

**INTERIM REPORT OF THE BULGARIAN GOVERNMENT
IN RESPONSE 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 26 MARCH TO 7 APRIL 1995

(transmitted by letter of 26 April 1996)

PREFACE

This document is the interim report of the Bulgarian Government on the action undertaken in response to the recommendations, comments and requests for information of the CPT after the visit by the CPT's delegation to Bulgaria from 26 March to 7 April 1995.

The report contains information made available by the competent Bulgarian authorities: the General Prosecutor's Office of the Republic of Bulgaria, the Ministry of the Interior, the National Investigation Service, the Central Prison Administration at the Ministry of Justice and the Ministry of Health.

The Bulgarian Government shares the assessment of the constructive cooperation between the Bulgarian authorities and the CPT during the visit of the CPT's delegation and accepts the recommendations made with due concern.

INTRODUCTION (Paragraph 9)

1. As we have repeatedly stated, the preparedness of the Bulgarian authorities to cooperate in the spirit of Article 3 of the Convention and, more specifically, in pursuance of Article 8, paragraph 2, sub-paragraph 6 of the Convention, is beyond any doubt. This observation has been fully corroborated at the meeting between the CPT's delegation and the top officials of the General Prosecutor's Office, the statement of the representative of the General Prosecutor's Office at the end-of-visit discussions and the letter of 7 June 1995 sent to the CPT by the General Prosecutor of the Republic of Bulgaria. Furthermore, the staff of the prosecutor's offices have been reminded of the mandate and powers of the CPT. We consider the lack of knowledge about these powers of the CPT on part of the respective Bulgarian officials to be indicative of unprofessional attitude since the Convention has been promulgated in The Official Gazette and it has been incorporated in the national legislation of Bulgaria.

A. POLICE AND NATIONAL INVESTIGATION SERVICE

Paragraph 14

2. Preliminary investigations have to be completed within two months (Section 22, paragraph 1 of the Code of Criminal Procedure). This term may be extended up to nine months in exceptional circumstances at the General Prosecutor's authorization (since 1995, Section 222, paragraph 3 of the Code of Criminal Procedure).

The law allows for further extension of the nine-month term in the cases when the Public Prosecutor orders further investigation (Section 236, paragraph 3 of the Code of Criminal Procedure).

The investigation has to be completed within 14 days (Section 232 of the Code of Criminal Procedure). The law provides for extension of this term for up to 42 days.

The police investigation is regulated in Sections 409-414 of the Code of Criminal Procedure (CCP) where the term is seven days or 24 hours when the person is detained.

The law requires from investigation officers to immediately start investigation actions after the case is opened (Section 200 of the CCP). However, more often than not, this requirement is not observed. In most cases, this is due to the excessive workload of investigation officers (over 100 pending proceedings), staffing problems, etc. The public prosecutor's offices undertake on-site inspections of detention facilities at least once a week and should any weaknesses be observed, including those in connection with the observance of the terms, specific measures are undertaken to overcome them.

Paragraph 34

Request for information for the years 1992 to 1995:

- the number of complaints of ill-treatment made against police officers of NIS staff and the number of criminal/disciplinary proceedings which were instituted as a result;**
- an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment.**

3. The information requested under this paragraph has been provided by the Prosecutor's Office of the Armed Forces which has basically independent powers, although it is incorporated in the overall structure of the Public Prosecutor's Office.

Unfortunately, the information for this period is incomplete mainly because of the change of jurisdiction: from January 1994 to July 1995 civilian courts were the competent jurisdiction and afterwards the Martial Prosecutor's Office resumed its powers in this respect.

We hope that the information will give some idea of the measures against acts of violence by police officers, NIS staff or other military authorities.

In 1993, there were convicted 167 staff members of the Ministry of the Interior (all national services, the National Investigation Service, the National Police Directorate, the Border Troops, the Internal Troops, the logistics service, etc.) for 157 criminal offences (35 out of which were offences against the personality). 15 officers and 61 non-commissioned officers (sergeants) from the Ministry of the Interior were convicted.

In 1992, there were 146 persons convicted for 174 criminal offences (including 39 against the personality), 16 officers and 53 non-commissioned officers.

In 1991, 149 persons were convicted (46 out of whom were from the National Police Directorate) for 140 criminal offences (42 against the personality), 17 officers (7 from the National Police Directorate) and 53 non-commissioned officers (39 from the National Police Directorate).

In 1990, 106 staff members of the Ministry of the Interior were convicted for 114 criminal offences.

The figures for 1990 and 1991 go beyond the period specified in the request for information but, given the lack of more exhaustive information, we offer it for the sake of outlining the general picture and the existing trends.

In 1995, the Martial Prosecutor's Office started criminal investigation against police staff in 174 cases. The instructions of the prosecutor's office were to have the on-the-spot supervision carried out by the martial prosecutors personally in order to avoid pressures on the persons concerned or hiding the truth.

Request for information:

"... the CPT would like to receive a copy of the autopsy report and any additional information on criminal proceedings currently under way."

4. In reply to this request for information, we are sending enclosed copies of the indictment and the autopsy report under Criminal Case No. XII - 20 of 1995. The indictment has been served to the court of law and the court proceedings have just started (See attachment). Unfortunately, these materials have not been translated into the English language due to their size and the complexity of the matter.

Paragraphs 37 - 45

5. The Ministry of the Interior considers the CPT recommendations with respect to the police custody to be timely and useful.

The National Police Director has ordered all the police authorities in the country to put the premises for holding persons in custody for 24 hours in pursuance of Section 33 of the National Police Act in conformity with the CPT recommendations as follows:

- cells must be of reasonable size for the number of persons they are used to accommodate;
- natural lighting and ventilation must be provided;
- basic means of rest must be provided (a chair or a bench);
- mattresses and blankets must be provided to the persons staying overnight;
- drinking water and toilet facilities must be accessible at all times;
- food must be given at appropriate times, including at least one full meal.

Paragraphs 23, 46 - 64

6. The Report states that there were few allegations of ill-treatment by the custodial and other staff of the National Investigation Service (paragraphs 23 and 24). The same observation is corroborated through the regular inspections performed by the management of the NIS and the public prosecutor's offices. In 1995, there were recorded no cases of ill-treatment or torture of detainees by NIS staff members. Thus we can assume that the legislative change referred to also by the authors of the Report guarantees the observance of the law which protects human rights and envisages severe punishments for violations (e.g. Section 116, sub-section 2; Section 131, sub-section 2; Section 142a, paragraph 2; Section 148, sub-section 4; Section 282; Section 287 of the Criminal Code). Although there are no cases of torture or ill-treatment of detainees, the NIS accepts the recommendation for training of the staff, including the investigation into each complaint also with the participation of forensic doctors.

Detention facilities

7. The major problem with the NIS mentioned in the Report relates to the conditions of detention. The CPT defines them as inhuman and degrading.

In connection with these findings, the NIS offers the following comments:

7.1. The CPT findings reflect the problem with the detention facilities left over by the Ministry of the Interior.

7.2. The following measures were taken with resources from the NIS budget in 1995:

7.2.1. The construction of the new NIS building entered into its final stage. The site is in Sofia, 42 Dr. G.M. Dimitrov Blvd. The new detention facilities will fully comply with the modern hygienic and sanitary requirements;

7.2.2. Maintenance and repair works were carried out in 23 detention facilities throughout the country as follows: RIS Blagoevgrad, DIS Gotse Delchev, RIS Varna, 4th DIS Varna, DIS Provadia, DIS Byala Slatina, DIS Oryahovo, RIS Dobrich, RIS Kurdjali, DIS Dupnitsa, RIS Pernik, DIS Radomir, RIS Plovdiv, RIS Russe, RIS Silistra, DIS Nova Zagora, RIS Smolyan, DIS Novi Pazar, DIS Kostinbrod, DIS Botevgrad and in Sofia - 2 Major Vekilski Street detention facility, 2nd, 3rd and 8th District Investigation Services in Sofia as well as the 1 Razvigor Street detention facility.

(RIS - Regional Investigation Service)

(DIS - District Investigation Service)

7.2.3. The medical care for the detainees is organised in a new way. Full-time medical doctors or para-medical staff are employed at all district centres. They are obliged to examine each detainee upon arrival and in the event of any complaint. The results of the initial examination are recorded in writing and kept confidential. Whenever necessary, sick patients are transported for examination or medical treatment by specialist doctors to the district hospitals or, in the case of Sofia, to the hospital of the Ministry of the Interior.

7.2.4. Detainees are provided with opportunities for 8-hour continuous sleep and free food on daily basis. At all places where complaints have been filed, the supplier of the food is changed with either specialized or office canteens. Furthermore, all detainees are allowed to buy more food, cigarettes and other items at their choice and preferences.

7.2.5. New ovens, eating utensils, plates, safe cutlery, boilers, refrigerators and heaters were bought in 1995.

7.2.6. Sufficient quantities of hygiene products have been purchased. All detainees get blankets which are cleaned regularly. Detainees are provided with the opportunity to have their hair cut once a month and take a shower once in 10 days, while efforts are made to offer this more frequently. All detainees can use personal hygiene products.

7.2.7. There is regular training of the NIS custodial staff. In 1995, 18 764 persons were held in custody in the NIS detention facilities and there was no complaint of torture or other inhuman treatment by the NIS staff. There was no violation of discipline and hence no punishment for that matter.

7.2.8. As to the recommendation to minimize the restriction of the contacts with the outside world, it will be implemented, too, keeping in mind, however, the need for some justifiable restrictions in the interest of justice and the rights of the victims and witnesses of criminal offences. Detainees have the opportunity to read books, newspapers and magazines. At present, contacts of detainees with family members of friends are possible at any time when the public prosecutor allows such contacts.

7.2.9. The daily outdoor exercise is provided, while seeking opportunities to improve the facilities in order to guarantee this right of detainees as well as their security and safety.

7.2.10. The NIS accepts also the recommendation to make more frequent use of the power to transfer persons to prison even before the preliminary investigation has been completed. This issue will be tackled jointly with the Ministry of Justice which is in charge of the prison administration and determines the conditions for transfer of remand prisoners to prisons.

The lasting solution of this problem needs investments to build detention facilities.

7.3. In 1996, the NIS will provide substantial resources, within the framework of the budget voted by the Parliament, for maintenance and repair, reconstruction and building of new detention facilities and improvement of the conditions of detention. All possible measures are taken to speed up the investigation when the person is held in custody in order to reduce the time spent in the detention facilities.

Information to a Relative or a Third Party

Paragraphs 82 - 83

Recommendation:

"... persons deprived of their liberty have the right to inform, without delay, a close relative or a third party of their choice of their situation, either directly or through a police officer..."

8. The CCP contains no explicit duty of the preliminary investigation authorities to inform the close relatives of an adult deprived of liberty. However such a duty exists with respect to detainees under age (Section 378, paragraph 4 of the CCP).

But even in this case the interests of adult detainees are not infringed upon because of their right to access to a lawyer which applies since the time of their detention (Section 73, paragraph 1 of the CCP). Furthermore, detainees are allowed by law to authorize a close relative to act as their attorney (Section 67, paragraph 2 of the CCP). Besides, the law (Section 73, paragraph 2 of the CCP) does not allow any investigation actions to start, unless the detainee has been given the opportunity to contact his attorney (lawyer or close relative under Section 67, paragraph 2 of the CCP).

Access to a Lawyer

Paragraph 86

9. The access to a lawyer during the preliminary investigation is regulated in Section 75 of the CCP with the right to have a confidential meeting. If any violations have been noted, they are only exceptions to the rule and maybe also due to the lack of appropriate premises for such meetings at the detention facilities.

Information on Rights

Paragraph 90

10. Section 409 of the CCP regulates the rights of persons detained by the police authorities. It specifies the actions and obligations of police officers, i.e. setting out the rights of the persons detained for 24 hours, including the right to access to a lawyer (Section 409, paragraphs 2 and 3 of the CCP). The persons detained under this chapter of the CCP (Special Rules for the Investigation of Criminal Offences of General Nature on Which No Criminal Proceedings Are Carried Out) enjoy all the rights envisaged for persons under investigation (Section 414 of the CCP).

Paragraph 91

11. In pursuance of Section 11 of the CCP, criminal proceedings are conducted in the Bulgarian language and persons who do not speak Bulgarian can use their mother tongue or another language. An interpreter is appointed in such cases.

Conduct of Interrogations

Paragraph 92

12. It is not only the National Police Act but also the CCP (Section 409) gives powers to the police to interrogate witnesses and the suspect.

Paragraphs 93 - 99

Recommendation:

"... the Bulgarian authorities draw up a code of practice for interrogations."

13. The Report contains a recommendation to draw up a code of practice for interrogations, the use of video and audio tapes, recording of persons in registers, etc. We should point out that Instructions on the CCP Enforcement are being prepared and the said issues will be reflected there. There prevails the opinion that the Instructions have to be drawn up jointly by the General Prosecutor's Office, the National Investigation Service and the National Police Directorate in order to regulate their actions on these matters.

B. PRISON ESTABLISHMENTS

14. The Central Prison Administration has read the Report on the visit of the CPT's delegation in 1995 and its findings related to prison establishments. The Report has been sent to all subdivisions to see the respective findings.

We find it necessary to provide the following comments and considerations in connection with the recommendations and requests for information in the Report:

1. Preliminary Remarks

15. All governors of prisons, including those of Pazardjik and Stara Zagora Prisons have been instructed that no physical torture or ill-treatment, degrading attitude or verbal abuse of inmates is acceptable. Orders have been issued to deal with any violations of these instructions most severely.

Paragraph 106

16. The curtain separating the admissions/isolation unit from the rest of the building has been removed.

Paragraph 107

Request for Information:

"... in respect of the years 1994 and 1995, the following information:

- the number of complaints of ill-treatment lodged against prison officers;
- an account of sanctions imposed following complaints of ill-treatment by prison officers."

17. In 1994 and 1995, the Central Prison Administration received a total of 69 complaints of ill-treatment or verbal abuse of inmates by prison officers. After thorough on-site inspections on the basis of the allegations contained there, it was found out that three complaints were justified. As a result of those complaints, criminal prosecution started against one prison officer from Pleven Prison and three other officers were imposed disciplinary sanctions.

Paragraph 108

Recommendation:

"... if it is considered necessary for prison officers to carry truncheons, these should be hidden from view."

18. The recommendation under paragraph 108 with respect to the carrying of truncheons by the prison officers will be taken into account when the new Regulations on the Organization of the Prison Staff Work will be drawn up and adopted before the end of this year.

Paragraph 112

Recommendations:

"... the regime applied to prisoners sentenced to death held in Stara Zagora Prison, as well as in other prisons in Bulgaria, be revised in order to ensure that they are offered purposeful activities and appropriate human contact."

"... steps be taken to improve the material conditions in the cells occupied at Stara Zagora Prison by prisoners sentenced to death."

19. The regime applied to prisoners sentenced to death is the subject of the conception of the treatment of inmates put in strict isolation, which is being prepared now. The conception provides for more favourable conditions of detention as well as purposeful activities. More specifically, immediately after the visit by the CPT's delegation, measures were taken in Stara Zagora Prison to improve the material conditions in the cells occupied by prisoners sentenced to death in conformity with the recommendations.

3. (a) Material Conditions of Detention

Paragraphs 119 and 125

20. The observed occupancy rate in Pazardjik and Stara Zagora Prisons is a grave problem in almost all other prisons in Bulgaria. The discrepancy between the available facilities and material conditions of detention on the one hand and the growing prisoner population on the other hand has been put forward before the Government. It is possible to solve the problem through the construction of new prison facilities or the expansion of the existing ones. In this connection, a project has been developed to build a new prison with capacity of 1,000 inmates near Sofia and its implementation will start this year.

Current maintenance and repair works are carried out in all prisons within the framework of the available resources in order to improve the general state of repair and the sanitary/bathing conditions. The repair of the sanitary/bathing facilities in Stara Zagora Prison recommended in the Report was completed in 1995. Attention is paid to the regular supply of clean bedding and personal hygiene products.

All prisons have introduced the system of locking the corridors from wake-up in the morning to the evening check and thus prisoners have free access to the toilet facilities all day long.

3. (b) Activities

Paragraph 133

Recommendations:

"... serious efforts be made to improve the activities offered to prisoners in Pazardjik and Stara Zagora Prisons. The aim should be to ensure that all prisoners, including those on remand, are able to spend a reasonable part of the day (8 hours or more) outside their dormitories/cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association);

- steps be taken immediately to ensure that all prisoners are offered at least one hour of outdoor exercise every day."

21. The Ministry of Justice is going to endorse Guidelines for the Development of the Prison System where special attention is paid to the purposeful activities of the inmates, engaging in cultural, information and sports activities. Efforts are being made to create new jobs in order to increase the number of prisoners, including those on remand, who are offered opportunities to work.

All governors of prisons have been instructed to strictly observe the requirement of law to ensure at least one hour of outdoor exercise every day to all prisoners, including those on remand or punished with isolation.

4. Health-Care Services

22. The prison health-care staff includes feldshers who are qualified to provide medical care to patient prisoners pending the examination by a medical doctor. Feldshers have higher qualifications and training than nurses. Nurses work with hospitalized prisoners at the Prison Hospitals in Sofia and Lovech.

Paragraph 135

23. In accordance with the existing statutory regulations, the prison health-care staff is subordinated to the Central Prison Administration. It is true that the Ministry of Health does not perform genuine supervisory functions in the prisons but it must be noted, at the same time, that all guidelines, instructions and regulations issued by the Ministry of Health are observed also by the medical staff of prisons. The administrative subordination of prison health-care services is subject to further discussion and there will be new legislation to regulate these matters. i.e. the new Prison Act and the new Health-Care Act in Bulgaria.

Paragraph 137

24. When the CPT's delegation visited Pazardjik Prison, the feldsher was on a sick leave and meanwhile a doctor was appointed who was still new to the job and was not prepared yet to work under the specific conditions there. But now, both the doctor and the feldsher perform all their duties with respect to the health-care service provided to the prisoners. A full-time doctor has been appointed at Stara Zagora Prison, too.

Paragraph 141

25. Sentenced prisoners working as orderlies are prohibited to be involved in the distribution of medicine.

Paragraph 142

26. Doctors are on duty 24 hours a day only at the two prison hospitals in Sofia and Lovech. It is not possible to have too many full- or part-time doctors to do so in the health-care services of the other prisons. But whenever prisoners need urgent medical aid, the urgent medical aid units of the respective mainstream health establishments provide it. When the prison staff on duty makes a call, they arrive in due course in the way in which they serve the community.

Health-care services are organised in such a way that prisoners have access to a doctor or a feldsher during the day. Medical aid is provided for urgent cases beyond the normal working hours.

Paragraph 143

Recommendation:

"... the CPT invites the Bulgarian authorities to examine the possibility of reinforcing the psychiatric/psychological services at Pazardjik and Stara Zagora Prisons."

27. It should be emphasized that in connection with the conclusions of the CPT's delegation on the need to improve the psychiatric services, new full-time jobs have been created for psychiatrists in all prisons, including those in Pazardjik and Stara Zagora. The selection of appropriate specialists for these jobs is under way.

Paragraph 144

28. Within the framework of the available resources, the governors of the prisons and health-care services make efforts to observe the existing standards for the medical premises through current repair and maintenance works, refurbishing and new construction. All prisons are in great need for specialized sanitary vehicles and their supply is an urgent task.

Paragraph 146

29. In connection with the recommendations in paragraph 146 of the Report, instructions will be issued to have examination of all newly admitted prisoners by a doctor or a feldsher within 24 hours and prepare the appropriate medical documentation (current practices are to have this done within three days).

Paragraph 148

Recommendation:

"... the Bulgarian authorities devise a policy of combatting transmissible diseases (in particular hepatitis, AIDS, tuberculosis and skin diseases) in places of detention, based upon the regular supply of information to both prisoners and prison staff about methods of transmission and means of protection, as well as the application of adequate preventive measures."

30. Bulgarian prisons follow the strategy of the Ministry of Health in combatting AIDS. Preventive tests are being made, information materials are supplied and health education lectures are being organised. Fluorographic examinations are being organized to combat tuberculosis with the assistance of civilian health-care establishments. Detected cases of tuberculosis receive medical treatment at specialised hospitals. For the purposes of preventing syphilis, all newly admitted prisoners must be tested and those who have contracted syphilis receive medical treatment and supervision.

Paragraph 151

Recommendation:

"... a personal and confidential medical file be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of any special examinations he has undergone. In the event of transfer, the file should be forwarded to the doctors in the receiving establishment."

31. In connection with the recommendation contained in paragraph 151 of the Report, all prison health-care services have been instructed to open medical files of all newly admitted prisoners with diseases subject to supervision as well as those newly admitted prisoners who have no diseases and will serve more than one year in prison. Practices have shown that it is not necessary to keep medical files of persons with no ailing developments, especially when they spend a short time in prison, as is the case with remand prisoners.

Instructions have also been issued to eliminate the observed deficiencies in sending the medical files upon the transfer of prisoners from one prison to another.

5. Other Issues of Relevance to the CPT's Mandate

(a) Prison Staff

Paragraph 154

32. One of the priority tasks in the Guidelines for the Development of the Prison System which are to be approved is to devise special programmes for initial and on-service training of the prison staff in accordance with the specificities of the job and the recommendations included in the European Prison Rules.

(b) Contacts with the Outside World

Paragraph 157

Recommendation:

"... the visit entitlement of remand prisoners at Pazardjik and Stara Zagora Prisons and, if necessary, at other prison establishments in Bulgaria, be substantially increased."

33. The existing legislation does not restrict the number of visits to remand prisoners. In accordance with the specific possibilities at the prison establishments, schedules are approved to ensure at least one visit monthly, which does not rule out the opportunity for more visits upon request at other times.

Paragraph 159

Recommendation:

"... the Bulgarian authorities take steps to provide inmates at Pazardjik and Stara Zagora Prisons with access to telephones, if necessary, subject to appropriate supervision."

34. The access of prisoners to telephones and phone talks of prisoners are the subject of future legislation. At present, access to telephones is provided to prisoners at prison establishments of the open or semi-open type, and it is envisaged to increase these opportunities to cover the other groups of prisoners as well.

Paragraph 160

35. The recommendations made in paragraph 160 of the Report are the subject of new regulation with the draft of the new Prisons Act.

Paragraph 161

Request for Information:

"... the number and categories of prisoners in those establishments who benefited from home leave during the years 1994 and 1995.

36. Prisoners who benefited from home leave:

Total for All Prisons in Bulgaria: 1994

Length of Home Leave	Number of Prisoners
Up to five days	1,932
Two days	817
14 days	155
	2,904

Pazardjik Prison: 1994

Length of Home Leave	Number of Prisoners
Five days	16
Two days	22
14 days	1
	39

Stara Zagora Prison: 1994

Length of Home Leave	Number of Prisoners
Five days	289
Two days	267
14 days	31
	587

The difference in the numbers for Pazardjik and Stara Zagora Prisons is the result of the two different types of prison establishments they represent: Pazardjik Prison is for recidivists, while Stara Zagora Prison is of the closed type but for prisoners sentenced for the first time.

Total for all prisons in Bulgaria: 1995

Length of Home Leave	Number of Prisoners
Five days	2,180
Two days	1,086
14 days	220
	3,486

Pazardjik Prison: 1995

Length of Home Leave	Number of Prisoners
Five days	68
Two days	11
14 days	8
	87

Stara Zagora Prison: 1995

Length of Home Leave	Number of Prisoners
Five days	478
Two days	243
14 days	40
	761

(c) Discipline and Segregation

Paragraph 162

Request for Information:

"... whether prisoners are able to appeal to a higher authority against disciplinary sanctions imposed and, in the affirmative, whether they are informed of this fact."

37. The Regulations on the Enforcement of the Prisons Act envisages the opportunity to appeal all orders of disciplinary punishment or isolation before the higher administrative authority. When punishments are imposed, the prisoners concerned are given a hearing and informed of the right to appeal. They put their signature to certify that such information has been given to them.

Paragraph 165

38. The dark cell at Stara Zagora Prison has been withdrawn from service.

After the visit by the CPT's delegation, all the disciplinary cells were refurbished at all prisons, including Stara Zagora Prison, before the end of 1995.

Paragraph 166

Recommendation:

"... the applicable regulations be amended in order to allow persons placed in a disciplinary cell to have access to reading matter."

39. In connection with the recommendation given in paragraph 166 of the CPT Report, instructions have been issued to withdraw the ban on having access to newspapers, magazines and books in the disciplinary cells.

Paragraph 168

40. The recommendations given in paragraph 168 are the subject of the guidelines for the development of the prison system in Bulgaria, which are to be approved soon.

Paragraph 169

41. The existing legislation envisages procedural safeguards in all cases when disciplinary punishments are imposed or the regime of prisoners is made more stringent. Any decision to this effect is put in an order in writing after the prisoner concerned has been given a hearing and informed of the procedure of appeal, which is certified by the signature of the prisoner. Any violation of this procedure serves as grounds to cancel the said orders.

Paragraph 170

42. The Central Prison Administration is undertaking specific measures to implement the recommendations given in paragraph 170 with respect to the practices of applying the rules for access to a doctor and medical examination of prisoners.

(d) Complaints and Inspection Procedures

Paragraphs 171 -173

Recommendation:

"... the Bulgarian authorities review the application of the complaints procedures, with a view to ensuring that they are operating effectively. It also invites the Bulgarian authorities to add the President of the CPT to the list of authorities with whom prisoners can communicate by confidential letter."

43. An effective system has been introduced to register and report complaints by prisoners. Special annual inspections are carried out and reports are prepared with respect to the complaints served to the Central Prison Administration.

The Central Prison Administration is undertaking measures to improve the effectiveness of the supervision of the administration along several lines. First, through the means of the institutional control initiated *ex officio*. Second, through more systematic and comprehensive on-site inspections. The guidelines for the development of the prison system and the new draft of the Prisons Act envisage legislative regulation of the public oversight through the involvement of representatives of the public in the process of the rehabilitation and re-socialization of prisoners.

In connection with the recommendation given in paragraph 173, instructions have been issued to repeat before the prisoners the information that they can communicate with the CPT by confidential letter in a sealed envelope.

**Issues within the Powers of the Central Prison
Administration in Part C of the CPT Report**

Paragraph 206

Recommendations:

"... the psychiatric section's accommodation for male patients (and notably the sanitary facilities) be restored to and maintained in a satisfactory state of cleanliness and repair."

"... the window-covering arrangements should be modified in order to allow better access to natural light."

"...within the confines of the existing premises it should be possible to provide some form of occupational therapy."

44. For the purposes of doing the most urgent repair work, the admission of new patients to the psychiatric section at Lovech Prison was restricted for a period of about two months. Efforts were made to improve the state of cleanliness and repair of psychiatric patients. The cleanliness of sanitary facilities is more strictly supervised. There will continue the efforts to apply forms of occupational therapy, while using the available premises.

The window-covering arrangements have been changed in order to provide better access to natural light.

Paragraph 207

Request for Information:

"... the Committee would like to receive detailed information on the material facilities and the therapeutic and other activities to be offered within the new hospital premises."

45. The completion and entering into service of the new psychiatric hospital at Lovech Prison depend entirely on the availability of the required resources from the state budget. Due to the existing substantial financial difficulties, there is the option to put only part of the building into service.

The new hospital premises will make it possible to accommodate in different wards and offer medical treatment to patients who are drug addicts, alcoholics, psychiatric patients as well as patients with acute or chronic diseases with or without preserved ability to work. The full-time medical staff includes doctors, nurses and paramedics. No staff has been employed yet because of the lack of the material facilities.

The therapeutical approaches cannot differ substantially from those offered in the civilian health-care establishments throughout the country.

The new hospital premises will offer great opportunities for occupational therapy to be provided to patients at the doctor's judgment. There is a clinical laboratory, X-ray equipment and physiotherapy equipment.

C. PSYCHIATRIC ESTABLISHMENTS

2. Torture and Other Forms of Ill-Treatment

46. Psychiatric patients in the Republic of Bulgaria enjoy the right to inviolability of their personal correspondence and to lodge complaints to the competent authorities which control and supervise the activities of the health-care staff.

In this sense, patients can and do lodge their complaints to:

- the head of the respective health-care establishment;
- the regional health authorities;
- the Ministry of Health;
- the public prosecutor's offices;
- the courts of law;
- the mass media;
- government institutions and agencies;
- the Parliament and the President's office.

The complaints sent to all the different authorities and organisations are examined and inspections are carried out in accordance with the provisions of the Citizens' Complaints Act.

Given the varied opportunities for lodging complaints, the precise number of complaints which were lodged and examined in 1994 and 1995 would need a special study.

As well as the opportunities to lodge complaints in person, patients have the opportunity to raise their demand or complaints also through their relatives who have free access to all psychiatric establishments on days scheduled for visits. Both patients and their relatives can put forward their claims before all the foregoing authorities and organisations. The law provides for their examination and inspection as well as for the decisions to be made by the authority to which the complaint has been served.

There is access of the mass media (newspapers, radio and television) to all psychiatric establishments in Bulgaria and the general public is well informed about the existing problems. When complaints are raised in this process, the competent authorities are duly informed.

47. The heads of the psychiatric establishments in Radnevo and Lovech have confirmed in their letters that no unmodified electroconvulsive therapy (ECT) is applied in their practices.

3. Patients' Living Conditions and Treatment

48. The difficulties which the CPT's delegation observed at the psychiatric establishments in Radnevo and Lovech with respect to the food, heating and treatment of the patients have been partially overcome, although one should note also the continuing financial difficulties in the country as a whole.

- patients are provided sufficient food, in terms of both quantity and quality (caloric value);
- adequate means have been provided to maintain an optimal regime of heating;
- partial repair and maintenance have been carried out.

49. The daily outdoor exercises of the patients at Lovech Neuropsychiatric Hospital (closed ward for criminally irresponsible) are ensured and there is continuous supervision as to whether this requirement is fulfilled.

50. Discussions have been held with both psychiatric hospitals on the opportunities for more diverse therapeutical activities. Lovech Neuropsychiatric Hospital has already started offering some forms of occupational therapy to appropriate patients of the whole hospital.

4. Staff

51. The recruitment of former patients as orderlies at psychiatric establishments is practised and discussions have been held with the head of the Radnevo Psychiatric Hospital on the forms of supervision, the restriction of some activities, etc. They are mainly involved in the therapeutical communities or groups which are a generally accepted and common practice of modern psychiatric establishments.

52. Since 1995, the National Centre for Comprehensive Studies of Man at the Ministry of Health has been organising regular training courses of psychiatric nurses with the assistance of the Foundation for Neurosciences and Behaviour. Two courses with a total of 40 participants have been conducted so far. These training courses will continue in order to encompass the greatest possible number of nurses working at psychiatric establishments. West Lambeth Community Care MHS Trust, UK has expressed its willingness to cooperate and assist the training process. Its representatives held a meeting at the Ministry of Health to identify the spheres for joint activities. Susan Ritter's book *Manual of Clinical Psychiatric Nursing* has been translated and published in Bulgarian with the decisive financial assistance of the Geneva Initiative on Psychiatry, International Foundation for the Abolition and Prevention of Political Psychiatry. The manual has been approved by the Ministry of Education, Science and Technologies as a teaching aid for psychiatric nurses and disseminated in all psychiatric establishments.

5. Seclusion and Other Means of Restraint

53. The internal rules of psychiatric establishments which are specific regulations of the activities, rights and duties of the staff at each psychiatric establishment specify the forms, ways, procedures and responsibilities of individual staff members in applying seclusion or other means of restraint.

There exists a system of recording these activities and a new auxiliary form will be introduced soon.

6. Complaints Procedures and External Control and Support

54. Psychiatric patients can lodge their complaints to authorities of their choice. The Ministry of Health is going to discuss the issue of determining a special authority for these purposes, while observing the specific conditions and the statutory regulations in the country.

55. The internal rules of psychiatric establishments clearly indicate the requirements and the routine in the hospital as well as the rights of the patients.

56. The Ministry of Health will take into account the recommendation to devise and issue a special introductory brochure setting forth the hospital routine and the patients' rights and assign appropriate experts to prepare and publish it.

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The President

Strasbourg, 26 June 1996

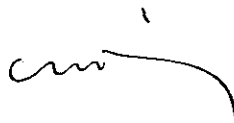
Dear Ambassador,

Thank you for your letter dated 26 April 1996, with which you transmitted the response (interim report) of the Bulgarian Government to the report drawn up by the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishments (CPT) after its visit to Bulgaria from 26 March to 7 April 1996.

The CPT examined the response at its 29th meeting (10 to 14 June 1996), and noted with considerable concern that no reply has been provided to the section "Torture and other forms of physical ill-treatment" insofar as it relates to the police. In particular, no account is given of action taken to implement the recommendations set out in paragraphs 29, 30, 31 and 33 of the Committee's report. The CPT requests the Bulgarian authorities to provide such an account without further delay.

The CPT intends in due course to provide detailed comments on both the interim and follow-up reports in response to its visit report; in this connection, the Committee trusts that the follow-up report will be forwarded by 25 September 1996.

Yours sincerely,



Claude NICOLAY

Copy: Mr Gueorgui ROUPTCHEV, Ministry of Justice, 1 Slavianska Street, 1000 Sofia

Mr Svetlozar RAEV
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TO THE MINISTRY OF JUSTICE

Referring your letter N. 32-21/23.07.96

COPY: MINISTRY OF INTERNAL AFFAIRS

Our N. J-4187/13.08.96

The Recommendations contained into the letter of Mr. Claude Nicolay - President of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment were carefully analysed in the Directorate of the National police. In relation to the activities undertaken as per para. 29, 30, 31 and 33 of the Report of the abovementioned Committee we are sending enclosed the requested additional information.

1. As per para. 29

The issues, related to preserving the human rights and dignity, are priorities within the framework of the course carried out by the officials of the National police. These questions play a key role into the courses included in the programs for obtaining basic knowledges and qualification into the sergeant schools.

For example into the course "Legal criminology" the following questions are covered by lectures, seminars and practical exercises:

- constitutional rights and obligations of the citizens of the Republic of Bulgaria;
- the main declaration concerning human rights;
- the international convention on civil and political rights, etc.

The subject-matters related to the psychology of the communication in the police activities are covered by the course "Basic police principles" as well as by the course "Police psychology". Through practical exercises and carrying out of training activities the policemen acquire abilities for interpersonal communication as well as in respect of an efficient participation into resolving conflicts without using physical force and subsidiary means. The issues in question posed by Mr. Claude Nicolay are treated within the framework of the plan of all courses taken. The Directorate of the National police lays special emphasis on increasing the efficiency of the courses as well as improving the professional qualification and competence of the teaching staff; The main criteria for appointing the candidates for working positions in the police should be the inclination and abilities of the potential candidates for an effective interpersonal communication and mutual comprehension between the police and the citizens.

2. As per para. 30

The Recommendations of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment as per this paragraph are included in all by-laws regulating the activity of the National police. A special working group "Complaints office" for keeping a register concerning information supplied by citizens, state organs and organisations as well as by non-governmental organisations referring to illegal activities of police officers has been organised into the Directorate of the National police. The above mentioned activities in the regional offices of the police are carried out by special officers appointed accordingly.

All materials submitted are being checked up, so that in case of proved illegal activities the results are sent to the corresponding regional and military prosecutor offices. Within the time-limits determined by the law an answer is being submitted to the petitioners.

In Regulation N. 2 concerning the disciplinary responsibility of the officers and sergeants of the Ministry of internal affairs are enumerated the different disciplinary violations which do not constitute a crime under the penal code and the corresponding administrative punishments. For the period of time 1994-1996 the activities breaking the legal rights of the citizens on the part of the police officers are registered in 75 disciplinary court cases. 75 disciplinary punishments including dismissing of the organs of the Ministry of internal affairs have been imposed.

3. As per para. 31

The issues of using physical force and subsidiary means by the police when carrying out its functions are regulated in articles 40 and 41 of the Law of the national police. The cases in which the organs of the police can use physical force and subsidiary means are precisely defined in a way so that these rights can be exercised by the police officers in case they cannot carry out in an other way their police functions and are suspended immediately after achieving the goal of the applied measure. The police organs are obliged to preserve the health and the life of the persons against whom physical force and subsidiary means are used.

Other normative acts regulating the legal activities of the police organs when using physical force and subsidiary means are as follows: Instruction concerning the security guard, the regime and isolation of the persons detained by organs of the Ministry of internal affairs and Instruction concerning the way of using the subsidiary means by the police officers.

These guidelines of the current legislation are included in the plans for training the police officers. An instruction should be carried out at the beginning of every working day by the heads of the regional police offices.

4. As per para. 33

The questions treated are within the competence of the investigator officers of the National investigator office which is not included within the framework of the Ministry of internal affairs.

In the Directorate of the National police there is no entitled interpreter, hence the material has not been translated into English language.

13th august 1996

Colonel Ivan DIMOV,
Director of the National police

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**FOLLOW-UP REPORT OF THE BULGARIAN GOVERNMENT
IN RESPONSE 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 26 MARCH TO 7 APRIL 1995

(transmitted by letter of 20 October 1996)

PREFACE

The present document is follow-up report of the Bulgarian Government on the additional measures taken in response to the CPT's recommendations, comments and requests for information after its visit to Bulgaria from 26 March to 7 April 1995.

The report contains information presented by the following competent Bulgarian authorities: the General Prosecutor's Office of the Republic of Bulgaria, the Ministry of the Interior, the National Investigation Service, the Central Prison Administration and the Ministry of Health.

The information concerning paragraphs 29, 30 and 31 of the CPT's report provided in interim in reply to the letter of Mr. Claude Nicolay - President of CPT, dated 26 June 1996 is also included in this report.

In spite of the difficulties, the competent Bulgarian authorities are doing their best to comply with the CPT's recommendations and declare readiness for a fruitful co-operation with the Committee in the future.

**FOLLOW-UP REPORT
OF THE BULGARIAN GOVERNMENT IN RESPONSE
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 26 March to 7 April 1995**

Paragraph 9 (Introduction)

In fulfilment of the recommendations contained in the CPT's report on its visit to Bulgaria during the above mentioned period, the competent Bulgarian authorities took measures in compliance with their powers and duties.

As emphasised in the interim report, our readiness to cooperate in the spirit of Article 3 of the Convention and especially in pursuance of Article 8, paragraph 2, sub-paragraph 6 of the Convention, is beyond any doubt.

In this connection, the General Prosecutor's Office has drawn the attention of the staff of the prosecutor's office by letter N 4115 dated 05.02.1996 on the mandate and the powers of the CPT.

A. POLICE AND NATIONAL INVESTIGATION SERVICE

Paragraph 22 (in relation to paragraph 34)

The indictment and autopsy report under Criminal Case against police officers from the 7th District Police Station in Sofia who caused the death of Hristo Hristov in custody were attached to the interim report. In this connection we report that a sentence was pronounced on 10.06.1996 Criminal Case N 556/95 of the Sofia Martial Court. The Court found the below mentioned persons guilty because on 05.04.1995 in Sofia, in the premises of the Police Station "Mladost"

members of the staff of the National Police Service, during fulfilment of their service duties, killed intentionally in an extraordinary painful way with extreme cruelty Hristo Hristov. Thus, on the grounds of Article 116, paragraph 2 and 6 of the Criminal Code a sentence was pronounced as follows:

- lieutenant Ivo Iliev Petkov - sentenced to 20 years imprisonment
 - lieutenant Nikolay Petrov Shopov - sentenced to 20 years imprisonment
 - lieutenant Ivancho Hristov Petkov - sentenced to 18 years imprisonment
- the three of them under the most severe regime of imprisonment.

Besides them, three more members of the police staff have been sentenced to imprisonment of different length for abuse of their powers.

It should be noticed that the above mentioned sentences are under appeal procedures and have not come into force yet.

Paragraph 29

The issued, related to preserving the human rights and dignity, are priorities within the framework of the course carried out by the officials of the National police. These questions play key role into the courses included in the programs for obtaining basic knowledge and qualification into the sergeant schools.

For example into the course “Legal criminology” the following questions are covered by lectures, seminars and practical exercises:

- constitutional rights and obligations of the citizens of the Republic of Bulgaria;
- the main declaration concerning human rights;
- the international convention on civil and political rights, etc.

The subject-matters related to the psychology of the communication in the police activities are covered by the course “Basic police principles” as well as by the course “Police psychology”. Through practical exercises and carrying out of training activities the policemen acquire abilities for interpersonal communication as well as in respect of an efficient participation into resolving conflicts without using physical force and subsidiary means. The issues in question posed by Mr. Claude Nicolay are treated within the framework of the plan of all courses taken. The Directorate of the National Police lays special emphasis on increasing the efficiency of the courses as well as improving the professional qualification and competence of the teaching staff, the main criteria

for appointing the candidates for an effective interpersonal communication and mutual comprehension between the police and the citizens.

Pursuant to the recommendations of the CPT, the Directorate of the National Policy gave priority to the training of police officers of all grades and categories on human rights. Experts of other agencies than the police are invited as lecturers.

In line with the international co-operation of the police, different joint projects with the Foundation of Partnership are currently implemented under the motto "Partnership police - citizens". Lecturers on such issues from Scotland Yard are being also invited with the co-operation of the Know-how fund at the British Embassy in Bulgaria.

The British experts express their high opinion of what has been done already and of the results obtained.

Similar projects are being implemented also in co-operation with the Bavarian foundation "Hans Zeidel" with participation of German experts.

Other joint undertakings have been also provided in view of sharing the international experience in overcoming conflict situations between the police and the citizens.

Paragraph 30

The Recommendations of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment as per this paragraph are included in all by-laws regulating the activity of the National police. A special working group "Complaints office" for keeping a register concerning information supplied by citizens, state organ and organisations as well as by non-governmental organisations referring to illegal activities of police officers has been organised into the Directorate of the National Police. The above mentioned activities in the regional offices of the police are carried out by special officers appointed accordingly.

All materials submitted are being checked up, so that in case of proved illegal activities the results are sent to the corresponding regional and military prosecutor offices. Within the time-limits determined by the law an answer is being submitted to the petitioners.

In Regulation N 2 concerning the disciplinary responsibility of the officers and sergeants of the Ministry of the Interior are numerated the different disciplinary violations which do not constitute a crime under the Penal Code and the corresponding administrative punishments. For the period of time 1994-1996 the activities breaking the legal rights of the citizens on the part of the police officers are registered in 75 disciplinary court cases. 75 disciplinary punishments including dismissing of the organs of the Ministry of the Interior have been imposed.

Paragraph 31

The issues of using physical force and subsidiary means by the police when carrying out its functions are regulated in Article 40 and 41 of the Law on the National Police. The cases in which the organs of the police can use physical force and subsidiary means are precisely defined in a way so that these rights can be exercised by the police officers in case they cannot carry out in another way their police functions and are suspended immediately after achieving the goal of the applied measure. The police organs are obliged to preserve the health and the life of the persons against whom physical force and subsidiary means are used.

Other normative acts regulating the legal activities of the police organs when using physical force and subsidiary means are as follows: Instruction concerning the security guard, the regime and isolation of the persons detained by organs of the Ministry of the Interior and Instruction concerning the way of using the subsidiary means by the police officers.

These guidelines of the current legislation are included in the plans for training the police officers. An instruction should be carried out at the beginning of every working day by the heads of the regional police offices.

B. PRISON ESTABLISHMENTS

In connection with the overall implementation of the recommendations under Section B of the CPT's report and in view of further humanisation of the

executions of the sentences imposed after February 1996 the Central Prison Administration has undertaken the following measures:

Easier regime has been established for persons under death sentence with a judgement into force who are detained in prisons. By a joint order of the Ministry of Justice and the General Prosecutors Office this category of imprisoned persons have been allowed to:

- receive and send correspondence without any restrictions;
- receive two parcels with food and 30 boxes of cigarettes once per month;
- enjoy once monthly one visit by friends and relatives;
- receive money to satisfy their personal needs;
- have one hour of outdoor exercise every day;
- have at their disposal newspapers, books and magazines in Bulgarian and in foreign languages.

It has been provided for the persons sentenced to death to be visited by representatives of the mass media.

In accordance with the CPT's recommendations the regime of prisoners in isolation has been also made easier. With the amendment of the Regulations on the execution of the Law on Implementation of Penal sanctions one hour of outdoor exercise every day and access to newspapers, books and magazines is allowed to such persons.

Living conditions in the isolation premises have been improved. Concrete measures have been taken for further improvement of the medical service of the prisoners. All newly admitted prisoners undergo thorough medical examination and follow-up decisions on allocation, accommodation, working activities etc. are taken on the basis of such examinations. Medical files are provided for all prisoners with established disease who have to be under check-up and for those without established disease who have to stay for more than one year in prison. In the event of transfer from one prison to another, it is seen that medical cards are duly forwarded to the receiving establishment.

Psychiatric care for prisoners has been also improved. Doctors-psychiatrists permanently in charge have been appointed to five prisons while in the remaining prisons the services of qualified consultants from the relevant civil medical establishment will be used up to the moment when a titular will be nominated.

In spite of the restricted financial possibilities a new multi-disciplinary hospital to the Sofia prison will be procured with equipment and be put into operation by the end of this year and it will take part of the functions and the quota of the Lovetch prison hospital.

Within the limits of the financial means placed at our disposal the works of repair and reconstruction of living premises in prisons in view of improving living conditions are going on.

In order to reduce occupancy rate in some prisons (Sofia, Varna and others) measures have been undertaken to move certain categories of persons deprived of their liberty to other prisons with free capacities.

New hostel to the correctional to the Bourgas prison with a capacity of 100 persons has been set-up and all inmates are given the possibility to work in the ceramic production.

In the future the management of the Central Prison Administration will continue working on improvement of the sanitary, hygienic and living conditions, offering new activities to the prisoners and ensuring engagement in purposeful activities during their free time. Efforts will be continued for more active involvement of representatives of the society and of the church in the work with the sentenced persons.

For the purposes of supervising the fulfilment of the measures undertaken and observance of the rule of law when implementing the sanctions the control of the Central Prison Administration over the activities of the prison administrations has become more vigorous.

C. PSYCHIATRIC ESTABLISHMENTS

The present information is prepared upon receipt of the required data and on the basis of the report of the directors of the State Psychiatric Hospital "Radnevo" and the State Psychiatric Hospital "Lovetch". These are hospitals

visited by the CPT during its mission in March-April 1995 and for which relevant recommendations were given.

The main remarks in the report concerning application of unmodified electroconvulsive therapy, living conditions in both hospitals, the regime of the patients and outdoor exercises (in the closed ward of the Lovetch psychiatric hospital) etc. have been paid due attention and the Ministry of Health has made appropriate check-up.

Paragraph 2. Torture and other forms of ill-treatment

Unmodified electroconvulsive therapy has no more been applied in both hospitals for one year already. Presence of an anaesthetist in the medical operations is ensured.

Paragraph 3. Patients' living conditions and treatment

After psychiatric hospitals became directly subordinate to the Ministry of Health certain stabilisation of their economic state has been achieved and in spite of the scarce and insufficient material means, regular food and heat for the patients has been ensured. This has been confirmed in the follow-up reports (every six months) of their directors to the Ministry of Health.

Additional measures for the security of the inmates of the Lovetch psychiatric hospital during their everyday outdoor exercises in the closed ward have been taken and their implementation is under control of the director of the hospital. A part of these patients has been involved in different forms of professional and therapeutic activities taking into consideration their capabilities.

Because of the exceptional economic difficulties for the whole country at that time, there are no means to set-up the material base for a new hospital building at the Radnevo State psychiatric hospital.

Paragraph 4. Staff

For the first time in our country systematic training was organised for nurses working in psychiatric establishments. At that stage the training is being carried out in two directions - on the one hand, courses organised by the National Centre for Comprehensive Studies of Human Beings at the Ministry of Health and in co-operation with the Foundation for Neuroscience and Behaviour are going on. Besides such courses for nurses from the whole psychiatric net, starting from 1996, we try for the first time to conduct courses for all nurses working at one psychiatric establishment /Psychiatric Hospital " Saint Ivan Rilsky"/. Besides, the department for post-graduate qualification at the Medical Institute in Sofia starts organising from the autumn of 1996, courses on psychiatric nursing. Manual of Psychiatric Nursing - translation of the Susan Ritter's book - Manual of Clinical Psychiatric Nursing has been published with the strong financial assistance of the Geneva Initiative on Psychiatry, International Foundation for the Abolition and Prevention of Political Psychiatry. This Manual was approved by the Ministry of Health and the Ministry of Education, Culture and Technologies as training aids when training psychiatric nurses and it has been distributed to all psychiatric establishments.

The forms, the ways, the order and the obligations of all members when utilising isolation and other auxiliary means have been established in the psychiatric establishments interior regulations - specific orders concerning the activities, rights and duties of the personnel.

System for registration of such activities exists but introduction of new auxiliary forms in this respect is forthcoming.

Paragraph 5. Seclusion and other means of restraint

Beside the above mentioned two hospitals, during the visit of representatives of the Ministry of Health to other medical establishments check-ups have been carried out in respect of the use of seclusion and other means of restraint. In all of them exist specific rules concerning the activities, the rights and duties determined in their interior regulations. The practice for the use of irons in the Lovetch psychiatric clinic found out by the Committee representatives during

their visit in 1995 was eliminated as confirmed by the director of the psychiatric establishment.

Paragraph 6. Complaints procedures and external control and support

In the interim report submitted six months ago detailed description of the possibilities the patients have to lodge their complaints in connection with the medical treatment they undergo was made.

In 1996 in a number of psychiatric establishments - the State Psychiatric Hospital - Lovetch, the Centre for Psychological Health - Dobritch, Psychiatric Hospital "Saint Ivan Rilsky" and others, practice is being initiated to inform in detail the patients on their rights in conformity with the Chart on the rights of the hospitalised psychiatric patients (approved by the General Assembly of the World Psychiatric Organisation - Rio de Janeiro 1993) and the Hawaii declaration (approved by the General Assembly of the World Psychiatric Organisation - Hawaii 1977 and its amendment of 1983).

Special commissions have been set-up in these psychiatric establishments to deal with and resolve any problems of the patients relating to the full respect of their freedom and human rights. The Ministry of Health considers that with the active co-operation of the Bulgarian Psychiatric Association will be satisfied one of the main CPT's recommendations as far as the ways and the possibilities of lodging patients claims is concerned, will be decided in a similar way in all psychiatric establishments in Bulgaria. The other ways of lodging claims as per the interim report remain too. They are under the control of the Ministry of Health, the General Prosecutor's Office, the Council of Ministers and the Presidency.