



Strasbourg, 4 June 2004

CO-POL (2004) 03
English

Co-operation programme
to strengthen the rule of law

BULGARIA

CODE OF ETHICS FOR OFFICIALS OF THE MINISTRY OF THE INTERIOR WITH POLICE FUNCTIONS

Directorate General I- Legal Affairs

PREAMBLE

The police in the Republic of Bulgaria is a state institution whose activities are aimed at serving the community. It protects the life and property of citizens, maintains public order and counters crime under strict observance of the law, consideration of the basic rights and freedoms of citizens and affirmation of the principles of the state ruled by law. In its day-to-day activities the police strives after introducing professional standards and practices, reaffirmed at European and world levels, in order to respond to the expectations of people and to build up a positive public image for itself.

In this process, the adoption of rules of ethics for the behaviour of the officials of the Ministry of the Interior with police functions is a necessity, which has been recognized by the police institution.

The Republic of Bulgaria fully participates in the all-European ambition to set up common policing standards, which led to the creation of the European Code of Police Ethics, adopted by the Ministerial Committee of the Council of Europe on September 19th 2001. The present Code of Ethics is adopted on the basis of the recommendations outlined in the latter.

The rules of ethics for behaviour comprise the moral duty of every official. Every single police officer, carrying out his or her professional duties in service of the community, contributes to building up the image of the whole police institution.

The officials of the Ministry of the Interior with police authorities are expected to accept the ethical norms of behaviour and to do their best in order to perform their duties in accordance with the principles of professional ethics. Non-compliance with the ethical norms of behaviour leads to undermining the prestige of the police institution, loss of public confidence and decrease in the support towards the police work in general.

CHAPTER ONE GENERAL PROVISIONS

PART I Scope of the Code

1. The ethical rules in this Code are applicable for the officials of the Ministry of the Interior with police authorities, hereinafter referred to as “police”, and refer to the following:
 - (a) the relations among police, community and individual citizens;
 - (b) the relations between police and judiciary;
 - (c) the relations between individual staff members of the police;
 - (d) the rights of the police.

PART II Objectives of the Code

2. The Code of Ethics has the following objectives:
 - (a) to determine the ethical standards of the professional activity of the police;
 - (b) to develop police culture and professional values, based on the principles of humanity and consideration of human rights in countering crime;
 - (c) to affirm the principles of policing, based on the community policing model;
 - (d) to contribute to the participation of the Bulgarian police services in the process of building up a common European police culture;
 - (e) to facilitate the process of police training, aiming at achieving professional ethical behaviour in police work.

PART III The rule of law in the police work

3. The police performs its duties in compliance with the Constitution of the Republic of Bulgaria, the international acts which the Republic of Bulgaria has ratified, and also the laws and by-laws.
4. The police always check the lawfulness of the actions he intends to undertake.
5. The police, with its strict compliance with the law, contributes to guaranteeing the rights and liberties of citizens, protecting the authority of institutions of the Republic of Bulgaria; maintaining peace and public order, protection of citizens and their property from unlawful acts.

CHAPTER TWO

GENERAL RULES FOR THE ETHICAL BEHAVIOUR OF THE POLICE

PART I

The behaviour and the public image of the police

6. The police performs its duties in order to serve the civil society.
7. The police is loyal towards the state institutions and protects the positive image of the institution, which it represents.
8. The police encourage people to respect the law by giving personal example with its behaviour.
9. The police regard with respect all representatives of the community, taking into consideration the unequal position of vulnerable social groups.
10. In performing its professional duties, the police seek public support and contribute to the establishment of better relations between the police and the civil society
11. The police contribute to effective cooperation with executive authorities, local self-government and local administration, non-governmental organizations and other representatives of society, meanwhile retaining his independence concerning his professional competence.
12. The police take all the necessary efforts in order to perform strictly its professional duties. The police is responsible for its activities or for failing to act.
13. The police do not abuse its powers, granted to it as an authority of power, relying that no sanction would follow.
14. In performing its professional duties, the police presents its credentials, thus certifying its police status and professional belonging.
15. The police, no matter whether uniformed or civilian, performs its duties with perfect outer appearance, which does not undermine the prestige of the police institution.
16. The police shall not be under the influence of alcohol, narcotic substances or medicines, which could hinder the performance of its professional duties.
17. The police, even when not at work, interferes on its own initiative and assists every person at risk, prevents or disrupts all kinds of disturbances of public order, and also protects from any violent acts individuals, private and public property.

PART II
Consideration of human rights and freedoms and avoiding discriminatory behaviour

18. The police considers and respects the rights of all people, stipulated by the European Convention on Human Rights and Basic Freedoms, the relevant international acts and the Bulgarian legislation.
19. The police adheres to the principle that every person accused of crime must be considered innocent until otherwise proven by the court.
20. In all its activities, the police respects the right of every individual to live, by using physical power, auxiliary devices or weapons only in cases, determined by the law, in case of absolute necessity and proportionate to the level of threat in the concrete situation.
21. In performing its professional duties, the police respects the dignity of every human being, and by no means performs, provokes or tolerates any acts of torture, inhumane or degrading behaviour or punishment.
22. The police respects the right of personal freedom and security and limits such right only in cases determined by the law and in a lawful manner.
23. The police respects the right of personal and family life, the forbidden access to homes and the confidentiality of correspondence, and limits such rights only in order to achieve lawful purposes.
24. The police performs its duties guided by the principles of equal treatment, avoiding discrimination, and forms its inner conviction only on the basis of the facts collected through legal means, and the data on the specific case.
25. The police, in its activities, always respects basic human rights, amongst which the right of freedom of thought, conscience, religion, expressing opinion, the right of peaceful gatherings, freedom of movement and peaceful use of property of every human being.
26. The police respects the individual citizens and communities, by considering their traditions, belief and way of life, in compliance with the state ruled by law.
27. In performing its professional duties, the police does not allow discrimination, based on any of the following grounds: sex, race, language, religion, education and belief, political attitudes, opinion, national or social origin, ethnic origin, disabilities, age, sexual orientation, personal and public position or possession of property or other/etc.

PART III
Anti-corruption behaviour

28. The police shall not put itself in material or other dependence on individual persons or organizations.
29. The police does not take advantage of its powers with the purpose of personal benefit or other benefit.
30. The police objects to any form of corruption, by informing its superiors or other relevant authorities on any acts of corruption on behalf of the police.

PART IV
Relations with the judiciary

31. The police cooperates in the establishment, maintenance and development of functional and effective cooperation with the representatives of the investigative, prosecuting and court authorities.
32. With its professional knowledge and skills, the police supports the judiciary.
33. The police strictly performs the procedures, provided by the law, and contributes to the collection of sufficient and valid evidence in crime investigation.
34. The police is a loyal partner of the judiciary, by respecting the independence and impartiality of judges and not creating obstacles to the implementation of legal acts, which have entered into force.
35. The police respects the right of defence, by cooperating in its effective implementation.

PART V
Relations among the staff of the police institution

36. The police institution is a hierarchically organized institution with clearly divided responsibilities.
37. The police manager is responsible for the orders issued by him, and also for their performance and their consequences.
38. The police manager is an example of professional, impartial and effective police service.
39. The police manager supports the officials under his supervision and encourages them towards further professional development.
40. The police manager encourages the correct performance of professional duties by his subordinates through giving advice, directions and undertaking remedies or other appropriate measures.

41. The police manager demonstrates a sense of responsibility towards his subordinates, by undertaking adequate measures for solving their problems, which could reflect upon the performance of their professional duties.
42. The police obeys conscientiously all lawful orders of its superiors.
43. The police abstains from obeying those orders, for which there exists knowledge or suspicion that they are unlawful, and if such orders are repeated, the police is obliged to report to the higher authority. In case of confirmation of the order he has the right of requesting a written instruction for its execution.
44. An authority which has confirmed an order involves its own responsibility if it is determined unlawful. If the suspicion for unlawfulness has been claimed groundlessly in order not to execute a given order, the responsibility of the relevant officer can be involved/activated.
45. The police is fully accountable to its managers on the implementation of its tasks and exposes its remarks, motivation and the basis thereof.
46. The police gives professional assistance to colleagues in the implementation of their professional tasks.
47. No forms of discrimination are allowed in the relations among the police staff.
48. The police does not make any statements and does not appeal to colleagues for participation in events, which would disrupt public order or the professional discipline.
49. Every police who has become a witness of unacceptable or hazardous behaviour on behalf of colleagues, as well as acts of violence, inhumane or offensive treatment to any person, undertakes actions for terminating such acts and reports to his/her superior, regardless of the hierarchical position of the perpetrator of such acts.

PART VI

Selection and training of the police

50. The police institution does its best to reflect as well as possible the variety of the society which it serves.
51. The police institution is open to every Bulgarian citizen, who conforms with the requirements provided by the laws and by-laws, and no discrimination in the selection of applicants is allowed.
52. During the selection of applicants for work in the police institution, the existence of qualities corresponding to the requirements of professional ethics shall be taken into consideration.
53. Every person who starts work at the police institution is obliged to perform his/her professional duties in the best possible way.

54. Police training shall reaffirm the basic values of democracy, the rule of law and the respect for human rights. Police training reaffirms the ethical standards of behaviour and creates proper conditions for acquisition of professional knowledge and skills.

PART VII

Police and official information

55. Personal data processing performed by the police shall be done in accordance with international principles of data protection and domestic legislation, and shall be limited to the degree, which is necessary for the implementation of lawful specific purposes.
56. The official information, which is at the disposal of the police, shall not be used for personal benefit, or announced to other persons, unless this is done in accordance with the order provided by the law.
57. The police shall observe the legal requirements for access to information, by conforming with the rules of protection of classified information, and shall preserve personal anonymity.
58. The collection of information by the police shall be done in accordance with the basic principles of the police work: conformity with the law and professional ethics.
59. The police shall be ready to submit objective information on its activities to the public, without disclosing classified information.
60. The police shall not, either deliberately or due to negligence, disseminate any untrue, misleading or not precise oral or written information, or register incorrect data in documents, which are stored or required for police needs.

PART VIII

Accountability and control of the police

61. The police is responsible to the state, the citizens and their representatives and is subject to independent civilian and institutional control regarding the quality and the efficiency of the public service provided by it.
62. The police institution seeks the most effective mechanisms and practices of accountability and transparency, which make possible the dialogue and the mutual trust with the public.
63. All police activities shall be subject to complaints on behalf of citizens, and shall be subject to objective inspections performed by the relevant institutions authorized by the law.

CHAPTER THREE ETHICAL STANDARDS OF POLICE ACTIVITIES

PART I

The police and victims of crime and accidents

64. The police shall support victims of crime by undertaking the following actions:
- (a) intervening in order to protect them on the crime scene;
 - (b) receiving them and listening to them as soon as possible;
 - (c) if necessary, assisting the victims of crime in order to provide them with medical aid;
 - (d) demonstrating that it is at their disposal and taking the necessary time to do so;
 - (e) comforting them and if necessary, providing assistance in solving their most urgent problems as a result of the committed crime;
 - (f) working conscientiously on the specific case and informing the victims on its progress;
 - (g) if necessary, providing personal protection, as well as protection of the victims' property;
 - (h) directing them to the relevant social services, which could assist them, and if necessary, contacting such services personally.
65. In its relations with victims, the police shall show respect by:
- (a) not allowing discrimination or privileged attitude;
 - (b) not allowing familiarity and taking into consideration their desire to inform their relatives on the incident which happened to them;
 - (c) is polite and demonstrates interest in the victim's statements, without discussing intimate issues, not directly connected with the case.
66. The police shall demonstrate tactfulness and delicacy when the victim's relatives need to be informed on the incident.
67. When hearing the victims of crime, the police shall observe the principle of confidentiality.

PART II

Attitude towards witnesses of crimes

68. The police takes into account the witnesses' specific needs and obeys the rules for protection and support during the investigation, especially in the cases including risk of threat for the witnesses

69. In its relations with the witnesses, the police:
- (a) shall be polite and shall provide the appropriate conditions for hearing evidence;
 - (b) shall take into consideration the psychological condition of the witness (emotions, fear, etc.)
 - (c) shall show that it is at the disposal of the witness;
 - (d) shall adhere strictly to the rules of professional confidentiality;
 - (e) shall be impartial with respect to the witness;
 - (f) shall abstain from any kind of assessment about the origin, social status, judicial record or the contacts of the witness;
 - (g) shall record correctly and shall reflect precisely the evidence of the witness.
70. No-shows of witnesses and their fetching as a compulsory measure shall not authorize the police to violate the provisions of this part.

PART III

Police and offenders

71. The police shall not conceal offences of the law, which have been brought to its knowledge, or offences witnessed by it, and shall undertake the necessary actions for their prevention, termination and disclosure.
72. In its relations with offenders of the law, the police shall demonstrate integrity and impartiality by taking into consideration all the facts concerning the case in the disclosure and investigation of the respective offence.
73. In cases of aggressive behaviour by the offender of the law, the police shall make all efforts to prevent or terminate the offence and its consequences, which would expose the public to risk.
74. In its relations with the offenders of the law, the police shall preserve its neutral behaviour, by avoiding to react in a way, which could cause suspicion concerning its objectivity.

PART IV

Attitude towards detained persons

75. The police immediately lets the detained persons know the reason for his detention and the responsibility, provided by the law
76. The police is responsible for the life, health and respecting the rights of every detained person.
77. The police does not subject detained persons, regardless of the circumstances, to violence, inhumane or degrading treatment.

78. The police, after becoming witness of police violence against a detained person, interferes to terminate such acts and informs its superiors thereof.
79. The police looks after the protection of the life and health of every detained person, by providing medical aid.
80. The police provides detained persons with the opportunity to exercise their right of defence.
81. The police provides detained persons with the opportunity to inform their associates, relatives or third parties on the fact of their detention, except in the cases, provided by the law.
82. The police frees the detained person immediately after the reason for his/her detention has ceased to exist.
83. The police maintains strict, complete and precise record, connected with the detained person.

PART V

Use of force

84. The police shall not abuse the rights given to it by the law to use physical power, auxiliary devices and weapons. The police shall use physical power, auxiliary devices or weapons only in cases, provided by the law, in case of unavoidable necessity, proportionate to the risk, and to a degree, which is necessary in order to achieve a lawful goal.
85. The police on a crime scene is in the position to make an assessment whether to use physical power, auxiliary devices or weapons, and to what extent.
86. The police uses physical power, auxiliary devices and weapons only as a last chance and stops using them immediately after the necessity to use them has ceased to exist.
87. The police offers help immediately to persons, against whom physical power, auxiliary devices or weapons were used, after the reasons for their use has ceased to exist and the purposes of their use were achieved.
88. Threatening with weapons, beyond the methods determined by professional rules of intervention, is an example of irresponsible behaviour by the police, which contradicts the principles of professional ethics.

CHAPTER FOUR

Rights of the police

89. The police has the same civil and political rights as the rest of the citizens. Limitations of such rights shall be introduced by the law, only if they are necessary for exercising the functions of the police in a democratic society.
90. The police has the same social and economic rights as the rest of the civil servants. It has the right to organize and take part in representative organizations, receive appropriate payment and social security, make use of special medical services and measures, related to its security, taking into consideration the peculiarities of police work.
91. The police, like all citizens, has the right of work environment, allowing full demonstration of its potential and ambitions, and free of any kind of physical or psychological violence and discrimination.
92. The police institution seeks the best mechanisms and practices for considering, realizing and appealing against disciplinary measures against the police servants.
93. The police, when subjected to unjustified accusations, connected with its duties, shall be supported by all state institutions, departments and organizations.
94. The police shall be protected by the law only in case of lawful use of physical power, auxiliary devices or weapons.
95. The police, during the lawful performance of its professional tasks, is immune and relies on the cooperation of citizens.
96. The police cannot be punished due to the fact that it reported cases of violations of the professional ethics, unless such reporting proves to be ill-willed or unjustified.

FINAL PROVISIONS

97. The rules of behaviour exposed in this document, shall represent an indispensable part of the day-to-day police activities.
98. Their observance shall be a guarantee of the lawfulness of the actions of the police and protection against unjustified accusations.
99. Through the observance of the rules of behaviour comprising the Code of Ethics, every police officer contributes to the development and reaffirmation of the positive image of the police institution.
100. The present Code of Ethics is an open document, subject to permanent development and enrichment