

EXECUTIVE SUMMARY

The main objective of the seventh periodic visit to Bulgaria was to review the measures taken by the Bulgarian authorities in response to the recommendations made by the Committee after previous visits and after the Public Statement issued by the CPT in 2015. In this connection, particular attention was paid to the treatment and conditions of detention of persons in police custody and penitentiary establishments. The delegation also examined the treatment, conditions and legal safeguards offered to psychiatric patients, residents of social care institutions, as well as immigration detainees.

Police establishments

The Committee concludes that there might have been a slight improvement regarding the treatment of persons in police custody since the 2015 visit, especially as regards the severity of alleged ill-treatment.

That said, its delegation still received many allegations of physical ill-treatment from persons (including juveniles) who were or had recently been detained by the police. The majority of these referred to excessive use of force upon apprehension but there were also allegations of ill-treatment during subsequent interviews.

The Committee regrets the absence of any real progress in the application of safeguards against ill-treatment – namely the right to notify one's detention to a third party, the right of access to a lawyer and to a doctor, and the right to be informed of the above-mentioned rights. Furthermore, the CPT notes that, despite the adoption of new detailed instructions on medical examinations and notification to the prosecutor, there has been no real progress as regards the role played by health-care staff (and, in particular, medical doctors) in the prevention of ill-treatment.

Material conditions varied greatly between police establishments visited, from quite good through generally acceptable to very poor. Some systemic problematic issues were observed, e.g. no mattresses were issued for the night to persons in police custody and there was no standard practice as regards the provision of blankets and food.

Immigration detention

The delegation visited the Special Home for Accommodation of Foreigners in Lyubimets where it received a few allegations of physical ill-treatment by custodial staff; further, many complaints were received about custodial staff being disrespectful and unresponsive to detained foreign nationals.

Inter-detainee violence was common at the Home, there was a complete lack of privacy and activities, no clear information on the legal and practical situation and few custodial staff were present within the accommodation areas.

Material conditions were generally very poor, with large-capacity dormitories being dilapidated, filthy, and crammed with bunk beds. Absolutely nothing was provided for more than 40 minors (including infants) - no adapted food and clothes, no toys, and it was difficult to obtain nappies for infants and sanitary materials for women.

The delegation received many complaints from detained foreign nationals about insufficient access to health care, including dental and specialist care (e.g. gynaecology and obstetrics); furthermore, it appeared that detainees also had to pay for medical consultations.

The Committee is concerned about the absence of interpretation arrangements at the Home, negatively affecting the interaction between staff and detainees, and in particular when it came to medical examinations and psychological assistance.

Penitentiary establishments

The delegation carried out follow-up visits to Burgas, Sofia and Varna Prisons as well as to Investigation Detention Facilities (IDF) located in Burgas, Sliven and on G.M. Dimitrov Boulevard in Sofia; further, first-time visits were carried out to prison hostels in Debelt and Razdelna.

The Committee welcomes the steps taken by the Bulgarian authorities to improve the situation in penitentiary establishments and encourages them to pursue their efforts including, especially, the prison refurbishment programme. Furthermore, the Committee calls upon the Bulgarian authorities to continue their efforts to combat the phenomenon of corruption in prisons.

The CPT's delegation received very few complaints and allegations concerning ill-treatment by prison staff, and the allegations heard mostly referred to verbal abuse and rude behaviour. Inter-prisoner violence remained, by contrast, a serious problem in most of the establishments visited, especially at the IDF located on G.M. Dimitrov Boulevard in Sofia and at Sofia and Varna Prisons.

The delegation saw evidence of refurbishment (already completed, on-going or about to begin) in almost all penitentiary establishments visited, and material conditions in some of the accommodation areas were good (e.g. in Debelt, Burgas, Varna and to a lesser extent in Razdelna). However, the situation was totally unacceptable in the IDF in Sliven and in the building accommodating foreign prisoners at Sofia Prison.

More generally, the Committee notes that there is a severe problem of a generalised infestation with bugs, as well as a lack of maintenance and hygiene, including in recently refurbished facilities – unless this is tackled, the newly-renovated detention areas will deteriorate and become unacceptable very quickly.

The Committee acknowledges the Bulgarian authorities' efforts to offer work and education to sentenced prisoners, but it remained a fact that only a minority of sentenced inmates in the establishments visited had a job and even less followed any structured education or vocational training. Furthermore, the CPT's long-standing recommendation to develop a regime for remand prisoners remains, regrettably, unimplemented.

The CPT is also concerned by the continued lack of progress as regards the removal from the Criminal Code of the sentence of "life imprisonment without the right to substitution" (i.e. without possibility of parole). The Committee recalls yet again that, according to the case-law of the European Court of Human Rights, it is inhuman to imprison a person for life without any realistic hope of release.

The situation of prison health-care services remained difficult, especially as regards the serious shortage of health-care staff. The Committee calls upon the Bulgarian authorities to take decisive steps to reinforce health-care teams at the prisons visited.

Furthermore, the quality of medical documentation left much to be desired in most of the establishments visited, the quality of medical examinations on admission remained inadequate, and medical confidentiality was still not respected.

Staff complements and staff presence remained very low in all the penitentiary establishments visited. The CPT calls upon the Bulgarian authorities to take urgent steps to increase custodial staffing levels in prisoner accommodation areas.

Psychiatric establishments

The CPT's delegation visited two psychiatric establishments under the authority of the Ministry of Health: Sevlievo State Psychiatric Hospital and Radnevo State Psychiatric Hospital.

The delegation did not receive any credible allegations of physical ill-treatment of patients by staff at Sevlievo Psychiatric Hospital. By contrast, various allegations were received at Radnevo Psychiatric Hospital according to which patients were sometimes slapped and occasionally hit, kicked and punched by orderlies. Furthermore, orderlies at the latter establishment were said to carry sticks (later found by the delegation) to assert their authority and threaten the patients.

Regarding inter-patient violence, although some disputes and occasional fights between patients did occur, this was not a major problem in either of the hospitals visited.

Turning to material conditions, patient accommodation areas were in parts dilapidated, bare and lacking personalisation, especially on locked wards in both hospitals.

With regards to staffing, in Sevlievo, there was clear scope for improvement in the numbers of ward-based and multi-disciplinary clinical staff. The situation was even worse in Radnevo, where there was a lack of psychiatrists and ward-based and multi-disciplinary clinical staff. As a result, one of the hospital's wards has had to be taken out of operation; on some of the others, there was only one nurse and one orderly caring for over 30 seriously mentally ill patients.

The Committee recommends that the Bulgarian authorities take urgent measures to address the serious recruitment difficulties regarding medical, auxiliary and multi-disciplinary clinical staff at Sevlievo and Radnevo Psychiatric Hospitals and, as applicable, in other psychiatric hospitals in Bulgaria.

Turning to treatment, in both hospitals visited, this was predominantly based on pharmacotherapy. There was a significant lack of psycho-social therapies and occupational and recreational opportunities offered, resulting in many patients left lying in their beds or wandering idly around. Many of the patients on the locked wards in both hospitals had severely limited access to fresh air, sometimes not being able to go outside for weeks on end.

The delegation noted that seclusion of patients was not used in either hospital. By contrast, the mechanical restraint of patients to beds using straps occurred in both establishments visited. The delegation found *inter alia* that, contrary to the relevant standards, mechanical restraint was used in view of other patients or without continuous personal supervision by a member of staff. Furthermore, the use of chemical restraint was not recorded in a restraint register.

As regards safeguards in the context of involuntary hospitalization, the Committee found that a significant proportion of the patients, formally regarded as voluntary were *de facto* deprived of their liberty without benefiting from the safeguards provided for by the relevant legislation. The CPT recommends that, in the two hospitals visited, the legal status of all patients currently considered as “voluntary” be urgently reviewed.

Social care establishments

The delegation carried out first-time visits to homes for persons with psychiatric disorders in Tvarditsa and Radovets and homes for persons with learning disabilities in Batoshevo, Kachulka and Tvarditsa.

While at Batoshevo Home the delegation did not receive any credible allegations of physical ill-treatment of residents by staff, in Kachulka, Radovets and Tvarditsa Homes the delegation did receive some allegations, including that residents in all three homes were slapped by orderlies, were sometimes punched by more senior staff in Kachulka Home, and were hit with sticks (later found by the delegation) by orderlies in Tvarditsa and Radovets Homes.

As regards inter-resident violence, this was a significant problem in all social care establishments visited, which was hardly surprising in such unsupervised environments with completely insufficient numbers of staff.

Living conditions varied between and within the establishments visited. It was noted that all Homes had undergone differing degrees of renovation and refurbishment, and some accommodation, especially in Tvarditsa, was acceptable. However, most of the accommodation was still scruffy, bare, austere and lacking personalisation and privacy, especially for the less able residents.

Particular mention should be made of the unit at Radovets Home accommodating the most disabled residents, which contained only two large dormitories and no sanitary facilities. In one of the two dormitories hygiene conditions did not befit a care institution and could be described as inhuman and degrading. Residents were found lying on their beds, completely covered in flies, with the floor flooded with urine and littered with faeces.

Regarding the daily regime for residents, in Tvarditsa a range of occupational, recreational and social activities were available. However, in the other three Homes such opportunities were seriously lacking, with the main objective seemingly being containment and attempting to just meet the basic needs of the residents, many of whom were unable to maintain their dignity.

The numbers of the ward-based staff in all the establishments visited were grossly insufficient to provide adequate care, assistance and supervision and to ensure a safe environment for residents (and staff). Moreover, in all homes, with the exception of Tvarditsa, there was considerable scope for increased input from multi-disciplinary clinical staff. The CPT calls upon the Bulgarian authorities to take urgent steps to significantly increase the numbers of properly trained clinical care staff (nurses, orderlies and multi-disciplinary staff) in all social care establishments in the country.

As regards mechanical restraint (fixation), it appeared that it was not used in the social care establishments visited. However, the delegation was particularly concerned to find that – despite recourse to seclusion in social care homes being forbidden by Bulgarian law – three seriously mentally disabled residents of Kachulka Home, who were deemed especially dangerous, were placed by staff alone in reinforced locked rooms for days on end. In Radovets Home, staff acknowledged that one resident, deemed to be especially unpredictable, was sometimes placed for hours on end in a makeshift seclusion room under a set of outdoor stairs.

As during the previous visits, it was noted that the majority of residents deprived of their legal capacity were placed under the establishments' guardianship. The Committee reiterates that entrusting guardianship to the very same establishment that accommodates them may easily lead to a conflict of interest and compromise the independence and impartiality of the guardian.