



CPT/Inf (2008) 12

**Responses 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 10 to 21 September 2006

The Bulgarian Government has requested the publication of these responses. The CPT's report on its September 2006 visit to Bulgaria is set out in document CPT/Inf (2008) 11.

Strasbourg, 28 February 2008

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Response of the Ministry of Justice
to paragraph 48 of the CPT's report



**MINISTRY OF JUSTICE
REPUBLIC OF BULGARIA**

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Ref. № 54-00-171/UC 10.07.2007
(Please quote)

Your ref. № _____

**TO
MR MAURO PALMA
PRESIDENT OF THE EUROPEAN
COMMITTEE FOR THE
PREVENTION
OF TORTURE AND INHUMAN OR
DEGRADING TREATMENT OR
PUNISHMENT
COUNCIL OF EUROPE
STRASBOURG, FRANCE**

DEAR MR PALMA,

In response to your letter, dated 30 March 2007, I would like to give you the following information regarding recommendation in paragraph 48 from the Report to the Bulgarian Government on the visit to Bulgaria carried out by the CPT from 10 to 21 September 2006:

The situation in the investigation detention facility in Plovdiv is very difficult indeed. On March 1st 2007 the Council of Ministers adopted a decision concerning the granting of property in municipality of Radnevo in view of building a new prison. The Ministry of Justice guarantees the transfer of the investigation detention facility in Plovdiv by the end of 2007 to the territory of the prison, after the partial bringing of the prison in the municipality of Radnevo into operation – item 1 of the Council of Ministers Decision of March 1st 2007 (Minutes of Proceedings No. 8, item 17). There is a preparedness to open in 2007 a new hostel within the Prison in Bourgas, as well. Thus the European standards of 4 to 6 square meters allotted to each prisoner will be met for South Bulgaria.

Please find enclosed a copy of the Minister's of Justice letter (ref. No 54-00-171, dated March 23rd 2007) to the President of CPT, by which you have already been informed as regards the abovementioned.

Please accept the assurances of my high consideration.

Yours sincerely,

MARGARIT GANEV

DEPUTY MINISTER



**MINISTRY OF JUSTICE
REPUBLIC OF BULGARIA**

1040 Sofia, 1, Slavyanska Str., tel.: (+ 359 2) 91 408 (switch board), fax: (+ 359 2) 980 92 23

Ref. №

(Please quote)

Your ref. №

**Ms. SILVIA CASALE
PRESIDENT OF THE EUROPEAN COMMITTEE
FOR THE PREVENTION
OF TORTURE AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

DEAR MS CASALE,

The Forth periodic visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the Republic of Bulgaria took place in the period from 11 to 21.09.2006. On 21.09.2006 the members of the CPT delegation familiarized us with the findings made by them concerning the conditions in the places for deprivation of liberty. These recommendations were submitted by the Minister of Justice to the Council of Ministers and considered by them at a meeting held on 01.03.2007.

With regard to our answer (letter No.54-00-171 of 13.12.2006) to the preliminary conclusions after the CPT's visit and in pursuance of the Council of Ministers' Decision of 01.03.2007 under Record of Proceedings No. 8, p. 17, we forward herewith additional information in relation to the recommendations and the action taken by the Council of Ministers and the Ministry of Justice.

1. Concerning the investigation detention facility in Plovdiv

Recommendation

"Regardless of some cosmetic improvements, the situation at the IDF in Plovdiv – has considerably deteriorated... Four years ago the CPT requested that the establishment be moved to another location; however, this has not happened... The conditions in Plovdiv IDF can fairly be described as inhuman and degrading and on the grounds of Article 8, paragraph 5 of the European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment the Committee requires replacement of the IDF within three months".

Measures undertaken in pursuance of this recommendation

The situation in the detention facility in Plovdiv is very difficult. On 1 March the Council of Ministers adopted a decision concerning the provision of property in the municipality of Radnevo in view of building up of a new prison. By the end of 2007 the Ministry of Justice should secure the transfer of the investigation detention facility in Plovdiv to the territory of the prison, after the partial setting in operation of the prison in the municipality of Radnevo – p. 1 of the Council of Ministers Decision of 1 March 2007 (Record of Proceedings No. 8, p. 17). There is preparedness also to open in 2007 a new hostel within the Prison in Bourgas. Thus the European standards of 4 to 6 square meters allotted to each prisoner will be met for South Bulgaria.

2. Finding concerning the insufficient staffing at night at Sofia prison

Recommendation

“During the visits to Sofia Prison, Sliven Prison and the targeted visit to Pleven Prison in order to examine the situation of prisoners serving life sentences, there was not a single allegation of ill-treatment by the prison staff. Low staffing levels were of serious concern... Hope is expressed that the submitted programme for repairs in the IDFs will be further developed for the prison establishments as well. On the grounds of Article 8, paragraph 5 of the European Convention a three months period is granted in which immediate steps should be taken to improve staffing levels at night at Sofia Prison.”

Measures undertaken in pursuance of this recommendation

37 permanent positions for prison guards are required for Sofia Prison only. The situation in the remaining prisons is similar. 400 permanent positions will be necessary for the new prison in Radnevo and approximately 200 permanent positions – for the new hostel in Bourgas. With regard to this recommendation the Ministry of Justice will proceed to adequate internal changes in its structure and in its Rules of Procedure by transforming up to 400 permanent positions from the current prison guards positions.

3. CPT's finding concerning the foreign prisoners and the hygiene at prisons

Recommendations

“Attention has been drawn to the situation of foreign prisoner with regard to the possibilities for visits. The Committee requires that the Bulgarian authorities provide information about the actions taken with relation to the hygiene”.

Measures undertaken in pursuance of this recommendation

Repair of the sewerage has been carried out in the Prison of Sofia thus eliminating the problem already in December 2006. A person with permanent position has been appointed who will supervise the activity of the prisoners in the kitchen and the canteen. Hence, we consider that this recommendation concerning the hygiene is fully implemented.

In 2007 the Ministry of Justice will open a new transitory and open type hostel for foreigner nationals in Kazichene with separate lavatory facilities and the required living space in conformity with the European standards. A new model of telephone contacts is being introduced at present securing entirely the required number of telephones for all prisoners in the current year.

4. CPT's finding concerning the lack of medical staff and psychiatrists


Recommendation

"It has been recognized that there are difficulties in recruiting medical specialists to work in prisons as part of the problem that the prison healthcare is not integrated into the national health system. It was established that a doctor and a psychiatrist are lacking at Sliven Prison. On the grounds of Article 8, paragraph 5 of the European Convention it is requested that information about the action taken be provided within three months."

Measures undertaken in pursuance of this recommendation

The reason for this is the adoption in 2006 of a new Law on the Ministry of Interior. In this context there is a need of secondary legislative act to regulate the principle of competition when appointing to positions in the system of execution of penal sanctions. In addition there is also a common requirement of the Ministry of Public Administration and Administrative Reform for 10% reduction of the administration. These problems have been resolved and since February 2007 new appointments to the Execution of Sentences Directorate General are in place.

The suggestion for integration of the medical structure into the national system is under consideration by the Working group set up between the Ministry of Finance and the Ministry of Justice on the public-private partnership at the places for deprivation of liberty. The issue has been raised also in the Working group on the preparation of draft-amendments to the Law on Execution of Penal Sanctions where a specific solution should be found.


PROF. GEORGI PETKANOV
MINISTER OF JUSTICE

Response of the Bulgarian Government
to the CPT's report

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Establishments under the Authority of the Ministry of Interior

The Republic of Bulgaria has ratified a number of international documents, regarding human rights, ensuring the legal frames where the police perform their obligations, being called to protect the freedom and security of the community, which they serve to. These rights are restricted by illegal use of force, as well as by other legal acts in violation of legal provisions.

In compliance with the Constitution of the Republic of Bulgaria, no person can be subjected to torture, cruel, inhumane or humiliating treatment, as well as forcible assimilation.

The procedural limitations, regarding the observance of the civil rights that the police should follow in their activity are generally listed in the Law of the Ministry of Interior (LMI) and the Regulations on the Implementation of the Law of the Ministry of Interior (RILMI).

The police authorities can use physical force and accessory means as stipulated in articles 72 and 73 of LMI. However, according to art. 74 police authorities can use weapons as an extreme measure.

According to Chapter VI from RILMI (disciplinary responsibility) disciplinary punishment are imposed to police officers, as stipulated in art. 226 of LMI. Some reasons for the punishment are the cases when officers violated their duties that led to impairment of civil rights and freedom as well as breaking ethic code for conduct because they result in the lowering the police prestige.

In the introductory notes in Section II of the report are listed both cases and certain suspicion, that the permitted time for detention (24 hours) is not always observed. At the same time, after interviews held with people, it is inferred that some evidence are forcefully obtained (point 12 and 13). We would like to call your attention to the fact that those are statements of detained persons, made following their transfer to the detention places and the stated facts have not been categorically or indisputably proved.

Nevertheless point 14 indicates the statistics available for the period from 1996 to the first six months of 2006, which shows a stable tendency of incidents of employed violence over detained persons. Such data cannot be denied although for the same period there is a serious change in the approach towards the settlement of this problem, namely in the normative basis and its synchronization with the European standards regarding the performance of police activities.

The elaboration of a new internal code for the Ministry of Interior, regulating the ethic standards of conduct, was necessitated due to three major factors:

- new LMI (promulgated in Official Gazette № 17, 24.02.2006) started to operate;
- police authorities were demilitarized;
- police officers became civil servants.

Therefore, by order of the **Minister of Interior** was adopted **Ethic code for Conduct of the Civil Servants in the Ministry of Interior** that refers to moral standards such as: conduct and appearance of the civil servant in the eyes of the public; attitude to civilians; conduct, intolerable to corruption; relations with the judiciary authorities, other bodies and organizations; relations with other civil servants; the civil servant and the office information; the civil servant and the victims; the civil servant and the witnesses; the civil servant and the detained persons; the use of force; the rights of the civil servant.

The Ethic Code regulates principles and standards that guarantee the adherence to the basic civil rights and freedom so that in all his actions the civil servant should honour the right of life of each person, through the use of physical force, accessory means or weapons only in such cases the Law provides for. It is clearly indicated that the officer ceases the use of physical force, accessory means and weapons immediately after the extreme necessity is no longer relevant.

However, it is explicitly stated that while performing his professional duties the police officer respects the dignity of each person so that under no circumstances he should perform, provoke or tolerate any act of torture, inhumane or humiliating attitude or conduct.

An essential issue, regarding the general principles for ethic conduct of the civil servants is a regulation, concerning the case when a police officer is a witness of unethical or dangerous conduct, violence, inhumane or offensive attitude on behalf of other police officers so that he takes the necessary steps to cease any such actions and report them to their superiors.

The contents of the Instructions on the Order of Actions of the police authorities regarding the detention of persons in the structural units of the Ministry of Interior were reconsidered in compliance with the new LMI, as well as the equipment and the order in the premises for accommodation of the detained persons. The elaboration of the concrete actions of the officers having police authority in the detention of persons, as well as the rights of the detained persons was regulated in specific instructions. These instructions are also relevant to the intolerance of violence on behalf of the officers with police authority. According to the Instructions police authorities do not tolerate the use of physical force, accessory means and weapons towards the detained persons, except in such explicit cases the LMI provides for. At the same time their actions exclude the commission, provocation and tolerance to any act of torture, inhumane or humiliating conduct or punishment, as well as any display of discrimination towards the detained persons.

Along with the standards in the existing legislation regarding intolerance towards violence over the detained persons, the Ministry of Interior started a number of organizational activities directed to the prevention of the so-called "police violence". In the context of the stated in point 18, Chapter "Treatment" it is due to be mentioned that in the Ministry of Interior functions Permanent Committee on human rights and police ethics, formed by order of the Minister of Interior.

The Permanent Committee's aim is to improve the practices regarding the respect to human rights, recognition and popularization of the ethic principles, originating from the Ethic code, in compliance with the approved plan on the aim in question.

A number of meetings were held in 2006 to discuss problems relevant to the routine police practices and the premises that led to some cases connected with illegal police actions and the violation of the civilians' rights. A number of concrete measures to improve police practices were proposed on the basis of the analysis. These measures also concern the training of officers occupied with human rights and police ethics as well as the elimination of premises leading to violations. Following a regulation of the Permanent Committee in the Ministry of Interior information for 2006 was requested regarding the received valid and non-valid complaints against police officers' actions towards the detained persons, the progress on those complaints including the imposed punishment for the last three years. The goal is to provide information for the European Committee for Prevention of Torture and Inhumane and Humiliating Attitude or Punishment.

Thematic reviews are prepared in Sofia Police Directorate/Regional Police Directory (SPD/RPD) regarding the registered complaints against police officers' actions. The information has been analyzed and measures have been taken to eliminate the reasons and circumstances that led to the illegal conduct. The disciplinary practice in the respective structural units has also been assessed.

An analysis was prepared and an opinion was sent to the Parliamentary Assembly of the Council of Europe referring to their latest monitoring report regarding the Republic of Bulgaria, in which a joint project with the Council of Europe has been proposed. The goal of the project is to introduce a unified methodology on training in human rights and combating the corruption in the Ministry of the Interior.

The regional committees on human rights and police ethics in SPD and RPD are also working out their concrete action plans. Emphasis has been given to the improvement of the interaction among RDP, civilians and public institutions through the use of strategy implementation of the police work close to the public, the already established committees on public order and security, collecting information and solving of current problems related to observing human rights and police ethics. In connection with violence prevention and integration of minority groups, trainings on the subject of "Work with ethnic minorities" have been conducted for the police staff. The training was held in pursuance of the ordered initiative by the "Framework Program for Equal Integration of the Roma in the Bulgarian Society".

Mailboxes in prominent places have been positioned in all regional departments, where the citizens can submit signals about irregularities, suggestions and opinions on specific cases and problems. A gradual increase of the incoming signals has been registered, out of which can be concluded that some certain negative attitudes towards the work of the police are being overcome, and that opportunities for civil control over the work of the police does exist. An organization was created that all submitted signals, complaints and suggestions be reviewed by the chiefs of the regional departments, so that due measures be taken to check and remove identified irregularities in order to impose respective disciplinary penalties when there are disciplinary violations.

Concrete activities to implement specific project were conducted with non-governmental organizations, such as the Center for research of democracy, Open Society Institute, Center for people who have been subjected to torment "ASET", etc.

Meetings on specific cases and projects were held in 2006 with the Ombudsman of the Republic of Bulgaria, the Protection against Discrimination Committee, the Demographic and Ethnic Council. The interaction was reported as effective and beneficial, thereafter at a meeting of the Permanent Committee in the Ministry of the Interior a decision was taken that in 2007 be planned concrete tasks for cooperation and reciprocal help during implementation of tasks and activities connected with observation of human rights and police ethics.

Practice shows that the cases of violation of human rights, unauthorized and unethical acts when exercising police authorities, including violence on behalf of the police officers, are a result of numerous factors: the personality of the police officer, his motivation, knowledge of the legal framework, the established internal rules and standards of behavior, mechanisms of exercising self-control, etc.

The personality of each policeman plays an important role in his specific deeds and actions. In this connection the precise selection of applicants willing to work in the Ministry of the Interior, in particular in National Police Service, based on correct diagnostics of their individual psychic data and the coverage of high criteria, is particularly important. Therefore the permanent research of the personality of the police officers, especially after experiencing stressful events, as well as the effective exercising of one of the important governing functions on behalf of superior police staff – motivation – as a preventive measure for prevention of illegal acts of violence. It should be pointed out that in the criteria for assessing the work of the police there is an indicator, “lawful and ethical treatment of citizens”.

Knowing the legal framework, defining the police authorities’ actions in the context of human rights, is an equally important factor to prevent acts of police violence. In this relation both the initial professional preparation and the permanent training are of special importance.

The training is held through discontinuing from the work at educational establishment to the Ministry of Interior (Department Police and the three Specialization and Professional Preparation Centres (CSPP) at the Academy of the Ministry of Interior), at educational institutions outside the Ministry, and abroad.

However, in every structural unit of the Ministry a topical training on human rights is provided in the frame of the professional curriculum, without discontinuing the work. It is a common practice for such trainings to utilize more experienced structural unit staff members. Nevertheless external lecturers from the Ministry’s educational institutions are often invited. There are also organized meetings with prosecutors, judges and psychologists as well as with staff at the research and applied science institutions of the Ministry to discuss this specific subject matter.

With the financial support of non-governmental organizations educational materials and brochures have been prepared. The latter are used in the professional preparation through discontinuing or without discontinuing work.

The problems of unauthorized attitude and violence towards civilians finds also place in the briefings of the police duty details, when case studies from everyday police practice are discussed in the context of the observation human rights.

Implementing the National program on the participation of the Republic of Bulgaria in the Council of Europe’s intergovernmental activities, which is approved by the Council of Ministers, the National Police Service organizes and holds annually training seminars. The topics are generally connected with the implementation of the Strategy “The Police Close to the Public” including the issues regarding the human rights. A special emphasis in the seminar topic plans is given to the modules “Human Rights and Skills Development of the Police in Conflict Situations” and “Ethical Principles of Professional conduct, Motivation and the Development Communicative Skills”. A substantial factor relevant to and directly influencing on the activity of the police authorities in the context of the violence towards civilians is the control over Ministry of the Interior. The control is, according to the principles of the democratic society, parliamentary, judicial, internal and civil.

The internal control is implemented through the procedures and the mechanisms for performing checks and bringing under disciplinary responsibility regulated by the Law of the Ministry of Interior Regulations on the Implementation of the Law of the Ministry of Interior. The procedure for bringing under disciplinary responsibility may be initiated on the grounds of information, received through different sources, also within the range of checks performed as per civilians' complaints and signals, as well as on the initiative of the bodies having supervising and methodological authorities as regards the activity of the police officers.

In consequence of the executed internal control at establishment of a case of violence caused to civilians, the necessary disciplinary measures are taken or in case there is information regarding crime commitment, the materials are delivered to the Military Prosecutor's Office.

In the context of the execution of effective control as regards the observation of the rights of the civilians and the intolerance of acts of police violence towards them, the execution of civil control over the activity of the Ministry of the Interior has to be mentioned.

The execution of civil control over the detained persons is guaranteed by the Law of the Ministry of the Interior, as well as by the Instructions Iz – 2451/2006. The right of control over the human rights observation pertains to international and non-governmental organizations, related to this activity and empowered as per the international agreements of the Republic of Bulgaria or the respective competent national authorities. The control is executed also by international experts under the international contracts and conventions which Bulgaria has ratified. In this case the regulations of the respective act are observed.

Real civil control is already available. It has been put into practice initially by a pilot project, financed by the Open Society Institute, in Regional Police Directorate – Pleven and realized by the Pleven Public Fund "Chitalishta" for the execution of independent civil control over the Police activity, including in respect of the police violence. The execution of the project "Citizen Monitoring – Increase in the Social Confidence and the Support of the Citizens towards the Police" has been completed at the beginning of 2005.

However, it is proper to mention as well some basic activities included in the Instructions in connection with the facts and recommendations of the Committee in Chapter 3 – "Guarantees against Bad Treatment of the Persons Detained by Police Authorities".

Under the terms of art.11 of the same document for each detained person police authority issues a detention order in three copies – one is delivered to the detained person right after the issuing, the other is enclosed to the correspondence and the third is filed into the records of the structural unit of the Ministry of the Interior. The order is entered into the record file-system and its number is entered into the detained person's register.

The term for detention of persons as per the Law of the Ministry of the Interior begins from the moment when one's right of free movement is restricted and the exact time of detention is entered into the detention order regardless of the time of actual issuing of the order. In case of transfer of the detained person from one structural unit of the Ministry to another, the total time of forced residence of the person in the structural units of the Ministry is calculated while the requirement is that the 24-hour term for police detainment be observed.

Article 14 stipulates that immediately after his detention, the person is made acquainted with the reasons for the detention and the liability provided by the law, as well as with his rights to:

- benefit from medical treatment;
- lawyer protection and right to require the assignment of a counsel for the defense as per the Legal Aid Law;
- to appeal before the court the legality of the detention measure;
- a person indicated by him to be acknowledged for his detention;
- to get in touch with the consular authorities of the respective country, in case he is a foreigner or Bulgarian having a foreign nationality.

The detained person signs a declaration in two copies, that he is acquainted with his rights – one is delivered to him and the other is enclosed to the detention order. It is provided that the refusal of the detainee to fill the declaration to be certified by the signature of one witness.

Nevertheless, we find proper but hard to be put into practice the notes in p.30 and 31 related to the informing of the detained persons through declaration in Bulgarian and the recommendation that the latter be prepared also in other languages. Actually, the declaration can be written in languages as English, French, German and Spanish, but we consider as more relevant way for making the foreigners acquainted with their rights is that they be provided with brochures in the respective languages at their accommodation at the premises for detention of the Ministry of the Interior (as is the practice in some countries).

On the other hand, at detention of a foreigner or of Bulgarian with foreign nationality the Ministry of the Interior is immediately informed in order to transmit the communication to the diplomatic mission of the respective country or the mission which is representing it in the Republic of Bulgaria.

In p.21 of the report some procedures related to the providing of medical examination according to the Bulgarian legislation are discussed. A reference is made to an alarming fact of formal entering of the data for the examination, confirmed also by the differences between the official documentation (namely First Sofia Regional Police Department – Police Directorate). It should be mentioned that the instruction, comprising the relevant regulations is not anymore in force and as has already been mentioned the course of action of the police structures at detention of persons in the structural units of the Ministry of the Interior is being worked out in details in a new instruction. According to the latter instruction the detained person passes medical examinations on his request or in case his state of health makes necessitates so. A demand for examination could be made on behalf of a parent, guardian, lawyer and representative of the diplomatic mission of the country whose national the person is.

For every medical examination a document is issued by the doctor who made it. A copy of the medical document is delivered to the detained person or to a legal defender authorized by him. The results and the eventual medical results are entered from the police officer in a register for medical examinations and prescriptions which are compulsory signed by the doctor.

At the same time if declared by the detained person he/she is granted with opportunity for medical examination by a doctor of his/ her choice and expenses. All this is a guarantee against formal conduction of medical examinations of detained persons and supposes relevant control and non allowance of illegal activities by the police authorities.

The instruction strictly says that presence of police officials during medical exams is allowed only on demand of the medical person and this fact is registered in the medical document and in the register for the medical exams prescriptions. The requirement for presence of an official at the exam is he/she to be of the same sex as the detained person. The official reports in writing to the head of the relevant structural unit if during the exam reasonable suspicions for illegal use of physical force, accessory means or weapons are presented.

In relation to the remarks on point 27 and 28 of the report, the right of an attorney is granted to each detained person starting from the moment of his/her detention in accordance with the instruction. If explicitly declared this legal protection is performed by an attorney chosen by the detained person and at his/her expenses or a defender under the Law on Legal Assistance. At the same time lists of names and telephones of state appointed attorneys are well visibly provided at the detention premise, as well as telephones of the National Bureau on Legal Assistance, representative of the council of lawyers or other person responsible for appointing an attorney.

The statements that police officials acknowledge difficulties in providing state appointed attorneys due to low remunerations are at certain extend reasonable, yet the solution of the problems do not fall with the jurisdiction of the police authority.

Other problem stated in point 28 is the lack of opportunity for confidentiality of the meetings between detained persons, their defenders and relatives. This problem is in direct connection with the issue of equipping the premises for detained persons and their internal regulations, in particular premises for meetings, in their function of service premises. The solution of this problem, with all its severity, is at our attention.

A serious attention should be paid to the remarks of the Commission stated in point 33 considering the work with detained juveniles. We would like to emphasize that in accordance with the Family Code each parent has the right to represent by himself his juvenile children and to agree on the legal actions of his juvenile children only in their interest. On the other hand the Penal Code envisages the participation of a pedagogue or a psychologist during the interrogation of juveniles who with the permission of the investigating authority might ask questions. The pedagogue or the psychologist has the right to familiarize with the protocol from the interrogation and to make remarks on the punctuality and completeness of the text. It is compulsory the parents or the guardians to be informed when the accusation is presented.

So-called pedagogue rooms for children, which are working in the field of juvenile crime, are built and functioning in the structures of the police units. There work specialist (pedagogues and psychologists) dealing only with juvenile and minor persons subjects or objects of crimes. Conversations and investigation activities related to minor and juvenile detained persons are envisaged to be conducted in the presence of pedagogue or psychologist and if the police authority finds it necessary in the presence of a parent or a guardian. Juveniles and minor persons are accommodated separately from adults at detention premises, equipped in accordance with special regulations.

The commented in point 34 Code for carrying out interrogations by police officials has not been developed yet, although the Penal Code clearly describes the relevant procedures. At the same time, according to the standard requirements for equipment of the servicing premises in the regional police stations, the interrogation premises shall meet certain requirements in order to ensure normal conditions and security during arrest.

The police officials have to protect the health and life of every detained person and if necessary they shall provide opportunity for medical assistance, and the same principle is applied in the interrogation procedure.

The deviations from the requirements as stated in the findings on Chapter 4 “Conditions for detention”, point 37, that at present the premises for accommodation of detained persons do not meet the standard requirements for their equipment will be overcome not later than 01.01.2009.

The findings regarding the opportunities for meals are not correct.

The new instruction pays specific attention to the regime of detained persons. In accordance with the internal order regulations for detention premises, every detained person should be provided with food in the standard time for breakfast, lunch, and dinner. Detained persons' health should not be harmed by violation of diets and medical prescriptions when providing food. The food should not be in contradiction with the personal preferences following certain religious forms. The detained persons sign in relevant register for the provision of food brought from outside or provided in accordance with MoI regulations. When detained person is transferred to other MoI structure in the convoy order is included information about the last meal, intake of medicines and medical treatment.

At the same time the right of detained person to use toilet, receive personal belongings for hygiene needs, food bought or received from relatives shall not be restricted.

Point 40 mentions the implementation of the PHARE project “Modernization of the Bulgarian Police and Enhancing its Efficiency”. The project has direct relation to the reconstruction of premises for detained persons and the conduction of concrete construction activities and equipment with technical means for surveillance and control, in order to meet the EU requirements, the internal instructions and the approved project and construction requirements for premises for accommodations of detained persons at the MoI structural units.

The deadline mentioned in point 41 of the report (01.01.2009) is not short and raises certain concerns in the Committee, yet it is due to the limited financial opportunities of the Ministry and the planned final deadline for the project realization. The recommendations listed in the point, regarding the equipment of the detention premises in the structures of MoI (opportunity for accommodation at night, presence of linen, the area of the premise, etc) are described in details in the new instruction.

In accordance with the instruction, the detention premises in MoI should be with minimal square surface of 7 m² for single premises and 4 m² per person, for premises for more than one person. A place for rest is provided in the premises– a plank-bed or bed and coverings.

In relation to the remarks in point 42 regarding the practice of handcuffs use – when using handcuffs the police officers are obligated to follow the requirements of the Regulation for usage of accessory means by the police officers which states that the person in handcuffs should be under observation and shall not be cuffed for more than an hour without being tested for normal blood circulation in the limbs.

The stated facts draw the conclusion that the system of police activity has undergone serious reforms by creating and approving the relevant organizational and management measures for strictly observing the civil rights, by improving the practices and procedures guaranteeing their respect; by realization of control of the work of its officials in order to prevent and not admit any act of violence and abuse of civil rights in the execution of the police functions; cooperating with NGO in relation to the practical realization of the civil control and initiating concrete amendments of the legal base.

The reform in the Bulgarian Police will continue and in this process will be involved not only the MoI authorities but also the other competent institutions. The efforts are aimed at the full harmonization of the Bulgarian legislation with the European standards in respect of civil rights, independent and effective investigation of signals for violent actions from police officials, conduction of disciplinary and punitive measures in adequate and timely manner, as well as considerable improvement of the conditions for detention, accommodation and labour at the premises of the police units which leads to making police authorities more humane.

Establishments under the Authority of the Ministry of Justice

Investigation Detention Facilities (IDFs)

Ill-Treatment

Recommendations

- The CPT recommends that staff working at the investigation detention facilities in Pleven, Sliven, Slivnitsa and Targovishte be reminded that the ill-treatment of detainees is prohibited and will be severely punished (par. 45)

Regarding the recommendation that staff, working at the investigation detention facilities in Pleven, Sliven, Slivnitsa and Targovishte be reminded that “the ill-treatment of detainees is prohibited and will be severely punished”, we should say that there are no specific data to explicitly and indisputably confirm that any detainees in the above-mentioned detention facilities have been ill-treated by the custodial staff.

In order to prevent illegal action by the staff not only in the above investigation detention facilities but also throughout the country, measures have been undertaken as follows:

1. Training topics related to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, torture prevention types and methods of control, responsibility for admitted torture acts or any other illegitimate treatment according to the national and international legislation were included in the initial training curricula for newly appointed staff and in qualification improvement curricula.
2. Human and ethical treatment of detainees and respect of their rights regulated by the national and international legislation is taken into consideration and reminded to custodial staff on a day-to-day basis. The staff is also reminded and coached at staff and instructions meetings at regular intervals on the inadmissibility of violence and ill-treatment in any form and that torture is a crime and perpetrators are criminally liable. Disciplinary practice analyses are also devised on a regular basis.

In order to exercise control over the activities of the custodial staff, a functional video surveillance system has been launched in the investigation detention facility in Targovishte and by the end of June, 2007 the same system will be put into operation in the investigation detention facility in Slivnitsa. Funds have been envisaged for the design and set-up of a video surveillance system in the investigation detention facilities in Pleven and Sliven in 2008.

All staff in prisons and IDFs is well aware that ill-treatment of detainees is prohibited and severely punished. During their inspections and visits to investigation detention facilities, the employees of the General Directorate for the Execution of Sentences are obliged to check up for complaints about ill-treatment or any other form of inhuman treatment of detainees. Each signal or complaint about such behaviour is verified and adequate measures are taken.

Subjects related to human treatment of detainees, aggressive behaviour prevention, communicative skills, tolerance and ethical behaviour are included in all initial training courses for newly appointed staff and qualification improvement courses for the other employees as well as in continuous training courses for the custodial staff in all prisons and investigation detention facilities.

- The Bulgarian authorities to take steps to increase the levels of staff in investigation detention facilities who work in direct contact with detained persons (par. 46)

In pursuance of the Investment Programme for Improvement of Conditions in Investigation Detention Facilities adopted by the Council of Ministers of the Republic of Bulgaria, measures have been taken to the effect of integrating and concentrating investigation detention facilities into the bigger towns and this is one of the avenues to increase the number of staff. In response to the recommendation to increase the levels of staff in investigation detention facilities working in direct contact with detained persons, the staff of closed-down facilities is redirected to facilities experiencing staffing difficulties. In addition, opportunities are sought and staff positions are transformed within the existing human resources.

In order to avoid hiring unsuited staff, the General Directorate for the Execution of Sentences has adopted high standards for job applicants in investigation detention facilities and the focus during the selection process is put on their stress, suggestion and manipulation management skills and on their crisis management abilities, good level of self-control and capacity to counter pressure and aggression.

Conditions of Detention

Recommendations

- To take steps without further delay at investigation detention facilities to:

*** reduce cell occupancy rates to an acceptable level, applying a minimum standard of 4 m² per detainee in multiple-occupancy cells; all cells of less than 6 m² should be withdrawn from service (e.g. at Slivnitsa IDF) and cells measuring 6 m² should be used for accommodating one person;**

Since the point of transferring IDFs to the Ministry of Justice, 42 (out of 88) facilities have been closed down; in the period 2004-2006, 22 IDFs which did not provide normal conditions for people detained pursuant to the Penal Procedure Code have been closed down. Currently, IDFs located in basements are being closed; however, it is not possible to cease the operations in all basement facilities since this requires the availability of alternative appropriate buildings and considerable budget funds. Major efforts have been made to improve operations thereof and to bring each detainee's living space in conformity with the respective international standards.

In pursuance of the above Investment Programme for Improvement of Conditions in Investigation Detention Facilities, the construction of new IDFs and the refurbishment of currently existing facilities is planned in order to meet the contemporary requirements for detainees' normal living conditions. The deadline for implementing these activities is the end of the term of office of the current Government.

IDFs in the following towns have been closed down since the beginning of the year: Nesebar (Burgas Regional Unit for Execution of Sentences), Troyan (Lovech Regional Unit for Execution of Sentences – basement facility), Pavlikeni (Veliko Turnovo Regional Unit for Execution of Sentences), Pirdop and Elin Pelin (Sofia Regional Unit for Execution of Sentences). The IDF in Sevlievo (Gabrovo Regional Unit for Execution of Sentences) is also to be closed down.

In June 2007, the old IDF in Smolyan terminated its operations and was rebased in the provided premises in Smolyan prison hostel which were reconstructed, renovated and officially opened in April 2007.

The current total number of IDFs is 45 and their capacity is 1,758 detainees. In order to improve the conditions of cell ventilation and provide access to fresh air, ventilation equipment was installed in 35 IDFs. Facilities without direct access to natural light have been equipped with adequate artificial lighting.

*** improve cell lighting (by providing access to natural light and adequate artificial lighting, and introducing differentiated day/night lighting systems) and ventilation in the cells;**

In order to ensure improved access to direct sunlight in IDF cells, where possible, the inside windows have been enlarged and additional bars were installed on cell doors. Artificial lighting in cells has also improved which allows for normal living conditions of detained persons.

*** improve the state of the beds and bedding provided to detained persons;**

Bunks have been replaced with beds in all IDFs. Bedding has been also completely replaced with new mattresses, blankets, bed linen and pillows and all of them are washed on a monthly basis. Bedding is provided to all newly arrived detainees and they may also use their own bedding.

*** guarantee strict compliance with the instructions given to custodial staff to grant detainees access to the toilet at any time of day or night;**

Nine IDFs have separate cell toilets. While efforts have been made, some facilities do not provide the necessary conditions for equipping them with such toilets. The custodial staff is instructed and detainees' access to toilets in IDFs with common toilets is provided without any limitations at any time of day or night.

*** ensure that detainees are in a position to maintain their personal hygiene and are provided with essential personal hygiene products; in the light of the special hygiene needs of women, positive differentiation in terms of additional access to washing facilities is necessary;**

In the light of their special hygiene needs, female detainees are provided with additional access to washing facilities.

*** provide detainees with sufficient materials to clean their cells;**

Detained persons themselves maintain the hygiene in IDFs and sufficient quantities of the necessary cleaning materials are provided by the administration.

*** ensure that detainees are guaranteed their entitlement of one hour of genuine outside exercise per day (two hours in the case of juveniles);**

There are open-air exercise yards in 26 IDFs and detainees' outside exercise takes place by cells. Such open-air exercise yards are to be set up in five more IDFs.

*** provide other purposeful activities to detainees; particular attention should be paid to the special needs of juveniles (par. 55)**

There are radio and TV sets in all cells for leisure-time purposes. Detainees have access to newspapers, magazines and books in both Bulgarian and foreign languages.

As of July 2, 2007, Investigation Detention Facilities Regional Units and Regional Probation Units were incorporated into Regional Units for Execution of Punishments. This structural change enables probation service psychologists and pedagogues to work with persons detained in IDFs, if necessary.

It is also envisaged that probation officers will deliver adaptation lectures for newly arrived detainees, render assistance in dealings with juveniles, drug-addicted and problematic persons deprived of their freedom in events of attempted suicide, crisis management, etc.

Health-care Services

Recommendations

- The CPT calls upon the Bulgarian authorities to implement its long-standing recommendations that:

*** the report filled out by doctors concerning injuries observed on persons admitted to investigation detention facilities contain, in addition to a detailed description of the injuries observed, any allegations made by the detained person concerned and the doctor's conclusions as to the degree of consistency between those allegations and the objective medical findings;**

According to the effective legislation and pursuant to Ordinance No. 12 of 20 December 2006 on the Medical Services for Prisoners, newly arrived detainees are subject to complete initial medical checks and their status is filed in medical reports. These reports contain comprehensive information about injuries observed and allegations made by detained persons as to origin thereof.

*** all medical examinations should be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police officers;**

The medical staff in all Regional Units for Execution of Sentences conducts medical examinations in private, out of the sight of custodial staff unless in events of explicit aggression demonstrated by detainees. If necessary, confidentiality of medical records is ensured and thus detained persons share any comments on their health status and complaints only with the medical staff.

*** whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a detained person, the record should be systematically brought to the attention of the relevant prosecutor (par. 56)**

In events of establishing injuries consistent with detainees' allegations, the medical staff informs the relevant prosecutor and pre-trial authorities.

- Take measures to ensure that the medical examination on admission is comprehensive, including appropriate screening for transmissible diseases (par. 56)

Detainees are medically examined in a comprehensive manner on admission to investigation detention facilities, and, if necessary, in consequence of disease. In the process of recording detainees' medical history as early as their admission, contact with acute infectious diseases is purposefully traced out and in case such contacts are reported, the necessary tests are conducted to specify their status. In cases of suspected infectious diseases, detainees are kept under quarantine until the nature of the disease is determined.

- Take steps to improve the quality of medical records and ensure the observance of their confidentiality (par. 56)

Information about every examined person is entered strictly in medical records as well as dates of examinations, diagnoses and prescribed treatment. Statutory requirements for keeping medical records and the principle of information confidentiality thereof are strictly complied with.

- Put an end to the practice in some IDFs of asking newly arrived detainees to sign a pre-printed form stating that they had no health problems and had not been subjected to physical violence (par. 57)

No information is filed with the General Directorate for the Execution of Sentences on cases of making detainees declare in writing that they had no health problems and had not been subjected to physical violence. The medical staff of investigation detention facilities have been reminded that no such occasions should be admitted in the future.

Other Issues

Recommendations

- Measures should be taken to:

- Equip IDFs with proper visiting rooms

Separate premises for relatives' and lawyers' visits have been set up in 38 IDFs. In the rest of the IDFs where, due to the architectural specificities of the buildings, no such visiting rooms can be established, visits will be conducted in premises suited to this purpose.

- Ensure the confidentiality of meetings between detained persons and their lawyers (par. 59)

The confidentiality of meetings between detained persons and their counsels is ensured since these meetings are held at places specifically designated for this purpose without any immediate presence of custodial staff.

- improve the provision of information to persons detained in IDFs about their rights, in particular by means of:

*** making the full text of the internal regulations readily available to detainees;**

*** ensuring that all detainees are provided with a copy of the information sheet on rights, which they can keep in their possession. The information sheet should be made easier to understand and be available in a variety of languages. Special care should also be taken to explain the information carefully to juvenile detainees to ensure comprehension (par. 60)**

As soon as they are admitted to the investigation detention facility, all detained persons are provided with an information sheet on their rights; they certify this with their signatures. The unabridged text of the internal regulations and detainees' time distribution are available in all detention facilities.

The information sheet on detained foreign citizens' rights is available in six languages: English, German, French, Russian, Greek and Turkish.

- The CPT refers to the recommendation made in paragraph 36 (concerning inspections of police establishments), which applies equally in this context (par. 61)

The Ministry of Justice provides an opportunity for NGOs, e.g. Bulgarian Helsinki Committee, to visit IDFs and monitor detained persons' living conditions. Investigation detention facilities are also inspected by the judicial bodies (the prosecutors supervising as to legality in the places for deprivation of liberty) and identified drawbacks are timely eradicated.

Comments

- The CPT invites the Bulgarian authorities to increase the number of female staff deployed in detention areas in IDFs and to ensure 24-hour presence of a female staff member whenever there are female detainees (par. 58)

Female custodial staff has been hired in all regional investigation detention facilities and the General Directorate for the Execution of Sentences will continue to comply with the CPT's recommendation on deploying female staff in the future when filling in vacancies in the smaller IDFs.

Prison Establishments

Preliminary Remarks

Recommendations

- The CPT recommends that the Bulgarian authorities strive to increase the provision of purposeful activities for prisoners. In this context, the authorities should seek to introduce further measures aimed at ensuring that both sentenced and remand prisoners are provided with an opportunity to work, in the light of the above remarks. Further, efforts should be made to develop programmes of education and vocational training in all penitentiary establishments (par. 65)

The implementation of a varied in form and rich in content cultural, educational and sports activities is a substantial part of the accomplishment of the priority objectives set forth in the management plan of the General Directorate for the Execution of Sentences on the treatment of persons deprived of liberty. In the process of organizing cultural, information and sports events, conditions are created for all imprisoned persons according to their abilities and needs. Due to the variety of organized activities, all inmates who are not employed or involved in educational events can spend time outside the dormitories on a daily basis according to the type of penitentiary establishment and their own interests.

At the end of 2006, 46 special interest clubs with more than 650 regular participants were set up in prisons and correctional facilities. Most frequent subjects include: theatre, fiction, dance, music and fine arts. As a result of regularly held classes, numerous concerts and performances were presented before other inmates on occasions like anniversaries, celebrations, holidays, etc.

In 2006, 7 lecture courses of informative nature were delivered for more than 800 participants. The usage of the established cable TV network has been streamlined by including popular science programmes like Discovery Channel, History Channel, Explorer and Animal Planet. Although they are not outside the dormitories, these programmes satisfy the interests of a large number of prisoners.

The work of prison libraries has a significant role in the process of delivering information to prisoners. Although the book-stock is old and outdated and the level of illiteracy among inmates is as high as 40 %, significant bulk of activities is implemented due to the good organization and traditions. For example, readers and borrowed books in libraries account for: Pazardjik – 515 readers and 5,230 books exchanged; Burgas – 326 readers and 1,260 books exchanged – the number of readers has increased by 66 compared to the previous year; Varna – 258 readers and 1,680 books exchanged.

It is worth noting the positive practice at Atlant Prison Hostel in the town of Troyan where prisoners have access to the literature of the town library exchange stock.

To safeguard prisoners' physical health, sports centres and gyms have been set up. Tournaments and field days dedicated to various sports like football, volleyball, chess, table-tennis, power sports, etc. take place on a year-round basis. Daily schedules for the usage of sports facilities are drawn up. Regrettably, the facilities and equipment need to be diversified with new equipment and accessories – balls, rackets, table-tennis balls, etc. All prison establishments are assigned the task of submitting motivated funding requests for sports activities and all other aspects of social and educational work.

The modern interpretation of all these activities does not rely only on donations. What is needed is targeted funding for well-grounded and cost-effective deliverables. Some interesting ideas along these lines on creating sports grounds are provided by the prisons in Belene, Vratsa and Pleven.

Between four and eight sports clubs have been set up and functioning in all prisons (except for Sliven prison) with about 1,000 prisoners participating on a regular and year-round basis and in events of sports days and individual sports tournaments, the number of prisoners involved grows to 4-5,000 people. The first national chess championship for persons deprived of liberty held earlier this year under the patronage of Prof. Georgi Petkanov, Minister of Justice, was of particular interest. Following tournaments held locally, the final individual and team competitions took place in Sofia Prison and represented an excellent opportunity to demonstrate competitors' chess skills and team spirit.

Specialized Group Activities

The main purpose of group activities performed in the places for deprivation of liberty is targeted at overcoming problematic areas identified in offenders' assessment, utilization of prisoners' stay and their preparation for coping with post-prison environment.

In 2006, 92 specialized group-work programmes were implemented in the places for deprivation of liberty with 2,253 participants as follows:

Belene Prison

1. Family, Traditions and the Law – 43 participants
2. Social Placement through Change in Mindsets – 32 participants
3. Personality Development – 10 participants
4. Dealing with Sex Offenders – 10 participants
5. Interpersonal Relations and Conflicts – 58 participants
6. I Am Part of Society – 8 participants
7. Family and Living Styles – 22 participants
8. First Steps in Beekeeping – 8 participants
9. Reflecting on In-Prison Personality Development and Self-Preservation Opportunities – 8 participants

Total number of participants – 199

Bobov Dol Prison

1. My New Skills – 42 participants
2. I Have an Idea – 12 participants
3. Looking for a Job – 12 participants
4. Sharing Problems of Life – 14 participants
5. Civil Education – 14 participants
6. Art Therapy – 24 participants

Total number of participants – 118

Burgas Prison

1. Civil Education – 36 participants
 2. Anger Management – 9 participants
 3. Group Psychotherapy for Juvenile Psychoactive Substance Abuse Offenders – 8 participants
 4. Health Promotion Programme – 18 participants
 5. Home Leave – 12 participants
- Total number of participants – 64

Varna Prison

1. Social Skills Correction – 23 participants
 2. Mobilization of Resocialization Resources – 24 participants
 3. Development of Self-Knowledge, Assertive, Social Adaptation and Conflict Resolution Skills – 9 participants
 4. Personality and Self-Knowledge – 9 participants
 5. Conflict Prevention and Resolution – 10 participants
 6. Group Correction Development Programme – 24 participants
 7. Labour Motivation – 24 participants
 8. Psychological Support to Persons Deprived of Liberty with Emotional Crises and Destructive Behaviour – 24 participants
- Total number of participants – 147

Vratsa Prison

1. Building Up Assertive Behaviour – 30 participants
 2. Development of Communicative Skills – 37 participants
 3. The Law and I – 17 participants
 4. Short-Term Programme on Working with Drug Addicts – 4 participants
- Total number of participants – 88

Lovech Prison

1. Family, Living Styles and the Law – 20 participants
 2. Self-Knowledge and Communication – 10 participants
 3. Problem Resolution and Thinking Skills Improvement – 22 participants
 4. Working with Addicts – 40 participants
 5. Raising Legal Awareness – 10 participants
 6. We and the Law – 63 participants
 7. Value Development and Decision Making – 10 participants
 8. Communication and Conflicts – 60 participants
 9. Short-Term Programme for Drug Addicts – 14 participants
 10. Literacy Programme – 10 participants
 11. Socio-Psychological Training in Enhancing Personality Resources – 16 participants
- Total number of participants – 275

Pazardjik Prison

1. Changing Antisocial Behaviour and Release Preparedness for Recidivist Offenders – 55 participants
 2. Life Skills Development – 11 participants
 3. My New Skills – 8 participants
 4. Employment Motivation – 13 participants
 5. Get to Know Your Own Self – 10 participants
 6. Improved Respect for Human Rights in Bulgarian Prisons – 24 participants
- Total number of participants – 121

Pleven Prison

1. Non-Recidivist Defendants' and Accused Persons' Adaptation – 17 participants
 2. Adaptation of Convicts with Problematic Behaviour – 23 participants
 3. Civil Education – 27 participants
 4. Thinking Skills – 17 participants
 5. Partners – Working with Drug Addicts – 25 participants
 6. My Alternative to Serving My Term of Imprisonment – 29 participants
- Total number of participants – 138

Plovdiv Prison

1. Family and Social Environment – 11 participants
 2. Problem Resolution Group – 15 participants
 3. The Bible and the Koran Literacy Programme – 15 participants
 4. Drugs Prevention Group – 67 participants
 5. Short-Term Programme for Drug Addicts – 11 participants
 6. Group for Addicts – together with Mothers against Drugs Foundation – 8 participants
 7. Theatre Forum – 15 participants
 8. Series of Lectures on Bulgarian History – participants
 9. Scientific Educational Programme “What Do We Know About?” – 20 participants
- Total number of participants – 170

Sliven Prison

1. Social Skills Development – 9 participants
 2. Conflict Resolution – 32 participants
 3. Beautiful Every Day – 19 participants
 4. Practical Cookery Skills Group – 10 participants
 5. Civil Education – 30 participants
 6. Relaxation and Development Group – 18 participants
 7. Socio-Psychological Personality Self-Improvement Training – 30 participants
 8. Personality Addictions – 4 participants
 9. Friendship, Love, Relationships – 4 participants
 10. Religious Sects in Bulgaria – 2 participants
 11. Fashion Trends – Hair Styles, Make-Up and Accessories – 3 participants
- Total number of participants – 161

Sofia Prison

1. Group Work with Newly-Arrived Prisoners in Transitory-Type Prison Hostels – 228 participants
 2. Education and Literacy Training – 86 participants
 3. Programme for Drug Addicts – 28 participants
 4. What has Drug Abuse Taken away from Me – 62 participants
 5. Coping with Life Problems through Change in Mindsets – 27 participants
 6. Assertive Behaviour Skills Group Work – 16 participants
 7. Drug Addicts and Working with NGOs – 29 participants
 8. Resocialization of Persons Deprived of Liberty through Changed Attitudes – 24 participants
 9. Short-Term Programme for Working with Drug Addicts – 9 participants
- Total number of participants – 509

Stara Zagora Prison

1. Power for Life – 15 participants
 2. Conflict Situation Management – 36 participants
 3. Coping with Life Problems through Change in Mindsets – 22 participants
 4. Sports and Health Programme – 50 participants
 5. Stress Management Programme – 77 participants
- Total number of participants – 200

Boychinovtsi Reformatory

1. Family – Traditions and the Law – 9 participants
 2. Religion – 14 participants
 3. Improving Communicative Skills of Juvenile Persons Deprived of Liberty and Alternative Conflict Resolution – 10 participants
 4. Body-building – 30 participants
- Total number of participants – 63

It is a well-known fact that the low levels of education and culture are one of the crime-determining factors. A considerable part of people deprived of their liberty originate from a sub-culture environment where education is not among the priorities in their education and value systems. The contemporary European philosophy of treating criminals focuses on educational and training activities and on criminals' motivation and preparedness for labour and reintegration into civil society. This calls for special attention to prisoners' literacy, education and vocational training.

Sixteen literacy courses with 215 successful graduates were held due to the significant number of illiterate persons deprived of their liberty and in order to meet and overcome needs and drawbacks identified following offender personalities' assessment conducted in the places for deprivation of liberty. Prisoners demonstrated interest in learning foreign languages and acquiring computer skills. Therefore, 3 English language courses for 40 participants and 3 initial computer skills courses for 35 successful trainees were delivered. A total of 25 training programmes for 678 participants were provided over the past year. Boychinovtsi Reformatory and Bobov Dol Prison offered the biggest number (5 programmes each) and variety of programmes. It is also worth noting the positive practice adopted in Varna prison where the imprisoned librarian delivers a year-round literacy programme for 5 inmates, as well as the work of the Bobov Dol prison clergyman, a former teacher, who implemented 2 literacy courses for 29 participants throughout the year.

835 students were admitted to the six schools to the places for deprivation of liberty in the academic 2005-2006 and 553 of them finished the school year successfully. There are two major reasons for the 282 drop-outs: serving the term of imprisonment and giving up the training process. The main reason for giving up is prisoners' insufficient learning motivation. Social and correctional education inspectors and teachers should put in further efforts to improve their motivation level. The other main reason for dropping out is the lack of legal grounds for refusal to participate in educational processes. As a result, a considerable portion of persons deprived of their liberty apply for admission and commute to the schools with the sole purpose of relieving the monotony of their stay in the places for deprivation of liberty.

Over the school year 2006-2007, the number of admitted imprisoned students is 716. Compared to the previous year, this indicates a decrease of 119 students. One reason is the reduced prison population in the prisons in Sliven and Stara Zagora as well as in Boychinovtsi Reformatory. Another reason is the increased level of employment in the places for deprivation of liberty which is a preferred option by prisoners in view of gaining material benefits.

The latter makes us pursue an opportunity to apply non-standard and on-the-job training delivery forms through establishing 2 or 3 training and qualification centres in the respective locations.

In addition to classes offered in educational institutions, professional qualification in the places for deprivation of liberty is acquired also through the delivery of vocational training courses. In 2006, 35 courses were provided and 576 trainees graduated successfully. These courses are mainly funded by NGOs and the General Enterprise "Prisons Production". The biggest in number and variety courses were delivered in Boychinovtsi Correctional Facility (7), Belene Prison (6) and Lovech, Stara Zagora and Vratsa Prisons (5 courses each). Due to lack of funds, no vocational training courses were provided in the prisons in Burgas, Pazardjik and Plovdiv.

Ill-Treatment

Recommendations

- The CPT recommends that prison staff be reminded at suitable intervals that both the physical ill-treatment and verbal abuse of inmates are not acceptable and will be the subject of severe sanctions (par. 66)

All prison and investigation detention facility staff is well aware that ill-treatment and abuse of inmates is not acceptable and is subject to severe sanctions. During their inspections and visits to prisons and IDFs, the employees of the General Directorate for the Execution of Sentences check for complaints by detainees and prisoners on ill-treatment or other type of inhuman behaviour. All signals and complaints are closely examined and adequate measures are taken.

All initial training courses for newly-appointed staff, qualification improvement courses for existing staff and continuous training courses for custodial staff in all prisons and IDFs include mandatory subjects on human treatment of inmates, prevention of aggressive behaviour, communicative skills, tolerance and ethical behaviour.

- The CPT recommends that the Bulgarian authorities devise a national strategy concerning inter-prisoner violence, in the light of par. 68

With regard to the above recommendation on devising a national strategy concerning inter-prisoner violence, please be advised that in each prison establishment there are inmates who come under the category of what we call vulnerable prisoners. There may be numerous reasons for categorizing persons deprived of their liberty as vulnerable; some examples include: persons' victimization, bullying, physical assault, verbal abuse, exploitation, contraband incitement, etc. Other examples for such prisoners or circumstances include: inmates regarded as "strange" by the others; drug addicts; foreign nationals or ethnic minority members; lucid immaturity or poor coping skills; intellectual problems and anti-social behaviour; former police officers or prison staff; prisoners branded or labeled by other inmates and victims of verbal aggression; inmates categorized as vulnerable during previous stays of imprisonment; committed crimes popularized by the media; inmates known to other prisoners as informants; prisoners who are subject to periodic inmate physical aggression.

Currently, the Law on Execution of Punishments does not provide for what has been known as preventive segregation. Art.14 of the Law on Execution of Punishments regulates this matter only partially. Further activities focused on expanding the accommodation capacity of penitentiary institutions are needed in addition to the provisions of art.85, art.85a and art.130d of the above Law despite the fact that, as a rule, these prisoners' behaviour is highly subversive and thereby represents a constant source of conflicts.

Conditions of Detention

Recommendations

- The closed part of Sofia Prison:

*** The use of the cells in the basement of the main building be discontinued;**

The space in the basement of the main building of Sofia prison is no longer used. The metal screens on the windows were removed after the visit of the CPT.

*** The occupancy rate of the establishment be substantially reduced, the objective being to provide a minimum of 4 m² per prisoner;**

We are doing everything we can to reduce the occupancy rate per cell and provide a minimum of 4 m² per person. In view of the fact that the prisons are overcrowded, their architectural designs and distribution of premises, it is impossible for us to provide a minimum of 6 m² per prisoner in a common room but we take the recommendation of having single cells of no less than 6 m².

*** As part of the rolling programme of refurbishment, integral sanitation be provided for Group 2 as a matter of urgency; in the meantime, prisoners' access to the toilet at night be ensured and the use of buckets discontinued;**

Integral sanitation has already been provided in the building of Sofia Prison where Group 2 is located. Such has been built in the "reception" room too. There are no more premises in the Prison where buckets are used as toilets.

*** Prisoners be provided with materials for cleaning the cells;**

Materials for cleaning the cells are provided regularly to all inmates of Sofia Prison. The quantity of materials is in view of the existing effective tables and regulations.

*** The quality and quantity of food provided to prisoners be reviewed (par. 77)**

The quality and quantity of food in all prisons, regardless of the control exercised and heightened requirements are set in view of the possibilities of the budget, i.e. the funds allocated for food.

- **The CPT recommends that the Bulgarian authorities strive to further develop the programme of activities for prisoners – both sentenced and remand – in the closed part of Sofia Prison. In this context, efforts should be made to increase work opportunities and involve more prisoners in educational programmes and vocational training courses (par. 82)**

In the period after the visit of the CPT until now, the following educational programmes and vocational training courses have been finalized in the closed part of Sofia Prison:

- Two vocational training courses for construction workers – 30 participants;
- A course for tailors – 14 participants;
- A course for cooks – 15 participants;
- Basic grammar course for basic literacy – 10 participants;
- A yoga group – 31 participants;
- Two short-term programmes for drug-addicts – 20 participants.

The intense work for involvement of prisoners in Sofia Prison and all other prison houses in educational and vocational activities will continue on an even wider and more varied scale.

- **Measures to be taken at Sliven prison:**

*** Reduce cell occupancy rates to an acceptable level (a minimum of 4 m² per prisoner); cells measuring 7 m² should not accommodate more than one prisoner (save in exceptional circumstances when it would be inadvisable for a prisoner to be left alone);**

The replacement of window frames in the closed prison was underway during the visit to Sliven Prison which is accurately indicated in the report. The construction works naturally are related to reshuffling of prisoners and that is why some of the rooms were overcrowded at the time. In principle, the number of people in the section for defendants is not permanent (as of September 2006, there were 69 while as of 13 June 2007 – 22).

We take the recommendation to provide a minimum of living space in the common and single cells. As with Sofia Prison, we are also doing everything we can with respect to Sliven Prison to reduce the occupancy rate per room and provide a minimum of 4 m² per person.

*** Provide sufficient staffing levels at night to enable all prisoners to have ready access to a toilet around the clock;**

Due to the lack of sufficient staffing levels during the night, as a compensatory mechanism the administration has set up living quarters for inmates with health problems which are not locked at night. The living quarters where the inmates from various groups of people with non-problematic behaviour are housed are not locked at the same time.

*** Pursue the refurbishment programme, in particular on the top floor of the main prison building (par. 90)**

The Prison has an overall project of “reconstruction of the dormitory section” to provide integral sanitation in every room with hot and cold water and a toilet. The project was developed back in 1991 by a design organisation and needs updating and re-approving at present. The implementation of the construction works of such a project amount roughly to BGN 500 thousand.

- The Bulgarian authorities need to review their current policy as regards the handcuffing of the life-sentenced prisoners segregated under orders reviewed every six months pursuant to paragraph 101 (par. 101)

The practice of moving handcuffed prisoners in Sofia Prison has been terminated. At present, this is done only with single very dangerous prisoners who are escorted from the corridor to the open place where the handcuffs are removed.

- The Bulgarian authorities need to review the legal provisions for life-sentenced prisoners in the light of the remarks in paragraph 102 (par. 102)

The issue about the review of the legal provisions for life-sentenced prisoners is not within the competence of the General Directorate for the Execution of Punishments only. Possible changes may be provided for in the new Draft Law on Execution of Punishments which is in a process of drawing up or the future Criminal Execution Code.

- As regards those life-sentenced prisoners currently held in special units, the Bulgarian authorities need to continue to develop their regime of activities, in particular by providing more communal activities (including access to work and education) and revising the policy on long-distance learning and computer-based courses (par. 102)

There are 15 life-sentenced prisoners in Sofia Prison, 11 of them work. If the others express the desire, there are possibilities to provide them with work as well. The prisoners spend fruitfully at least 8 hours a day working.

The National Standards for Treatment of Life-Sentenced Prisoners were adopted in January 2007.

- The Bulgarian authorities need to review the provisions for foreign prisoners with a view to ensuring that they are no longer excluded from eligibility to more open conditions, home leave and conditional release (parole), and that a flexible approach is adopted as regards accumulation of visit time, telephone contacts and access to work, education and vocational training, bearing in mind the special needs of this group (par. 105)

Foreign nationals (sentenced and detained) in Sofia Prison are treated the same way as the Bulgarian nationals. All open-type sentenced people are housed in Sofia prison dormitory in the village of Kazichene. Foreign nationals are also placed in accordance with the common procedure for movement into transitional facilities as Kazichene Prison Hostel. Initially, 6 prisoners were moved there and, later, the foreigners will be moved applying the same legal criteria as with the Bulgarian nationals.

There are no obstacles to their release before the elapse of their time but this is done with a court decision. From October 2006 till April 2007, 28 (twenty-eight) foreign nationals were released conditionally (on parole). There are no obstacles to their using home leave as a reward if the legal prerequisites for this are in place. In addition, all people sentenced and detained, regardless of their nationality, use visit times as rewards from 3 (three) to 24 (twenty-four) hours.

Foreign inmates have also been included in all vocational and educational courses held in the prison for the last 6 months. Foreign nationals have been appointed in all units where inmates work, including the kitchen, steam room, etc. The administration does not permit any distinction of the prisoners on the basis of nationality.

Comments

- **The Bulgarian authorities are invited to consider options at Sofia Prison for emergency lighting in the cells at night (i.e. when prisoners go to the toilet) (par. 77)**

At present, options for emergency lighting in the cells at night are being prepared and the problems will be resolved.

- **The Bulgarian authorities are invited to provide the exercise yards at Sofia Prison with shelters from inclement weather (par. 82)**

A shelter of 60 m² for protection against inclement weather has already been built in the open area (exercise yard).

- **Whereas at Sliven Prison escort time was undoubtedly spent in the open air, this should not be counted as part of the daily hour of exercise (par. 92)**

The finding that the time for escort to and from the work places in Sliven Prison is included in the daily hour in the open is not true. Due to the insufficiency of free time in the daily schedule of prisoners who work, the duration of stay in the open air used to include the time for legal production break – 15 minutes – which is mandatorily held in the open – and not the escort time. The schedule has been changed in view of the strict compliance with the recommendation.

- **The management of Sliven Prison is encouraged to pursue its efforts to engage more prisoners in work and other purposeful activities. The prison management is also invited to increase the use of the gym and to provide the exercise yards with shelters from inclement weather (par. 97)**

The look of any room is an element of the motivational mechanism for its effective use. The roof structure of the only closed gym for staff and prisoners is in a dilapidated condition due to an irreparable leak in the hydro-insulation of the roof above the gym which is a serious obstacle to it being used.

In practice, the prison for women does not have an open gym either. We take the conclusions of the CPT representatives that the entire range of sport and recreational activities in modern prison regimes is viewed as a basic activity of great significance for the inmates' overall health condition. With letter No. 54 / 2007 to the Ministry of Justice a proposal was made for the allocation of budget funds to a project to build a sports centre on the territory of the prison to the amount of BGN 15 thousand.

- **The juxtaposition of life-sentenced prisoners and prisoners segregated on administrative, medical or disciplinary grounds in Group 7 at Sliven Prison is unfortunate and suggests that the lifer segregation rule is of a punitive nature (paragraph 100)**

In principle, we accept the recommendation but it must be kept in mind that, pursuant to the effective regulatory framework, life-sentenced prisoners are housed in segregation. At present, at Sliven Prison and most of the prisons in the country, there are no possibilities for the rooms for this category of sentenced people to be separate from the punitive cells.

Requests for information

- **A timetable for the implementation of the programme of refurbishment at Sofia Prison (par. 77)**

The timetable for the refurbishment of Sofia Prison was prepared in the end of 2006. The following were refurbished: the entire Group II, including sanitation; the big room in the reception area; a room was refurbished to be a hospital room; the rooms housing the people going through the Prison for cases, including sanitation built; the common bath and toilets of Group V were refurbished; the defects of the construction works on the last floor (Group VII) were remedied; the entire staircase section (the roundabout) was refurbished; a new incoming water pipe was installed; overall renovation of the dentist's room, including a new dentist's chair; a new collector for waste waters was built; the "leaks" in the cells were stopped; also refurbished was the room for receiving parcels, distribution waiting room; rooms for 24-hour visits were built. The northeastern wing of the main building is to be renovated, building of emergency lighting, small renovation works in the dormitory.

- **Confirmation that the necessary repair works in the kitchen at Sofia Prison have been carried out with a view to remedying the shortcomings referred to in paragraph 76 (paragraph 77)**

The prison kitchen staff has been changed entirely. Prisoners' self-control has been introduced through voluntary prisoners' bodies. The equipment and rooms have been refurbished. The absorption equipment has been renovated. New stocks have been purchased. The possibility for "making a dam" in the event of rain has been eliminated with the new collector. The system of providing food has been changed and it is now done by floors and not in the dining room. The former dining room is a room for communal activities.

- **The outcome of the complaint concerning the conditions and care provided at the crèche in Sliven Prison (par. 91)**

The complaint has been rejected as groundless on the basis of the results of the conducted inspection of the case.

- **Confirmation that the communal activities room for lifers in Sofia Prison is now in operation; in this context, information on the range of communal activities provided, the number of lifers using the room each week and the number of hours per lifer per week (par. 102)**

A separate social activities club is in operation in the corridor of the life-sentenced prisoners. Group work, games, exchange of literature, film showings, etc. take place under the direction of the social worker 3 times a week for 3 hours. Only 7 life-sentenced prisoners take part in these activities because they have expressed the desire to do so.

Health-care services

Recommendations

- **Urgent steps to be taken to reinforce the health-care resources at Sofia and Sliven Prisons, and in particular to:**

*** Immediately fill the post of doctor at Sliven Prison;**

On 21 July 2006, Dr. Emanuil Vichev was released from the position of Medical Centre Director pursuant to art. 20, par. 4 of the Law on Execution of Punishments in connection with art. 245, par.1, item 1 of the Law on the Ministry of the Interior. Due to the unclear competitive procedures for the appointment of civil servants in the system of the General Directorate for the Execution of Punishments and pursuant to art. 108, par. 2, item 1 of the National Framework Agreement between the National Health Fund and the Bulgarian Medical Association for 2006, the administrative management approached the Director of the Regional Health Fund and the Chair of the regional branch of the Bulgarian Medical Association who *ex officio* designated a general practitioner to provide service to the detainees in Sliven Prison as of 1 September 2006.

In relation to the visit of CPT representatives to the prison and the oral instructions given, the Head of the Prison approached the General Directorate for the Execution of Punishments with regard to the need to prioritise the announcement of the competition for the position of Medical Centre Director with the prison with letters No. 983/4 October 2006 and No. 294/12 March 2007.

The competition was announced on 24 April 2007 and by 23 May 2007, the closing date for filing applications, only three candidates had registered.

*** Fill the post of psychiatrist at Sliven Prison;**

The position of Doctor Psychiatrist has been vacant as of the end of January 2003. At present, the position goes with the status of *civil servant – civil person*. Until 2006, in accordance with the effective regulatory framework, the position had periodically been announced as vacant in Sliven Labour Office and the media. No interest was expressed in it in view of the impossibility to perform it under the terms and procedure for private medical practices outside the working hours.

In relation to the amendments to the Structural Rules of the Ministry of Justice in 2006 and the following decision of the Ministry of Justice management to carry out personnel and structural changes in the General Directorate for the Execution of Punishments and its territorial units, the position was removed on our proposal while the staff positions in the medical centre of Sliven Prison were increased by ½ position for an Intern Doctor under labour relations.

As a compensation, at present the prison is visited by two psychiatrists following preliminary requests of the medical centre through whom we meet the prisoners' needs for this kind of qualified assistance.

*** Appoint one more general practitioner as well as a psychiatrist at Sofia Prison;**

*** Ensure that both establishments have a sufficient number of nursing staff - as a first measure, immediate action is required to appoint at least two full-time qualified nurses at Sofia Prison and at least one at Sliven Prison;**

In the context of optimization of the staff numbers and organizational structure of the entire staff at Sofia Prison, proposals were prepared for filling in the vacant staff positions at the Medical Centre and Specialised Hospital for Active Treatment of Prisoners and for the transfer of individual specialists from one unit to the other, including a psychiatrist.

*** Ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the premises on Sliven Prison, including at night and weekends;**

The implementation of the third recommendation of the CPT representatives is not within the competence of the prison administration. It seems to us, however, that the expansion of the staff positions with one qualified specialist, preferably with a nursing qualification, will not suffice to comply with the requirement for constant presence on the premises on the prison, including at night and weekends.

*** Improve conditions in the dental surgery at Sofia Prison (par. 107)**

Major renovations works of the dentist's office in the prison were carried out in the end of 2006. A new dentist's chair was bought and installed. At this stage, we did not intend to build a dental surgery because we need a surgeon dentist, equipment, etc. At the same time, these services are provided in external health institutions without a problem for the administration and the patient and such cases are rare.

- **Measures to be taken to ensure that all newly-arrived prisoners are seen by a health-care staff member within 24 hours of their arrival. The medical examination on admission should be comprehensive, including appropriate screening for transmissible diseases. Further, prisoners should be provided with counselling before (and, in the case of a positive result, after) any screening test as well as with information with concerning the prevention of transmissible diseases (paragraph 109)**

Organizational prerequisites have been put in place for the quality performance of initial medical tests and correct registration.

- **Steps to be taken to ensure that prison health-care services perform a thorough screening of prisoners for injuries, both on admission and, when appropriate, during imprisonment. In this context, reference is made to the recommendations in paragraphs 22 and 56 concerning the record to be drawn up following the medical examination of detained persons. Further, whenever injuries are recorded which are consistent with allegations of ill-treatment made by a prisoner, the record should be systematically brought to the attention of the relevant prosecutor. Moreover, the results of every examination, including the above-mentioned statements and the doctor's conclusions, should be made available to the prisoner and his lawyer (par. 110)**

The prison observing prosecutor is notified in all cases of notifications of ill-treatment.

- **Steps to be taken to ensure that:**

*** Prisoners' individual medical files are properly kept and prisoners are entitled to receive copies of medical documents;**

The recommendation does not provide an accurate definition of "prisoners' individual medical files are properly kept." The prisoners' right to receive copies of medical documents is guaranteed in all prisons and prison hospitals.

*** All medical examinations are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of non-medical prison staff and law enforcement officials (par. 111)**

Measures have been taken in Sofia Prison not to allow any possibility for other people to be present during medical checks but the medical staff.

- **The Bulgarian authorities to develop of a comprehensive strategy for the provision of assistance to persons with drug-related problems, in the light of the remarks in paragraph 112 (par. 112)**

Two new programmes for working with prisoners with drug-related problems were introduced in 2007, a short-term one and a 12-step one. The first one has already been implemented in the prisons in Vratsa, Plovdiv, Lovech and Sofia with one group of prisoners per place. The second programme, the 12-step one, is to be implemented and it is currently at the stage of setting up teams and selection. 92 specialised programmes were implemented in prisons this year.

- **The Bulgarian authorities to take into consideration the comments and recommendations made in this report in the new regulations on the provision of health care to prisoners (par. 113)**

The CPT recommendations will be taken into account in future legislative amendments.

- **Steps to be taken at Sofia Prison Hospital to:**

- * Substantially upgrade the medical equipment;**

In December 2006, the following were purchased and function in the prison hospital:

- Hematological counter;
- Coagulation counter;
- Computer;
- Washing machines;
- Air conditioning for the operations section;
- Recovery beds.

- * Improve the state of repair and the level of hygiene in patients' rooms (par. 115)**

In 2006 before the CPT visit, the following repairs were made in the hospital building of Sofia Prison:

- All rooms, including hospital and isolation rooms, corridors, sanitation units and dining room, were painted;
- The floor covering in the sanitation units, hospital isolators and work premises was changed;
- The screens and window panes in some of the patients' rooms were changed.

Comments

- **Some delays occurred in treatment for prisoners at Sofia Prison despite referral to the Prison Hospital (par. 108)**

We believe that the reaction of the hospital at Sofia Prison in the above-mentioned delay was timely and adequate. This is a single case and the reasons for the delay are not of medical nature but organizational.

- **The Committee invites the Bulgarian authorities to review their strategy for implementing health-care policy in prisons with a view to ensuring harmonisation with the national health-care system and respect of the principles of equivalence of care and professional independence (par. 113)**

We do not think that the current effective legislation in the field of health policy in prisons has been harmonized with the national health-care system. The recommendation will be taken into account in future amendments to the Execution of Punishments Act and the legislation related to health reforms.

Requests for information

- **The comments of the Bulgarian authorities concerning delays in transferring inmates for treatment to hospital facilities and in access to medical specialists outside the penitentiary system (par. 108)**

The procedure for sending prisoners for hospital treatment is strictly provided for in the Rules for the Activities of Medical Centres in Prisons and Ordinance No. 12 of 20 December 2006 on the Medical Services for Prisoners.

In all urgent cases, regardless of the prisoners' status, permission is given by fax within 1-2 hours. If necessary, even by telephone.

Other issues related to the CPT's mandates

Recommendations

- **Possibilities to be explored at Sofia Prison for allowing prisoners to receive visits under less restrictive conditions, based on individual risk assessment (par. 120)**

The entry into force of the Rules for the Application of the Execution of Punishments Act has created possibilities to receive visits for a longer period as well as possibilities for a close contact, including intimate contacts, of the inmates with their family. 45 three-hour visits and 29 twenty-four hour visits were held as a reward for good conduct from the beginning of 2007 till May of this year.

- **A prisoner upon whom a disciplinary sanction is imposed to be always given a copy of the decision (par. 122)**

The recommendation that "prisoners upon whom a disciplinary sanction is imposed to be always given a copy of the decision" is strictly adhered to at Sliven and Sofia Prisons at the time of its receipt. It will also be implemented by the administrations of the other prisons but the content of art.96, par.IV of the Rules for the Application of the Execution of Punishments Act must be amended to this effect in the future.

- **The Bulgarian authorities to ensure that:**

*** The disciplinary cells at Sofia Prison are fitted with a table and stool;**

All punishment cells at Sofia Prison have been fitted with a table and stool since the end of 2006. The isolated prisoners' right to literature has been guaranteed and so has the right to access to shower (such have been installed in all cells with constantly running water).

*** The disciplinary cells at Sliven Prison are fitted with proper beds and prisoners placed in them provided with normal bedding at night;**

The punishment cells at Sliven Prison will be refurbished within two months in accordance with the recommendations – “fitted with proper beds.”

The recommendation to provide “bedding at night” in the isolation rooms is in fact an expression of the lack of technological time to bring the practice of the conditions for performance of the punishment “isolation in an isolation cell” in line with the amendment to art.103, par.V of the Rules for the Application of the Law on Execution of Punishments that entered into force on 1 September 2006 and the timing of the visit of the Committee representatives. At present, the use of bedding in the isolation rooms does not pose a problem.

*** Prisoners placed in disciplinary isolation in Sliven Prison are able to have ready access to a toilet;**

Due to financial reasons, at present it is impossible for us to comply with this recommendation. We hope that this will happen with the implementation of the project “Reconstruction of Dormitory and Living Section”.

*** Prisoners placed in disciplinary isolation are allowed reading matter;**

In our opinion, the finding that prisoners in isolation rooms are not allowed anything to read is not completely fair. The administration does not provide such materials but strictly complies with the provision of art. 76a of the Law on Execution of Punishments. Bringing reading matter in the isolation room is a prisoner's personal choice.

*** Prisoners placed in disciplinary isolation are provided with possibilities to maintain personal hygiene, including access to a shower (par. 123)**

Due to the lack of integral sanitation, 20 minutes are allowed three times for personal hygiene. There is a boiler installed in the section so hot water can be used during these times. The provisions of art.103, par.8 of the Rules for the Application of the Law on Execution of Punishments are strictly observed.

Comments

- **It is necessary for management to exercise professional oversight over staff-prisoner relations and encourage dynamic security, whilst discouraging corruption (par. 117)**

With a view to this, systematic meetings between the prison management and the official teams, regular training events and courses, performance evaluations and surveys of staff are held.

The issues of dynamic security are specially analyzed in the annual reports and measures and events to implement them are identified. All activities described are directly related to the performance of prophylactic activities not to allow corruption in the penitentiary institutions.

- **The Bulgarian authorities are invited to make provision for temporarily replacing staff on maternity leave (par. 119)**

At the time of the visit of the Committee representatives to Sliven Prison, seven custodial staff employees (approximately 10% of the staff) were on leave for pregnancy, birth or raising a child until the child is two years old. If all other absences specific to women and mothers – for example, caring for sick children – are added to that leave, the exceptional difficulties for the prison administration to ensure shifts and staff breaks become clearly explicable.

- **The Bulgarian authorities are invited to give consideration to allowing accumulation of visit time for visitors who live at a long distance from the prison concerned (par. 120)**

In view of the specific needs of female prisoners, the duration of visits in the prison has been 1 hour since 1991 and their number is not limited. There has never been schedule of the visits in the prison. The administration is ready immediately to apply in practice the possibility for accumulation of visit time for visitors who live at a long distance or, regardless of the latter, due to different reasons, visit their close people rarely.

- **The Bulgarian authorities are invited to improve access to telephones for prisoners at Sofia and Sliven Prisons (par. 121)**

A Contel communication system for telephone calls has already been built at Sofia Prison. A total of 19 telephone posts will work in the prison (in each Group and during stays in the open).

The finding of the Committee representatives that the number of telephones at Sliven Prison is one is not correct. There are three telephones installed on the premises of the institution and one in the open-type prison hostel Ramanusha. The building of a Contel traffic system for telephone calls with barcode identification is underway. Six Contel telephones will be installed on the premises of the prison – one in each division in the main building of the prison and one telephone for the wing where special categories of prisoners are housed.

Requests for information

- **Information on the planned arrangements for visits lasting over 8 hours (par. 120)**

During the current fiscal year, budget funds have been allocated to Sliven Prison for the purchase and mounting of a structure to realize the possibility for the prisoners to have visits longer than 8 hours pursuant to art. 74, letter “b” of the Law on Execution of Punishments in connection with art. 99, par. 2 of the Rules for the Application of the Law on Execution of Punishments.

The entry into force of the Rules for the Application of the Law on Execution of Punishments has created possibilities to receive visits for a longer period as well as possibilities for a close contact, including intimate contacts, of the inmates with their family. 45 three-hour visits and 29 twenty-four hour visits were held as a reward for good conduct at Sofia Prison from the beginning of 2007 till May of this year.

Establishments under the Authority of the Ministry of Health

District Dispensary for Psychic Diseases - Hospital – Rouse

The Ministry of Health took into consideration the preliminary notes and recommendations of CPT.

1. As concerns the application of restrictive measures, according to Ordinance № 1 dated 28 June, 2005 on the Procedure for Application of Measures for Temporary Physical Restrictions in Respect of Patients Suffering Ascertained Psychic Disorders, there is an operational commission set up under art.17 of the Ordinance. The Commission performs periodic inspections once every three months, which are reflected in records.

2. The procedures for urgent medical treatment and compulsory hospitalization and medical treatment are also set forth, in accordance with the Health Act.

One ongoing inspection has been made in the Rouse Regional Psychiatric Dispensary since the beginning of 2007 by inspectors from the “Anti-Epidemiological Control” (AEC) Department.

The dispensary departments have four food-distribution places, where the patients are served food, as the control is carried out by inspectors from the AEC department. Omissions were found out in the medicinal drug dependency department, which obstructed the hygienic cleaning and disinfection of the premises. In the end of March 2007 an instruction was sent for the performance of overhaul including replacement of the flooring and joinery, as well as repairs of the sanitary units, the deadline for performance being – June 2007. An inspection of the performance of the prescribed activities is forthcoming.

We do hereby inform you that in the abovementioned site an inspection shall be made to evaluate the nutrition and the nutrition corps of the patients, as they shall be given respective recommendation and their performance shall be tracked out.

State Psychiatric Hospital (SPH) - Byala

Under item 2, 128

The quoted cases of poor attitude of the staff to patients are about a hospital attendant, who after establishment of the cases was dismissed from The Byala SPH and the Byala Regional Prosecutor’s Office was referred to, as afterwards criminal proceedings were initiated against the same person.

Under item 2, 129

The hospital has a prepared “Program for Specialization and Continued Staff Training”.

By the entry into force of the 2007 State Budget Act opportunities for increase of the income of staff in the state budget funded medical treatment/health care facilities were sought within the funds approved by the law. On the part of the Leaders of the Ministry of Health it was proposed, discussed and a resolution was taken by the Council of Ministers and by Decree of the Council of Ministers 66/26.03.2007 the average monthly gross salaries of one person, member of the staff in the Health Care function were adjusted, as from 01 January, 2007. For the psychiatric hospitals the increase is in the amount of 114%.

The professional knowledge and skills of every employee of the Byala SPH is enhanced every year by the so called methods of continued training.

Physicians, nurses, medical assistants and hospital attendants improve their qualification through the following forms: collegiums, courses, individual training, seminars, conferences, congresses, symposiums, certified by a certificate or protocol.

Under item 3, 134

An overhaul was made of the clinical departments in 2006. The maximal number of the beds in one room is four. The Ministry of Health shall give grants in aid for capital expenses to the Byala State Psychiatric Hospital (SPH) in 2007 in the amount of BGN 255,648. It is intended that the funds shall be spent on overhaul of the kitchen block, construction of a chimney and supply of furniture and equipment for the newly repaired hospital rooms. By the granting of these funds the construction-and-repair works related to the performance of complete renovation of the buildings of the Byala SPH, which started in 2006 entirely with subsidy funds, shall be over.

Under item 3, 135

For linen for 2006 and 2007 – the amount in 2007 is insufficient for the purchase of the necessary sets of linen and night clothes, working and protective clothing of the personal. In the formation of the budget for 2008 opportunities for threefold increase of this item shall be sought.

In relation to the improvement of the local heating a new water-heating boiler was purchased and installed for the amount of BGN 28,440.36, which is significantly more economic than the one existing prior to this and which shall secure the normal heating of the hospital in the forthcoming season 2007-2008.

For food, in 2006 the funds were in the amount of BGN 106,500, including the funds from own income, which allowed to include meat in the patients' menu once weekly. In the § approved for 2007 there is no change in the value. In the formation of the budget for 2008 opportunities shall be sought to ensure additional funds for provision of more nutrient and balanced food to the patients.

In the Byala State Psychiatric Hospital, since the beginning of 2007 inspectors from the AEC department carried out one ongoing inspection for the observance of the sanitary-and-hygienic regime in the medical treatment facility, gross violations being not established and one thematic inspection under the undertaken anti-epidemiologic measures in respect of the persons who have been in contact with a subject suffering an established form of tuberculosis.

As concerns the kitchen block in September 2006 an instruction was issued for preparation and integration of the Hazard Analysis and Critical Control Points (HACCP) system, as the deadline for integration was extended by request of the hospital management. According to the information stored in the site dossier, the performance of a systematic inspection is scheduled for 15 June, 2007. An inspection for evaluation of the nutrition and nutrition status of the patients shall be made in the above site, as relevant recommendations shall be given and their performance shall be tracked out.

Under item 4 Medical Treatment and Staff

As concerns the regimes in the hospital, we note that the hospital carries out medical treatment activity pursuant to art.155 of the Health Act and art.89 of the Criminal Code, which also requires closed doors regime. Care programs are developed in every department, which give a meaning to the patients' spare time: walks, games cultural activities, etc. They are strictly observed and records are prepared.

One of the departments is subject of “open doors” regime, where the patients participate in rehabilitation programs intended to prepare them for independent life in society.

The library of the Byala SPH is visited by patients with improved psychic conditions after judgement of the team of the respective department.

Under item 4, 142

The hospitalization criteria are observed in the hospital, in accordance with the department profile. Indeed, exceptions have been made, but in the interest of the patients, since in lots of cases, upon their admittance, they express a desire to be treated by a definite physician.

In the clinical department the rooms are distributed dependant on the degree of cares, the full volume of activities cannot be ensured for the reason of insufficient staff.

Under item 143

The Byala SPH makes efforts to extend the labour-therapy and rehabilitation activity. It is intended that in the current year 15 persons shall be trained in the carpenter’s shop, in vegetable-growing – 50-60 persons. The hospital applies for a project of the PHARE program BG 2005/017-353.01.02 for construction of a Protected House with 10 beds, daily centre and informational centre, whereby this activity shall be strongly intensified.

The internal regulations of the departments provide for open-air walk and exercises, every day, in the periods 10.30-11.30 and 16.00-17.00.

Under item 4, 144

As concerns the work schedules of the staff, they are made in an optimal variant, in accordance with the available human resources of the hospital.

Under item 5

After the repair made of the clinical departments in the hospital the isolation rooms were repaired and used in accordance with the instructions. The funds used for restriction are registered in a logbook and are carried out strictly in compliance with Ordinance № 1 dated 25.06.2005. A commission was set up on the grounds of art.17 of the Ordinance.

Under item 5, 151

Patients are admitted to the Byala SPH only after the signing of an informed consent, except for those who are admitted under art.155 of the Health Act and art.89 of the Criminal Code.

In case that such patient desires to be discharged, he/she shall refer an application to the treating physician or the director of the hospital. All patients who are admitted are acquainted with the internal regulations, their rights and obligations and the discharge procedure.

Under item 6, 155

A certain number of patients remain in the hospital after termination, by a Court’s Decision, of their compulsory or forcible medical treatment, but only after they have signed a declaration for voluntary continuation of the hospitalization. These are patients, who practically have nowhere to go at the moment of termination of the forcible medical treatment.

Under item 6, 156

All admitted patients are acquainted with the internal regulations and with the procedure for filing of appeals and complaints. The appeals and complaints box is placed in a prominent position in the hospital and it is accessible for every patient and employee.

The control over the implementation of the CPT recommendations for the two medical treatment facilities /The Byala SPH and District Dispensary for Psychic Diseases – Hospital – Rouse/ is assigned to the Rouse Regional Health Care Centre (RHCC) by the Ministry of Health.

State Psychiatric Hospital (SPH) - Karloukovo

Under item 2 Hospital Treatment

There is an approved program for specialization and continued staff training in the Karloukovo SPH of 01.01.2007. Modules have been developed for training of physicians and nurses in psychiatric nursing and hospital attendants. The training program for hospital attendants includes the following modules:

- Emergent conditions in psychiatry and hospital attendant's conduct;
- Prevention of violence;
- Monitoring of patient with a suicide risk;
- Interrelation between a hospital attendant and patients and their relatives;
- Characteristics of a person suffering epilepsy and epileptic fit.

By the entry into force of the 2007 State Budget Act opportunities for increase of the income of staff in the state budget funded medical treatment/health care facilities were sought within the funds approved by the law. On the part of the Leaders it was proposed, discussed and a resolution was taken by the Council of Ministers and by Decree of the Council of Ministers 66/26.03.2007 the average monthly gross salaries of one person, member of the staff in the Health Care function were adjusted, as from 01 January, 2007. For the psychiatric hospitals the increase is in the amount of 114%.

Under item 3 – Conditions of Life

The construction-and-repair works in the three-storey high hospital pavilion started after a natural disaster with funds provided by the Standing Committee on Population Protection in the Event of Disasters, Accidents and Catastrophes /SCPPEDAC/ at the Council of Ministers. The repairs are not completed for the reasons of funds not granted by the Standing Committee – as third tranche in the amount of BGN 165,068.65 /beyond the powers of the Ministry of Health/. Finishing works are currently being carried out by hospital maintenance workers.

The everyday control in respect of the disinfection activities is intensified. A new changed office with a sanitary unit operates for fighting parasites. Sanitary activities are applied there to each newly admitted diseased subject.

Since the beginning of 2007 three ongoing inspections were carried out in the Karloukovo State Psychiatric Hospital (SPH) by inspectors from the Lovech Regional Inspectorate for Public Health Protection and Control (RIPHPC) – two by the “Supervision of Food Facilities and Nutrition” to the State Health Control Directorate – about integration of the system for securing of food safety “Hazard Analysis and Critical Control Points” in the kitchen block and one by the Anti-Epidemiologic Control (AEC) department at the “Infectious Diseases Supervision” Directorate in respect of an appeal for the presence of lice in the clothes and hair of the patients. The inspections in the kitchen block showed good hygienic condition of the site. An instruction was issued for integration, implementation and maintenance of the Hazard Analysis and Critical Control Points (HACCP) system, as a prompt inspection shall be made after the defined deadline for performance. Sufficient number of usable disinfectants and anti-parasite preparations was established and they are used in accordance with their designation. Sanctions were imposed on one member of the staff (nurse) for failure to observe the anti-epidemiological regime and allowing mingling of the patients with lice with the other patients, which was a reason for dissemination of the lice in two of the departments.

The food menu of the patients includes meat 5 days of the week. For 2006 one food-day was BGN 1.92. For 2007: January – BGN 1.94, February - BGN 2.22 and March – BGN 2.59.

An inspection for evaluation of the nutrition and nutrition status of the patients shall be made in the above site, as relevant recommendations shall be given and their performance shall be tracked out.

Under item 4 – Medical Treatment and Staff

The hospital has the following functioning rehabilitation programs:

- Psychosocial rehabilitation program;
- Social Skill Training program;
- Theological program.

Their implementation is conformed to the trained staff and resources. The included patients are mostly from the rehabilitation departments. Every day patients from the other departments too join walks and labour activities in the hospital park under the control of medical staff, from 10 to 12 in the morning and from 15 to 17 in the afternoon.

The hospital applies for the PHARE National Program, “Deinstitutionalization of Risk Groups”, II phase for „Transformation and Reorganization of the Conditions in the Hospital”. The aim is to make a hospital centre for psychological and social rehabilitation, as after the completion of the training module of all staff levels – there will be trained cadres, which shall also improve the psychological and social rehabilitation of the patients treated in the hospital, shortening of the hospital stay and habituation to life in the community.

The Ministry of Health assigned to the National Psychiatry Consultant to carry out methodical consultation and governance in respect of the therapeutic programs.

Under item 5 Means of Restriction

In pursuit of Ordinance № 1 on the Restrictive Measures dated 28 June, 2005 there is a register put into operation after its publication. There is also an instruction for written recording of the examinations made by the physician who appointed the respective measure – every 30 min or 1 hour, respectively, dependant of the type of restriction, as an access to a sanitary unit must also be provided, if necessary. A commission was appointed by Order № 91 dated 14 July, 2005, which had to exert supervision and prepare protocols in pursuit of the Ordinance.

The immobilization of a patient in a room with other patients established in the report was caused by the overloading of the department due to the repair activities, but presently Ordinance № 1 is implemented.

Under item 6 Protection in the Context of Compulsory Hospitalization

Under the “Ivailo Vakarelski” case the process is at the state of preliminary proceedings. The Lovech District Investigation Service summoned as witnesses hospital employees engaged in the case, latest inquiry is requested and sent on 07 November, 2006. Presently, there is no charge brought against the Karloukovo SPH.

Since November 2006 the Karloukovo SPH has a concluded contract with the Lovech Multi-Profile Hospital for Active Treatment for autopsies of deceased patients.

The control over the implementation of the recommendations of the Committee for Prevention of Tortures for the Karloukovo State Psychiatric Hospital is assigned to the Lovech Regional Health Care Centre.

Establishments under the Authority of the Ministry of Labour and Social Policy

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment /CPT/ encourages the Bulgarian authorities to continue their efforts for the reorganisation of the system for care provision to persons with mental disabilities, including programmes for deinstitutionalisation and other opportunities for the persons who take part in these programmes.

In relation to the implementation of the deinstitutionalisation process of specialised institutions for children and social institutions for adults with disabilities, in 2005 the Minister of Labour and Social Policy approved a Plan for the Improvement of the Situation of Adults with Disabilities placed in Specialised Institutions. The Plan contains the following **operative targets**:

- Improvement of living conditions and care quality for accommodated adults with disabilities carried out through: updating standards for maintenance of specialised institutions /SI/ consistent with the forecasted yearly inflation; development, approval and implementation of SI staffing standards in order to improve personnel provision; development and implementation (at both national and local level) of programmes for increasing staff qualification with view of the specifics of working with persons with disabilities, organising visits to SIs with good practices in order to raise awareness of these, implementation of monitoring and control on the observation of standards and criteria for rendering social services for persons with disabilities; implementation of the Third National Monitoring of the situation of persons with disabilities accommodated in SIs; carrying out periodic inspections of SIs for persons with disabilities on the implementation of their development plans.
- Development, restructuring and reducing specialised institutions for persons with disabilities, carried out through: development of periodic summarised analysis with assorted information on the condition of SIs consistent with the main directions for their reformation; preparation of a SI for persons with disabilities development and restructuring plan; implementation of the SI for persons with disabilities development and restructuring plan – closure of SIs that do not meet the standards and criteria location and material basis through moving to new buildings, repair and construction works, architectural restructuring, equipment and furnishing SIs, decreasing their capacity, entrusting SI management to NGOs, taking the appropriate measures for persons whose diagnosis does not meet the type of SI at which they are placed, establishment of an interinstitutional team of experts for preparing an assessment of persons accommodated in institutions in order to integrate them into society, visits to SIs from the interinstitutional commissions and individual assessment of persons there.
- An awareness raising campaign on persons with disabilities living in specialised institutions carried out by developing and implementing a Plan for an awareness raising campaign on persons with disabilities at national and local level.
- Deinstitutionalisation and passing on to alternative forms of social services consistent with the needs of persons with mental disabilities in the respective municipality which is carried out through activities in: deinstitutionalisation by creating new social services in the community – analysis and assessment of the needs of different types of social and educational services for persons with disabilities, using the opportunities provided by the

National programmes and projects under PHARE, establishing labour workshops for employment, development and implementation of programmes for improvement of personnel qualification with view of the specifics of working with persons with mental disabilities in rendering services in the community, training of specialists rendering care to persons with disabilities, working meetings for gaining knowledge of best practices.

- Development of regional policy in the field of social services, carried out through activities in: developing and adopting regional and municipal strategies for social services; carrying out training seminars with broad participation from municipalities, natural and legal entities and Social Assistance directorates; involving the regional media in awareness raising on the strategies.

Each concrete activity is designed with deadlines, bodies responsible for its implementation and sources of financing.

In this connection, the Home for Adults with Mental Retardation /HAMR/ in Trastika, Popovo municipality, Targovishte region has, in 2006, received financing by the Council for European Integration, through the Social Assistance Agency, in the amount of BGN 800 000 for the renovation of the basis in Medovina, 5 km. away from Popovo, and the construction of 2 protected dwellings, in which 18 customers will be accommodated and the specialised institution's capacity will be decreased from 70 to 50 places.

In 2006, the Assistants for Persons with Disabilities National Programme, activity Personal Assistant, was updated in order to prevent placements in SIs and deinstitutionalise persons with disabilities.

The Council of Ministers adopted (Protocol № 15/13 April 2006) a Concept for the Deinstitutionalisation of Specialised Institutions for Children and Social Institutions for Adults with Disabilities. The overall organisation, co-ordination of and control over the implementation of the Concept was entrusted to the Minister of Labour and Social Policy and the Chairperson of the State Agency for Child Protection.

One of the main goals of the National Strategy for Equal Opportunities for the Persons with Disabilities is the provision of a transition from institutional care to services in the community through the priority development of alternative services aimed at deinstitutionalising persons accommodated in specialised institutions.

Letter № 9100-1204 of 21 August 2007 points out to the Social Assistance Agency /SAA/ the need to take actions for the establishment of inter-institutional commissions in each municipality which has a functioning specialised institution for adults with disabilities on its territory. The commissions include representatives of the respective municipal administrations, social assistance directorates, staff of the specialised institution for persons with disabilities, a personal doctor and a competent medical person /psychiatrist/ who serve the consumers as well as other persons who are relevant to the consumers. The purpose of these commissions is to develop a social assessment of the objective condition of all persons accommodated in the institutions: psychological particularities, practical skills and habits and learning capabilities and needs.

The Agency directed Social Assistance directorates to develop new social assessments of all persons accommodated in specialised institutions to make use of the operative programme "Human Resources Development" which provides for exceptions regarding both persons with disabilities and those who render the service.

In order to improve the quality of life of persons with disabilities a Plan for coordinated actions in the whole country between regional social assistance directorates, Social Assistance directorates, municipalities and directors of specialised institutions was adopted, which is aimed at leading out persons with disabilities placed in institutions and provision of quality services in a family environment.

2. After carrying out the First National Monitoring of HAMR in 2004 the HAMR in Trastika received an assessment, recommendations and a development plan. These include recommendations to provide each consumer with an appropriate food diet, quality, healthy and nutritious food, keeping in mind the nutritive needs and preferences of consumers with a possibility of preparing several dishes /soup, main course and desert/. In 2003 BGN 29 905 were spent on food, with a daily amount of BGN 1,17 per person; in 2004 BGN 48 000 were provided for food, with a daily amount of BGN 1,92 per person; in 2005 the daily amount of per person was BGN 2,12; in 2006 BGN 51 000 were provided for food, with a daily amount of BGN 2,60 per person; in 2007 BGN 53 000 are destined for food, with an average daily amount of BGN 2,80 per person.

The Third National Monitoring established that an appropriate diet had been set in place with three courses – breakfast, lunch and dinner – and between 10 a.m. and 4 p.m. consumers are offered tea, coffee and juice. A personal choice of food is provided with two types of soup and two main courses served for lunch.

On recommendation of the CPT, a team composed of a personal doctor, a medical auxiliary and the director prepared a diet under which the 11 consumers of social services in the institutions who weigh under 45 kg are provided with snacks in 4 p.m. All consumers accommodated in the institution receive 5 feedings a day (in 10 a.m. and 4 p.m. they receive beverages – tea, coffee and juice).

Currently, the weight of all consumers of social services in the institution is within standards. Three representatives of the consumers of the home take part in the preparation of the weekly menu. Questionnaires are prepared which the consumers fill in periodically with the assistance of the personnel on the quality and quantity of the food on offer as well as their own preferences.

3. Repairs on the new home in Medovina are due to be completed by the middle of October 2007 when the site is to be handed over and ready for work. The home will have a capacity of 50 persons. The specialised institution has a gym and four work-therapy rooms. In the same time, two protected dwellings will be open in Medovina, near the home, with a total capacity of 18 persons. Persons accommodated in the home will be placed there.

For the repairs, in 2006 the European Integration Council provided BGN 800 000 and the Popovo municipality provided further BGN 120 000.

For furnishing the new building, through the SAA, a freezer, bathtubs, sinks, sanitary equipment and other kitchen utensils were provided.

The 50 accommodated persons will be serviced by a staff of 30, including social workers, work-therapists and nurses. For assistance to the 18 women accommodated in the two protected dwellings the state will provide 10 further staff members.

The consumers from the home will be also able to make use of the social services in the community provided by a day centre for adults and a day centre for persons with disabilities, which will be open in Popovo in 2008.

4. Regarding the provision of dental care, in 2006 all consumers of social services accommodated in the home passed dental checks and 19 persons received one intervention and 24 received two. At present, 50 persons are passing routine dental checks of whom 3 received one intervention, 13 received two and 8 received 3.

5. All consumers of social services have individual plans that are updated every six months after preparing the personal assessment of the respective person. Plans are consistent with the person's individual needs, capabilities and interests and are implemented with the assistance of a team consisting of two work-therapists, two social workers and one medical auxiliary. There is a programme for carrying out work therapy. Consumers are separated in 7 groups according to their intellectual capabilities. They are worked with individually, in conformity with the year education and work-therapy programme. Every person has its own individual plan for work-therapy with fixed appointment times and places for the activities.

The home has a year programme in which all accommodated persons take part. The programme includes:

- mass culture events;
- sport half-days;
- celebrations of different occasions in the village and other socio-cultural events.

Each activity is noted in personal plans.

6. With the decreasing of the home's capacity to 50, the accommodated persons will be serviced by a staff of 30.

In relation to the signed framework agreement between the Ministry of Labour and Social Policy and the Ministry of Health for the improvement of the situation of persons with mental disabilities in specialised institutions, the social services in the community and the commitments that stem from it, a methodical guidance for servicing persons with severe psychological disorders was developed. The guideline was published in order to facilitate the process of rendering services to those people who need special cares.

For the 2004-2006 period the SAA carried out the following trainings:

- two qualification and consultancy courses themed "Social services management in specialised institutions and in the community";
- a qualification and consultancy course themed "Social services in specialised institutions and in the community. Processes of decentralisation of social services. Standards and criteria for rendering social services";
- training seminars under the "Novelties in the people with disabilities policy in Bulgaria" project, in order to increase staff qualification in specialised institutions;

- training courses with role-games in teambuilding, teamwork and conflict-solving in the practice of specialised institutions and social services in the community in order to improve the staff capacity of specialised institutions and municipal administrations. A total of 139 directors of specialised institutions and services in the community and representatives of municipal administrations took part in these courses;
- training of directors of specialised institutions and social services in the community in present-day aspects of the work of specialists rendering social services.

In 2006, the Executive Director of the SAA approved a training plan-programme in order to strengthen the administrative capacity of social workers in Social Assistance directorates, staff in specialised institutions and social services in the community working with persons with disabilities. The training was carried out in 3 modules and covered all homes in the country.

In implementation of the Minister of Labour and Social Policy-approved Plan for Improvement of the Situation of Adults with Disabilities accommodated in Specialised Institutions and the commitments that stem from it for mayors of municipalities, all staff categories in homes for persons with disabilities were trained by the staff of the HAMD Plovdiv and Rovino, Smolian municipality, approved by the National Monitoring as best practices.

Specialist from the home in Trastika (one social worker, the director, one work-therapist and one medical auxiliary) visited the HAMD in Plovdiv and got to know the organisation of work in the home.

The HAMD Trastika personnel took part in the following trainings:

- practical course themed “Present-day Aspects in the Work of Specialists from the Institutions in Social Services in the Community” – Veliko Tarnovo;
- a conference Through Borders, Cultures and Approaches, organised by the Capital municipality;
- a seminar on antidiscrimination legislation in the Republic in Bulgaria – disability-based discrimination – Targovishte;
- visits to protected dwellings for persons with mental retardation in Bourgas and Lovech;
- Complex for Social Services for Children and Families – Targovishte.

The specialists who attended the aforementioned trainings and best practices carry out internal training of the HAMD Trastika staff following a developed year programme.

Regional directorates for social assistance hold periodic working meetings for providing methodical assistance to specialised institutions for rendering social services.

Following a SAA Executive Director-approved year plan for 2007 for strengthening the administrative capacity of experts from regional social assistance directorates /RSAD/, social workers and specialists from specialised institutions and social services in the community, the SAA is holding profiled meetings.

7. Under the acting legislation in the field of social assistance, social services in specialised institutions are rendered only after exhausting all possibilities for providing services in the community. Persons who wish to take advantage of social services express their desire in writing through a request to the director of the relevant territorial Social Assistance directorate. Based on the request and the attached documents, the person’s needs of social services are assessed.

Persons who have their legal ability partially or fully suspended have their request for provision of social services submitted by their guardian or trustee. The European Commission recommendation to place persons with disabilities in institutions following a court verdict for the time being cannot be implemented, given the fact that for that to be achieved changes in legislation would be needed.

8. The Regulation implementing the Social Assistance Act provides for a periodic review of the need for placement in a specialised institution of persons with mental disabilities. Social service providers in specialised institutions develop a personal plan for the assessment of the needs of each consumer and the setting of targets that are to be attained /for example development and restoration of adaptive, working, social, living and other skills as well as reintegration into the family and transfer to a protected dwelling/.

The individual plan of the consumer of social services in a specialised institution contains measures for leading out and social inclusion. The implementation of the plan is assessed by the social services provider once every six months and is updated if needed.

Individual plans in HAMD Trastika are developed and implemented with the participation of a team of 2 work-therapists, 2 social workers and a medical auxiliary. Plans are consistent with the individual needs of accommodated persons as well as with their capabilities and interests. All 70 accommodated persons take part in work-therapy activities and mass-culture events, sports activities and celebrations.

9. Under the Obligations and Contracts Act, a contract shall be an agreement between two or more persons aimed at establishing, arranging or terminating a legal relationship between them. Contracts may be amended, terminated, broken or revoked only by mutual consent of the contracting parties or on grounds established by the law. Invalidateable is a contract that is concluded between incapacitated persons or concluded by their representative without observing the requirements set out in it, as well as contracts concluded by mistake, fraud, threat or extreme necessity.

Contracts for providing social services are prepared in the respective municipality that renders the service and regulate the subject matter of the contract, the general provisions. The rights and obligations of the service provider and consumer, forfeits due, contract amendment and termination /at the moment it runs out; via a written notice by any of the parties; in case of failure to pay the due fee for more than one month; in case of changes in the consumer's health situation, certified by a medical body; in case of death; or by mutual consent/ as well as a complaint procedure for the consumer.

10. The Family Code provisions stipulate that persons placed under guardianship shall live with their guardian unless important reasons impose that they live elsewhere. The guardianship and trusteeship authority is the mayor of the municipality or an official designated by him.

The guardianship or trusteeship authority in the area where the person lives appoints a guardian, a deputy-guardian and two councillors from amongst the relatives and friends of the under aged or incapable person who shall take best care of his or her interests. They compose the guardian council. If possible, persons with pedagogic background are also included in the guardian council.

Currently, the guardianship or trusteeship authority of Popovo has appointed a guardianship council for 56 of the persons accommodated in the HAMD Trastika, in which both the director of the social institution and the social worker take part. In the beginning of each year the council issues a full and detailed report of its activities.

The management of the specialised institution and the deputy-mayor of Popovo Mr. Ivanov who is in charge of social activities have been notified of the need changes in the guardianship of the consumers of the home in order to avoid possible conflicts of interests.

11. Specialised institutions for social services in the Republic of Bulgaria, including the HAMD Trastika, are open for personal and official visits.

Chapter V of the Regulation for the Application of the Social Assistance Act /RASAA/ regulates the public control over the social assistance system. The municipal council issues a decision establishing a public council with the task of assisting the social policy of the municipality; it discusses regional strategies, programmes and projects related to social assistance; cooperates in the coordination of the activities for social services provision in correspondence with established criteria and standards; gives positions on the opening of new and closure of existing specialised institutions for social services on the territory of the municipality (art. 52, par. 1). The public council is composed no fewer than 3 and no more than 9 persons. It includes representatives of institutions, natural persons registered under the Commercial Act, and legal entities that are related to social assistance activities. The public council of the Popovo municipality has 7 members.

In case of establishing shortcomings and of signals of violations in implemented activities in specialised institutions public councils notify in written the chairperson of the municipal council and the Inspectorate under the Executive Director of the Social Assistance Agency in order to initiate investigations on the data put forward.

From 2004 until now the inter-institutional working party made up of representatives of the Ministry of Healthcare, NGOs and the Social Assistance Agency has carried out three National Monitorings of specialised institutions for persons with mental disabilities. Each specialised institution receives assessments, recommendations and development plans that include concrete activities, responsible persons and timetables for their implementation.

Inspections on the quality of social services rendered in specialised institutions and their correspondence with RASAA-established standards and criteria are carried out by Regional Social Assistance Directorates and the Social Assistance directorates on the territory of the respective municipality.

The regional inspectorates for preservation and control of public health /RIPCPH/ carry out periodic inspections on the hygienic and health requirements both by the consumers and the personnel of specialised institutions.

The territorial labour inspectorate carries out periodic control on the observation of labour law in providing healthy and safe working conditions and implementation of labour relationships.

In 2007 the HAMD Trastika has been inspected by the Inspectorate under the Executive Director of the Social Assistance Agency, a commission from the Regional Social Assistance Directorate – Targovishte, Social Assistance Directorate – Popovo, representatives of the public council of Popovo, representatives of the Popovo Municipal Council, donors and others.

12. In order to promote the contacts of accommodated persons with the outside the HAMD Trastika has provided a permanent access to a telephone free of charge; a three-day trip to Troyan was carried out with visits to the Troyan Monastery, natural and history museums; some of the consumers were taken on a six-day vacation to the resort of Atia, Bourgas; a visit to the Home for children with mental disability in Strazha, Targovishte municipality where many of the consumers have lived before; there is a possibility for taking a three-month yearly home leave; every week there are walks to Popovo.

13. According to written information submitted by the director of the HAMD Trastika there is no data of a person being deprived of their legal ability in discrepancy to the legal order.

14. The procedure for placing persons under judicial disability is established in the Persons and Family Act /PFA/ and the Civil Procedure Code /CPC/. It is mandatory that this be carried out in a court session in the presence of a public prosecutor. The person who is sought to be placed under judicial disability must be questioned in person by the court and is brought there by force if needed. If their medical condition prevents them from attending the court hearing the court must adopt immediate impressions of them.

The court pronounces its decision after hearing out the person who is sought to be placed under judicial disability and his or her relatives. If needed the court also gathers other evidence and hears out experts.

After the entry into force of the court decision placing the person under judicial disability the court notifies the guardianship authority so that the guardianship or trusteeship may be established.

The guardianship and trusteeship authority is the mayor of the municipality or an official designated by him.

On 24 April 2000 the persons accommodated in HAMD Trastika were heard in person by a District Court /DC/ team comprising of: Mr. T. Petkov – chairperson of the DC; Mr. N. Kazakov – prosecutor in the local prosecutor's office in Targovishte; Mr. Molov – district attorney. Dr. Dimitrova – psychiatrist and Ms. Kaneva – director of the specialised institution, were also present at the hearing. With the aforementioned in mind, the placement under judicial disability of the persons accommodated in the HAMD Trastika has observed the relevant legal procedure under Bulgarian legislation.

With the aforementioned in mind, I would like to express the position that the institution management has taken the appropriate actions to eliminate the shortcomings in the staff work and to improve the quality of the care provided to the accommodated persons.

Response of the Ministry of Justice
to the letter of 20 November 2007
by the President of the CPT



**MINISTRY OF JUSTICE
REPUBLIC OF BULGARIA**

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Ref. № 54-00-151/06F 1-11-2007
(Please quote)

Your ref. №

TO

**MR MAURO PALMA
PRESIDENT OF THE EUROPEAN
COMMITTEE FOR THE
PREVENTION
OF TORTURE AND INHUMAN
OR DEGRADING TREATMENT
OR PUNISHMENT
COUNCIL OF EUROPE
STRASBOURG, FRANCE**

DEAR MR PALMA,

In response to your letter, dated November 20th 2007, with request for updated information on the progress towards the setting up of a new prison in the municipality of Radnevo and the envisaged transfer of the Investigation detention facility in Plovdiv I would like to inform you the following:

A real estate – private state property with a surface of 17 763 square meters, situated in the village of Troyanovo, Municipality of Radnevo has been placed at the disposal of the Ministry of Justice with Council of Ministers Decision No. 134 dated 05.03.2007. It consists of:

- Kitchen and canteen – one-storey solid building with a build-up area of 1084 sq m
- Guard premises – one-storey solid building with a build-up area of 93 sq m
- Dormitory – three-storey solid building with a build-up area of 490 sq m
- Training building – three-storey solid building with a build-up area of 490 sq m
- Dormitory – three-storey solid building with a build-up area of 490 sq m
- Dormitory – three-storey solid building with a build-up area of 490 sq m
- Laundry and bath – one-storey solid building with a build-up area of 441 sq m
- Infirmary – one-storey solid building with a build-up area of 243 sq m

The above property has been received with a Protocol of Delivery and Acceptance, it has been registered in the balance of the Ministry and functional distribution has been made with the purpose of building a new prison. The follow-up activities are related to

the elaboration of terms of reference for the design, the development of an operational project and implementation of construction and assembly works. I believe that provided there are financial resources available, the working out of terms of reference for the design and an operation project could be concluded by the end of 2008.

Terms of reference for the project "Building of an investigation detention facility in Plovdiv" has been prepared, a competition was conducted according to the requirements of the Law on Public Procurement for selection of a contractor who should prepare an operational project and at present the project has been submitted to the Ministry for consideration and approval by the Expert Technical Council. After the approval of the Expert Council the project will be submitted for consideration by the Expert Council of the Municipality of Plovdiv and thereupon a building permission should be issued by the Chief Architect of the Municipality. On the basis of the above actions the Ministry of Justice should make steps for selection of a contractor for the construction and assembly works under the Law on Public Procurement.

Yours sincerely,



MIGLENA TACHEVA
MINISTER OF JUSTICE