

**PROMOTING NON-DISCRIMINATORY ALTERNATIVES TO
IMPRISONMENT ACROSS EUROPE**

**NON-CUSTODIAL SANCTIONS AND MEASURES
IN THE MEMBER STATES OF THE EUROPEAN UNION**

Bulgaria

Dobrinka Chankova

Elena Churukova

Irena Petkova



**Funded by
the European Union**

Dobrinka Chankova
Professor of Criminal Procedure Law, South-West University "Neofit Rilski", Blagoevgrad,
Faculty of Law

Elena Churukova
International Cooperation Department of the General Directorate Execution of Penalties

Irena Petkova
International Cooperation Department of the General Directorate Execution of Penalties

November, 2021

Published by:

Instituto Jurídico
Faculdade de Direito da Universidade de Coimbra
Colégio da Trindade | 3000-018 Coimbra | PORTUGAL

www.uc.pt/fduc/ij



**Funded by
the European Union**

This report is part of the project ***Promoting non-discriminatory alternatives to imprisonment across Europe*** (PRI Alt Eur), funded by the European Commission under the programme JUST-JCOO-AG-2020 — action grants to promote judicial cooperation in civil and criminal justice.

The project is implemented together by Penal Reform International, the Institute for Legal Research of the University of Coimbra (Portugal) and the Hungarian Helsinki Committee.

The European Commission support for the production of this publication does not constitute endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Non-custodial sanctions and measures in Bulgaria

I. LEGAL FRAMEWORK

1 – General framework of the Bulgarian system of penal sanctions

Penal Code from 1968 is still in operation in Bulgaria. It has been many times amended and supplemented, for the last time, with State Gazette No 9/2021.

Art. 35 of the Penal Code provides that criminal responsibility is personal. Punishment can be imposed only on a person who has committed a crime stipulated by the law. The penalty shall be adequate to the crime. Punishment for a crime shall be imposed only by the established courts.

Further, according to Art. 36 the punishment shall be imposed with the purpose of:

1. reform the convict toward observing the laws and the good morals,
2. preventive influence on him and eliminate the possibility of his commitment to other crimes and
3. instructive and warning effect on the other members of the society.

The punishment cannot aim at causing physical suffering or humiliation of human dignity. There is no death penalty in the Republic of Bulgaria.

Through the years, the envisaged penalties have been changed and adapted to European and global standards. Nowadays, according to Art. 37 of Penal Code they are:

- life imprisonment;
- imprisonment;
- probation;
- confiscation of available property;
- fine;
- revocation of the right to occupy particular state or public office;
- revocation of the right to practice a particular profession or activity;
- revocation of the right to received orders, honorary titles and insignia of honour;
- revocation of military rank;
- public reprimand.

Life imprisonment without parole as a temporary and exceptional measure is provided for the most severe crimes threatening the basis of the Republic, as well as for other dangerous deliberate crimes.

As it is seen, there is a quite vast range of penalties, custodial or non-custodial, penalties with monetary nature, revocations of rights, etc. Bulgarian legal tradition differentiates primary and supplementary penalties, alternative and cumulative, etc. However, following the new trends and using the European terminology, we can say that in order to promote the use of non-custodial sanctions and measures, the legislator has provided a non-custodial sanction or measure instead of imprisonment as a reference sanction for certain offences. These are probation and fine.

As mentioned, in the Bulgarian penal system still exists the penalty of life imprisonment. The life imprisonment without parole stipulated by the special part of Penal Code for a definite kind of crime shall be only imposed if the specific crime is grave and the goals specified by Art. 36 cannot be achieved by a lesser penalty. Life imprisonment can be replaced by imprisonment for a period of 30 years if the convict has incurred no less than twenty years.

According to Art. 39 the imprisonment can be from three months to twenty years. As an exception, the imprisonment can be for a period of up to thirty years for replacement of life imprisonment for multiple crimes (under explicit conditions) as well as for some severe deliberate crimes in the cases specially indicated in the special part of the Code. The punishments stipulated for the juveniles by the special part of the Penal Code are reduced accordingly.

The maximum limit of imprisonment that allows replacement by a non-custodial sentence is 4 years.

As most modern penal systems, the Bulgarian one also envisages exemption from criminal liability in two forms:

-in the explicitly mentioned cases in Art. 61 Penal Code - when a juvenile commits a crime due to aberration or frivolity, which does not represent a tremendous social danger if corrective measures can be successfully applied according to the Juvenile Delinquency Law.

-in cases under Art.78a - a person of age shall be released from criminal responsibility by the court, and punishment shall be imposed from one to five thousand levs when the following conditions are simultaneously present:

a) stipulated for the crime is imprisonment of up to three years or another more lenient punishment when it is deliberate, or imprisonment of up to five years or other more lenient punishment if it is negligent;

b) the perpetrator has not been convicted for a crime of general nature and has not been exempt from criminal liability by order of the same section of Penal Code;

c) the proprietary damages caused by the crime have been restored.

There are also some specific provisions for juveniles as well as a number of exclusionary circumstances – if the perpetrator has been intoxicated or having used narcotic substances, in case of multiple crimes, etc.

2 – Non-custodial sanctions

Probation is the most significant non-custodial sanction in Bulgaria. According to Art. 42a.(1) Penal Code probation is a complexity of measures for control and impact without imprisonment, which are imposed together or separately.

(2)The probation measures shall be:

1. obligatory registration at the present address;
2. obligatory periodical meetings with a probation employee;
3. restrictions of the free movement;

4. inclusion in courses for a professional qualification, programmes for public influence;

5. correctional labour;

6. gratuitous work in favour of society.

(3) The probation measures shall be with duration:

1. from 6 months to three years – for the measures of para 2, items 1 – 4;

2. from three months to two years – for the correctional labour;

3. from 100 to 320 hours for not more than three consecutive years – for the gratuitous labour in favour of the society.

(4) The measures of para 2, items 1 and 2 shall be imposed obligatory to all sentenced to probation and the measures of para 2, items 5 and 6 shall not be imposed to under-aged persons, not rounded 16 years of age.

(5) Probation shall be carried out by an order determined by law.

This law is the Execution of Punishments and Detention in Custody Act- Art. 200-232, as well as the Regulations for its application - Art. 221-267b. There is also regulated electronic surveillance as a form of control over the location and behaviour of persons - respectively Art. 262-275 and Art. 338-374 of the Act and Regulations.

Electronic surveillance of prisoners applies for the period during which they work or spend the night outside the prison dormitory. Persons with imposed probation measures - mandatory registration at the present address or restrictions on free movement, shall be placed under electronic surveillance for a period of two to 6 months. Up to one month before the expiration of the determined term, the probation officer shall prepare a report on the conduct of the convict. On the basis of the report, the term of electronic monitoring may be extended once up to 6 months. The maximum duration of the electronic monitoring may not be longer than one year.

With regard to the persons with a measure of restraint under house arrest, electronic surveillance shall be applied for the entire term of validity of the measure of restraint.

The subsequent non-custodial sanction – a **fine** - shall be complied with the property status, with the income of the family and the family liabilities of the perpetrator. It cannot be less than 100 levs (Art.47 Penal Code). No indicated maximum.

A probationary sentence could also, with some approximation, be considered a non-custodial penalty. According to Art. 66 of the Penal Code, when the court imposes a punishment of imprisonment up to three years, it can postpone the imposed punishment for a period from three to five years if the person has not been convicted for imprisonment for a crime of general nature, and if the court finds that for the purpose of the punishment and, most of all for the reformation of the convicted, it is not necessary to serve a sentence. During the probation period, the convicted shall be obliged to study or work unless he/she is obliged to undergo treatment. In case of postponement of the fulfilment of the punishment, the court can assign to the respective public organization or a work team, upon their consent, corrective care for the convicted during the probation period. When the imposed punishment of imprisonment is no less than 6 months, the court can rule probation during the probation period. The general control over the corrective care and the conduct of the probationary convicted shall be exercised by the regional court at the place of residence (Art.67). If, until the expiration of the probation period, the convicted commits another deliberate crime of general nature for which, though after

this period, a punishment of imprisonment is imposed, he shall also serve the postponed sentence. If the convicted commits a negligent crime, the court can rule that the postponed punishment is not served or to be incurred entirely or partially. If the probationer does not fulfil without valid reason some of the probation measures, determined for him by order of Art. 67, the court can, upon proposal by the probation council, substitute it or rule to incur entirely or partially the postponed punishment imprisonment. If the probationer stops the treatment without reasonable grounds, the court shall rule to incur the postponed punishment imprisonment entirely (Art. 68).

The non-custodial measures are imposed directly with the sentence. The legal requirements for the imposition of each type of non-custodial sentence are the provisions of the Penal Code. The consent of the offender is not required. On the juveniles, only some penalties could be imposed - imprisonment, probation, public reprimand and revocation of the right to practice a particular profession or activity; confiscation and fine are excluded as, by default, they do not have income. As a rule, prior convictions do not preclude the imposition of a non-custodial sentence, but it is a case-by-case court decision. As mentioned, there are also ancillary penalties, e.g. revocation of the rights applied jointly with the principal penalty.

3 –Rationale for sentencing: determining the type and term of a non-custodial sentence

The structure of the Bulgarian penal proceedings is based on the national tradition and differentiates from other countries. We have only the sentencing phase at the end of the court session. The legal criteria that the court must consider in the choice of the penalty to be imposed and in the determination of its length are stipulated in Art. 54 of the Penal Code. The court shall determine the punishment within the scope specified by the law for the committed crime, guided by the provisions of the general part of the Code and taking into consideration: the degree of the social danger from the act of the perpetrator, the motives of the act and the other extenuating and aggravating circumstances. The extenuating circumstances shall substantiate the imposition of a more lenient and aggravating - of more serious punishment. More details are included in Art. 301 "Issues which the court shall decide when pronouncing the sentence" of the Penal Procedure Code. The purposes of punishment are described above, as provided in the Penal Code, and do include re-socialization, rehabilitation, general prevention, deterrence, etc. Deliberate acts are punished more severely than negligent ones. Non-custodial sentences are imposed by the trial judge. If the sentenced without valid reason does not fulfil the imposed probation measure, upon proposal by the respective probation council, the court can:

1. impose another probation measure;
2. substitute entirely or partially the probation with imprisonment (Art.43a

Penal Code)

The cases of imposition of a non-custodial sentence are regulated by the law. In some cases, when there are alternatives to imprisonment, it is a question of the judge's discretion. The decision should be motivated.

A sort of "sentencing guidelines" could be found in the interpretative decisions and rulings of the Supreme Court of Cassation. Some of them refer to specific groups of people or certain categories of offences. An appeal specifically concerning the type and length of the sentence imposed can be submitted by the prosecutor or the parties - the defendant, the defenders and the trustees. The private complainant and the private prosecutor may appeal the sentence if their rights and legitimate interests have been injured. They cannot appeal the sentence if it has been pronounced in accordance with

the requests made by them. The civil claimant and the civil defendant may appeal the sentence only against the civil claim if their rights and legitimate interests have been injured (Art.318 Penal Procedure Code).

4 – Implementation of non-custodial sanctions and consequences of non-compliance

There is the supervision of the implementation of probation, mainly by the probation officers and probation councils. Some specific cases related to Substitution of Probation with Imprisonment or other probation measures are considered by the district court at the place of execution of the probation, composed of one judge and two jurors (Art. 451-452 Penal Procedure Code). Proposals may be filed by the district prosecutor at the place of execution of the punishment or by the chairperson of the relevant probation council. The court shall deliver a determination that may be appealed and challenged accordingly within 7 days. The participation of the prosecutor, the chairperson of the probation board and the convicted is mandatory (with a few exceptions).

5 – Early release

There is a detailed regulation of the Early release in art.70-71 Penal Code and Art. 437-442 Penal Procedure Code.

According to Art. 70 Penal Code, the court may order conditional early release from serving the remaining part of the sentence of imprisonment in respect of a convicted person who has given evidence of his correction and has *de facto* suffered:

1. not less than one half of the imposed punishment;
2. not less than two-thirds of the imposed punishment in the cases of dangerous recidivism.

In case of conditional early release, the court may release the convicted person from serving the sentence of deprivation of some rights. In the case of conditional early release for the convicted person, a probation period shall be established in the amount of the unserved part of the sentence. Within the probation period, but for not more than three years, the court may order one of the probation measures under Art. 42a, para. 2, items 1 - 4, taking into account a report from the probation officer.

The released person shall also serve the unserved part of the punishment ahead of time if during the probation period he commits a new intentional crime, for which a punishment of imprisonment is envisaged or does not fulfil the ordered probation. If within this period the pre-released person commits a negligent crime, the court may order that the suspended sentence not be served or be served in whole or in part.

According to Art. 71, the court may prematurely release the juvenile sentenced to imprisonment if he has corrected himself after he has actually served not less than one-third of the imposed punishment.

Proposals for early release may make (Art. 437 Penal Procedure Code):

1. the district prosecutor, respectively the military prosecutor at the place of execution of the punishment;
2. the head of the prison.

The convicted person may also submit an application for early release under Art. 70 and 71 of the Penal Code. The application is submitted through the head of the prison, who must give an opinion on the application. The proposal or application under Art. 437, para. 1 or 2 shall be considered by the district, respectively, the military court at the place of execution of the punishment. The court shall consider the proposal or the application individually in a court session. The participation of the prosecutor, the head

of the prison or his representative and of the convict is mandatory. The convicted person shall have the right to a defence counsel. The court appoints an official defender only when the sentenced person is unable to pay attorney's fees, wishes to have a lawyer and the interests of justice so require. After completing the collection and verification of the evidence, the court gives the floor to the head of the prison and the prosecutor. The convicted person shall speak last. Evidence of correction shall be all circumstances that indicate a positive change in the convict during the serving of the sentence, such as good conduct, participation in labour, educational, training, qualification or sports activities, in specialized impact programs, public benefit events. The non-application of measures for encouragement, the non-participation in programs and activities mentioned, when such was not available for the convicted person, or the amount of the unserved part of the punishment cannot be the only grounds for refusal of issuance of conditional early release, without examining the behaviour of the convicted person while serving a sentence.

The court shall pronounce with a motivated ruling. The determination of the court is subject to appeal by the convicted person and by the head of the prison, and to a protest by the prosecutor. The ruling shall be executed immediately after the expiration of the term for appeal unless a private protest or appeal has been filed, which is not in the interest of the convicted person. When the proposal or application under Art. 437 are not respected by the court, a new proposal or request may be made not earlier than six months from the date of entry into force of the ruling.

6 – Sanctions or measures applicable to vulnerable persons and minority groups

The sanctions in the Bulgarian penal system are the same for all, but there are specific programmes as part of the implementation of non-custodial sanctions – designed for particularly vulnerable persons (young adults, older persons, women, foreign nationals, persons with disabilities, people with mental health conditions). Such programs are: "Thinking skills", "Skills to deal with anger and aggression", "Building skills for active behavior in the labor market", and others. In general, the principles of equality and non-discrimination apply.

II. NON-CUSTODIAL SANCTIONS/MEASURES IN PRACTICE

1 – How non-custodial sanctions and measures work in practice

It should be immediately clarified that statistics in Bulgaria about penalties imposed, non-custodial included, is not well elaborated. Even the most reliable source - the National Statistics Institute¹ - offers only partial information about crimes, convicted persons and penalties, structured in a particular and complicated manner - according to statistics zones, statistics regions and districts. The other used criteria are gender and age of the convicted persons but not concerning the penalties. That is why in this section and further in the report limited information will be provided.

The last year for which summarised information is provided is 2019. To total 23389 convicted persons, the following penalties have been imposed:

In 18 787 cases - imprisonment with different length

¹ www.nsi.bg

In 1 case - live imprisonment
In 1392 cases - fine
In 3029 cases - probation
In 180 cases - other penalties²

In 2018 total of 23973 persons have been convicted, and the following penalties have been imposed:

In 19615 cases - imprisonment with different length
In 2 cases - live imprisonment
In 1221 cases - fine
In 2960 cases - probation
In 175 cases - other penalties

In 2017 total of 25800 persons have been convicted, and the following penalties have been imposed:

In 20918 cases - imprisonment with different length
In 2 cases - live imprisonment
In 3 cases - live imprisonment without parole
In 1174 cases - fine
In 3509 cases - probation
In 194 cases - other penalties³

Roughly, the non-custodial penalties represent 19 % of the total number of imposed penalties for 2019, 17 % - for 2018 and 18 % - for 2017.

According to Art. 201, i.1 of the Execution of Punishments and Detention in Custody Act, Probation services - the main probation implementation bodies - assist the court in choosing the appropriate penalty. The probation services organize and manage the work of the probation officers. At the court's request, the probation officers shall prepare pre-trial reports (Art. 202). In the Regulations for application of this Act, it is explicitly mentioned (Art. 225) that in such a way, the probation services assist the court in choosing the suitable punishment and the appropriate type of probation measures. However, the practice shows that the pre-trial reports are not largely used yet.

2 – Supervision of the implementation of non-custodial sanctions/measures

As mentioned, the probation sentence is executed by the probation services. The probation services shall be established and closed by order of the Minister of Justice, who shall exercise general management and control over their activity. The direct management and control over the activity of the probation services shall be carried out by the Director-General of the General Directorate "Execution of Penalties".

Probation councils shall be established in the area of operation of each district court, composed of:

1. chairman - probation officer or legal adviser from the respective territorial service;

² <https://www.nsi.bg/en/content/6265/persons-convicted-penalties-imposed-and-statistical-zones-statistical-regions-and>

³ https://infostat.nsi.bg/infostat/pages/reports/result.jsf?x_2=560

2. members - representatives of the municipalities, the regional administrations of the Ministry of Interior, the territorial structures of the health care, the education, the social care and the employment services.

A prosecutor from the respective regional prosecutor's office shall participate in the sitting of the probation council. Representatives of non-governmental organizations may be involved in the meetings of the probation council. The nominal composition of the probation councils shall be determined by the Director-General of the General Directorate "Execution of Penalties" upon a proposal of the heads of the regional services "Execution of Penalties". The District Prosecutor exercises legal supervision over the activity of the probation services and the probation councils by order of the Judiciary Act.

The average caseload of a probation officer is 15 convicted persons, but there are probation units in the country with a caseload of 70 convicted.

There is an individualized approach with a rehabilitative purpose, providing activities aimed at addressing needs or root causes of offending and at promoting reintegration. According to Art. 240 of the Regulations, group and individual social activity and educational work shall be carried out with the convicts on probation, depending on the imposed probation measures and the registered problem areas and resources of the convicts. An individual plan is elaborated in 14 days-term from the start of the execution of the sentence. In the public impact programs and training and qualification of the convicts, external organizations, including NGOs, and specialized bodies, are involved. Electronic monitoring is applied progressively since 2018, see above.

3 - Effectiveness of non-custodial sanctions in achieving the purposes of punishment and reducing the use of imprisonment

Evaluation and assessment are the following weak points in the Bulgarian criminal justice system; hence there are no reliable statistics. Separate doctrinal research, court reports and the Annual reports of the General Directorate "Execution of Penalties" give some ground to claim that non-custodial measures, especially probation, produce a positive effect in the reintegration of the offender and in avoiding recidivism. However, there are indicators that, in some cases, recidivism occurs.

Moreover, the analyses show that the short-term probation - e.g. 6-month length, is not adequate for achieving the rehabilitative and restorative effect; thus, the number of 2 or 3-years sentences increases. Lately, the courts rarely impose the probation measure "inclusion in courses for professional qualification and programmes for public influence". Voluntary participation is incidental. In such a way, the capacity of probation services in the specialized work is not fully used.

Special attention, reasonably, is paid to juveniles convicted to probation. More specific measures have to be taken within the implementation of non-custodial sanctions to vulnerable persons or minority groups; this part of the whole system of execution of punishment remains underdeveloped. After some observations could be said that the application of alternative sentences results in a decrease in the use of imprisonment, mainly thanks to probation and probationary sentences, but the net-widening phenomenon is not avoided. The main reason, in our opinion, is that the Bulgarian criminal justice system and Bulgarian mentality remain rather punitive.

III. IMPACT OF THE COVID-19 PANDEMIC ON THE IMPOSITION AND IMPLEMENTATION OF NON-CUSTODIAL SANCTIONS AND MEASURES

1. Non-custodial sentences or measures aimed at reducing the prison population as a means of preventing the spread of the virus within prison facilities

The analyses of the influence of COVID-19 over the execution of punishment are still forthcoming as the pandemic is not over. However, some intermediate observations indicate that among the measures used are the postponement of the execution of the sentence and early release. To the best of our knowledge, new sanctions and measures have not been created. In addition, the absence of some probation officers for different reasons during the emergency state or epidemic situation affects the caseload of their colleagues negatively. But even with difficulties, the execution of penalties continued.

Assessments about the reduction in recidivism have always been a problematic issue everywhere, not only in Bulgaria. The troubled last two years do not allow any firm conclusions. Here we have to add the inherent scepticism of Bulgarian policymakers who are pretty reluctant to innovative methods and instruments and do not believe in their ability to reduce recidivism. So, due to such a vision, Bulgaria remains among very few countries which are not introduced Restorative justice.

2. Impact of the pandemic on non-custodial sanctions/measures

According to the Annual report of the General Directorate "Execution of Penalties" for 2020 and the interim report for the first half of 2021, the restrictive measures aimed at the prevention of the spread of the virus - lockdowns, social distancing rules, teleworking and other restrictions affected the implementation of non-custodial sentences. Inevitably, there have been obstacles to the implementation of measures that involve physical presence in certain places or face-to-face contact with probation offices. The meetings have been reduced in number and replaced by telephone calls; some activities have been suspended or altered. For example, some of the public impact programs are implemented on an individual basis, fewer people than usual have been included. We can admit that the impact on particularly vulnerable groups - young adults, older persons, women, foreign nationals, persons with disabilities - due to their increased vulnerability - has been more significant, but there is no indisputable statistics.

In the first three months (March, April, May 2020), when the imposed anti-epidemic measures were quite restrictive, the contacts with the offenders were suspended in connection with the conduction of individual correctional and group work, as well as unpaid work to society. All this also contributed to a change in the contact between employees and offenders. With the duration of the new situation and the change of behaviour of the society as a whole, the processes of interaction between employees and offenders have normalized.

At the beginning of the pandemic and the taken mandatory protection measures with the necessary means (masks, disinfection and separate rooms for individual work with transparent barriers), as well as the imposed restrictions initially proved to be stressful for everyone worldwide. Subsequently also in view of the duration of the situation, the work processes and the environment have normalized.

Probation officers in Bulgaria are first-line staff working at the terrain. At the beginning of the pandemic, employees were provided with protective equipment – masks, disinfectants, helmets. According to the National Vaccination Strategy, the

employees from the prisons and probation services are in the third stage of the vaccination plan, and in March 2021 the vaccination of the group covers staff from different areas responsible for essential public activities.

The introduced online working meetings between the employees and institutions for support of offenders were positively assessed at a later stage. The practice shows that in connection with the change and correctional impact of offenders, physical contact is the most important and significant. The imposed innovations in the work of probation officers have led to a stronger application of electronic surveillance to people who need more intensive supervision.

3. Impact of the pandemic on the future of non-custodial sanctions

At the moment, the pandemic did not finish, and the employees are working, as they keep the anti-epidemic measures announced by the government. In all cases, flexibility should be exercised, and decisions are taken according to the circumstances. After the end of the pandemic, it is possible that some of the established practices remain constant. The practice shows that in order to change and achieve the corrective effect on offenders, physical contact is the most important and vital.

IV. PROSPECTS FOR THE FUTURE OF ALTERNATIVES TO IMPRISONMENT

1 –Are there innovative initiatives in your country regarding alternatives to deprivation of liberty, ongoing or in preparation?

We have to recognize that due to the pandemic and many other factors - long-lasting political crisis in Bulgaria, for example, many pilot projects and legislative initiatives have been frozen. The draft Law for the diversity of juveniles from criminal proceedings and application of corrective measures, e.g. victim-offender mediation, family group conferencing, etc. several years remains developed but not submitted to the Parliament. However, a new project entitled "Promoting the development of restorative justice practices in criminal proceedings" under the European Operational Program "Good Governance" started in May 2021 with very ambitious objectives. We believe, as a Council of Europe member, Bulgaria will do the best to implement the latest relevant recommendations - Recommendation CM/Rec (2017) 3 on the European Rules on community sanctions and measures and Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters as soon as possible.

2 – In your opinion, what are the prospects for the development of sanctions or measures in a way that promotes an effective reduction in the use of imprisonment?

We see good perspectives for the use of non-custodial sanctions and measures in a way that promotes an effective reduction in the use of imprisonment. These are a more contemporary response to crime, more adequate to the current circumstances, pragmatic and humane. The operative sanction system in Bulgaria is somewhat archaic and need an update in the direction of broader use of alternative sanctions. Long-term deprivation of liberty and especially imprisonment without parole are more contra-productive than helpful, and their application should be limited to most serious crimes; imprisonment

without parole should be abolished. Monetary sanctions should be used on a larger scale. The probation as a penalty under Penal Code should be rethought due to its vast restorative effect. However, the public expectations for the rule of law and justice should not be affected by the excessive use of milder sanctions. The role of new technologies in the future of alternatives to imprisonment is tremendous and should be taken into account more closely.

Prof. Dobrinka Chankova, PhD, with the valuable help of **Ms Irena Petkova and Ms Elena Churukova** from the International Cooperation Department of the General Directorate "Execution of Penalties."

Acknowledgements

Special thanks to the leadership of the General Directorate "Execution of Penalties."

Sofia, 29 August 2021