



CPT/Inf (2010) 30

## **Response**

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

**from 15 to 19 December 2008**

The Bulgarian Government has requested the publication of this response. The report of the CPT on its December 2008 visit to Bulgaria is set out in document CPT/Inf (2010) 29.

Strasbourg, 30 September 2010

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## **Establishments under the Authority of the Ministry of Interior**

### **I. Police detention**

In the performance of their officer duties, police authorities shall respect the rights of detainees as set out in the Constitution of the Republic of Bulgaria, the laws and the European Convention on Human Rights and Fundamental Freedoms.

According to the Ministry of Interior Act, police authorities may detain persons and restrict the free movement of individuals for not more than 24 hours, and upon the order of the Prosecutor's Office – up to 72 hours. These requirements are strictly respected by the police authorities. There is no change in the applicable laws. A domestic statutory act regulating the detention of persons in the divisions of the Ministry of Interior is Instruction Iz № 2451/2006 on the order of action of police authorities in the detention of persons in the departmental units of the Ministry of Interior, regarding the equipment of lodgment places for detainees and the order therein.

### **II. Rights of detainees**

According to the Instruction as quoted herein above each detainee shall be issued a detention warrant by the police authority restricting the right of free movement of the individual.

Immediately after the detention the person shall be introduced to the grounds for his/her detention and the responsibility as set forth by law and he/she shall be advised of the rights:

1. To use medical care;
2. To legal defense and the right to request appointment of a defending lawyer in accordance with the Legal Assistance Act;
3. To appeal at the court the lawfulness of the detention;
4. To inform a person as referred to by himself on his detention;
5. To contact the consular authorities of the respective country where the person is an foreigner or a Bulgarian of double citizenship.

The detainee shall complete a declaration in two copies stating he/she is aware of its rights, whereas the first copy shall be handed over to the detainee and the second copy shall be enclosed to the detention order. The refusal of the detainee to complete a declaration shall be certified via the signature of a witness.

Whenever the detainee is illiterate or unable to fill in the declaration by himself / herself, it shall be filled in by an employee and the statements shall be verbalized by the person itself in the presence of a witness, certifying the authenticity thereof with his signature.

The remedy of the detainee to appeal to the Court the legality of the detention shall be implemented under the Administrative Procedure Code (APC).

Within the scope of its competence, the Prosecution's Office shall supervise and monitor the activities of the Ministry of Interior relating to the compliance with the law and human rights, including with reference to detainees in the departmental units of the Ministry of Interior.

Internal control on the activities of detention of persons in the departmental units of the Ministry of Interior shall be performed after the issue of a writ.

### **III. Right to legal defense**

The detainee shall be given an opportunity to use the legal defense at the time of his/her detention. Upon expressly stated request, this remedy may be implemented by:

1. A defending lawyer designated by the detainee, at its own cost;
2. A defending lawyer in accordance with the Law on Legal Aid beyond the scope of cases as set out under item 1 thereof.

A visible place in the lodgment premises for detainees shall display a list of duty lawyers and their telephone numbers as well as telephone numbers of the National Bureau for Legal Aid, a representative of the Council of Barristers or another person responsible for the appointment of a duty lawyer. To assist the detainee in the exercise of its right to request appointment of a defending lawyer in pursuance of the provisions of the Law on Legal Aid the detainee shall be given a telephone to make the required calls.

In 2008 by virtue of an order of the Chairman of the National Bureau for Legal Aid an interagency working group is formed with the following task: to draft a strategy for reform of the judicial system in the period 2008 – 2013, and more specifically in the field of "Equal Access to Justice". The working group has completed the task and on 02.12.2008 prepared the project.

Its main objective is to improve the policy and the legislative framework concerning the management and the organization of the system for the provision of legal aid. Enhancing the efficiency and the effectiveness of the system for legal aid and improving

the legislation, which regulates the system of legal aid are the two key guidelines for development of the system for legal assistance, as laid down in the strategy.

It envisages the following:

- The National Bureau for Legal Aid shall develop and circulate among the regional departments of the Ministry of Interior, the courts, the prosecution offices and other social and specialized government bodies and institutions, information on the activities of the National Bureau for Legal Aid and the rights of citizens in relation to the provision of legal aid.

- To develop and introduce a clear procedure for determining duty lawyers in case of police detention in pursuance of the Ministry of Interior Act.

- To establish a coordination council with the National Bureau for Legal Aid, the Ministry of Justice, the Supreme Council of Barristers, the Supreme Judicial Council, the judiciary, the Ministry of Interior and the Prosecution office with the purpose of establishing a long-term policy of interaction within the system of legal aid in order to improve it, provide uniformity of approaches for admission to and provision of legal assistance, distinguish the mandatory defense remedies from defense remedies for socially vulnerable citizens, organizing and analyzing information.

The premises for visiting and meeting with a defending lawyer are soundproof with secured main and emergency lighting, meeting the following requirements:

1. Chairs, tables and other objects inside shall be attached to the floor and / or the walls;

2. Ensure confidentiality of the conversation, while keeping the ability of visual control of the security guard through the glass part of the door or in another appropriate manner.

#### **IV. Medical insurance of detainees**

The detainee may undergo medical examination upon its own request or whenever his/her medical status requires it.

A request to conduct a medical examination may be addressed by either parent, guardian, custodian, lawyer and representative of the diplomatic mission of the State whose national is the detainee.

For each medical examination a document is issued by the doctor performing the medical check. A copy of each medical document shall be handed over to the detainee or his authorized defending lawyer. Results and any medical prescriptions shall be recorded

by the police officer in the book for medical examinations and prescriptions and shall be signed by the doctor.

In case of declared willingness of the detainee, he/she shall be given an opportunity for undergoing medical examination by a physician of his choice and on his own account.

The presence of an officer during the medical examination may be permitted only at the request of the medical person and this fact shall be noted in the medical records and book for medical examinations and in the guidelines. The officer being present at the medical examination shall be of the same sex as the detainee.

If during the medical examination there are reasonable allegations of unlawful use of physical force, weapons or facilities to detainees, the officer accompanying the person during the medical examination shall draft a written report to the head of the departmental unit of the Ministry of Interior.

In carrying out a medical examination or medical treatments, wherever the doctor has requested the presence of a police officer, the necessary security measures shall be taken to prevent escape, assault or acquisition of stuff, which may afterwards serve for that. Where it is not required to attend the medical examination, the police officer shall guard in front of the door, being ready to help and after the detainee steps out of the room the police officer shall check him/her for any acquired objects.

Where the health status of the detainee requires performing a medical examination or where it is requested to perform one, but subsequently he/she refuses to undergo it, he/she shall declare in writing to the doctor his/her refusal, while verifying it via its handwritten signature under the medical document. Upon refusal of the detainee to declare via his/her signature his unwillingness to undergo medical examinations, the medical document shall be signed by a witness.

In connection with the task of specifying the procedure for the provision of medical examination to individuals detained under Article 63 of the Ministry of Interior Act, and developing specific provisions for amending the Law on the Health Insurance (amendment of Article 40, paragraph 2, item 5 of the Law on the Health Insurance or providing for an option for the departmental units of the Ministry of Interior to appoint *ex officio* a general practitioner), the following is worth noting:

According to Article 37, paragraph 3 of the Law on the Health Insurance, people detained on the grounds of Article 63 of the Ministry of Interior Act shall be exempt from payment of the amounts due for each visit to the doctor's or the dentist's and for each day

of hospital treatment. Thus, the issue of payment of fees for medical examination is fully resolved.

In fact, medical care is provided for persons through the medical services of the Medical Institute to the Ministry of Interior, operational on the territory of Sofia and nationwide, including in homes for temporary housing, homes for temporary lodgment of foreigners to the Migration Directorate, etc., medical specialists from Central Clinical Facilities – Medical Institute to the Ministry of Interior in Sofia and the centers for emergency medical care to the Ministry of Health, including in Sofia and nationwide.

The available information and the checks have not found cases of violation of the right of medical care to detainees in the departmental units of the Ministry of Interior.

#### **V. Right of translator of foreign detainees**

Where the detainee does not understand Bulgarian language or is deaf or dumb, he/she shall be introduced to the grounds for his/her detention and the responsibility as provided by law and shall be explained his/her rights in plain language with the help of an interpreter or an expositor.

If the detainee is a foreigner or a Bulgarian of double citizenship, the operational officer on duty at the departmental unit of the Ministry of Interior, whose officer has issued the detention warrant, shall immediately notify the contact Operation Center of the regional departmental unit of that person's detention, which in turn shall immediately inform the operational officer on duty at the departmental unit of the Ministry of Interior.

The officer on duty at the Operation Center with the Ministry of Interior shall immediately notify the officer on duty at the Ministry of Foreign Affairs for the detention of a foreigner or a Bulgarian of double nationality, with the purpose of delivering the message to the diplomatic mission of the country or respectively the country representing it in Bulgaria.

If the detainee is a foreigner or a Bulgarian of double citizenship, and he wishes only to make the notification, operational officer on duty shall specify the telephone number of the diplomatic mission or the diplomatic mission, which represents it, and in the presence of an interpreter shall allow detainee to communicate its detention, while controlling the option for the call to prevent police action.

The notification of the officer on duty at the Ministry of Foreign Affairs shall be made wherever the detainee is a foreigner or a Bulgarian of double nationality and he has made the notification on his own.

Should the detainee is a refugee or a person against whom there are current proceedings for granting refugee status, instead of the Consulate of the country whose citizen he/she is, the Agency for Refugees shall be advised thereof.

#### **VI. Escorting a foreign detainee**

Regarding foreigners detained on the border, who are transferred to the regional directorate Slivnitsa (with the District Directorate of the Ministry of Interior – Sofia) all the statutory requirements of Instruction Iz №1701/2006 on the organization to implement the escorts by the police authorities are met.

#### **VII. Legislation**

The provisions of Instruction № Iz 507/26.03.2008 "Regarding the admission of citizens, and support for victims of crimes in the departmental units of the National Police" regulate the organization and the procedures for the admission of citizens and the respect of fundamental human rights and freedoms as set out in international instruments to which Bulgaria is a party, the Constitution of the Republic of Bulgaria, the applicable laws and regulations.

In carrying out their professional activities the territorial departmental units of the security and border police have paid special attention to the issues of human rights and police ethics. The measures undertaken to comply with the standards established with the Ethical code of conduct of civil servants from the Ministry of Interior.

The employees continue their work on the theoretical study and the practical application of the "Strategy for the work of police close to the community", "Code of Ethics for the conduct of civil servants at the Ministry of Interior," "Code of Ethics for work with children", "Regulation for special protection of children in public places", etc.

Update has been made to the list of locations designed for lodgment of persons and special facilities for temporary lodgment of foreigners with the territorial departmental units of the Border Police and Security Guard Police in pursuance of Instruction № Iz-2451/29.12.2006 on the order and operation of police authorities in the detention of persons in the departmental units of the Ministry of Interior, for the equipment of places of lodgment for detainees and the order therein.

#### **VIII. Documents filled in by persons upon detention**



The detention warrant shall be signed by the police authority and the detainee. The detention warrant shall be entered in special register records of the departmental unit.

The number of the detention warrant shall be entered in the book of detainees.

The detention warrant shall not be issued to persons, who are subject to coercive leave or are detained under the Criminal Procedure Code (CPC).

The detainees shall be released immediately after the elimination of the grounds for detention.

### **IX. Activities with NGOs**

Together with the “Open Society” Institute the project “Civil surveillance on police” was implemented. In Sofia the General Police Directorate approved the objectives and the methodology for building trust between the police and the local community and for ensuring the transparency of the police institution. Basically, the practice of civil surveillance on police represents the ability of citizens to visit places of detention with the regional police departments without prior notice. Nine regional departments in Sofia were visited. The project is implemented also on the territory of District Directorates of Bourgas, Varna, Pleven and Plovdiv.

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Civil observers are volunteers who have undergone a special selection and training in the methods of civil surveillance. Teams of civil observers conducted surveillance in the Regional Police Department on the basis of a previously agreed schedule, whose details shall be known only by participants in the project. The volunteers carry out surveillance at the places of detention, talk with the detainees (if they agree) about the conditions of detention, monitor the overall attitude of the police department to the society. During their communication with police officers the volunteers may discuss issues relating to police-citizen relations, and to propose ways of improving their bilateral cooperation. Based on actual observations, the volunteers shall complete teamwork reports. The teamwork reports reflect the facts found during the surveillance practice.

Each month the project coordinator prepares summary reports, copies of which shall be forwarded to the Director of the District Police Directorate and the civil observers. Every three months quarterly analytical reports are prepared, which in addition to the

District Police Directorate shall be circulated to other stakeholders and shall be disseminated to the public.

During the period September 2007 - August 2008 a total of 800 visits were made in 41 regional police departments in Sofia, Plovdiv and Pleven, as well as in the District Police Directorates in Varna and Bourgas.

During the reporting period the observations of the civil observers were made at different times of the day, with 587 visits carried out between 7.00 a.m. and 7.00 p.m., and a total of 213 visits were carried out between 7.00 p.m. and 7.00 a.m. The number of visits in workdays is 544 and during the weekend their number is 256. For the entire duration of the project interviews were held with a total of 249 detainees. The visits were carried out without prior notification to the management and the staff of the Regional Police Department, at different times of the day, by different teams and civil observers, in accordance with the methodology as approved under the project and the rules of carrying out civil observations.

Every quarter reports are drafted and submitted to Directorate-General Security Police and the findings thereof are promptly reported to the management of the Ministry of Interior and the executive offices of the observed district directorates of the Ministry of Interior.

The project was finalized on 17.12.2008 with a public presentation of the findings and recommendations from the civil observers included in the final report. The final report was presented to the media by the Open Society Institute in the presence of representatives of the Ministry of Interior and other government bodies. The summary of the final report is posted on the website of the Open Society Institute.

Contacts are established with the local government and local administration in order to draw the police authorities closer to people and to enhance the relations of partnership with the civil society.

#### **X. Regarding the conditions upon detention**

The departmental units of the Ministry of Interior separate locations to lodge detainees, including:

1. Detention facilities;
2. Service facilities:
  - a) Premises for questioning;
  - b) Facilities for visiting and meeting with a defending lawyer;

- c) Sanitary and hygienic rooms;
- d) Facilities for reception of persons and procession of documents for custody.

The number of premises for questioning shall be based on the professional needs and the available facilities.

The places of lodgment for detainees shall be determined by the directors of the departmental units of the Ministry of Interior.

In locations where detainees are lodged, the departmental units of the Ministry of Interior establish a system of physical protection in order to promptly prevent any attempt to assault, self-injury, uncontrolled deviation while standing or walking, and other cases of frustration of the performance of officer duties by public officers, directly or indirectly related to the detainee.

Persons placed in detention facilities are monitored continuously - directly or through a video surveillance system (CCTV), about which detainees are informed in advance in accordance with the rules of internal order in the detention facilities.

The detention facilities at the Ministry of Interior have a minimum area of 7 square meters per individual room and 4 square meters per person in a room where there is more than one person and they are equipped appropriately for the category of persons.

The detention facilities shall provide for a place of rest – an ordinary bed or a plank-bed.

A blanket is provided to detainees for the time of rest in the dark part of the day.

In the detention facilities it is not allowed to handcuff the detainee, except in cases where he/she is likely to hurt another person or himself / herself.

In the relevant medical establishments of the Ministry of Interior there are specially equipped rooms for treatment of detainees.

The detention facilities shall be located so as to provide convenient, short and isolated connection with the service facilities in order to exclude any contact with outsiders and, if possible, with other detainees.

The detention facilities are deployed and organized in a manner that avoids the impairment of health and security detainees.

The facilities for detention of juveniles shall meet the following additional conditions;

1. The inside of the room shall be welcoming and appropriate for the type of age;
2. The premises shall be equipped with bed clothing (sheets, pillow-

- cases, blankets, pillows), table, two chairs, cabinet for personal items, soap and towels;
3. The premises are constantly monitored by the district police department – directly or through a video monitor;
  4. There are fitted signal buttons available to minor detainees;
  5. The glass of the windows is secured from the inside with a wire mesh so that minors can not reach them;
  6. In the premises it is not allowed to open electric power sources, sharp, cutting, and other flammable objects, which would jeopardize the health and lives of detainees.

Persons placed under police custody can not be treated as detainees, and for this reason the rooms provided for them should be out of the places of lodgment for detainees.

In the departmental units of the Ministry of Interior where there is no technical possibility to build two separate facilities, including one for minors, it is prohibited to lodge an adult and a minor in the same room, at the same time, of detained minors and under-age delinquents under the Ministry of Interior Act and minors placed under police custody under Law on the Child Protection.

#### **XI. Providing healthy nutrition to detainees**

Each detainee is provided food in the conventional time for breakfast, lunch and dinner under the rules of internal order in the detention facilities and in accordance with the methodology indicating the incoming and outgoing order of food supplies to detainees and convoyed by officers of the Ministry of Interior on the grounds as set forth in the Ministry of Interior Act and the Penal Procedural Code.

In providing food it shall be ensured to avoid any harm to the health of the detainee due to violation of his/her diet and other medical prescriptions.

Provided food shall not be inconsistent with the personal preferences of the person with regard to the observance of certain religious norms.

For each food brought by external persons or provided according to the order as set forth by the Ministry of Interior, the detainee must undersign in a special book.

#### **XII. The possibility for contact with relatives of detainees**

Visits of friends and receipts of food, clothing and belongings are performed in the presence and under the control of the security officer on duty, upon written authorization

of the person responsible for this activity, and / or the employee who worked with him on the occasion, on which the person resides in the departmental unit of the Ministry.

In 2003, by virtue of an order of the Minister of Interior, the Ministry of Interior established the Standing Committee on Human Rights and Police Ethics. At the end of the same year, by virtue of an order of Deputy Minister of Interior and Chairman of the Standing Committee on Human Rights and Police Ethics committees on human rights and police ethics were formed in each Regional Directorate and in Sofia Police Directorate. Members of each committee include officers designated for regional coordinators and instructors in human rights, representative of the legal and regulatory services department, senior officers from criminal and security police, etc., at the discretion of the executive bodies. With the purpose of ensuring coordination and control concerning the established committees, plans are drafted for the work of the Standing Committee on Human Rights and Police Ethics and the Regional Committees on Human Rights and Police Ethics. These plans identify tasks to improve the organization of work of various departments at the Ministry of Interior in the context of various actions to improve human rights in police work. The committees discuss current issues related to human rights in police work. The discussion includes also the opportunities for staff training in this area, opportunities for funding projects to improve the material conditions in the detention facilities with the departmental units of the Ministry of Interior, etc. At the end of each calendar year reports are drafted by the regional committees on Human Rights and Police Ethics and by the Standing Committee on Human Rights and Police Ethics, which deliver reporting and analysis of their activity.

The Standing Committee on Human Rights and Police Ethics works to improve and consolidate the practices of respect to human rights and police ethics in the Ministry of Interior.

The activities of the Standing Committee over the years has been targeted on prevention of police violence, cooperation with public organizations, strengthening positive police practices and harmonization with the requirements arising from the membership of Bulgaria in the European Union (EU).

## **Establishments under the Authority of the Ministry of Justice**

### **I. Investigation Detention Facility – Pernik**

#### 1. Overpopulation

The detainees are lodged by two in a cell. For those under stage escort there are isolated premises with bigger capacity. Due to the restricted area and the impossibility of conversion of the building, up to this moment it does not meet the minimum requirements for a residential area per prisoner.

#### 2. Material Conditions

For the improvement of the living conditions in the detention facility partial refreshing overhaul is carried out in all cells, the detention corridor, the sanitary rooms and the bathroom. The walls and the doors are painted, air-conditioners and a CCTV video surveillance system are installed.

The bedding inventory is replaced. The necessary quantities of cleaning detergents for daily cleaning of the bedroom premises are ensured.

All detainees are provided with daily time for outdoor activities. They have the opportunity to make telephone calls to their relatives, in pursuance of the requirements of the Law on Execution of Sentences and Detention in Custody.

#### 3. Food

The detainees lodged in the investigation detention facility receive fresh food prepared in the communal kitchen.

#### 4. Medical care

The medical care is carried out by a medical paramedic and if necessary consultations are held with medical experts from an external hospital establishment.

The medical records are kept in the archives at the Execution of Sentences District Office – Pernik in pursuance of the provisions for confidentiality.

#### 5. Visiting room

Due to the limited space, the technical and architectural features of the building, it is not possible to establish of a special room for visits and meetings with detainees and therefore we seek other options for solving the issue. A meeting was held with the head of Regional Public Prosecutor Office - Pernik to provide the possibility to place five rooms from the West wing of the Regional Investigation Bureau - Pernik at the disposal of the needs of the Investigation Detention Facilities. After their provision, they will be adapted to a visiting room for meetings of the detainees with relatives and defending attorneys at law, an office of the medical paramedic, working premises for the head of the Detention Facility Sector, the commander of the department and the officers of the shift not on duty.

## **II. Investigation Detention Facility - Slivnitza**

### 1. Hygiene

Following the recommendations made by the CPT, additional quantities of hygiene and cleaning detergents are supplied to the detention facility. All detainees are given cleaning detergents for the maintenance of the hygiene in their cells and materials for personal hygiene. Upon their demand during the day they can visit the sanitary unit and to maintain their personal hygiene.

### 2. Living conditions

Refreshing overhaul of the rooms is carried out at the detention facility. A research is made for the technical possibility of building a central sewage system in the cells.

Double beds are removed. Mattresses are replaced.

The allegation that there is no artificial lightning in the detention facility is not true. In the bathroom, the toilet and in the room with a wash-basin as well as in the rest of the rooms illumination is installed. The lightning in the cells is improved as well by ensuring the access of direct daylight by using iron bars instead of thick solid doors. Unfortunately it is technically impossible to make windows in the rooms for detention.

For definitive solution of the matter with the poor living conditions in the existing investigation detention facility in the town of Slivnitza, the General Directorate for Execution of Sentences has decided on its closure.

### 3. Food

In connection with the finding of the CPT that cooked food is not offered to the detainees, discussions have been held with the mayor of the town and he granted his consent for the Social Patronage to supply the investigation detention facility with food. The daily ration in April cost 3.20 leva (BGN).

#### 4. Overpopulation

This detention facility is not overcrowded. Since the beginning of the year until now the average occupancy is 3.4 persons per day.

#### 5. Lack of activities

The construction of a larger area for outdoor activities is necessary. This will give the opportunity to mount equipment for training and activities of the detainees but by far the available facilities do not allow such reconstructions.

For rationalization of leisure time, fiction books are supplied for reading by the detainees.

The allegations that detainees are not allowed to stay outdoors during the weekend are not true, which can be proved by the records kept in the detention facility.

#### 6. Phone calls

We are not aware of the fact which gives grounds to the CPT to make the conclusion that the investigation detention facilities in Slivnitsa and Pernik restrict the detainees' access to make phone calls. So far there are no complaints from detainees that their access to phone calls has been limited. The telephone calls are made in pursuance of the currently applicable regulations - the law, its Implementing Rules and the orders of the General Director of the General Directorate for Execution of Sentences. There is no limit to the calls made by the detainees to their defending attorneys at law.

The report states that there is no room for visits in the investigation detention facility in Slivnitsa. Obviously it pertains to a technical error. The visitors' room is situated in the detention facility and has been shown to the CPT members. The area is equipped in compliance with the requirements and is equipped with a communication system.

#### 7. Medical personnel



It is true that the investigation detention facility in Slivnitsa has not hired medical personnel, but it is important to make it clear that the detention facility is part of the structure of the Detention Facility Sector to the Regional Office of the Execution of Sentences – Sofia. This office has set up a medical centre with three physicians, a paramedic and a nurse as payroll staff. They perform not only the primary medical examinations but also weekly medical examinations of the detainees.

Furthermore, the local Emergency medical center also conducts primary medical examinations and renders emergency aid. Medication needed by the detainees upon doctor's prescription is purchased by the detention facility's administration.

#### 8. Medical records

The diary for medical examinations, the so-called Ambulatory Book, is not kept apart from the rest of the medical documentation, so when emergency medical aid is needed, the doctor who examines the detainee can get acquainted with his/her health status, illnesses and medical history.

The medical record of the first examination and the following medical examinations is enclosed to the detainee's file. They are kept at the section's commander office in a cash box and the rest of the personnel have no access to them.

#### 9. Foreign nationals

In accordance to the recommendation of the CPT, translations of the information regarding detainees' rights have been provided in seven additional languages apart from Bulgarian and English. Detainees of foreign nationality are informed thereof upon detention in the investigation detention facility.

### **III. Investigation Detention Facility – Plovdiv**

We are pleased to inform CPT that on June 10<sup>th</sup>, 2009 the Minister of Justice, Ms Miglena Tacheva, opened the new investigation detention facility in Plovdiv constructed in pursuance of the international requirements and standards for humane treatment of detainees. This is the first building in our country consistent with all standards for prisons, where near three million leva is invested.

The detention facility represents a massive two-storey building with as-built area of 2295 square meters. The total occupancy is 120 persons whereas for every person under detention a living area of 7 square meters is ensured. It is situated in the guarded zone of the prison in Plovdiv and has sixty cells (each with area from 13 to 15 square meters) designed for lodgment of two persons.

The cells are equipped with bathrooms with hot and cold water, modern heating, ventilation and air conditioning equipment. In the event of a crisis, the detention facility disposes of an alternative heating system supplied with fuel for 1 month.

All premises are equipped with call buttons and a stand for television sets, with power supply and cable television.

Modern systems for monitoring and control are built up in order to ensure security. Very good conditions are established for the work of the bodies of pre-trial proceedings and the counsels for the defense, for holding meetings and visits.

The detention facility has three places for carrying outdoor activities and premises for team work under various training programs; skills for job seeking, overcoming addictions, creative thinking, literacy instruction, etc. The detainees can use the library for fiction books and periodical press, a room for playing chess, a gym and a cinema hall.

#### **IV. Investment programme**

In response to the CPT's request for updated information on the programme for expansion and modernization of the system of detention facilities, including the time schedule for its implementation, enclosed herein you can find the Investment Programme for construction, renovation and modernization of the premises in the detention facilities within the period 2009-2015.

##### **➤ Detention Facility – Blagoevgrad**

Priorities in the short term for the period of 2009 - 2010

- reconstruction and overhaul of the detention facility

Priorities in the medium term for the period of 2011 - 2012

- separation of the place for outdoor activities for detainees

- construction of sanitary units in the cells

- overhaul of the ventilation and air-conditioning systems

- replacement of the low-voltage electricity circuits
- implementation of video surveillance system (CCTV)

➤ Detention Facility – Razlog

Priorities in the long term for the period of 2013 - 2015

- construction of sanitary units in the cells
- overhaul of the ventilation and air-conditioning systems
- replacement of the low-voltage electricity circuits
- implementation of video surveillance system (CCTV)

➤ Detention Facility – Sandanski

Priorities in the long term for the period of 2013 - 2015

- reconstruction and extension of the detention facility

➤ Detention Facility – Petrich

Priorities in the short term for the period of 2009 - 2010

- construction of a new investigation detention facility - November 30<sup>th</sup>, 2010

➤ Detention Facility – Bourgas

Priorities in the short term for the period of 2011 - 2012

- design and construction of a new detention facility within the premises of the prison – Bourgas

➤ Detention Facility – Varna

Priorities in the short term for the period of 2009 - 2010

- overhaul of the ventilation system
- implementation of video surveillance system (CCTV) – October 30<sup>th</sup>, 2009

Priorities in the medium term for the period of 2011 - 2012

- removing the light openings made of transparent bricks and construction of windows in the cells
- shearing the concrete slab and setting apart an area for outdoor activities

➤ Detention Facility – Veliko Tarnovo

Priorities in the medium term for the period of 2011 - 2012

- construction of sanitary units in the cells
- overhaul of the ventilation and air-conditioning systems
- replacement of the low-voltage electricity circuits
- implementation of video surveillance system (CCTV)

➤ Detention Facility – Svishtov

Priorities in the medium term for the period of 2011 - 2012

- overhaul and reconstruction of the detention facility

➤ Detention Facility – Vidin

Priorities in the short term for the period of 2009 - 2010

- reorganization and reconstruction of the detention facility - 1<sup>st</sup> stage April 30<sup>th</sup>, 2009
- reorganization and reconstruction of the detention facility - 2<sup>nd</sup> stage November 30<sup>th</sup>, 2011

➤ Detention Facility – Vratsa

Priorities in the short term for the period of 2009 - 2010

- designing a new investigation detention facility

Priorities in the medium term for the period of 2011 - 2012

- redeployment of the detention facility to the premises of the prison – Vratza

➤ Detention Facility – Oryahovo

Priorities in the short term for the period of 2009 - 2010

- implementation of video surveillance system (CCTV)

Priorities in the medium term for the period of 2011 - 2012

- overhaul of the sanitary units
- establishment of ventilation system

➤ Detention Facility – Gabrovo

Priorities in the short term for the period of 2009 - 2010

- construction of a new detention facility within the real estate, granted by virtue of Decision № 875 dated 11.12.2006 of the Council of Ministers of the Republic of Bulgaria - October 30<sup>th</sup>, 2010

➤ Detention Facility – Dobrich

Priorities in the short term for the period of 2009 - 2010

- design, reorganization and reconstruction of the existing building of the investigation detention facility and the administrative building of district section of the Directorate for Execution of Sentences – Dobrich - April 30<sup>th</sup>, 2010

➤ Detention Facility – Balchik

Priorities in the long term for the period of 2013 - 2015

- overhaul and reconstruction of the detention facility

➤ Detention Facility – Kardzhali

Priorities in the short term for the period of 2009 - 2010

- reorganization and reconstruction of the existing residential facilities of the investigation detention facility - November 30<sup>th</sup>, 2010

➤ Detention Facility – Kyustendil

Priorities in the short term for the period of 2009 - 2010

- overhaul of the detention facility

➤ Detention Facility – Samoranovo

Priorities in the short term for the period of 2009 - 2010

- reorganization and reconstruction of the existing residential facilities of the investigation detention facility - April 30<sup>th</sup>, 2010

➤ Detention Facility – Lovetch

Priorities in the short term for the period of 2009 - 2010

- reconstruction of a floor of the former hospital to the prison in Lovetch into a custody – November 30<sup>th</sup>, 2010.

➤ Detention Facility – Montana

Priorities in the long term for the period of 2013 - 2015

- reconstruction and overhaul of the detention facility

➤ Detention Facility – Lom

Priorities in the long term for the period of 2013 - 2015

- reconstruction and overhaul of the detention facility

➤ Detention Facility – Pazardzhik

Priorities in the medium term for the period of 2011 - 2012

- redeployment of a detention facility into the residential facilities of the prison - Pazardzhik

➤ Detention Facility – Pernik

Priorities in the short term for the period of 2009 - 2010

- overhaul and reconstruction of the detention facility

➤ Detention Facility – Pleven

Priorities in the short term for the period of 2009 - 2010

- redeployment of a detention facility within the premises of Pleven's prison after the construction of a new building section

➤ Detention Facility – Plovdiv

Priorities in the short term for the period of 2009 - 2010

- a new investigation detention facility is constructed, opened on June 10<sup>th</sup>, 2009

➤ Detention Facility – Razgrad

Priorities in the short term for the period of 2009 - 2010

- repair of the low-voltage electricity installation

- construction of an outdoor activity area for the detainees

➤ Detention Facility – Rousse

Priorities in the short term for the period of 2009 - 2010

- overhaul of the detention facility

Priorities in the medium term for the period of 2011 - 2012

- reconstruction of the detention facility

➤ Detention Facility – Silistra

Priorities in the short term for the period of 2009 - 2010

- designing a new building for the district section of the Directorate for Execution of Sentences and a detention facility

Priorities in the medium term for the period of 2011 - 2012

- construction of a new building for the district section of the Directorate for Execution of Sentences

Priorities in the long term for the period of 2013 - 2015

- construction of a new building for the district section of the Directorate for Execution of Sentences – second stage

➤ Detention Facility – Sliven

Priorities in the long term for the period of 2013 - 2015

- overhaul and reconstruction

➤ Detention Facility – Smolyan

Priorities in the long term for the period of 2013 - 2015

- indoor overhaul activities

➤ Detention Facility at 42, G.M.Dimitrov Blvd. – Sofia

Priorities in the short term for the period of 2009 - 2010

- construction of ventilation system

Priorities in the medium term for the period of 2011 - 2012

- overhaul and reconstruction of the third and fourth floors of the detention facility

➤ Detention Facility at 2, Major Vekilski Street – Sofia

Priorities in the short term for the period of 2009 - 2010

- repair of the water and sewage system
- construction of air-conditioning system

Priorities in the medium term for the period of 2011 - 2012

- repair of the low-voltage electricity circuit
- reconstruction of indoor facilities
- installation of security system

Priorities in the long term for the period of 2013 - 2015

- redeployment of a detention facility within the premises of the new prison – Sofia

➤ Detention Facility – Samokov

Priorities in the long term for the period of 2013 - 2015

- overhaul and reconstruction

➤ Detention Facility – Slivnitza

Priorities in the short term for the period of 2009 - 2010

- redeployment of the detention facility to an appropriate building

➤ Detention Facility –Stara Zagora

Priorities in the short term for the period of 2009 - 2010

- overhaul of the indoor areas in the detention facility

Priorities in the long term for the period of 2013 - 2015

- redeployment of the detention facility to the premises of the new prison – Stara Zagora

➤ Detention Facility – Targovishte

Priorities in the long term for the period of 2013 - 2015

- overhaul and reconstruction of the detention facility

➤ Detention Facility – Popovo

Priorities in the long term for the period of 2013 - 2015



- overhaul and reconstruction of the detention facility

➤ Detention Facility – Haskovo

Priorities in the short term for the period of 2009 - 2010

- overhaul and reconstruction of the facility

➤ Detention Facility – Svilengrad

Priorities in the short term for the period of 2009 - 2010

- design, reconstruction of the existing building for the needs of a detention facility

➤ Detention Facility – Shumen

Priorities in the short term for the period of 2009 - 2010

- reconstruction of the existing building for the needs of a detention facility and a probation service office - November 30<sup>th</sup>, 2010

➤ Detention Facility – Yambol

Priorities in the short term for the period of 2009 - 2010

- construction of an outdoor activity area for the detainees

Priorities in the long term for the period of 2013 - 2015

- overhaul and reconstruction of the detention facility

➤ Detention Facility – Elhovo

Priorities in the long term for the period of 2013 - 2015

- overhaul of the detention facility

The report of the CPT contains remarks regarding the lack of places to perform outdoor activities in seventeen investigation detention facilities and the lack of premises to hold visits in five detention facilities. This is due to the architectural features of the buildings and the outdated designs used to build the existing detention facilities.

The implementation of the above mentioned investment programme will provide for a solution to the problems regarding the lack of places to perform outdoor activities and of premises to hold visits to the detainees and the provision of the required minimum standard of 4 square meters per detainee in a cell.

## **REGARDING THE PRISON IN SOFIA**

### **1. Lifetime convicts**

Out of 17 sentenced to life imprisonment, 9 convicts serve their punishment under a special regime, 2 are subject to reinforced and 6 are subject to more restrictive regime. Three detainees out of those subject to reinforced regime are lodged together with other prisoners with fixed-term sentences of imprisonment.

The detainees are not prohibited to watch television, and such prohibition is impossible to exist as this right is guaranteed by law. In prison they are allowed to possess their own television sets, and if they wish the convicts may use the common television in the club and the prison administration may even deliver a television set vice in the bedroom.

All convicts sentenced to life-long imprisonment have their own television sets. Two of them, for personal reasons, refuse to watch television.

Convicts sentenced to life-long imprisonment are entitled to attend the group's club every day. Under an established timetable they watch television and DVD movies of their choice, use the library, read and discuss books and the daily press. Furthermore, by law, they can sign up individually and preferably for the press.

In the club there is an established atmosphere to practice sports activities - chess tournaments, tennis, arm-wrestling and stiff-legged weight training, different competitions and individual competition games are organized, which form part of the planned general prison events. Prisoners sentenced to life have the opportunity to participate in quiz games and recitals, to join the Sofia prison's Art Club.

Effective religious support is implemented for this category of convicts through organized visits to the masses held in the St. Anastasia Chapel and individual confessions.

Only one prisoner sentenced to lifetime imprisonment commutes under convoy to the site of outdoor activities and other areas in handcuffs for security reasons and because of his extreme aggression. We are currently working to modify the aggressive attitude of this convict and once psychologists and social workers find that he has achieved positive changes in this respect, the use of handcuffs will be repealed.

The Council of Ministers of the Republic of Bulgaria is currently discussing a conceptually new penal policy, which, as suggested by the Ministry of Justice, envisages waiver of the punishment "life imprisonment without substitution".

### **2. Staff**

There is no change in the payroll size after the visit of the CPT. The only change that we could seek with regard to human resources is the establishment of better organization of work in each unit and enhancement of the qualifications of employees. The administration makes its best to ensure the timely occupation of vacancies in permanent positions of the prison in Sofia. During the period of 2007 – 2009 there were calls of external job competitions for initial appointment competitions as well as calls of internal job competitions for career growth with regard to 74 vacancies in total, as follows:

Calls of external job competitions for 57 vacancies in the following job positions:

- Superintendent
- Inspector / Social activities and educational work /
- Resident physician / doctor /
- Resident physician / dentist /
- Head of Group / Payroll and wages /
- Head of Sector / Social activities and educational work /
- Head of Sector / Financial and insurance provision /
- Head of Group / Material and technical provision /
- Paramedic
- Chief Superintendent
- Resident physician / Doctor-radiologist /
- Chef / prison's kitchen /
- Householder of correctional facility – the correctional facility in Kazichene
- Inspector / Human resources /
- Inspector / Regime activities /
- Chief technical assistant / chef /
- Chief technical assistant / capital construction /
- Inspector / probation /

Internal competitions for 17 vacancies in the following job positions:

- Deputy head of prison
- Head of sector in the correctional facility in Kazichene
- Head of group / social activities and educational work /
- Senior Inspector / social activities and educational work /
- 2<sup>nd</sup> level Inspector / social activities and educational work /

- Head of Unit / Neurology /
- Head of Group / Supervision and guarding activities /
- Junior security guard instructor
- Squad Commander

### **3. Sanitary and hygiene conditions in the prison in Sofia**

- All toilets in the second group are completed and are equipped with appropriate solid barriers.
- The premises designed to examine prisoners with communicable diseases, which were under construction during the visit of the CPT delegation, are already completed and used by the medical staff.
- In the kitchen block unit the following activities have been performed:
  - a/ recovery and replacement of fencing grids on the kitchen's windows;
  - b/ replacement of floor siphon pipes and the sewage pipeline is regularly treated with rodent poison;
  - c/ the external kitchen door is permanently in automatic closure mode;
  - d/ there is no more usage of the hose in the washing room to the kitchen and there is changed technology of washing and disinfecting of bigger kitchenware;
  - e/ all tables in the kitchen are plated with stainless steel sheet;
  - f/ strict monitoring of the discipline of the kitchen staff;
  - g/ partial renovation of the premises;
  - h/ every week a commission appointed by the prison's director inspects the hygiene and elaborates its findings and recommendations;
  - i/ the director of the Medical Center exerts daily control of the hygiene in the kitchen block unit and reports any irregularities to the head of the prison;
  - j/ the prison has appointed an executive officer in charge of food, sanitary and living conditions and resources provision.
  - k/ the cleaning of the kitchen block unit has been always secured with the necessary quantities of detergents, but unfortunately, during the inspection of the CPT, they were not used appropriately and in sufficient dosage by the staff.

### **4. Prisoners – foreign nationals**

There is no difference in the conditions of life and work, the rights and obligations of prisoners, regardless of whether they are Bulgarian or foreign nationals.

The relative number of foreigners engaged in labour is even larger than that of the Bulgarian nationals. The same applies to the provisional release from prison or the release on probation. In 2007 the provisionally released foreign prisoners and those released on probation from the prison in the city of Sofia numbered 37, in 2008 their number was 26 and as of April 2009 they numbered 12.

There is neither difference in the use of the "home leave" privilege, although the homes of foreign nationals are situated outside our country's territory. If they have a domicile in the Republic of Bulgaria, alike other convicts they can go on a home leave and those who have no Bulgarian domicile are granted home leave only in cooperation with the diplomatic representatives of the parties concerned.

The administration undertakes any necessary measures and assists to all prisoners who have problems of different nature – social, health, family, etc. We do not believe there are foreign nationals who face heavier social status than Bulgarian prisoners.

## **REGARDING THE OVERPOPULATION IN THE PRISONS:**

### **1. The effect of new legislation:**

#### **- Law on Amnesty:**

The National Assembly of the Republic of Bulgaria did not pass the draft of Law on Amnesty in the initial version. As a result of the subsequent amendments and the removal of some of the law provisions, the Law on Amnesty (effective as from 22.04.2009, promulgated in the State Gazette issue 26 of 07.04.2009) affected a total 289 prisoners, but only 210 of them were released from prison.

#### **- Enforcement of Punishments and Detention in Custody:**

Article 42, paragraph 3 of the Law on Execution of Sentences and Detention in Custody (promulgated in the State Gazette issue 25 of 03.04.2009) provide that "the minimum living area for one detainee may not be less than 4 square meters".

In pursuance of § 11 of the Transitional and Final Provisions of the Law on Execution of Sentences and Detention in Custody, within six months from the entry into force of the Law on Execution of Sentences and Detention in Custody, the Council of Ministers shall adopt a programme to improve the conditions in prison in accordance with Article 43. The Law on Execution of Sentences and Detention in Custody entered into force on June 1, 2009, with the exception of the provision of Article 43, paragraph 3, which shall enter into force three years after the adoption of the programme as set forth under § 11.

## **2. Implementation of the institute of conditional early release:**

In the presence of the requirements as set forth by law, the administration shall submit to the Commission on the Execution of Sentences proposals for early and conditional early release of prisoners. In pursuance of this provision in 2007 a total of 1498 convicts were released; in 2008 the number of released convicts was 1176 and since the beginning of 2009 a total of 499 convicts have been released.

## **REGARDING THE MEDICAL CARE**

### **1. Health services:**

The medical establishments of the prisons comply with the quality standards of the individual work of medical officials and the conditions for its implementation.

The current organization of medical cares in the investigation detention facilities is consistent with the requirements of the Law on Execution of Sentences and Detention in Custody and the Law on Health, and it is being implemented in accordance with the principles of timeliness, adequacy and quality of medical aid and in respect of human rights. Healthcare facilities are established in all district investigation detention facilities employing 25 paramedics, 4 doctors, 1 dentist, and 1 nurse. Currently the investigation detention facility in Pernik has a General Practitioner (GP) appointed *ex officio*, whose wage is paid by the National Health Insurance Fund on the capitation principle and in accordance with the days spent by a person in custody.

In most Regional Health Insurance Funds the automatic selection system functions well, but there are problems in certain municipalities where GPs are unwilling to provide services to the investigation detention facilities. One of the key reasons for their unwillingness is the lack of information on the health insurance status of detainees. In the majority of investigation detention facilities there are not more than 250-450 detainees per annum and the permanent appointment of an additional physician in these medical establishments is inappropriate and in violation of the Law on the State Budget of the Republic of Bulgaria.

The normal standard of a general practitioner required to deliver the basic package of healthcare activities without ancillary staff in Bulgaria is at least 1200 people. The average monthly number of detainees in all investigation detention facilities to the district service of Execution of Sentences in Sofia (including the investigation detention facility in the town of Slivnitsa) is 300 people and the current payroll of the medical center numbers two doctors, a

dentist, a paramedic and a nurse. Therefore, in terms of staff, the detainees in custody in this district office are not only treated on equal basis but are served by nearly five times bigger medical staff compared to free nationals.

The medical care is delivered in 2 specialized hospitals for active treatment of prisoners (specialized hospitals for active treatment of prisoners with the prisons in Sofia and Lovetch) and 14 medical centers (with all prisons, the penitentiary in the town of Boychinovtzi the district service of Execution of Sentences – Sofia). Both hospitals have opened also sectors for hospital treatment of women, which significantly reduces the cost of removal from the prison in Sliven for consultation and treatment in external medical establishments.

If necessary, patients can consult with the appropriate medical specialist and/or they can undergo special studies in an external medical establishment. Furthermore, according to the Law on Execution of Sentences and Detention in Custody, Article 137 (1), in case of discontent with a particular diagnosis or a prescribed treatment, the prisoner may, at his/her own costs, require consultation with specialists from other medical establishments. In this case the consultant shall be provided access to the applicant.

In fact, the majority of medical pathology cases are covered by experts in the prison hospitals. If the number of cases requiring highly specialized medical aid can not be served in the two hospitals, the patients shall be hospitalized in external medical establishments. Under certain conditions as provided for under the law, the prisoners can make recourse to medical dispensation from imprisonment for health reasons.

All prisoners are health insured via the health insurance budget of the Ministry of Justice, but many of them have suspended health insurance rights, long before they enter the investigation detention facilities and the prison. They are not entitled to use the services of the National Health Insurance Fund such as free recipes (for example, for insulin, which is life-saving medication) or hospitalization under a clinical path in an external medical establishment. This increases the medical costs of the prisons and the places in custody.

The procedure to provide dentist services to the detainees is regulated via Section III of Ordinance № 12/2006 on medical cares to prisoners. In pursuance of Article 266 "for those detained in custody, prisoners who have no access to dental services due to lack of a dentist working in that establishment, the choice of a dentist shall be made by the Director of the Regional Health Insurance Fund and the Chairman of the regional association of the Union of Dentists in Bulgaria, in consultation with the head of the respective structure.

### **3. Storage of medical records in investigation detention facilities**

In order to improve the quality of primary and specialized out-of-hospital and in-hospital healthcare provided to prisoners and to optimize the efficiency of allocation of funds for medical care in prison, in accordance with the national health policy, by virtue of Circulation Order № 5536/19.06.2006 the Director of the General Directorate for Execution of Sentences ordered that the functioning of the medical establishments with prisons must comply with the following:

1. Every patient should be equipped with an exhaustive and well-structured medical record and documents legibly filled in, containing all clinical information collected by the medical establishment for this patient. This file must include entries for each visit, consultations, medical treatment and any clinical and laboratory, instrumental and imaging studies. This information shall be kept on paper and may be stored additionally in computer files. The medical records of the patients shall include documents provided by consultants and hospitals. Medical specialists shall periodically update the medical records of patients suffering of chronic diseases stage-by-stage document of the disease history illustrating the development and assessment thereof, prepared in the prison's medical center.

2. Within the medical establishments a special file cabinet should be established to store medical records, access to which shall be granted only for authorized personnel. It is required to establish a system for storage, selection and search of medical records of patients who are not currently under treatment, by providing a safe place for storage. The medical records, forms of administrative and other official documents that can be subject to misused shall be stored in places with limited access for outsiders.

3. Clinical decisions and assessments of the health status of all prisoners of freedom shall be governed only by medical criteria and the volume thereof shall be determined by the prison's doctor.

### **4. Allegations that detainees must buy their own medicines**

For the purpose of supplies of drugs and medicines for the prison, the penitentiary in Boychinovtsi and the District Unit for Execution of Sentences – Sofia (whose medical center is located at G.M. Dimitrov Blvd.), Contract № 93-00-53/2009 is signed by the Ministry of Justice and Sopharma Trading AD.

In pursuance of Article 4, paragraph 1 of the Ordinance on the procedures for prescription and administration of drugs, the right to prescribe drugs authorized for use in the country and to issue prescriptions is granted only to qualified doctors and dentists, who have



registered a medical establishment or who work on employment contract in such medical establishment. In pursuance of paragraph 2, paramedics are entitled to prescribe drugs authorized for use in the country, except those as described in Annex № 3. In investigation detention facilities, drugs for detainees are prescribed for administration by the appointed *ex officio* general practitioner and the paramedic of the payroll staff.

In pursuance of Article 78, paragraph 1 of the Law on Drugs and Pharmacies in humanitarian medicine, doctors, dental practitioners, nurses and paramedics may keep drugs as per the list approved by the Minister of Health.

There is no definite requirement for “annual plan of drugs and limit to the funding for medications“. On the one hand – this is not a medical issue, but a matter of finances and economic management, while on the other hand it is not possible to plan and limit in terms of type and quantity the drugs that will be needed for the treatment of detainees.

By law, prisoners may receive drugs from the outside, with the knowledge of the doctor and the medical establishment under his control.

#### **5. A room for examination of prisoners with communicable diseases**

According to the programme "Improvement of the control of tuberculosis in the Republic of Bulgaria", Operational Objective № 3: "Reduction of the transmission of tuberculosis in prisons in Bulgaria", in accordance with the recommendations of the World Health Organization (WHO), separate rooms are provided for "sputum sampling" in all 12 prisons, the penitentiary and both specialized hospitals for active treatment of prisoners in Sofia and in Lovetch. Current repairs of the designated premises are completed in accordance with the approved projects and the requirements as prescribed and are ready to start functioning. To launch the implementation of the compulsory "sputum sampling" objective it is necessary to do the following: to provide appropriate containers and disinfectants, to prepare plans for the disinfection of the premises, to draft and coordinate the schedule with local laboratories for quality delivery of the sputum samples.

#### **6. Sanitary and hygiene activities**

The current sanitary and hygiene measures can not make up for the outdated material facilities (bathrooms, toilets, bedrooms and canteens). Prisoners take a shower according to a schedule three or four times a week. All prisoners are provided the opportunity to dispose of drinking water in their bedrooms at any time of the day.

All recommendation of the Unit for Medical cares to Prisons with the General Directorate of Execution of Sentences concerning the provision of soap, washing and laundry products for sanitary and hygienic needs and laundering of linen, disinfection and other means for personal hygiene, bathroom maintenance and laundry service and sanitation of the prisons reflect the recommendations of the CPT.

## **REGARDING THE FOOD**

Prisoners receive free food ready for consumption under 4 different table lists Ministry of Finance, as follows:

- Under Table № 1 - all adult prisoners take with their meals 2622 calories;
- Under Table № 1 and allowance "A" – all prisoners engaged in labour with an average degree of intensity take with their meals  $2622 + 517 = 3139$  calories;
- Under Table № 1 and allowance "B" – only prisoners performing labour of high intensity take with their meals  $2622 + 1024 = 3646$  calories;
- Under Table № 2 - all juvenile prisoners take with their meals 3108 calories.

The average nutrition day of a prisoner cost BGN 1.97 in 2008. The average nutrition day of a detainee in investigative custody cost BGN 2.32 in 2008.

The functional organization of the respective departments and officials in charge of food in the prisons and the penitentiary is implemented by: inspector for material and technical supplies, director of the medical center, head of the household service, chef, head of the department of lifestyle and subsistence from the amateur bodies set up by prisoners. The control on their activities is carried out by the Head of Finances and Insurance Provision Unit. Moreover, the preparations, the quantity, the quality and the serving of food is inspected by the heads of prisons and their deputies, and the findings are recorded in an inspection book for checking the state of food provision and subsistence.