU funding instrument PHARE (The Programme of Community Aid to the countries of Central and Eastern Europe), which was aimed at EU membership candidate states, as well as the Schengen Facility Instrument. The latter continued to support the development of border surveillance and control after Bulgaria became an EU Member State.¹⁵⁸ Yet, control and surveillance infrastructure was supported by other funding sources, such as financial support from Germany, Norway and the Netherlands and a World Bank loan was utilised for the renovation and technological upgrade of BCPs and thermovision equipment.¹⁵⁹

Between 2003 and 2010, the Bulgarian authorities acquired a significant amount of thermovision surveillance equipment, such as googles, binoculars and cameras, as well as detection equipment such as heartbeat sensors.¹⁶⁰ The Border Police also acquired patrol and surveillance vehicles, vessels and helicopters.¹⁶¹ IT and communication infrastructure – such as the TETRA¹⁶², a secure radio communication system – was established and expanded to prepare for Schengen membership and facilitate the implementation of Schengen acquis, including the use of SIS II.¹⁶³ Some projects and equipment were funded by EU Member States. For example, the Netherlands funded a project developing capacity for the Bulgarian SIRENE bureau – the national contact point for exchanging information on SIS – while the TETRA communication system was financed through a combination of Phare, Schengen Facility, EBF and Norwegian Financial Mechanism funds.¹⁶⁴ Following accession, Schengen Facility funds were utilised for the further expansion of surveillance and control infrastructure and equipment, such as the acquisition of helicopters.¹⁶⁵

In preparation for joining EUROSUR, the Bulgarian authorities established a National Coordination Centre (NCC) in Sofia as well as a network of regional and local coordinating Centres. Two border surveillance systems were constructed at the Bulgarian-Turkish and Bulgarian-Serbian borders as well as a maritime surveillance system for monitoring the Black Sea area.¹⁶⁶ At present, the Bulgarian border surveillance infrastructure includes seven regional and 32 local coordination centres.¹⁶⁷ In 2018, a Greek company, Intracom Telecom, provided a pre-frontier picture data exchange system in the NCC.¹⁶⁸ The capabilities of Bulgaria's EUROSUR system have been continuously developed with ISF and BMVI funding, enhancing information sharing and risk analysis functions.¹⁶⁹

158 Ibid; EU Commission (2024) European Commission - Enlargement - Phare https://neighbourhood-enlargement.ec.europa.eu/enlarge-ment-policy/glossary/phare_en

159 ibid

160 MoI 2011

161 ibid

162 Terrestrial Trunked Radio is a secure radio communication system used by government agencies and the military in Europe <https://en.wikipedia.org/wiki/TETRA>

163 MoI 2011; MoI 2017 ISF Interim Evaluation

164 ibid

165 ibid

166 MoI 2011; MoI 2017 Interim Evaluation; ISF 2020

167 European Commission 2023 Report of the third voluntary fact-finding mission

168 Intracom Defence (2018) IDE System's delivery for EU Border Surveillance, <https://www.intracomdefense.com/ide-systems-delivery-for-eu-border-surveillance/>

169 EU Commission 2023 Report of the third voluntary fact-finding mission; Republic of Bulgaria (2023) National Plan of the Republic of Bulgaria for 2023 to develop capacity for border management and return of illegally resident citizens of third countries, <https://www.strategy.bg/>

Despite the suspension of EU funds in 2008 and persistent issues with the absorption of funding,¹⁷⁰ the expansion of control and surveillance capabilities has continued and intensified since 2015. ISF funds were used to acquire a range of equipment such as fingerprint scanners and Co2 detectors for checking vehicles at border crossing points.¹⁷¹ In addition, ISF funds were used to develop and upgrade existing infrastructures such as the TETRA communication system and provide maintenance for the land and the maritime surveillance systems.¹⁷² Another area of investment was in vehicles, vessels and equipment for the Frontex pool of equipment, signifying the closer participation and cooperation of Bulgarian authorities in Frontex operations.¹⁷³

Technological expansion also reflected processes of harmonisation with EU large scale systems for managing external borders. Bulgarian authorities have embarked on various projects in expanding the use of large scale IT systems and databases, including for the collection and storage of biometric data, initially under ISF and currently under BMVI funding.¹⁷⁴ For instance, ISF co-financed the development of the AFIS system.¹⁷⁵ AMIF funds were also used to enhance the interoperability of the national AFIS with SIS II.¹⁷⁶ In 2021, Frontex implemented a pilot Entry/Exit system at two Bulgarian BCPs.¹⁷⁷

Investment in border surveillance and control technologies continues under the 2021-2027 BMVI funding cycle. The Bulgarian authorities acquired or plan to acquire more surveillance and detection technologies, drones, cameras and mobile units which will significantly expand the border surveillance systems and equipment to detect human presence in vehicles in BCPs.¹⁷⁸ In addition, the Bulgarian national programme includes the acquisition of more vehicles, 40 of which were delivered in 2024, and vessels.¹⁷⁹ Like ISF, BMVI provides for the maintenance and repair of border surveillance systems and other equipment as well as of vehicles, vessels and helicopters used by the Bulgarian Border Police.¹⁸⁰ New equipment such as mobile surveillance systems and vessels to be acquired through BMVI is destined for the Frontex equipment pool.¹⁸¹ A further police priority since the adoption of the Entry-Exit and ETIAS regulations has been the development of large-scale interoperable databases.¹⁸²

170 Chereseva, M. (2016) EU-Funded Border Projects in Bulgaria at Risk, <https://balkaninsight.com/2016/12/01/key-eu-funded-border-projects-in-bulgaria-under-risk-12-01-2016/>

171 MoI 2017 ISF interim evaluation; MoI 2017 ISF National Programme

172 MoI 2020; MoI 2017 ISF National Programme

173 MoI 2017 ISF Interim Evaluation; MoI 2017 National Programme

174 MoI 2017 ISF National Programme; MoI 2022 Report on the National Plan; European Commission 2023 Report of the third voluntary fact-finding mission; MoI 2024 SFC2021 Programme

175 MoI (2016) further development of the National DNA and AFIS database capacity through update of the software and hardware; upgrade of the software and hardware of the Bulgarian IBIS as a prerequisite for connecting to IBIN., BG/ISF – SO5-NO2-A26, <https://eumis2020.government.bg/en/s/Procedure/InfoEnded/9c9b1847-3117-4482-a702-0bf382c52130>

176 MoI 2024 SFC2021 Programme

177 Vison-Box (2022, 23 June) Vision-Box and partners deliver Frontex innovative Entry/Exit System Pilot at the largest EU land border in Bulgaria <https://www.vision-box.com/press-release/vision-box-and-partners-deliver-frontex-innovative-entryexit-system-pilot-largest-eu>

178 MoI 2022 National Plan; MoI 2024 SFC2021

179 MoI 2024 SFC2021; EU Commission 2023 Nov; MoI (2024) 40 new off-road vehicles received by the Main Directorate of Border Police <https://www.mvr.bg/gdgp/%D0%B8%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D0%BE%D0%B-D%D0%B5%D0%BD-%D1%86%D0%B5%D0%BD%D1%82%D1%8A%D1%80/%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B8/%D0%B-F%D1%80%D0%B5%D0%B3%D0%BB%D0%B5%D0%B4/%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B8/40-%D0%BD%D0%BE%D0%B2%D0%B8-%D0%B2%D0%B8%D1%81%D0%BE%D0%BA%D0%BE%D0%BF%D1%80%D0%BE%D1%85%D0%BE%D0%B4%D0%B8%D0%BC%D0%B8-%D0%B0%D0%B2%D1%82%D0%BE%D0%BC%D0%BE%D0%B1%D0%B8%D0%B-B%D0%B0-%D0%BF%D0%BE%D0%BB%D1%83%D1%87%D0%B8-%D0%B3%D0%BB%D0%B0%D0%B2%D0%BD%D0%B0-%D0%B4%D0%B8%D1%80%D0%B5%D0%BA%D1%86%D0%B8%D1%8F-%D0%B3%D1%80%D0%B0%D0%BD%D0%B8%D1%87%D0%B-D%D0%B0-%D0%BF%D0%BE%D0%BB%D0%B8%D1%86%D0%B8%D1%8Fce>

180 MoI 2022 National Plan; MoI 2022 Report on the National Plan; PICUM and ECRE 2024; MoI 2024 SFC2021

181 MoI 2024 SFC2021

182 MoI 2022 National Plan; MoI 2022 Report on the National Plan; MoI 2024 SFC2021

Another area of focus is expanding the capabilities of the national EUROSUR and EURODAC infrastructures, for example by upgrading IT equipment and interoperable databases.¹⁸³ It should be noted that investment in such technologies and infrastructures is not only a national priority but encouraged by the EU Commission and Frontex.¹⁸⁴ Equally, BMVI funds ensure the maintenance and repairs of existing infrastructures such as the land and maritime surveillance systems and the TETRA communication system.¹⁸⁵ While some delays were recorded due to the flow of funding and issues with procurement procedures,¹⁸⁶ these actions are currently ongoing as the following sections will illustrate.

183 MoI (2021) National Migration Strategy of the Republic of Bulgaria, <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1566>; MoI 2024 SFC2021; PICUM and ECRE 2024

184 Nielsen, N. (2023) EU Commission wants drones for Bulgaria on Turkey border, <https://euobserver.com/migration/ar48b3aa30>; MoI 2021 National programme 2021-7; European Commission (2023) Mission Report Technical mission to Bulgaria 27-28 March 2023. Copy with authors.

185 MoI 2022 National Plan; MoI 2022 Report on the National Plan; MoI 2021; MoI 2024 SFC2021

186 MoI 2022 Report on the National Plan

2. Methodology

2.1 Research & Data Gathering Methods

Desk Research

In order to research the acquisition and use of technology, we conducted documents searches and submitted Freedom of Information requests. Searches for tendering documents were primarily conducted in ted.eu, the European Union Official Journal of Tenders, as well as at the procurement portal of General Directorate of Border Police (DGBP) at the Ministry of Interior (Moi). More information was gathered from secondary sources such as official documents, media articles, company news and reports located through internet searches. Official EU documents were also located through Freedom of Information requests to EU institutions.

Field Research

This desk research helped develop an understanding of the specific context of Bulgaria, and informed decisions on which locations should be prioritised for the field research. A field visit was then conducted for a period of six weeks in April and May 2023, which covered various locations across Bulgaria, with short visits to Turkey and Serbia. The locations visited included Sofia – where the majority of stakeholders were interviewed – and then towards the Turkish border Haskovo, Lyubimets, Harmanli. A number of smaller villages were visited along the Turkish-Bulgarian border including Matochina, Radovets, Lesovo, Elhovo, Bolyarovo, Pastrogor. Along the Eastern Coast, the researcher visited the Strandzha Nature Park, Malko Tarnovo, Yambol, Sredets, Burgas, as well as Vinarsko, Vratsitsa and Sladun. Additionally, the tri-border region in the West was visited, namely Svilingrad, Kapitan Andreevo and Ivalyovgrad. Further visits were conducted to Pirov, on the Serbian side of the Serbian-Bulgarian border, and to Edirne on the Turkish side of the Turkish-Bulgarian border.

A total of 20 semi-structured interviews were conducted with a variety of stakeholders including journalists, activists, local residents of border villages, NGOs, INGOs and state institutions. Whilst these interviews sought to focus on the border surveillance technology aspect of migration management, a lot of the information gathered pertained to wider migration dynamics in the country and information regarding pushbacks and border violence.

Furthermore, visits were conducted to Voenna Rampa, Ovcha Kupel, Vrazhdebna and Harmali RACs, as well as Pastrogor Transit Centre, facilitated by the State Agency for Refugees. This, alongside monitoring visits along the border, allowed the researcher to confirm information given during the interviews through observation.

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Testimony Analysis

Since 2020, the BVMN has been documenting pushbacks from Bulgaria and has collected 92 testimonies to date detailing the ill-treatment and abuse of approximately 1,746 individuals. These recorded pushback testimonies likely represent only a fraction of the actual number of pushbacks occurring. The testimonies in the database were downloaded and analysed to identify specific patterns or trends. We searched through the testimonies using terms associated with technology, such as 'drone' or 'infrared camera'. Additionally, we used the testimonies to map relevant sites to visit during the field research.

2.2 Limitations of the Study

One limitation of the study is that none of the main authors is a speaker of Bulgarian. For the purpose of a week-long trip to the Southern border region, the researcher was accompanied by a local fixer who supported extensively in conversations with local residents and mayors which gave further insights into movement trends and patterns. Countering this, during the research PoM were visible in the country – especially in cities like Harmanli and Sofia – and the researcher's ability to speak Arabic meant that more first-hand interviews were conducted with PoM during the research which helped to inform the analysis of the situation from the perspective of those navigating the transit route themselves.

Whilst a high number of interviews with stakeholders took place, and these were rich in detail, there was little to no knowledge regarding border surveillance and other technologies in Bulgaria. Only two respondents were able to give insight on this dynamic which meant that the majority of information came rather from the desk research into different tenders and FOIs to relevant companies and institutions rather than directly from sources present in Bulgaria. While desk research was able to fill some gaps of information on surveillance tech in Bulgaria, an important gap has been left regarding surveillance technologies in reception and detention centers. This will inform BVMNs forthcoming research.

When the Pilot Project was first initiated in Bulgaria, it was accompanied by a concerning lack of transparency, specifically regarding which technologies were being deployed and how they were set to be applied in a migration context. Organisations operating in Bulgaria failed to attain more information from the national government, and FOIs at the EU level proved time-consuming, with lengthy approval procedures and documents being returned heavily redacted. Whilst some of this could be mitigated with confirmatory applications which allowed for further information to be revealed, this again takes a significant amount of time. Over time, as the Pilot Project has developed, files have become more available online which have been used in this report. Generally the lack of transparency, an issue flagged across all the reports, is concerning. In the context of Bulgaria, this is even more poignant due to its recent inclusion in the Schengen area and continued EU funding to support the fortification of the border, for which adequate scrutiny is being blocked.

3. Border technologies in Bulgaria

3.1. Border surveillance technologies in Bulgaria

3.1.1 Border Surveillance Systems

Land border surveillance systems

Bulgaria operates two land automated border surveillance systems, the Integrated Border Surveillance System (IBSS) at the Turkish- Bulgarian Border and the Automated Border Surveillance System (ABSS) at the border with Serbia.¹⁸⁷

The construction of the first section of IBSS, between the Svilegrad and Lesovo BCPs was completed in 2012.¹⁸⁸ According to the 2014–2020 ISF National Programme it was funded by the national budget, although media reports claim it was financed by the Schengen facility.¹⁸⁹ A further section, between Lesovo and Rezovska/Rezovo river was completed in 2015.¹⁹⁰ This was funded in part by the EBF, as a priority due to increased crossings at the time.¹⁹¹ The EBF contribution was 13,015,652.75 Euro, while the total cost of this section of the system 17,354,203 euro.¹⁹²

The system consists of 11 stationary surveillance posts (SSPs) equipped with thermovision cameras, automatic radiolocation systems and seismic sensors.¹⁹³ Two SSPs are located within the area of responsibility of LCC Bolyarovo, and one each at Elhovo, Sredets and Malko Tarnovo.¹⁹⁴ According to a description of the system in a Commission Evaluation document, the total number of cameras is 53 and of sensors 190.¹⁹⁵ The equipment of the SSPs is operated from LLCs and allows for 'deep visual penetration into Turkish territory.'¹⁹⁶

Another component of the border surveillance system are mobile surveillance units, which are cross-country vehicles equipped with thermovision and day cameras, radiolocation systems and drones.¹⁹⁷ In addition, traffic cameras installed along the main roads in the border area are also connected to the IBSS system.¹⁹⁸

187 European Commission 2023 Report of the third voluntary fact-finding mission

188 MoI 2018 National Programme ISF; Bulgarianmilitary.com (2020) Bulgaria will pay nearly \$6M for a border integrated surveillance system
<https://bulgarianmilitary.com/2020/11/21/bulgaria-will-pay-nearly-6m-for-a-border-integrated-surveillance-system/>

189 MoI 2018 National Programme ISF ; Novinite.com (2012) Bulgaria to Launch Integrated Surveillance System at Turkish Border, <https://www.novinite.com/articles/142923/Bulgaria+to+Launch+Integrated+Surveillance+System+at+Turkish+Border>; IRIN News 2013

190 MoI 2018 ISF National Programme

191 European Commission 2018

192 ibid

193 Ibid; MoI 2018 ISF National Programme 2014; Kulekov, R. (2018) Crossroads of migration Border Police, EMN Annual Conference in the framework of the Bulgarian EU presidency: Crossroads of migration, <https://emnbelgium.be/news/emn-annual-conference-framework-bulgarian-eu-presidency-crossroads-migration>

194 European Commission 2018

195 ibid

196 ibid

197 ibid

198 ibid

A contract for the construction of another three pylons equipped with thermovision and day cameras and rangefinders was awarded in 2020.¹⁹⁹ The project, funded by an emergency ISF action for the reinforcement of the Greek-Bulgarian border at a cost of 2 340 000,00 BGN, was awarded to Bulgarian company Optix.²⁰⁰ The location of the three posts, given in the contract, correspond to points near the Bulgarian-Turkish border.²⁰¹

Figure 2: Stationary Surveillance Point near Matochina



Figure 3: Stationary Surveillance Point at Rezovo



Data from the SSPs, mobile units and traffic cameras is transmitted to the RCC at Elhovo as well as five local coordination centres, including in Svilengrad, Elhovo, Bolyarovo, Sredez and Malko Tarnovo.²⁰² This includes images from the cameras but also alerts produced by the sensors and cameras of the system.²⁰³ According to an evaluation by the EU Commission, many alerts produced by the system especially in the early stages of its operation were false, triggered, for instance, by small animals and weather phenomena.²⁰⁴ However, false alerts were reduced by a recalibration of the system.²⁰⁵

The ABSS at the Bulgarian–Serbian border was financed through EBF.²⁰⁶ It included two stationary posts in the area of Kalotina BCP.²⁰⁷ In 2016, the government announced that

202 MoI 2018; European Commission 2018; Kulekov 2018

203 European Commission 2018

204 *ibid*

205 *ibid*

206 MoI 2017 ISF Interim Evaluation

207 MoI 2011

they intended to expand the system.²⁰⁸ An LCC, located in the Kalotina Border Police Station, was also constructed with EBF funding²⁰⁹. BVMI funds are earmarked for upgrading the Bulgarian-Serbian border surveillance system.²¹⁰

The border surveillance systems have been and continue to be upgraded through EU funding. In 2018, a contract worth BGN 34 million without VAT (\$20,6M) was procured for acquiring more equipment for the integrated surveillance system, including sensors'.²¹¹ The Lesovo - Resovo section of the IBSS is to be significantly upgraded under the 2021-2027 BMVI cycle.²¹² A tender valued at BGN 140,000,000,000 (71,583,008,000 EUR) published in 2024 includes the installation of sensor lines, thermal cameras, the construction of five fixed technical surveillance posts (SPTS), the acquisition of eight drones and the purchase of four mobile surveillance systems equipped with anti-drone technology and three with the capacity to monitor mobile phones.²¹³ In addition, the tender includes the upgrade of the NCC and the regional and local coordination centres that will be connected to the new sensor lines.²¹⁴ The thermal imaging cameras, according to the description of the system in the tender, will be equipped with video analytics for motion detection,²¹⁵ suggesting the introduction of an AI element in the functions of the surveillance system. In October 2024, Bulgarian officials stated that the Bulgarian Turkish border IBSS would be expanded to areas not covered by the existing system.²¹⁶

In addition, the maintenance of the border surveillance systems is funded mostly through EU funding schemes.²¹⁷ In 2020, a contract worth 1.6 million euro was awarded to local company Global Sat for the maintenance of the Kapitan Andreevo - Lesovo section of the IBSS.²¹⁸ The same company was awarded the maintenance of the same part of the system in 2021, at a cost of 791,666.67 BGN (404,784.87 EUR) but it does not appear to have been funded from EU budgets.²¹⁹ Another contract for the maintenance of the Lesovo - Rezovo river section worth 10,000,000.00 BGN (5,113,072.00 EUR) and also co-financed by ISF was awarded to company SSARM in 2021.²²⁰ In 2023, a contract worth 12 800 000,00 BGN (6,544,732.16 EUR) was awarded to Green Border Consortium, made up of companies Telelink Infra Services and Optix.²²¹

According to a media report, an inspection of the ABSS infrastructure took place near Lesovo in October 2024.²²² In 2024, a maintenance contract for the Serbian border ABSS, worth 600 000,00 BGN (306,784.32 EUR) was awarded to company Kontrax.²²³ The tendering process

208 novinite.com (2016, 29 March) Bulgaria Plans Video Surveillance System at Border with Serbia to Control Migrant Flow <https://www.novinite.com/articles/173774/Bulgaria+Plans+Video+Surveillance+System+at+Border+with+Serbia+to+Control+Migrant+Flow%C2%A0>

209 Ibid; European Commission (2022) Report of the complementary voluntary fact-finding mission to Romania and Bulgaria on the application of the Schengen acquis and its developments since 2011, https://home-affairs.ec.europa.eu/document/download/14762e03-a56a-4865-acfc-c607e-71baba_en?filename=Report%20of%20the%20complementary%20voluntary%20fact-finding%20mission%20to%20Romania%20and%20Bulgaria_en.pdf

210 PICUM and ECRE 2024

211 Bulgarian military.com (2020, November 29) Bulgaria will pay nearly \$6M for a border integrated surveillance system <https://bulgarianmilitary.com/2020/11/21/bulgaria-will-pay-nearly-6m-for-a-border-integrated-surveillance-system/>

212 European Commission 2023 Report of the third voluntary fact-finding mission

213 EU Tenders (2024) 445914-2024 - Competition, <https://ted.europa.eu/en/notice/-/detail/445914-2024>

214 ibid

215 ibid

216 Kirilov 2024

217 MoI 2017 ISF Interim Evaluation; MoI 2018, ISF National Programme; MoI (2021) ISF Implementation Report, copy with the authors; PICUM and ECRE 2024; MoI 2024 SFC2021

218 SeeNews (2020, July 6) Bulgaria awards 1.6 mln euro border surveillance system maintenance deal to Global Sat, <https://seenews.com/news/bulgaria-awards-1-6-mln-euro-border-surveillance-system-maintenance-deal-to-global-sat-1172336>;

219 EU Tenders (2021) 592409-2021 - Result <https://ted.europa.eu/en/notice/-/detail/592409-2021>

220 EU Tenders (2021) 592409-2021 - Result <https://ted.europa.eu/en/notice/-/detail/592409-2021>

221 MoI (2023) Maintenance of the Integrated Surveillance System of the Bulgarian-Turkish border - built stage 3 (sensor lines) and integrated five fixed posts for technical surveillance, <https://app.eop.bg/today/244796>; EU Tenders (2023) 677626-2023 - Competition <https://ted.europa.eu/en/notice/-/detail/677626-2023>;

222 Kirilov 2024

223 EU Tenders (2024) 244915-2024 - Result <https://ted.europa.eu/en/notice/-/detail/244915-2024>

for this contract, however, started in 2020, suggesting a significant delay in its award.²²⁴ A contract worth 2,083,333.33 BGN (1,065,223.33 EUR) for the maintenance of MSS was awarded to company Optix in 2020.²²⁵ Another tender for the maintenance of 44 mobile surveillance units, worth 1,666,666.67 BGN (852,178.67 EUR) was issued in 2024.²²⁶

Maritime border surveillance system

The construction of a maritime border surveillance system (also known as 'Blue Border') was completed in 2010 and it was funded mainly by Phare and Schengen Facility funds.²²⁷ It was constructed by a consortium of companies including German ATLAS ELEKTRONIK and Bulgarian Tchernomore and Optix (ATO) and its cost was 22,782,348 EUR.²²⁸

The system encompasses surface radars, multi-sensor tracking, including AIS (Automatic Identification System) transponders, day, thermal imaging and CCTV cameras, signal processing, communication and management systems and recording and replay capacities.²²⁹ The surveillance equipment is installed in 12 Stationary Technical Monitoring Posts.²³⁰ It also includes 2 mobile ground units and 12 Border Police Boats.²³¹ The radar system can detect large boats in up to 24 nautical miles and smaller ones within 12 nautical miles.²³² The thermovision cameras were HRC-U models of the FLIR company.²³³ Patrol vessels are based in Sozopol, a former military port which was renovated for use by the Border Police and Frontex.²³⁴

Data from the system is transmitted to two local operational centres in Galata and Sozopol and a regional operational centre at Burgas.²³⁵ Situational images and data are further transmitted to the National Maritime Border Coordination and Information Centre in Burgas, and the overall tactical coastal picture is further relayed into the Operative Duty Centre, which is located in Sofia. The system thus feeds into the national situational picture for EUROSUR.²³⁶ The system serves multiple purposes, including tracking vessels, SAR and navigational monitoring and security, but also feeds into border control.²³⁷ In 2024, the EU Commission announced that Bulgaria will receive a further 20 million euro to upgrade the

- 224 EU Tenders (2020) 282032-2020 - Competition, <https://ted.europa.eu/en/notice/-/detail/282032-2020>; MoI (2024) 02849-2020-0028 "Post-warranty maintenance of an automated system for technical monitoring of the Bulgarian-Serbian border in the area of GPU-Kalotina", <https://mvr.bg/gdgp/%D0%B4%D0%B8%D1%80%D0%B5%D0%BA%D1%86%D0%B8%D1%8F%D1%82%D0%B0%D0%BF%D1%80%D0%BE%D1%84%D0%B8%D0%BB-%D0%BD%D0%B0-%D0%BA%D1%83%D0%BF%D1%83%D0%B2%D0%B0%D1%87%D0%B0%D0%BF%D1%80%D0%BE%D1%86%D0%B5%D0%B4%D1%83%D1%80%D0%B8-%D0%BF%D0%BE-%D0%B7%D0%BE%D0%BF---%D1%87%D0%BB18-%D0%B0%D0%BB1-%D1%821-13-%D0%BE%D1%82-%D0%B7%D0%BE%D0%BF>
- 225 EU Tenders (2020) 519159-2020 - Result <https://ted.europa.eu/en/notice/-/detail/519159-2020>
- 226 EU Tenders (2024) 229257-2024 - Competition <https://ted.europa.eu/en/notice/-/detail/229257-2024>
- 227 MoI 2017 ISF Interim Evaluation; MoI 2018 ISF National Programme
- 228 defense-aerospace.com (2011) Atlas Elektronik Has Completed the Delivery of the Coastal Surveillance System for the Bulgarian Border Police, <https://www.defense-aerospace.com/atlas-delivers-surveillance-system-to-bulgaria/>; Innovative Navigation (2015) Know-How located at Kornwestheim, Germany, provides coastal security in Bulgaria, https://www.innovative-navigation.de/wp-content/uploads/2015/04/inPRESSRELEASE_CSS_Bulgaria_GB.pdf; OPTIX (2017) On 03.02.2011 was held the official opening of one of the strategic projects of the Republic of Bulgaria related to the monitoring and protecting the Black Sea frontier - Blue border, <https://www.optixco.com/en/news-168/archive-999/on-03-02-2011-was-held-the-official-opening-of-one-of-the-61>
- 229 defense-aerospace.com 2011; MoI 2017 ISF Interim Evaluation
- 230 defense-aerospace.com (2011); Kulekov 2018. One boat was procured in 2021 from Estonian company Baltic Workboats AS at a cost of 25 484 043,00 BGN supported by ISF. <https://ted.europa.eu/en/notice/-/detail/299491-2021>
- 231 ibid
- 232 ibid
- 233 MoI 2017 ISF Interim Evaluation; Sourcesecurity.com (2024) FLIR Systems HRC-U long-range cooled thermal camera, <https://www.flir.co.uk/browse/government-defense/land-systems/fixed-surveillance/>
- 234 MoI 2011
- 235 defense-aerospace.com (2011); Kulekov 2018
- 236 MoI 2011
- 237 defense-aerospace.com (2011); Tsvetanov (2017) Innovative Border Protection Systems with modern sensors <https://sociallab.fer.hr/wordpress/wp-content/uploads/2017/10/INNOSOC-2017-Lecture-8.pdf>

Blue Border system with new radars and thermovision and day long range cameras.²³⁸

The maintenance of the Blue Border system is also co-financed by EU funding programmes.²³⁹ A contract to this end worth 10 000 000,00 BGN (5,113,072.00 EUR) was awarded in 2021 to company Optix.²⁴⁰ Another contract, worth BGN 6,205,774.00 (3,173,431.44 EUR) was awarded to the same company in 2024.²⁴¹

The Danube River Surveillance System

Although possibly less relevant to migration, there is also a surveillance system along the Danube river, which constitutes the natural border between Bulgaria and Romania.²⁴² The primary function of the system is to regulate traffic on the Danube river, but given migratory patterns in the area it appears relevant to the control of unauthorised crossings.²⁴³ The route from Bulgaria into Romania has recently become more popular due to changes in migration management in Serbia – namely ‘special operations’ in the North of the country and the shift of camps used to receive and accommodate PoM into closed facilities.²⁴⁴ As a result, the Danube river has opened as an alternative route meaning these surveillance systems are potentially being used to monitor and curtail movement²⁴⁵ in the region similarly to those at the Bulgarian-Turkish and Bulgarian-Serbian borders.

Some of the thermal imaging cameras acquired (see next section) were destined for the Ruse police directorate, which points to their use in the Danube area. Equally, the maintenance of Border Police vessels used in the same police directorate was co-financed through ISF funds, as well as other national and European budgets.²⁴⁶ However, it is unclear how other non-awarded contracts relating to this border area are financed.²⁴⁷

3.1.2 Surveillance vessels and helicopters

Vessels and helicopters equipped with surveillance equipment such as thermovision cameras and radars are part of the land and maritime border surveillance systems. They were acquired over the course of two decades with support from various EU funding schemes including the Schengen Facility.²⁴⁸ The Border Police appear to possess at least four Agusta

238 EU Commission (2024) Bulgaria and Cyprus receive funding to upgrade external sea borders, https://home-affairs.ec.europa.eu/news/bulgaria-and-cyprus-receive-funding-upgrade-external-sea-borders-2024-07-19_en

239 MoI 2018 ISF National Programme; EU Tenders (2020) 510815-2020 - Competition <https://ted.europa.eu/en/notice/-/detail/510815-2020>

240 MoI (2021) Support of the Integrated System “Blue Border, <https://bg.openprocurements.com/tender/2020-poddr-zhka-na-integriranata-sistema-sinia-granitsa-bbj/>

241 EU Tenders (2024) 107299-2024 - Result, <https://ted.europa.eu/en/notice/-/detail/107299-2024>

242 Scortel (2016, May 5) Establishment of River Information System in the Bulgarian stretch of the Danube river - BULRIS <https://scortel.com/en/news/item/13-sazdavane-na-rechna-informatzionna-sistema-v-balgarskata-chast-na-reka-dunav-bulris-en>

243 EUROPOL (2024, 15 March) 42 arrested for smuggling migrants across the Danube <https://www.europol.europa.eu/media-press/newsroom/news/42-arrested-for-smuggling-migrants-across-danube>

244 BVMN (2024) Violence Within State Borders: Serbia <https://borderviolence.eu/reports/violence-within-state-borders-serbia-2/>

245 EUROPOL 2024

246 EU Tenders (2021) 646676-2021 - Result <https://ted.europa.eu/en/notice/-/detail/646676-2021>

247 EU Tenders (2024) 243280-2024 - Result <https://ted.europa.eu/en/notice/-/detail/243280-2024>; EU Tenders (2024) 147466-2024 - Competition <https://ted.europa.eu/en/notice/-/detail/147466-2024>

248 MoI 2011

helicopters.²⁴⁹

Their repair and maintenance, as well as of their equipment, is also largely financed through EU budgets. While earlier tenders for the maintenance of helicopters suggest it was funded by non-EU budgets, since 2016 they have been incorporated into EU funding programmes.²⁵⁰ Contracts for repair services of helicopters have been awarded to Belgium-based Agusta Aerospace, Spanish ITP646738-2021 – Result Aero, and in more recent years, Leonardo Belgium S.A..²⁵¹

The supply of spare parts and materials for border police vessels and repairs of patrol boats and other vessels have also been funded by the ISF.²⁵² The contracts were awarded to companies such as TEREM-KRZ, Yacht-Engineering BG, Shiptechnics Ltd.²⁵³ and Flex Electronics Ltd. A contract for the maintenance of vessels issued in 2023 appears not to have been awarded, but other tenders for the maintenance of vessels, to be financed by BMVI, were ongoing at the time of writing.²⁵⁴

3.1.3 Non-fixed surveillance technologies

Thermal imaging equipment

The Bulgarian authorities acquired significant numbers of portable thermovision equipment – such as 80 hand-held cameras and 846 night vision goggles²⁵⁵ in the 2000s.²⁵⁶ Their acquisition was funded mainly by Phare and Schengen facility funds.²⁵⁷ 34 of the night vision goggles and binoculars were donated by the German Police.²⁵⁸ The equipment was distributed to different regional border police directorates (corresponding to the borders with Turkey, Serbia, North Macedonia as well as the Black sea and were in use in 2013.²⁵⁹

In 2022, the Bulgarian border police obtained 17 handheld thermal imaging cameras to be used for border monitoring in the areas of the Ruse and Smolyan Police Departments for the sum of 398 670 BGN (203.707,56€).²⁶⁰ The lot was provided by Sofia-based company Optix Co, and was funded through the Norwegian Financial Mechanism 2014-2021. In 2024,

249 EU Tenders (2024) 176800-2024 - Result <https://ted.europa.eu/en/notice/-/detail/176800-2024>; MOI (2022) REPORT of the 2022 plan to meet the targets of the National Strategy for Integrated Border Management in the Republic of Bulgaria 2020-2025

<https://mvr.bg/nsmgui/%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8/%D0%B-D%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B8-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D0%B8-%D0%B8-%D0%BF%D0%BB%D0%B0%D0%BD%D0%BE%D0%B2%D0%B5/%D0%B-D%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B8-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D0%B8-%D0%B8-%D0%BF%D0%BB%D0%B0%D0%BD%D0%BE%D0%B2%D0%B5>

250 EU Tenders (2014) 367422-2014 - Result, <https://ted.europa.eu/en/notice/-/detail/367422-2014>; EU Tenders (2014) 394283-2014 - Competition <https://ted.europa.eu/en/notice/-/detail/394283-2014> EU Tenders (2016) 112669-2016 - Competition, <https://ted.europa.eu/en/notice/-/detail/484904-2022>; EU Tenders (2022) 210345-2022 - Result <https://ted.europa.eu/en/notice/-/detail/210345-2022>; EU Tenders (2021) 646738-2021 - Result <https://ted.europa.eu/en/notice/-/detail/646738-2021>

251 EU Tenders (2014) 367422-2014 - Result; EU Tenders (2016) 362059-2016 - Result <https://ted.europa.eu/en/notice/-/detail/362059-2016>; EU Tenders (2017) 437262-2017 <https://ted.europa.eu/en/notice/-/detail/437262-2017>; EU Tenders (2019) 119883-2019 - Result <https://ted.europa.eu/en/notice/-/detail/119883-2019>; EU Tenders (2021) 646738-2021 - Result <https://ted.europa.eu/en/notice/-/detail/646738-2021>; EU Tenders (2024) 176800-2024 - Result <https://ted.europa.eu/en/notice/-/detail/176800-2024>

252 EU Tenders (2023) 534298-2023 - Contract modification <https://ted.europa.eu/en/notice/-/detail/534298-2023>; EU Tenders (2023) 53573-2023 - Result <https://ted.europa.eu/en/notice/-/detail/53573-2023>; EU Tenders (2022) 511832-2022 - Result <https://ted.europa.eu/en/notice/-/detail/511832-2022>; EU Tenders (2020) 485993-2020 - Result <https://ted.europa.eu/en/notice/-/detail/485993-2020>;

253 ibid

254 EU Tenders (2023) 748228-2023 - Result <https://ted.europa.eu/en/notice/-/detail/748228-2023>; EU Tenders (2024) 610590-2024 - Competition, <https://ted.europa.eu/en/notice/-/detail/610590-2024>

255 It is not clear in the the source document whether the term is used interchangeably with binoculars

256 Mol 2011

257 Mol 2011

258 ibid

259 Irin news 2013

the MoI issued a tender for the acquisition of another 75 short- medium- and long-range handheld thermal imaging cameras.²⁶¹ However, the contract, worth 4 404 166,67 BGN (2,251,882.13 EUR) was not awarded. Maintenance and repairs of thermal imaging cameras were also financed through EU programmes.²⁶² One of the brands mentioned in procurement documents is the JIM Long infrared binoculars of the Safran group, which has a range of up to 10km.²⁶³

One aspect that is rather interesting, is that often tech is acquired often through funding and then not used, or not taken care of properly and then discarded.²⁶⁴ The International Organization for Migration noted that even if tech is acquired through European funding, this often doesn't include future maintenance which leaves tech disused and discarded after a while.²⁶⁵ One interview conducted with an anonymous police source during the field research confirmed this. The respondent stated that the majority of the thermal imaging cameras mounted to the border fence are broken due to a lack of maintenance and that the drones similarly haven't been maintained and are disused, being "left to rot somewhere". Some open tenders in 2023 and 2024 suggest that some funding has been made available by the EU to address the disrepair of stationary surveillance systems, yet there seem to have been significant delays.²⁶⁶

Detection equipment

Heartbeat detectors, used to detect PoMs hidden in cars are used at BCPs at the borders with Greece, Turkey and Romania.²⁶⁷ In 2023, it was reported that the Bulgarian police was testing a handheld mobile heartbeat detector developed by a Czech company, Grant Detection, at the Kalotina BCP at the Bulgarian-Serbian border.²⁶⁸ More heartbeat detectors were acquired in 2024 from US company Enseo.²⁶⁹

X-ray vehicle scanners have been used at BCPs since at least 2010, when Bulgarian Customs Agency started using US company's American Science and Engineering Z Backscatter Van (ZBV) mobile X-ray system.²⁷⁰ In 2023, the MoI issued a tender worth 350, 000,00 BGN, co-financed by the ISF, for the maintenance of ZBVs used at Bulgarian -Turkish BCPs.²⁷¹

261 EU Tenders (2024) 360729-2024 - Result <https://ted.europa.eu/en/notice/-/detail/360729-2024>

262 EU Tenders (2022) 484904-2022 - Competition <https://ted.europa.eu/en/notice/-/detail/484904-2022>; EU Tenders (2021) 583175-2021 - Result <https://ted.europa.eu/en/notice/-/detail/583175-2021>

263 EU Tenders 2022 583175-2021 - Result; Saffran (2024) JIM LR - Long-Range Multifunction Infrared Binocular <https://www.safran-group.com/products-services/jim-lr-long-range-multifunction-infrared-binocular>

264 Undisclosed Source. (May 15, 2023). Personal Communication ; UNHCR (May 04, 2023). Personal Communication ; Testimonies (2023). Personal Communication

265 IOM Bulgaria (May 02, 2023). Personal Communication

266 See for example: EU Tenders (2023) 748228-2023 - Result <https://ted.europa.eu/en/notice/-/detail/748228-2023>, and EU Tenders (2024) 94853-2024 - Result <https://ted.europa.eu/en/notice/-/detail/94853-2024>

267 Bulgarian National Television, The Illegal Migrants Detained at Kulata border crossing were found by means of Heartbeat Detectors, 2016 <https://bnt.bg/news/the-illegal-migrants-detained-at-kulata-border-crossing-were-found-by-means-of-heartbeat-detector-127121news.html>; Briag.bg (2021) Heart rate detectors search for migrants in trucks on the Danube Bridge, <https://www.briag.bg/detektori-za-srdechen-ritm-trsyat-migranti-v-kamionite-na-dunav-most>; utroruse.com (2017) Border Police caught 11 illegals with a heart detector <https://utroruse.com/article/742166/>;

268 Czech Consulate in Sophia (2023) The Bulgarian border police is testing a Czech mobile detector of living organisms, https://mzv.gov.cz/sofia/bg/x2002_05_16_4/x2018_02_20/x2023_05_20.html; Grant Detection (2023) News <https://grantdetection.com/news/>

269 ENSCO Secures Landmark Contract for MicroSearch® Technology in Bulgaria, <https://www.enseo.com/news-media/press-releases/ens-co-secures-landmark-contract-for-microsearch-technology-in-bulgaria>

270 Professional Security Magazine Online (2010) Mobile X-ray, <https://professionalsecurity.co.uk/news/news-archive/mobile-x-ray/>; European Parliament (2013) Fact-finding delegation of the Budgetary Control Committee to BULGARIA border with Greece and Turkey, 18-20 September 2013, https://www.europarl.europa.eu/meetdocs/2009_2014/documents/cont/dv/feedback5_/feedback5_en.pdf

271 EU Tenders (2023) 168395-2023 - Competition Bulgaria-Sofia: Repair and maintenance services, <https://ted.europa.eu/en/notice/-/detail/168395-2023>

Another type of equipment used by the Border police is 'gas analysers' – presumably Co2 detectors – used at BCPs to detect PoMs hidden in vehicles.²⁷² The ISF interim evaluation refers to 80 gas analysers – having been obtained and used in BCPs.²⁷³ In 2024, a tender for the acquisition of another 80 Co2 detectors, worth 615,992.32 BGN excluding VAT, co-financed by BMVI.²⁷⁴

Drones

After two failed tenders,²⁷⁵ the Border Police finally acquired a remote controlled flight system including two or more drones as well as a transportation vehicle for them, for the surveillance of the Bulgarian Turkish border in 2018.²⁷⁶ The system cost 358 320,00 BGN and was co-financed by EU funds, while the contract was awarded to company Tempex (Темпекс).²⁷⁷ Other sources suggest that the Border Police have been using drones before 2022 as part of the border surveillance systems.²⁷⁸ Pushback testimonies collected by BVMN, mention drone presence on the Bulgarian and Turkish Borders as of 2022.²⁷⁹ In August 2022, the Ministry of the Interior stated that they had been using drones for several days.²⁸⁰ However, other sources suggest that the drones may have belonged to the Bulgarian military.²⁸¹ Nevertheless, expanding drone capacity appears to be a core objective of Bulgarian authorities and EU institutions.²⁸²

In 2022, the Bulgarian authorities issued a tender for the acquisition of small Remotely Piloted Aircraft Systems (RPAS) which however was not awarded.²⁸³ Another similar tender issued the following year appears not to have been awarded either.²⁸⁴ However, In August 2024, Frontex launched a tender for 3 million euros for a 12 month pilot project in Bulgaria.²⁸⁵

272 Border Security Report (2021) Bulgarian border police detained six illegal immigrants hiding in a truck, <https://www.border-security-report.com/bulgarian-border-police-detained-six-illegal-immigrants-hiding-in-a-truck/>

273 MoI 2017 ISF Interim Evaluation

274 EU Tenders (2024) 292642-2024 - Competition <https://ted.europa.eu/en/notice/-/detail/292642-2024>

275 MoI (2016) Delivery of an unmanned aerial vehicle with vertical take-off, type "drone" for the needs of border control along the Bulgarian-Turkish border, <https://bg.openprocurements.com/tender/2016-dostavka-na-bezpiloten-letatelen-apat-s-vertikalno-izlitan-tip-dron-za-nuzhdite-na-granichni/>; <https://aop.gavazov.net/02849-2016-0028>; EU Tenders (2017) 285288-2017 - Result <https://ted.europa.eu/en/notice/-/detail/285288-2017>; EU Tenders (2017) 454965-2017 - Result <https://ted.europa.eu/en/notice/-/detail/454965-2017>

276 EU Tenders (2017) 237387-2018 - Result <https://ted.europa.eu/en/notice/-/detail/237387-2018>

277 ibid

278 European Commission 2022 Report of the voluntary based fact-finding mission; Novinite.com (2022) Bulgaria: Drones Roam the Border, Low-Level Policemen Help Migrants, <https://www.novinite.com/articles/216466/Bulgaria%3A+Drones+Roam+the+Border%2C+Low-Level+Policemen+Help+Migrants>

279 See BVMN(2022) We couldn't sleep...we were so cold and barefoot...we didn't think we could stay alive until the morning, <https://borderviolence.eu/testimonies/march-10-2022-0300-from-malko-tarnovo-bg-to-sukrupasa-tr/> and BVMN (2022)I will be dead before I even finish the word. You really don't know how brutal they are, <https://borderviolence.eu/testimonies/april-9-2022-0000-valcha-polyna-hamzabeyli/>

280 Nova (2022) Interior Ministry deploys drones for border control <https://nova.bg/news/view/2022/08/27/380934/interior-ministry-deploys-drones-for-border-control/>; EU Tenders (2023) 745570-2023 - Competition, <https://ted.europa.eu/en/notice/-/detail/745570-2023>

281 Dnes.bg (2022) The army is increasing the assistance it provides to the Ministry of Internal Affairs at the state border <https://www.dnes.bg/obshtestvo/2022/08/25/armiata-uvlichava-pomoshtta-koiato-okazva-na-mvr-na-dyrjavnata-granica.541410>; AIDA 2024

282 MoI 2022 Report on the Annual Plan; Novinite.bg (2022, February 2) Drones will guard our border: What will be the European aid for Bulgaria?<https://btvnovinite.bg/bulgaria/kakvo-oznachava-che-ek-mozhe-da-ni-dade-dronove-za.html>

283 Public Procurement Register (2022) Delivery of Small Class Land Border Surveillance Remotely Piloted Aircraft Systems (RPAS), <https://app.eop.bg/today/173182>

284 EU Tenders (2023) 370302-2023 - Result Bulgaria-Sofia: Non-piloted aircraft <https://ted.europa.eu/en/notice/-/detail/370302-2023>

285 Frontex (2024) Pilot Project for services of tactical land border and coastal surveillance with Remotely Piloted Aircraft Systems (RPAS), long endurance and reduced logistic footprint <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/tender-details/6b620333-dd23-4a7b-91fe-896955d88bdc-CN?order=DESC&pageNumber=1&pageSize=50&sortBy=startDate&keywords=land%20border&isExactMatch=true&cftPartyLegalEntityId=FRONTEX>

The project is for “services of tactical land border and coastal surveillance with Remotely Piloted Aircraft Systems (RPAS) to enhance border control measures. The overall objective pursued under this procurement procedure is to enable Frontex to continue the evaluation of surveillance RPAS technologies and their capabilities in a tactical RPAS configuration for delivering aerial surveillance, measuring their operational performance, cost-efficiency and reliability.”²⁸⁶

In 2023, a tender was issued for the acquisition of two unmanned aerial systems (UAS) equipped with day and thermovision cameras to be based on a vessel, Balchik, which participates in Frontex Joint operations in the Black Sea.²⁸⁷ The two drone helicopters acquired were co-funded by ISF and their estimated value is 3.500.000 BGN (1.788.120,39€).²⁸⁸ The lot was provided by a consortium of two Bulgarian companies: TELELINK INFRA SERVICES and GDR SYSTEMS. The A900 drone helicopters were provided by the company Alpha Unmanned Systems.²⁸⁹

3.1.4 Surveillance technology in Reception and detention centres

The reception and detention centres are usually equipped with CCTV cameras.²⁹⁰ At Lyubimets detention centre, all dormitories and shared areas are monitored by CCTV-cameras.²⁹¹ CCTV cameras also monitor the surrounding area of the centre.²⁹² In addition, ‘electronic listening equipment’ is reportedly used at Busmantsi detention centre.²⁹³ Their installation was supported by EU emergency funds.²⁹⁴

3.1.5 Research projects

Bulgarian authorities are partners to several EU-funded research projects including ROBORDER, EFFECTOR, NESTOR and BorderUAS.²⁹⁵ Some of these projects were tested at the Greek-Bulgarian borders, but mostly on Greek territory. Part of the ROBORDER project, an EU Horizon 2020 initiative that aimed to develop an AI-powered autonomous border surveillance system, was piloted along the Bulgarian-Turkish border, including a system to “track and monitor illegal activities”, using specialised sensors that detect emissions coming from cell phones to locate people trying to cross borders²⁹⁶ In a visit to Bulgaria in March 2023, the EU Commission’s DG Home and Frontex encouraged Bulgarian Authorities to continue to engage in technological pilot projects in order to increase their knowledge of innovative surveillance technologies for future procurements.²⁹⁷

286 ibid

287 EU Tenders (2024) Bulgaria: Helicopters, aeroplanes, spacecraft and other powered aircraft, <https://ted.europa.eu/en/notice/-/detail/160562-2024>; EU Tenders (2023) Bulgaria-Sofia: Non-piloted aircraft, <https://ted.europa.eu/en/notice/-/detail/745570-2023>

288 Bulgaria: Helicopters, aeroplanes, spacecraft and other powered aircraft, <https://ted.europa.eu/en/notice/-/detail/160562-2024>

289 Alpha Unmanned Systems (2024) Bulgarian Border Police chooses Alpha UAVs for border control in Frontex operations, <https://www.linkedin.com/pulse/bulgarian-border-police-chooses-alpha-uavs-control-ey4uf/>;

290 HRW (2014) Containment Plan: Bulgaria’s Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants, <https://www.hrw.org/report/2014/04/28/containment-plan/bulgarias-pushbacks-and-detention-syrian-and-other-asylum-seekers>; European Commission 2022

291 European Commission 2023 Report of the third voluntary fact-finding mission; HRW 2014

292 European Commission 2022 Report of the voluntary based fact-finding mission

293 Courtois, M. (2024) Migrants deprived of their ‘fundamental human rights’ in Bulgarian detention centers, Infomigrants <https://www.infomigrants.net/en/post/58185/migrants-deprived-of-their-fundamental-human-rights-in-bulgarian-detention-centers>

294 Chereseva 2016

295 Roborder (n.d) consortium <https://roborder.eu/partners/consortium/>; EFFECTOR (n.d) Partners <https://www.effector-project.eu/about/partners/> Retrieved August 25 13

296 Roborder (n.d.) Aims and Objectives. Retrieved February 13, 2023 from <https://roborder.eu/the-project/aims-objectives/>

297 European Commission (2023) Mission Report Technical mission to Bulgaria

3.2 Collection of biometric data and the role of databases

3.2.1 Authorised Data Collection in Formal Sites

Following apprehension, third-country nationals remain in police custody for up to 24 hours or 48 hours by decision of the public prosecutor. During identification and checks in the relevant databases such as SIS, border police take border crossers' fingerprints, using specialised 'EURODAC and photographs.²⁹⁸ Fingerprints of asylum applicants and illegalised border crossers are entered into the EURODAC system and in the national AFIS (Automated Fingerprint Identification System) database.²⁹⁹ In addition, they are further uploaded to the SIS database and connected to alerts.³⁰⁰ Fingerprints are also taken in detention facilities and reception centres, where people are led to after the completion of police procedures, by the SAR.³⁰¹ Biometric data stored in the national AFIS database and SIS are searched during checks in border areas. Data linked to cases of smuggling, such as personal information and DNA, is also uploaded to the Europol's Europol Information System (EIS).³⁰² The database can only be accessed by Bulgaria's Europol National Unit.³⁰³ The Bulgarian police also maintains a database where incidents of irregular entry are recorded.³⁰⁴ Police forces use a search application called QUEST AIS to access biometric and other data in the SIS database, which can also be accessed from a tablet during border checks.³⁰⁵ The same application is used for accessing the Interpol and EIS databases as well as since 2023 a national database of 'investigative intelligence'.³⁰⁶

Biometric data collection and database capacities were supported by EU funding. In 2016, ISF funds supported the development of the national AFIS and DNA databases.³⁰⁷ In 2021, the Bulgarian Border Police acquired fingerprint scanners as part of an ISF-supported tender.³⁰⁸ In 2022, the Bulgarian border police acquired equipment for the collection and processing of biometric data.³⁰⁹ obtained 31 specialised biometric stations for verification and identification of persons subject to the EURODAC system and 33 stations for collecting biometrics (dactyloscopic prints scanners, cameras with tripod, document scanner) for the sum of 326 068,00 BGN (166.991,43€). The lot was provided by Sofia-based company S & T BULGARIA, and was funded through the "Internal Security" fund 2014-2020. The equipment is to be used in BCPs and border guard stations.³¹⁰

The Bulgarian authorities also maintain a 'return case management system' which contains biographical information and information on the status of the procedures PoMs are

298 Ibid; Irin news 2013; European Commission 2023 Report of the third voluntary fact-finding mission; HRW 2014

299 European Commission 2023 Report of the third voluntary fact-finding mission; European Commission 2022 Report of the voluntary based fact-finding mission; European Commission (2023) Mission Report Technical mission to Bulgaria' MoI 2024 SFC2021

300 European Commission 2023 Report of the third voluntary fact-finding mission; European Commission 2022 Report of the voluntary based fact-finding mission; AIDA 2024

301 IRIN news 2013; Refugee solidarity Network (2016) The Detention of Asylum-Seekers in Bulgaria, <https://refugeesolidaritynetwork.org/reports/detention-of-asylum-seekers-in-bulgaria/>; AIDA 2024

302 ibid

303 ibid

304 MoI 2018 ISF National Programme

305 European Commission 2022 Report of the voluntary based fact-finding mission; European Commission 2023 Report of the third voluntary fact-finding mission

306 ibid

307 EUMIS (2020) BG65ISNP001-5.004 - "Further development of the National DNA and AFIS database capacity through update of the software and hardware; upgrade of the software and hardware of the Bulgarian IBIS as a prerequisite for connecting to IBIN., BG/ISF – SO5-NO2-A26 (Ended) <https://eumis2020.government.bg/en/s/Procedure/InfoEnded/9c9b1847-3117-4482-a702-0bf382c52130>;

308 EU Tenders (2021) 369762-2021 - Result <https://ted.europa.eu/en/notice/-/detail/369762-2021>

309 EU Tenders (2022) 141482-2022 - Result, <https://ted.europa.eu/en/notice/-/detail/141482-2022>

310 EU Tenders (2022) Bulgaria-Sofia: Computer equipment and supplies, <https://ted.europa.eu/en/notice/-/detail/141482-2022>

subject to in order to facilitate return.³¹¹ In 2023, the Bulgarian authorities were working towards introducing biometric data in return alerts entered in the SIS.³¹² More officers were also being trained on the return management system.³¹³

Personnel working on the Schengen information and Visa systems were provided additional training on data protection provided in 2022 and 2023.³¹⁴

Data is also collected through the operation of CCTV cameras at detention facilities. While detainees are informed of their rights before detention³¹⁵, it is unclear if this information includes data rights.

3.2.2. Unauthorised data collection at informal sites

As well as formal procedures of data collection inside reception and detention centres, BVMN data shows that photographs are also being informally collected along the border prior to pushbacks. In 20 testimonies, impacting approximately 300 individuals, respondents reported that the authorities conducting the pushbacks took photos of the group either on their personal phones or on the phones of members of the transit group that they had confiscated. It is unclear why data is being collected in this way and for what purpose and it is a legally questionable practice. However, in 2023, the investigative media outlet Lighthouse Reports found a Whatsapp chat used by Croatian officials where unauthorised photos like these were being exchanged to document pushback practices.³¹⁶ It is possible similar practices are also taking place in Bulgaria.

311 European Commission 2023 Report of the third voluntary fact-finding mission

312 ibid

313 ibid

314 ibid

315 European Commission 2022 Report of the voluntary based fact-finding mission;

316 Lighthouse Reports (2023) Inside Croatia's Secret WhatsApp Group <https://www.lighthousereports.com/investigation/inside-croatias-secret-whatsapp-group/>

4. Impacts and Risks of Border Technologies

4.1. Impact of technologies on People on the Move

A central task of technology within border control is the detection and visualisation of illegalized movement, allowing states authorities to intervene. Thus, by supporting the apprehension, detention and pushback of people at the border, technology feeds into a generalized classification of migration movements into as “legal” or “illegal”. Yet tracking the direct linkages between the increased investment in surveillance technologies and instances of illegal pushbacks and other forms of border violence, is near to impossible. However the testimonies of people on the move who have been pushed back across the Bulgarian border and encountered specific technologies hint at the possibility that monitoring through modern situational awareness technologies is increasing the frequency and “efficiency” of apprehensions and of people on the move. Indeed several pushback testimonies from the southern Bulgarian border, mention the respondents seeing drones, cameras and small sensors shortly before being apprehended.³¹⁷

Monitoring and evaluation reports on EU funded projects to enhance border management, claim that the surveillance equipment is indeed effective in deterring people from crossing certain border areas, and for changing their routes instead. The European Commission’s, in its 2018 ex-post evaluation of EBF funds, observed that the technologies installed ‘resulted in improved capacity to detect, identify and monitor movement along the Bulgarian-Turkish border’.³¹⁸ The report also notes that they enhanced the border authorities capacity ‘to undertake preventative measures in order to decrease instances of illegal border crossing’, suggesting an aim of preventing entry, and consequently access to protection. According to the 2017 ISF Interim Evaluation report, the reinforcement of the Bulgarian-Turkish border with advanced technical equipment may have indirectly caused the displacement of crossings towards the Bulgarian Greek border, where surveillance equipment was not installed.³¹⁹ The assumption is based on the lower number of detected border crossings in the areas where surveillance equipment was installed versus the area without surveillance systems.

317 BVMN (April 03, 2021). The officers pull up the fence to make us cross while beating us and laughing at us. They even followed us in the Turkish territory for about ten metres. Retrieved February 16, 2023 from <https://www.borderviolence.eu/violence-reports/april-3-2021-0000-matochina-suakacagi/>

318 European Commission 2018

319 MoI 2017 ISF Interim Evaluation

4.2 Risks of tech for people on the move

What is hailed as successful border management in evaluation reports, means a real risk to the rights and bodily safety of people attempting to cross Bulgarian borders. Indeed, for people on the move, attempting to avoid highly patrolled and surveilled borders means choosing more dangerous routes across difficult terrain or landscapes and potentially resorting to expensive smuggling services in order to enter the territory and be able to access their right to claim asylum. Members of Caritas Bulgaria have warned that the boosted security along certain border areas are increasing the risks people on the move are facing not only with regards to pushbacks, but also injuries or even death related to car chases, suffocation in vans, or other forms of death in transit.³²⁰

Beyond the role of situational awareness technologies in visibilizing movements and facilitating actions of ‘deterrence’ such as pushbacks and detention, the data collected by surveillance tech raises concerns about the data protection and respect for the privacy rights of people on the move, especially when data is stored in large scale interoperable data bases and is shared with third parties. Moreover, AI-based data analysis such as biometric categorization and biometric matching with the help of facial recognition technologies can have a major impact on people’s lives, especially due to the risk of misidentification. This is all the more concerning when considering the well-documented racial biases that are built into such technologies.³²¹

“Risk assessments” to determine a person’s risks to national security, may in some cases have serious consequences and lead to prolonged detention. Bulgaria’s National Plan 2023 on Border Management, details a commitment to **“risk profiling of perpetrators, detection, prevention, interception and neutralisation of threats to national security”**.³²² While detail on the process of identifying “threats to national security” is lacking research by the Platform for Undocumented Migrants (PICUM) has found that migrants are increasingly detained on ground of ‘national security’ or ‘public order’. They find that in Bulgaria, people detained on national security grounds are not given sufficient reasons for such a finding. In the context of those cases, courts do not accept the lawyers’ requests for evidence from the national security services, confirming a climate of secrecy around the use of surveillance tools in border contexts.³²³

4.2.1 Data and privacy concerns related to biometric data collection

In the BVMN database there are 24 testimonies which attest that fingerprints and photographs were taken of people in Bulgaria prior to their pushbacks. Of these, 15 testimonies describe people having their photos taken on personal phones and outside of any formal procedure or detention framework. In only one case were photos taken as part of registering a person in a police station prior to them being pushed back. In three testimonies, peoples fingerprints were taken in formal sites like police stations or detention centres prior to them being pushed back.

320 van Brunnensum 2020

321 Amnesty International (2023) Racial bias in facial recognition algorithms, <https://amnesty.ca/features/racial-bias-in-facial-recognition-algorithms/>

322 Republic of Bulgaria (2023) National plan to develop capacity for border management and return of illegally resident citizens of third countries. <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1625>

323 PICUM (2024) Between administrative and criminal law: An overview of criminalisation of migration across the EU <https://centerforlegalaid.com/wp-content/uploads/2024/06/Betwenn-Administrative-and-Criminal-Law.pdf>

In all cases, respondents were not informed of why their data was being collected, where the data would be stored, for how long, and who it might be shared with.³²⁴ Data sharing with third parties may have important implications for people's onwards journeys and their asylum claims in other countries³²⁵ – for example, in 2023 the number of Dublin returns from other Member States to Bulgaria increased by 192% compared to 2022.³²⁶

4.2.1.1 Privacy concerns

Unauthorised data collection presents another major concern, as the practice of photographing people with personal phones seems to be commonplace at the Bulgarian border. This is mentioned in 21.7% of the testimonies collected by BVMN. In such instances, there are no safeguards around how the photographs are being shared as it all takes place outside of formal procedures. In one case, an officer forced the transit group to pose with the dog that had attacked them and took a photograph of them, clearly designed to humiliate the group.³²⁷

Taken together the expansion of surveillance along Bulgarian borders and in transit and detention centres raises serious concerns with regard to the right to privacy and data protection. People on the move stripped of their rights and often in fear of authorities for the risk of being apprehended and pushed back are often unaware of being surveilled and of where, for how long and for what purpose their data is stored. This makes it near to impossible to contest and defend their right to privacy. In 2022, the European Court for Human Rights (EctHr) ruled that Bulgarian law regulating secret surveillance by the the police, prosecutors, and military and security agencies is of insufficient quality to protect individuals against violations of the right to privacy, and that the data gathered through secret surveillance operations “could be used for nefarious purposes” due to a lack of safeguards.³²⁸ The Court decided that Bulgaria therefore violates Article 8 (right to respect for private life and correspondence) of the European Convention on Human Rights, in respect of secret surveillance, and in respect of retention and accessing of communication data.³²⁹

This is particularly relevant for people detained (sometimes arbitrarily) in detention and reception facilities, where CCTV cameras are considered an integral part of the infrastructure.³³⁰

In 2024, the greek data protection authority ruled that the surveillance systems deployed in reception centres across Greece, particularly on the island of Samos had serious shortcomings with regard to data protection and failed to respect the rights to privacy of those

324 BVMN (2021) They told us: if you come back again, we will slaughter you, <https://borderviolence.eu/testimonies/october-27-2021-0600-malko-tarnovo/>; BVMN (2022) “I was shot in the leg while they chased me with dogs”, <https://borderviolence.eu/testimonies/november-1-2022-0200-bulgaria-around-highway-79/>; BVMN (2021) They didn't give us medicine, the beat us to see us broken from everywhere. Do you think they would afford that for people who they are considering as animals? <https://borderviolence.eu/testimonies/november-18-2021-0000-ivaylovgrad-bg-doxa-gr-and-then-soufli-gr-umurca-tr/>

325 See e.g. BVMN (January 01, 2023) Subjected to a coordinated return from Slovakia (formal readmission) to Bulgaria before being pushed back from Bulgaria to Turkey. Retrieved December 01, 2023 from <https://borderviolence.eu/testimonies/january-1-2023-near-edirne/>

326 AIDA (2024) Dublin - Bulgaria <https://asylumineurope.org/reports/country/bulgaria/asylum-procedure/procedures/dublin/>

327 BVMN (2021) They were just beating us from time to time, letting the dog bite us <https://borderviolence.eu/testimonies/december-10-2021-0000-near-slivarovo-malko-tarnovo-municipality-bulgaria/>

328 Statewatch (2022) Bulgaria: Secret surveillance data “could be used for nefarious purposes” due to lack of safeguards, rules ECHR <https://www.statewatch.org/news/2022/january/bulgaria-secret-surveillance-data-could-be-used-for-nefarious-purposes-due-to-lack-of-safeguards-rules-echr/>

329 European Court of Human Rights (2022) Flaws in legal safeguards and oversight procedures around secret surveillance <https://hudoc.echr.coe.int/fre?i=003-7224338-9824769>

330 HRW 2014

inside the center.³³¹ Given that the Samos closed and controlled access center is an EU funded blueprint for future reception centers across Europe, serious questions arise with regard to the protection or privacy and fundamental rights in facilities in Bulgaria and beyond. The idea that CCTV cameras and surveillance footage could be used to monitor the mistreatment of those detained and to prevent fundamental rights violations is a optimistic. In reality, the presence of cameras in external and internal areas of detention facilities has not prevented mistreatment by staff.³³²

4.2.1.2 Data-sharing concerns:

While the sharing of data is currently restricted to EU member states with access to EURO-DAC and databases interoperable with EURODAC, efforts are underway to ease the data sharing with third parties. A proposal to recast the EUROPOL Regulation which is currently undergoing negotiations, seeks to extend the possible “the exchange of information between the Member States, Europol, other EU agencies as well as third countries”.³³³

As part of the EU-Bulgaria Pilot Project for faster asylum and return procedures, Frontex has suggested closer alignment of the Bulgarian ITs system with Frontex return case management systems.³³⁴ This is in line with the Frontex regulation revamped in 2019 which requires Frontex to coordinate return management systems to allow for communication between national systems and the central FRONTEX system, to “digitalise the return process, which will lead to greater efficiency,” and member states will also be offered “inter-connection between FAR [the Frontex Application for Return] and the national RECAMAS.”³³⁵

This development for further alignment raises additional concerns regarding data sharing with third countries. The 2019 Frontex Regulation permits International transfers of personal data “insofar as such transfer is necessary for the performance of the Agency’s tasks,”³³⁶ covering return and all other areas of activity. Even more concerning, individuals may not be able to rectify their data in case incorrect data lands in the Frontex Return Database. Indeed while deportees technically have the right to rectify their data, they may be denied access to their data, for reasons of national security, public security and defence of the Member States. In the context of deportation proceedings, mistakes in decision-making can have extremely serious, even life-threatening, implications, as accurate personal data is essential for accurate decision-making.³³⁷

331 Hellenic Data Protection Authority (2024) Ministry of Migration and Asylum receives administrative fine and GDPR compliance order following an own-initiative investigation by the Hellenic Data Protection Authority <https://www.dpa.gr/en/enimerwtiko/press-releases/ministry-migration-and-asylum-receives-administrative-fine-and-gdpr>

332 HRW 2014; Open Society Institute Sofia (2012) Independent Custody Visiting in Special Centres for Temporary Accommodation of Foreigners Operated by the Ministry of Interior between January and June 2011 https://osis.bg/wp-content/uploads/2018/04/OSI_Publication_Law_9_en.pdf

333 European Commission (2023) Proposal for a regulation of the European Parliament and of the Council on the European Health Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0754>

334 European Commission 2023 Reporting on the results of Pilot Project

335 Statewatch (2024) “Regaining control”: new powers for Frontex https://www.statewatch.org/deportation-union-rights-accountability-and-the-eu-s-push-to-increase-forced-removals/frontex-the-eu-s-deportation-machine/regaining-control-new-powers-for-frontex/#_ftn84

336 Ibid

46 337 Ibid

5. Conclusion

The findings of this report highlight that the development of technologies for surveillance and control in Bulgaria are inextricably linked to the country's candidacy for EU membership and, when this was achieved, its candidacy for joining the Schengen area. A precondition for Bulgaria joining the EU and Schengen was strengthening its capacity to control the external border of the European Union. In addition to changes in legal frameworks and policies, the deployment of technological means for control and surveillance was integral to meet the criteria for EU and Schengen membership.

Despite questions over corruption and Bulgaria's management of EU funds, our research shows continuous financing of border technologies since the 2000s. Multiple sources of funding have been, and are still being, used to this end. Initially technologies were funded by pre-accession schemes such as PHARE and the Schengen Facility before Bulgaria was fully incorporated into border security programmes such as EBF, ISF and currently BMVI. While constructions of 'crises', in particular at the Bulgarian-Turkish border, led into more funds being allocated, our findings underline that the development of technological capacities for surveillance and control in Bulgaria is the result of sustained EU funding over decades. Additional funding by member states such as Austria, Germany, Norway and the Netherlands reiterates the significance of reinforcing the Bulgarian external borders for the European Union as a whole.

Bulgaria's accession to the EU, and later its partial accession to Schengen fortified its border against people seeking safety with technology and border guards – including Frontex officers – and simultaneously generated increased risks for PoM. While both the Bulgarian authorities and the EU have evaluated such measures as positive in controlling unauthorised border crossings, their key effect, in tandem with other measures appears to be the displacement of crossing routes and intensifying violence. Dynamics of border control in neighbouring Greece are an additional factor. As protection of the Greek border became increasingly violent over the years, routes shifted to Bulgaria and the Bulgarian border authorities and state apparatus opted to follow the Greek model. Pushbacks became the norm, as did the criminalisation of those reporting on rights violations of PoM. These pushbacks are increasingly violent, and the detection and apprehension of transit groups has been increasingly facilitated by border surveillance technologies supplied by the EU. The expansion of technologies used, including for collecting biometric data, also raises concerns regarding the PoM's data and privacy rights which are being routinely violated in a number of ways, as detailed throughout this report.

Yet again, EU funding is being funnelled into fences, walls, cameras, drones, and other surveillance tech, whilst asylum and integration procedures in the country remain sorely lacking. Just months before the EU gave 45 million EUR to Bulgaria to implement a Pilot Project focussed on increased surveillance and returns, the State Agency for Refugees had to severely reduce their capacity to properly assess claims in letting go of 100 staff members because of insufficient AMIF funding. An urgent rebalancing of priorities is needed, as identified across these reports, so that people can efficiently access safe routes, seek protection and have their claims individually assessed. Instead priority is placed on border fortification and surveillance technology is funded which, in turn facilitates pushbacks and interrelated rights violations.

Future Research

While we did not find any significant evidence of AI-supported surveillance at Bulgarian borders or reception and detention facilities, this remains a subject of interest for further research in the coming years. Recommendations by the European Commissions DG HOME encourage Bulgarian authorities to participate in EU funded research and innovation projects.³³⁸ As we have witnessed in Greece and other remember states, research and innovation projects in border surveillance have provided an opportunity to experiment with and develop intrusive AI-based technologies on people on the move.³³⁹ It will be interesting to monitor Bulgarian participation in such research and innovation projects, not least as the newly adopted Artificial Intelligence Act has opened a loophole for the use of AI in migration management. Indeed, the law exempts high-risk AI-Systems used in the context of law enforcement and migration from any regulation, paving the way for intransparency and disregard for fundamental rights.

338 See European Commission 2023 Report of the third voluntary fact-finding mission

339 Chiusi, F. (2024) The automated Fortress Europe: No place for human rights <https://algorithmwatch.org/en/automated-fortress-europe/>

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