

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2015) 37

Response

of the Bulgarian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Bulgaria

from 13 to 20 February 2015

The Bulgarian Government has requested the publication of this response. The CPT's report on the February 2015 visit to Bulgaria is set out in document CPT/Inf (2015) 36.

Strasbourg, 12 November 2015

**RESPONSE OF THE BULGARIAN AUTHORITIES
TO THE REPORT TO THE BULGARIAN GOVERNMENT ON THE VISIT TO
BULGARIA CARRIED OUT BY THE EUROPEAN COMMITTEE FOR THE
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT FROM 13 TO 20 FEBRUARY 2015**

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Establishments under the Authority of the Ministry of Interior

The conclusions and recommendations in the CPT Report from the visit in Bulgaria in February 2015, as well as in the previous reports, do not concern the scope and content of the legal framework but systematic shortcomings or formalities in the application of the rules about the work of the police with detainees in all directions of this work – duration of the detention, informing about the rights, the right of access to an attorney, medical services, contacting a relative, etc.

The competent structures of MoI express the following specific proposals for overcoming the indicated problems:

1. Introduction into practice of an adequate, repeated and practice-oriented training, including on-the-job training in the framework of the professional training year; different trainings and measures for keeping the topic into focus. It is expected the Psychology Institute of MoI to assist in the elaboration and implementation of modern forms of training following the example of the modules under the project for the New Police Leader, etc. The Academy of MoI will develop a module for personnel training related to the conclusions and recommendations of CPT.

So far, following the orders of the Secretary General of MoI in July 2015 the Sofia Metropolitan Directorate of Interior and Regional Directorates of MoI conducted a theoretical and practical exam of the police officers in order to establish the level of knowledge of the internal legal framework, regulating the order for detaining people, the legal grounds and the cases in which physical force and auxiliary means should be used by the police authorities. The results so far show that it is necessary to improve the training of police officers with regard to the theoretical knowledge and practical application of the relevant internal legal framework as part of the professional on-the-job training.

2. The regular control on the part of the management with the view of prevention of shortcomings and non-allowance of unlawful behaviour should become a regular practice, well as the performance of thematic checks. These should not function as a mechanism for sanction but rather as a method for guaranteeing continuous respect of the standards.

It is necessary to provide a regular reminder in appropriate forms by the middle level management in the structures for non-allowance of any form of violence on the part of the officers towards the detained persons and for respecting Code of Ethics of the MoI officers.

3. Exploring the possibilities for wider use of the technical means for control, such as video surveillance. This also has a strong preventive effect and they can serve as evidence for lawful or unlawful behaviour of police officers provided that the recordings in the second case are stored until the inquiry is completed.

4. Quick and effective inquiries of violations, adequacy and publicity of sanctions – immediate start of inquiries following a signal or information about police violence would guarantee objectivity and effectiveness and would help for a change of the negative public attitude.
5. With regard to the recurring recommendation for timely reporting by the officers of cases of mistreatment done by other officers, so far we do not have information about this. The provisions regulating this obligation should be re-examined with a view of unification of their wording in the appropriate legal document in line with similar recommendations from CPT. This aspect of the police work should also be included in the modules for practical training.
6. As regards the CPT recommendation the investigation of cases of police violence to be performed by an independent authority, we believe that the performance of investigative actions solely by representatives of the Prosecutor's Office will remove any doubts of law quality and slowness of the police work.
7. With respect to the provision of quality and timely attorney defence, MoI fully supports CPT's statement that the presence an attorney from the very beginning of the detention is a guarantee for non-allowance of unlawful actions. This is also beneficial for the police including with respect to potential future claims of mistreatment. Despite the detailed legal framework the police officers do not have the mechanisms for securing the regular and timely arrival of the public defenders on the lists placed visibly in the detention facilities, nor the quality of the performance of their professional obligations. The issue should be examined on inter-institutional level.
8. With regard to the examination by an independent doctor who should make the conclusions for the level of correspondence between the claims made and objective medical results, the practice in this respect is the same for the whole country, in this case an emergency medical team is called and it establishes if there are any injuries and what their nature is. As far as the examination by an independent doctor with forensic competence is concerned, the implementation of this recommendation is difficult at the moment since there are not many doctors with such qualifications – in some regions there is just one forensic examiner.

The control over this issue is performed by Inspectorate Directorate – MoI. There are also thematic checks of the implementation of the requirements in the Law on MoI and the respective second-level legislation on the detention and release of persons in and from the MoI facilities. There are contracts concluded everywhere in the country between the police chiefs and the directors of medical facilities for the provision of specialized medical assistance.

The practice of the conduct of such exams continues to be different. In some Police Stations the detainees are subject to obligatory medical exams (*unless the person categorically refuses to have one*) at the beginning of the detention and immediately before the release. In other structures, an examination before the release is performed only if necessary.

An inter-disciplinary working group is to be formed which includes: medical experts from the Medical Institute of MoI, legal experts from the Legal Directorate of MoI and representatives of the Ministry of Health. They will review the legal texts related to the provision of medical services with a view of clarification of contradictions and unification of the practice. A unified medical exam form will be developed where to list the conclusions of the medical exam of the detained persons. The form will take into account the weaknesses indicated by CPT and it will be done in coordination with the Ministry of Health.

The main conclusion is that it is necessary to do an overall review of the legislation with regard to the provision of medical services and the access an attorney. Nevertheless, specific steps have been undertaken to complete the present regulatory system.

An order of the Minister from September 2015 introduces organizational measures for improvement the work of MoI in the reporting of unlawful use of force or auxiliary means or unlawful detention of persons by MoI officers.

Currently Rules for the organization of work with the suggestions and signals received in MoI which will include improvement of the statistics, as well as:

- participation of representative of the regional commissions on human rights in the commissions which perform inquiries on the cases of unlawful force or auxiliary means or unlawful detention;
- timely notification of the Human Resources Directorate of information of cases received in MoI;
- notification of the Minister of the results of the inquiry;
- timely provision of information to the public, etc.

In the process of the review of specific proposals for supplementing the declaration on the rights of the detainees, with the view documenting all the steps related to the respect of the rights of the citizens – for example, exact time of notification of an attorney, time of arrival of the attorney, time and name of the relative notified, declaration in the appropriate form by the detained person at the release that their rights have not been restricted and he/she has not been subjected to mistreatment, etc.

Establishments under the Authority of the Ministry of Justice

I. Introduction

1. This report has been put together in response to the latest, mostly long-standing, recommendations of the CPT following its visit to Bulgaria from 13 to 20 February 2015 and materialised in its report of 3 July 2015 (hereinafter “the 2015 Report”) and to the public statement of 26 March 2015.

2. Some of the information provided in this report has also been submitted to the Committee of Ministers of the Council of Europe in relation to the execution of the judgments of the European Court of Human Rights (ECHR) in the *Kehayov* group of cases and the pilot judgment *Neshkov and Others v. Bulgaria*. The report also contains specific information in respect of some of the findings of the CPT.

3. The information provided is a result of the most recent and still ongoing efforts of the authorities to undertake decisive and diverse measures for tackling the identified problems. These measures are legislative (proposals for amendments to the 1968 Criminal Code, the 2006 Criminal Procedure Code and the 2009 Execution of Punishments and Pre-Trial Detention Act (hereinafter “the 2009 Act”)), practical (regular visits of the senior management to the detention facilities, various construction and renovation works), conceptual and analytical (introduction of effective compensatory and preventive remedies, analysis of the financial needs of the prison system for the upcoming year, enhancing the role of the social workers in the prison establishments, focus on the rehabilitative function of the punishment).

4. The CPT has visited the investigation detention facility located on G.M. Dimitrov Boulevard (“the Sofia IDF”), Sofia Prison, Varna Prison and Burgas Prison. The present report will mostly follow the structure of the CPT report. It has two annexes: the capacity of the prison system and the number of prisoners (Appendix 1) and a financial forecast prepared by the Chief Directorate “Execution of Sentences” at the Ministry of Justice (hereinafter “GDIN”) for the most urgent needs as regards the improvement of the material conditions of detention (Appendix 2).

II. Working groups within the Ministry of Justice

5. In the 2015 Report the CPT requested more information regarding the working groups dealing with the prison reform within the Ministry of Justice (see § 30). As several important measures are part of the mandate of those working groups, a brief explanation of their work is presented below.

6. In response to the findings and recommendations of the CPT, following its visit in 2014, and the judgments in the cases of *Neshkov and Others*, *Harakchiev and Tolumov* and the group of cases *Kehayov and Others*, several working groups have been set up within the Ministry of Justice.

7. In January 2015, a working group analysed the CPT recommendations made after its visit in 2014 and elaborated a draft proposal for legislative amendments in the 2009 Act. At the moment the draft is put on hold awaiting the adoption of measures for the execution of the *Neshkov and Others* judgment.

8. In the first half of the year, a working group within the GDIN was also set up in order to propose legislative amendments to the 2009 Act for the introduction of electronic monitoring. This working group proposed other amendments as well related to enhancing the role of the social workers within the prison system, etc. They are mentioned below.

9. In response to the pilot judgment *Neshkov and Others v. Bulgaria* the Minister of Justice has set up a working group, which is operational at present (“the *Neshkov* working group”). The working group has two main tasks: 1) to elaborate measures to tackle the problems identified in the pilot judgment, and, 2) to propose a system of preventive and compensatory remedies against poor material conditions of detention. In view of the broad scope of the measures to be adopted, the working group has been divided into two subgroups: the *first subgroup* deals with issues more specifically related to measures for combating overcrowding and poor material conditions of detention such as legislative amendments regarding the initial allocation and transfer of prisoners, the conditions and procedure for conditional release, re-visiting the concept of “dangerous recidivism” and the special regime of detention (applicable to life prisoners), etc. The *second subgroup* deals with the introduction of a system of preventive and compensatory remedies against poor conditions of detention.

10. The *Neshkov* working group has meetings every week. The majority of the measures described below are within its mandate. The group shall announce the results of its work **in November 2015**.

III. Response to the issues raised in the 2015 Report’s Preliminary remarks (§§ 26-30)

11. The main issues raised in this part of the report concern overcrowding, corruption and the new IDF in Burgas.

A. Overcrowding

12. The CPT noted that the population in Bulgarian prisons is decreasing but nevertheless pointed out that overcrowding remains an issue, in particular in prisons and closed-type prison hostels (§ 27 of the 2015 Report).

13. The first and most urgent measure envisioned against overcrowding is the entering into force of the requirement for **at least 4 sq.m floor space per prisoner** (section 43 of the 2009 Act). Once this provision is operative, the prison administration will be duty-bound to monitor the availability of sufficient space. The prison system is prepared to accommodate the detainees based on that calculation as can be seen from the table attached as Appendix 1. Such a legislative proposal is part of the mandate of the *Neshkov* working group.

14. In respect of overcrowding as a general problem of the prison system the authorities are considering the following general measures to be introduced via legislative amendments proposed by the *Neshkov* working group:

a) **better initial allocation** of convicted individuals by empowering the relevant court to determine the prison regime and the prison administration to allocate the convicted in the most appropriate prison based on the capacity of the prison and the personal circumstances of the convicted;

b) **prompt measures for transferring prisoners** in cases of a risk of overcrowding by virtue of a decision of the chief director of GDIN or the prison governor; the new proposals envision more power for the prison administration in deciding where to accommodate a detainee;

c) changing the conditions and procedure for **conditional release**, in particular, by shifting more power to the deciding court (mandatory examination of the issue of conditional release by a court once a legally determined part of the sentence had been served); in contrast with the current situation, the new proposal will provide for a possibility for application of the conditional release on more than one occasion;

d) implementation of the **electronic monitoring**: the electronic monitoring shall be applied to convicted individuals who serve their sentences in open-type prison hostels and to convicted individuals who serve certain measures of probation; also electronic monitoring shall apply to individuals who have been placed under house arrest which will disburden the IDFs;

e) introduction of a **preventive remedy**: draft provisions for introduction of a preventive remedy have also been prepared; those provisions will allow the prisoner to complain before the administrative court about the conditions of his detention, including in cases of overcrowding; in such cases, the administrative court shall effectively order the prisoner's transfer to another cell or detention facility.

15. In respect of the three prisons visited, the following must be noted. The situation with the overpopulation in Burgas Prison will improve when the Debelt closed-type prison hostel is put in operation. At present, the prison hostel is under construction and it is expected to start functioning in 2016. The same is true as regards Varna Prison: the Razdelna prison hostel is currently under construction and will be ready to accommodate prisoners in 2016. In respect of Sofia Prison, it is expected that the new rules for initial and subsequent allocation of prisoners will allow for more flexible approach and the eventual significant decrease of the prison population.

16. **In conclusion, it is envisioned that the new procedures will be much more flexible and will allow: 1) better use of open-type prison hostels and thus reduction of overpopulation in main buildings and closed-type prison hostels, 2) empowering the deciding court to determine the prison regime, considering the individual circumstances and nature of the convicted, 3) shifting more power to the prison administration to accommodate prisoners after considering the capacity of the prison system, 4) handing to the prisoner the right to effectively challenge overcrowding before the court and request a transfer on that ground.**

B. Corruption

17. The 2015 Report pointed out that “corruption remains endemic in the Bulgarian prison system”.

18. The authorities acknowledge the destructive effect of corruption on the functioning of the prison system. The following measures have been or shall be undertaken:

a) promoting the zero tolerance policy towards corruption via **regular visits** and meetings of senior management with representatives of each prison (the prison governor, the head of the prison security, the head of the social workers) – such visits and meetings have already started and it is envisioned that all prison facilities will be visited by the end of the year;

b) including a subject on the matter (ethical rules) in the **training** curriculum for prison staff;

c) it has been established that the existing rules on early conditional release where the power to offer a prisoner for conditional release is exclusively in the hands of the prison administration is a major source of corruption practices; therefore, it is expected that the **new rules regarding conditional release** will also serve as a measure against corruption; those rules provide that the prisoner’s file is taken directly to the court once he had served a fixed time of his sentence and the court shall assess the rehabilitation of the prisoner in contentious proceedings;

d) the distribution of **work in prison** has also been identified as a source of corruption practices; internal rules for the introduction of a transparent procedure for the recruitment, the distribution of work, and the supervision of the process as well as for the inclusion of prisoners in other activities are under construction;

e) the introduction of the **preventive remedy** will also enhance the monitoring on the prison administration; conceptually, the preventive remedy will be a complaint to the court against the prison governor for his failure to act (namely, to take measures against poor material conditions or to transfer the prisoner on the grounds of overcrowding); such a possibility will ensure judicial monitoring of the situation in prisons related exclusively to the poor material conditions of detention.

19. In respect of the visited prisons, the authorities point out that the prison governors of the Sofia, Varna, and Burgas Prisons have recently changed. Varna and Burgas Prisons, in particular, have been identified as the most problematic prisons in the country where the long-lasting poor governance had led to distorted practices. The new governors will need some time to resolve the various well-established problems and improve the situation in these prisons.

C. The new IDF in Burgas

20. In its 2015 report the CPT requested information regarding the operation of the new IDF in Burgas. In March 2015 the new IDF in Burgas has been opened and the old one permanently closed. The new IDF has the capacity of 36 detainees and is in line with all the requirements for adequate conditions of detention: permanent access to a toilet and running water, direct sunlight, open area, etc. It accommodates between 20 and 30 detainees at any point in time.

IV. Response to the 2015 findings regarding ill-treatment (§§ 31-36)

21. The authorities acknowledge the findings of the CPT and express their utmost concern with respect to the incidents of ill-treatment in IDFs and prisons. The following measures have been implemented or are in the process of implementation.

A. General measures

22. Overall, the Government is of the view that the envisaged measures for tackling poor material conditions and overcrowding in IDFs and prisons will have as a result a decrease in the number of incidents of ill-treatment on the part of the prison guards as well as inter-prisoner violence. It is, however, recognised, that further measures are necessary.

23. As measures with an impact on both IDFs and prisons, it is envisioned that at the admission into the detention facility, each detainee will be supplied with a **brochure indicating his rights and obligations**. This comes as a result of the fact that many detainees are not fully aware of their rights and avoid complaining to the relevant authorities (mainly the prosecutor) in cases of ill-treatment. This measure will be introduced in the following months.

24. In the beginning of October 2015 the deputy minister in charge of detention facilities issued an order regarding the **setting up of a register for the injuries inflicted in the detention facilities and enhancing the internal control in cases of use of force by the prison staff** (hereinafter “the order”). The order contains several important points described below.

a) In cases of complaints about ill-treatment, visible traces of violence and in cases of use of force, the prison administration must ensure **immediate access** of the prisoner to a health specialist. After obtaining the prisoner's consent, the injuries shall be photographed by the health specialist conducting the examination (points 1 and 2 of the order). In those cases, a thorough medical examination is indispensable. The information obtained must be diligently recorded and the injuries indicated on a body chart. The examination must be conducted in strict confidentiality. An exception to this rule is possible only where the health specialist requested so. That circumstance must be reflected in the record. The content of the record must be presented to the detainee for signing. All documents shall be stored in the medical file of the detainee.

b) The record drawn up after the medical screening shall **contain all the information referred to in paragraph 32 of the 2015 Report**, namely: an account of the statements made by the person, a full account of the objective medical findings based on a thorough examination, the diagnosis, the health specialist's observations. The record shall also contain the results of any additional examinations, detailed conclusions of specialised consultations, a description of treatment and of any other procedures performed. The recording shall be made on a special form (a sample is attached to the order). It shall be accompanied by indications of injuries on a body chart for traumatic injuries (a sample is also attached to the order).

c) In cases of identified injuries, the health specialists must **immediately inform the relevant prosecutor's office**. The file must be sent there together with the relevant documents and photographs. When the detained person requests or the prosecutor makes an order in this sense, the detained must be examined by an external forensic doctor. Such direct reporting of ill-treatment to the prosecutor will allow for preliminary investigation to be initiated regardless of the wishes of the person concerned.

d) Further, the medical specialists in the detention facilities shall be responsible for maintaining a **special register** for the injuries of the detainees. The register shall contain the complaints regarding inflicted injuries as well as the actually established injuries. The register shall also contain: the number of the complaint, the name of the patient, anamnestic information, diagnosis of the injury and recommended treatment (point 7).

e) The prison guards must strictly observe the instructions of the chief director of GDIN regarding the diligent maintenance of the **registers for use of force** (point 8).

f) Finally, until the 5th of each month, the governors of all prisons, correctional homes and regional departments "Execution of Sentences" (in charge of the IDFs) must present to the chief director of GDIN a **detailed report** about the insertions in the registers under points 7 and 8 of the order. The information from each trimester shall be compiled and analysed by the chief director and the conclusions shall be sent to the deputy minister in charge of the detention facilities.

g) A copy of the order shall be handed to and signed by each member of the prison staff.

25. Apart from that and as a clear expression of the “**zero tolerance policy**”, senior management, that is the deputy minister of justice and the chief director of GDIN, started to meet regularly with key figures from the management of each prison, such as the head of the prison security and the chief prison guard, in order to clearly instruct about the zero tolerance policy towards ill-treatment.

26. In addition to that, the following **measures are usually taken when there are indications of tension between prison guards and inmates**: i) transfer of the respective prison guard to a position which does not directly involve work with inmates (such measures were taken in Sofia Prison and Boitchinovtzi Correctional Home); ii) reappointment of prison guards from one establishment to another (as a more permanent measure); iii) secondment of a prison guard to another establishment (as a measure of a limited duration).

27. It must be noted as a practical measure, that recently the **prison governors** of the following prisons have changed – Sofia, Varna, Burgas, Belene as well as the governor of the correctional home in Boitchinovtzi. In addition to that, the head of GDIN has resigned. At the moment GDIN has a director *ad interim*. As a result of the efforts of the new management, the authorities believe that the atmosphere in, more specifically, Sofia Prison and Boitchinovtzi Correctional Home, has significantly improved and the existing tension between the prison staff and the inmates (noted in the CPT report following its visit in 2014) has been relieved.

28. Further, with legislative amendments a more **competitive selection procedure** for the appointment of prison governors has been introduced. The amendments are a result of a new policy which aims at encouraging social workers employed at prisons to apply for senior management positions. Social workers are crucial for the rehabilitation of prisoners whereas at present they play almost no role in the management of prisons. The new policy will additionally accentuate on the rehabilitative function of the prison institution.

29. An important measure against ill-treatment and prevention of inter-prisoner violence is the better **training** of the prison staff. GDIN has just finalised a strategy for the initial and ongoing training of prison staff for 2015-2017, taking into consideration the recommendations of the CPT and the Committee of Ministers. In particular, firstly, it is planned that the current curriculum for initial and continuous training will be reviewed and recommendations developed for its improvement. Secondly, the trainings will target both the management of GDIN and the local prison staff. The curriculum will include trainings for managers on better governance and trainings focused on the very specific nature of the prison guards’ responsibilities. It is also envisioned that newly recruited prison guards will be trained by a mentor at the designated working place. Thirdly, it is planned that analysis shall be conducted on the reasons, forms and consequences of the ill-treatment (including inter-prisoner violence) in prisons. On the basis of that analysis, the main factors triggering aggression will be identified and measures against them elaborated. Fourthly, the curriculum will include subjects on conflict resolution, better behavioural control, and team work. The renovation of the Pleven training centre has been finalised in order to adequately accommodate such trainings.

30. It is also expected that the **transfer of IDFs to prisons** will also result in less violence, improved conditions and unified approach towards incidents of ill-treatment. For example, in August 2015 the Pleven IDF has already been transferred to a fully refurbished part of Pleven Prison. By the end of 2016 the Lovech and Vratza IDFs will be transferred to the respective prisons.

31. In conclusion, the authorities are conscious of the seriousness of incidents of ill-treatment in IDFs and prisons. In order to combat those tendencies, they envision general measures for decreasing overcrowding and refurbishing the places of detention, direct reporting of injuries to the prosecutor, examinations by forensic doctors, clear regular instructions on the part of the senior management regarding the zero tolerance policy towards ill-treatment, new approach towards recruitment, and further developing the strategy for training of prison staff.

B. Specific measures in respect of the visited prisons and IDF

32. In respect of **Sofia IDF**, the head of the arrest as well as the staff there are reminded at regular intervals about the findings of the CPT and the zero tolerance policy towards incidents of ill-treatment.

33. In respect of **Sofia Prison** the corridors where the foreign detainees are accommodated have been supplied with video cameras and the prison guards are instructed on a daily basis about the standards regarding the use of force and the zero tolerance policy towards ill-treatment. In respect of inter-prisoner violence, in the period February-June 2015 a special training was held in the prison. The target group consisted of 14 prisoners. The training was led by a psychologist and was focused on anger management and aggression control. Trainings of this type are occasionally conducted in Sofia Prison and Kremikovtsi prison hostel.

34. As for **Burgas Prison** and **Varna Prison**, instructing staff about the use of force standards and the zero tolerance policy is conducted on a daily basis. It is also regularly reminded that use of force is allowed only when it is absolutely necessary and never as a disciplinary punishment. In each case of use of force the prisoner is examined by the prison doctor and in some cases by an external specialist. A register has been put together for reflecting each case of use of force. The prison has been visited by the deputy minister and the chief director of GDIN in order to enhance the control on the prison staff.

35. In conclusion, the authorities admit that there are practices which raise great concern. In this connection, the senior management conducts regular visits and conversations with the governors and other staff members of these detention facilities.

C. Investigations

36. The ineffectiveness of investigations of ill-treatment in IDFs and prisons is part of a broader discussion regarding in general effective investigations in Bulgaria. In relation to the bulk of the CPT reports as well as the groups of ECHR judgments on the matter with pending execution, an analysis would be conducted within the Ministry of Justice with the most common shortcomings identified and the cooperation with the Prosecutor's Office will be sought.

37. At the moment, the order referred to above regarding the medical examinations in the places of detention and the direct reporting of injuries from the medical specialists to the prosecutor (see paragraph 24 above) has been handed over to the Supreme Cassation Prosecutor's Office with the aim of being distributed to the respective regional prosecutor's offices.

V. Response to the 2015 Report findings in respect of the conditions of detention (§§ 37-41)

38. The CPT noted that all three prisons visited as well as the Sofia IDF were in poor material conditions.

A. General measures

39. As stated above, it is considered crucial that the rule providing for at least **4 sq.m** of floor space per prisoner comes into force together with the other legislative proposals.

40. Also, the authorities are determined to **stop the practice of using buckets in the cells**. At present the Burgas Prison, Varna Prison, Sliven Prison and Stara Zagora Prison do not dispose of toilets in the cells. In the other prison facilities, in the majority of the cells there are toilets. The cells with no toilets are identified and it is planned that gradually toilets in each cell in all prisons will be constructed by the end of 2016. In particular, in Stara Zagora Prison there are ongoing construction works for full renovation of the facility. In Burgas, Varna and Sliven Prisons the public procurement was held and contractors for putting together the design have been selected. In Burgas and Varna Prisons the construction works should start once the Debelt and Razdelna prison hostels are operative and capable to accommodate prisoners and in case the necessary funds are ensured.

41. GDIN has undertaken steps for the **changing of the bed linen and the mattresses** in all prisons. In April 2015 4,000 sheets, 2,000 pillow cases and 350 new mattresses have been distributed to the detention facilities.

42. It is also envisaged that the so called **Prison Activities Fund** (Фонд „Затворно дело“) will be transformed into a fully operational financial mechanism for continuously improving the conditions of detention. Pursuant to the 2009 Act (sections 37-39) the Fund is a state-owned company which cumulates income through various sources (economic activities of the detention places, rentals, parts of the labour remuneration due to prisoners, donations, etc.). In May 2015 a new executive director has been appointed as a first step towards reviving the Fund.

43. As for the situation in the existing **IDFs**, the authorities recognise the fact that conditions in a number of **IDFs** are poor, those detention facilities do not offer any activities and most of them do not have an open area. In view of that, the authorities consider gradually phasing-out **IDFs** (in particular, those **IDFs** where closure is possible and justified). This process has already started. A proposal for legislative amendments has been prepared by the working group which dealt with the electronic monitoring. It envisions that **IDFs** be attached to prisons. That amendment serves two goals: i) to provide better conditions for the detainees, and ii) to allow a more flexible approach towards the prison staff. Nevertheless, the construction of some new **IDFs** outside the existing prison facilities is also envisaged in order to offer adequate conditions of detention for remand prisoners.

44. Further, following an analysis and estimations conducted by **GDIN** **the most urgent needs for repairs** have been identified for the detention facilities in the country. The results have been summarised in an appendix to this report (Appendix 2). It has been calculated that the resources needed for those repairs amount to approximately BGN 15,030,000.

45. As regards the **availability of organised activities**, the authorities identify it as a problematic area with insufficient number of offered activities. At present possibilities for cooperation with other ministries and, in particular, with the non-governmental sector are sought. As stated above, internal rules for distribution of work in prisons are under construction in order to ensure a transparent procedure.

B. Measures regarding the visited detention facilities

46. In respect of **Sofia IDF**, it must be noted that recently it has undergone some refurbishments. It is also identified as a detention facility in need of major repairs (see Annex 2, point 33). However, repairs of the water supply system have been conducted and the hygiene in the cell toilets has improved. Soap is provided to all detainees who do not dispose of such (a number of detainees prefer to use their own hygienic materials). Cleaning materials are also provided. The cells are disinfected on a monthly basis and more frequently, if needed. Detained persons could take a shower at least twice a week. Women are accommodated in cells with running hot water in order to meet their special hygienic needs. A set of linen is provided to each detainee at the moment of admission into the **IDF**.

47. In respect of **Burgas and Varna Prisons**, as stated above, new closed-type prison hostels are under construction. They will accommodate prisoners from the two prisons and allow for major refurbishments in the course of 2016. In addition to that, the kitchen premises at Burgas Prison are in the process of major renovations. In respect of organised activities, 128 prisoners were enrolled in the prison school for the 2014-2015 school year. The activity of different clubs has been resumed (such as an art club, a book club, music, religious education). In Varna Prison, 74 prisoners went to school for the 2014-2015 year.

48. Improvements have been made and a number of prisoners have been engaged in the refurbishments in **Sofia Prison**:

a) toilets and sinks were installed in the classrooms at the educational centre; major renovations are in process in the common bathrooms and the kitchen premises;

b) new sports facilities were provided; the gym was renovated; the stadium where the detainees play football, basketball, volleyball and boxing has been renovated; the open area in the prison hospital has also been repaired;

c) new premise for meetings with visitors has been opened with a toilet, a sink, a children area, a microwave and a TV set. Serious refurbishments have been made to the premise where the detained meet with their counsel (new furniture, repainting). The area where the convicted receive their mail and packages has also been renovated;

d) major refurbishments of the dormitories and the bathrooms attached to them has just been initiated;

e) additional system for video surveillance has been set up: 21 video cameras have been installed in 8th, 10th and 13th groups; 2 DVRs, 5 monitors and a keypad have been purchased.

In respect of the regime, in Sofia Prison 265 prisoners were enrolled in the prison school. For the 2015-2016, due to transformation of the school and inclusion of a high school curriculum it is expected that 380-400 prisoners will enroll. 212 prisoners have been engaged in vocational courses and work. The prison also offers language courses on a daily basis: 60 prisoners study Italian, 93 prisoners – English and 64 prisoners – Bulgarian. There is a computer course every day with 100 participants. 480 prisoners in Sofia Prison attend various behaviour management courses, health courses, substance abuse courses, etc.

49. In respect of the **Boitchinovtzi Correctional Home**, visited by the CPT delegation in 2014, the following changes have taken place. First, Boitchinovtzi Correctional Home has a new governor and as a result the atmosphere in the home is much calmer. Secondly, the dormitories and the third floor have been refurbished. Thirdly, a project has been developed for the transfer of the home to the town of Vratza. In this connection a building has been identified and the authorities are in search of funding. As a long-term strategy, it is envisioned that the building in Boitchinovtzi will be turned into a closed-type prison hostel.

VI. Response to the 2015 Report findings concerning health services in prison (§§ 46-51)

A. General measures

50. The authorities acknowledge the criticism of the CPT delegation regarding the long-standing problems in the provision of health care in prisons. Currently a strategy for improving the health care services in prisons is under preparation, identifying the most urgent needs and possible solutions. The Ministry of Justice is also in contact with the Ministry of Health, the National Insurance Fund and representatives of the Ombudsman on the issue.

51. A major problem is indeed the shortage of medical staff which stems from such shortage at national level and is due to a high extent to the unattractive working conditions in the penitentiary facilities. In order to mitigate these problems, the correctional facilities are allowed to and practically enter into **agreements with medical doctors** who are not employees of the penitentiary system.

52. Further, the January working group prepared a legislative proposal for amendments in the 2009 Act, providing that upon entry into prison, a **confidential medical file** shall be open for each prisoner. That file is separate from the prisoner's personal file and shall contain diagnostic information as well as an ongoing record of the prisoner's state of health and of any special examinations he had undergone. These amendments will be introduced together with the measures within the mandate of *Neshkov* working group. Also, when a prisoner has been disciplinary punished to **isolation**, the doctor shall visit him in the isolation cell once a day.

53. Moreover, the recommendations of the CPT made in paragraphs 32 of the 2015 Report are fully reflected in the **new internal rules for medical care in prison** adopted in the beginning of October 2015 and described above (see paragraph 24 above).

B. Specific measures in respect of the visited detention facilities

54. In respect of **Sofia Prison**, a register for reflecting the inflicted traumatic injuries has been set up immediately after the 2015 visit of the CPT delegation. The medical documentation is stored in a special medical file of each prisoner. Following instructions in this respect, the diligent and detailed description of the injuries has been implemented in practice. Also, Sofia Prison disposes of 24-hour medical care: doctors, nurses and feldshers. As regards the prison hostels in Kremikovtsi and Kazichene, it is true that medical care there is insufficient, the only positive step being the regular visits of a psychiatrist.

55. In respect of **Varna Prison**, at the moment there are two general practitioners, a feldsher and a psychiatrist (on a civil contract).

56. In respect of **Burgas Prison**, the inadequacy of the health care has been identified. Partial solution is the provided medical services by external specialists and transfers of prisoners to the two existing prison hospitals.

57. In respect of the **Sofia IDF** the efforts are directed towards ensuring examination within 24 hours after admission.

VII. Other issues

58. In its 2015 report the CPT delegation drew the attention of the authorities to the **disciplinary isolation** which indeed can be up to two weeks imposed by the prison governor under section 101 of the 2009 Act as a disciplinary punishment or for two months in exceptional cases imposed as a preventive measure by the chief director of GDIN under section 120 of the 2009 Act. The problem identified by the CPT was in the potential existence of uninterrupted periods of solitary confinement in excess of a 14 day period.

59. The authorities would like to point out in this respect that solitary confinement as a disciplinary punishment (isolation of up to 14 days) is applied in severe cases of breaches of the internal rules. The detainees are heard in person and the orders are subject to judicial review.

60. As regards the two-month “zapechatka”, the authorities submit that this is an extremely random measure. The measure is subject to judicial review. In the period 1 January – 25 September 2015 the measure has been applied in Bobov Dol Prison (in respect of three prisoners), Pazardjik Prison (in respect of one prisoner) and Sofia Prison (in respect of six prisoners). Only two prisoners sought judicial review of the measure and the relevant courts upheld it.

VIII. Conclusion

61. In conclusion, the measures described above come to demonstrate the full commitment of the responsible authorities to take decisive steps to implement the recommendations of the CPT and to execute the relevant judgments of the ECHR. This list of measures is not exhaustive but is focused on the most urgent needs. The authorities are working on a long-term policy for ensuring sustainable and comprehensive prison reform.

The cooperation with the Committee for the Prevention of Torture and the Committee of Ministers of the Council of Europe has been highly appreciated.

Appendix 1

<i>Prisons and prison hostels</i>	<i>Official capacity (4 m² per person) (old measurements, before July 2015)</i>	<i>Official capacity (new measurements after July 2015)</i>	<i>Prison population on 31 December 2012</i>	<i>Prison population on 31 December 2013</i>	<i>Prison population on 30 November 2014</i>	<i>Prison population on 03 June 2015</i>
Boychinovtsi Correctional Home	total 261	total 348	71	77	56	48
Sliven Prison (for women)	total 401	total 397	272	243	257	240
Main Building	277	274	229	202	211	187
Open-type prison hostel "Sliven"	35	34	29	31	28	33
Open-type prison hostel "Ramanusha"	54	54	12	9	17	19
Correctional Home	35	35 ¹	2	1	1	1
Belene Prison	total 530	total 592	677	644	479	469
Bobov Dol Prison	total 665	total 810	597	546	464	495
Main Building	492	627	501	475	405	434
Open-type prison hostel "Samoranovo"	173	183	96	71	59	61
Burgas Prison	total 547	total 446	1,037	1,057	780	733
Main Building	371	244	847	885	602	562

¹ No new data is available yet. Therefore the old capacity is used.

<i>Prisons and prison hostels</i>	<i>Official capacity (4 m² per person) (old measurements, before July 2015)</i>	<i>Official capacity (new measurements after July 2015)</i>	<i>Prison population on 31 December 2012</i>	<i>Prison population on 31 December 2013</i>	<i>Prison population on 30 November 2014</i>	<i>Prison population on 03 June 2015</i>
Open-type prison hostel "Gitarovo"	104	125	105	94	94	76
Open-type prison hostel "Stroitel"	72	77	85	78	84	95
Varna Prison	total 610	total 566	645	643	647	586
Main Building	320	270	488	435	439	419
Open-type prison hostel "Razdelna"	229	229	126	165	165	132
Open-type prison hostel "Varna"	61	67	31	43	43	35
Vratsa Prison	total 622	total 459	668	628	584	514
Main Building	462	336	582	539	491	420
Open-type prison hostel "Keramichna Fabrika"	160	123	86	89	93	94
Lovech Prison	total 852	total 936	963	847	792	680
Main Building	450	535	533	464	446	372
Closed-type prison hostel "Atlant"	205	222	323	287	233	220
Open-type prison hostel "Poligona"	85	73	72	77	80	62

<i>Prisons and prison hostels</i>	<i>Official capacity (4 m² per person) (old measurements, before July 2015)</i>	<i>Official capacity (new measurements after July 2015)</i>	<i>Prison population on 31 December 2012</i>	<i>Prison population on 31 December 2013</i>	<i>Prison population on 30 November 2014</i>	<i>Prison population on 03 June 2015</i>
Open-type prison hostel "Veliko Tarnovo"	112	106	35	19	33	26
Pazardzhik Prison	total 557	total 583	505	416	419	534
Main Building	445	483	421	359	350	486 ²
Open-type prison hostel "Sredna Gora"	46	40	42	29	29	14
Open-type prison hostel "Pazardjik"	66	60	42	28	40	34
Pleven Prison	total 416	total 485	483	462	421	420
Main Building	297	398	438	376	321	307
Open-type prison hostel "Pleven"	49	49	39	37	54	66
Closed-type prison hostel "Vit"	70	38	6	49	46	47
Plovdiv Prison	total 698	total 799	687	583	612	604
Main Building	405	505	483	432	465	466

² As pointed out above, presently the main building of Stara Zagora Prison is being refurbished. For that reason, a number of inmates have been temporarily placed in Pazardzhik Prison. That explains the increase in the number of prisoners in the main building of the Pazardzhik Prison.

<i>Prisons and prison hostels</i>	<i>Official capacity (4 m² per person) (old measurements, before July 2015)</i>	<i>Official capacity (new measurements after July 2015)</i>	<i>Prison population on 31 December 2012</i>	<i>Prison population on 31 December 2013</i>	<i>Prison population on 30 November 2014</i>	<i>Prison population on 03 June 2015</i>
Open-type prison hostel "Smolyan"	220	220	99	64	83	68
Open-type prison hostel "Hebros"	73	74	105	87	64	70
Sofia Prison	total 1,671	1,845	1,517	1,471	1,483	1,469
Main Building	745	951	866	833	809	825
Closed-type prison hostel "Kremikovci"	426	475	497	493	478	420
Open-type prison hostel "Kazichene"	500	419	154	145	196	224
Stara Zagora Prison	total 903	total 705	959	832	948	735
Main Building	495	495	704	627	677	495
Closed-type prison hostel "Cherna Gora"	185	121	194	159	163	149
Open-type prison hostel "Stara Zagora"	132	89	26	28	57	55
Open-type prison hostel "Galabovo"	91	The hostel has been recently closed.	35	18	51	36
TOTAL	8,733	8,971	9,081	8,449	7,942	7,527

Appendix 2

In order to improve the conditions of detention and to bring the prison system in line with the requirements of the Convention, the following preliminary plan has been prepared with envisioned repairs to be done by the end of 2016
(provided that the necessary financial resources amounting approximately to BGN 15,030,000 are ensured):

	<u>Prisons and IDFs</u>	<u>Necessary repairs</u>	<u>Preliminary financial forecast</u>
1.	Belene Prison	Changing the carpentry of the main building, renovation of the living area, renovation and repainting of the façade of the administrative building, repairs of the toilets	BGN 250,000
2.	Bobov Dol Prison – Samoranovo Prison Hostel	Renovating and repainting of the administrative building, repairs of the toilets.	BGN 200,000
3.	Burgas Prison	Major repair works of the main building and constructing toilets in the cells	BGN 1,200,000
4.	The prison hostels “Zhitarovo” and “Stroitel”	Some renovation works - plastering and painting.	BGN 50,000
5.	Varna Prison	General repair works, construction of toilets in the cells	BGN 1,200,000
6.	Vratza Prison	General repair works of the main building, repairs of the kitchen premises and delivery of kitchen appliances	BGN 230,000
7.	Vratza Prison	Building arrests at the main building.	BGN 50,000
8.	Boitchinovtzi Correctional Home	Transferring the Boitchinovtzi Correctional Home to a new building in the town of Vratza. The design works have been finalised.	BGN 2,500,000
9.	Boytchinovtzi Correctional Home	Repairs of the floor where the educational activities are conducted	BGN 150,000
10.	Lovech Prison	Repairs and repainting of the main building façade.	BGN 150,000.
11.	Lovech Prison	Partial changing of the carpentry of the main building.	BGN 30,000
12.	Lovech Prison – Atlant Prison Hostel	Renovating the living premises	BGN 30,000
13.	Lovech Prison – Poligona Prison Hostel	Renovation works	BGN 25,000

	<u>Prisons and IDFs</u>	<u>Necessary repairs</u>	<u>Preliminary financial forecast</u>
14.	Lovech Prison – Veliko Turnovo Prison Hostel	Plastering and repainting of premises	BGN 25,000
15.	Pazardzhik Prison	Major repairs of the main building and construction of arrest premises	BGN 2,000,000
16.	Pazardzhik Prison – Sredna Gora Prison Hostel	Plastering, painting of premises	BGN 25,000
17.	Pazardzhik Prison Hostel	Repairs of premises	BGN 25,000
18.	Pleven Prison	Renovation works, repainting of the façade of the main building	BGN 50,000
19.	Prison hostels Vit and Pleven at Pleven Prison	Repair works	BGN 50,000
20.	Plovdiv Prison	Major repairs of the main building and the façade	BGN 150,000
21.	Prison Hostel Smolyan at Plovdiv Prison	Repairs of premises and the façade	BGN 50,000
22.	Prison Hostel Hebros at Plovdiv Prison	Repairs of premises and the façade	BGN 20,000
23.	Sliven Prison	Repairs of the main building, construction of toilets in the premises and repairs of the roof	BGN 1,500,000
24.	Ramanusha Prison Hostel at Sliven Prison	Repairs of premises	BGN 20,000
25.	Sofia Prison	Designing of the last floor of the main building	BGN 70,000
26.	Sofia Prison	Repairs of the façade and execution of the construction of the last floor	BGN 2,000,000
27.	Sofia Prison – Kremikovtzi Prison Hostel	Major repairs of the main building and premises	BGN 100,000
28.	Sofia Prison – Kazichene Prison Hostel	Repairs of premises	BGN 50,000
29.	Stara Zagora Prison and Cherna gora Prison Hostel	Construction of toilets in the cells	BGN 500,000
30.	Stara Zagora Prison Hostel	Repairs of premises	BGN 30,000

	<u>Prisons and IDFs</u>	<u>Necessary repairs</u>	<u>Preliminary financial forecast</u>
31.	Samoranovo IDF at Bobov Dol Prison	Construction of an IDF (and transfer of Dupnitsa and Kustendil IDFs to the prison building)	BGN 200,000
32.	Sliven Prison	Construction of and IDF at the main building of Sliven prison	BGN 1,000,000
33.	IDF at G.M. Dimitrov in Sofia	Repairs of premises	BGN 200,000
34.	IDF in Petrich	New IDF and transfer of Sandanski IDF there	BGN 900,000