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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 24 March to 3 April 2014

The Bulgarian Government has requested the publication of this response. The CPT's report on the March/April 2014 visit to Bulgaria is set out in document CPT/Inf (2015) 12.

Strasbourg, 29 January 2015

**RESPONSE OF THE BULGARIAN AUTHORITIES
TO THE REPORT TO THE BULGARIAN GOVERNMENT ON THE VISIT TO
BULGARIA CARRIED OUT BY THE EUROPEAN COMMITTEE FOR THE
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT FROM 24 MARCH TO 3 APRIL 2014**

Note by the CPT Secretariat: In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

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Establishments under the Authority of the Ministry of Interior

1. Preliminary comments (§ 11 and 12)

General measures:

With a view of introducing a mechanism for regular control of the respect of the human rights, as of the beginning of 2015 The Rules of Procedure of the Standing Committee on Human Rights and Police Ethics will include the provision that members of the Committee together with the Inspectorate Directorate – MoI will be able to perform inspections of the implementation of the provisions of Instruction I3-1711/2009.

Members of the Committee will also be able to perform control of the established organization of work of the local committees on human rights in the Sofia Metropolitan Directorate of Interior (SMDI) and the Regional Directorate of MoI. These two types of control will be performed on the basis of an annual plan.

Additional training will be planned related to the methodological help on the respect of human rights in the SMDI and Regional Directorates of MoI with a view of non-allowance of unlawful attitude and negative findings during the next visits of the monitoring bodies.

The CPT report is sent to MoI structures with police competences in order for their employees to get acquainted with the findings and recommendations and in order for measures to be undertaken together with permanent control over their implementation.

In relation to the finding of the extension the detention period, the guidelines regarding to period of the police detention were presented again to the police officers. This is, namely, that it starts from the moment of the restriction of the right of free movement of a person.

2. Maltreatment (§13-23)

Under Art. 20 of Instruction No I3-1711/15.09.2009 the detainee undergoes a medical examination following their request or when their health condition requires it. The request for medical examination can be made by a parent, guardian, legal defender or representative of the diplomatic mission of state whose citizen that person is. After every medical examination the doctor who performed the examination issues a document. A copy of the medical document is provided to the detainee or their authorized defender. The results and possible medical prescriptions are entered by the police officer in the journal of medical examinations and the entry is signed by the doctor. If the detainee expresses such a desire there is an opportunity for a medical examination by a doctor of their choice and for their expense.

In the case when the detained person refuses a medical examination, they declare this in writing in front of a doctor and place their signature on the medical document.

The presence of police officer during the medical examination is allowed only if requested by the medical personnel and this is noted in the medical document and also in the journal of medical examinations and prescriptions. The officer, present at the examination, should be the same gender as the detainee.

In the cases of medical examination or procedures when the doctor requested the presence of police officer, all the necessary security measures are taken to prevent escape, attack or acquisition of objects that can be used for that later on. When their presence is not requested during the examination, the police officer guards the door and is ready to assist and after the detainee leaves the medical room he searches them for acquired objects.

If during the medical examination there are reasonable doubts of unlawful use of physical force, auxiliary means or weapons against the detainee, the officer accompanying the detainee during the examination reports in writing to the director of the respective MoI unit.

In the case of “B”, arrested on 5 February 2014 in Regional Police Department (RPD) – SMDI an inspection was performed following an order by the director of SMDI. During the inspection it was established that the detainee has filed 5 identical signals with different institutions where he complains of physical violence and unlawful activities on the part of police officers after his detention.

The following facts have been established: The claimant was detained for a crime under Art. 199 of the Penal Code (theft). The claims in the signal filed have been investigated in the following way: the tapes from the surveillance video cameras in the detention facilities have been examined, the officers involved in the cases have given written statements, the whole documentation related to the detention of “B” has been collected and a copy of court medical report has been provided. Written statements have been taken from the brother of the claimant (also detained on 5 February 2014) and from his girlfriend,. In his statement the brother explained that from the neighbouring cell he overheard the intention of “B” to hurt himself and he said he had often exhibited this tendency.

While providing additional information on the case, the claimant gives contradictory information by initially presenting one statement then he changes his story a number of times. He also indicates different areas for the caused physical traumas which are not proven in the expert medical report.

The inspection started in SMDI right after the case does not prove the validity of the signal. The committee which performed the inspection has concluded that the police officers have acted adequately and in line with their powers under the law.

The case is submitted the Inspectorate Directorate – MoI for assessment if a secondary inspection is needed.

The information in the CPT report on the other two cases in 7th and 9th RPD of SMDI is incomplete which prevents the realization of an in-depth inspection. The Claims Unit in SMDI indicates that for the period March – April 2014 there have been no signals of police violence.

**SIGNALS OF UNLAWFUL ACTIONS ON THE PART OF POLICE OFFICERS
TOWARDS CITIZENS IN THE PERIOD 01.01.2011 – 30.11.2014**

Years	Unlawful actions of police officers					Enforced disciplinary sanctions		Cases forwarded to the Prosecutor's Office
	Use of firearms	Use of auxiliary means	Use of physical force	Arrest and detention	Total / Grounded	Dismissed	Other sanctions	
2011	20	3	41	52	116/ 11	4	7	6
2012	7	7	58	55	127/ 19	10	9	12
2013	27	10	84	81	202/ 18	4	14	15
2014	9	18	77	69	173/ 12	9	3	19
Total:	63	38	260	257	618/ 59	27	33	52

3. Guarantees against unlawful treatment (§ 24-37)

Immediately after the initial findings of CPT the Secretary General of MoI sent a letter explicitly ordering the implementation of all provisions guaranteeing the human rights of the detainees to be strictly followed, including the timely provision of information to the relatives and the availability of competent legal aid.

The necessary organization has been established for the timely provision of information to the relatives of the detainees about their detention. The heads of the Regional Police Departments of MoI and of the Regional Border Police Departments exercise daily control over the activities of the police with regard to the detainees.

Current lists provided by the Lawyer's councils of the lawyers on duty, as well the telephone numbers for the National Bureau for Legal Aid are placed at a visible place in the detention facilities of the RPDs.

In case the detainee expresses an explicit desire for the appointment of a defender under the order of the Law on Legal Aid, the officer on duty in the Operational Center immediately informs over the telephone the selected defender or representative of the Lawyer's council of the request made for legal aid, the data of the detainee, the grounds for the detention and the condition of the detainee.

The exact time of informing the defender, selected the person or the representative of the Lawyer's council under the order of the Law on Legal Aid is written down in the declaration under Art.2, the exact time of the arrival of the defender and order under which he/she is requested (lawyer on duty or a lawyer paid for by the detainee) is noted in the book of visitations and received goods and food supplies.

When the detainee is illiterate or is not capable to fill in the declaration by themselves, it is filled in by an officer and the declarations are dictated by the person themselves in the presence of a witness who validates the authenticity of the statements with their signature.

With regard to detainees under 18 years of age, the Penal Procedure Code explicitly provides that the participation of a defender of the underage accused is obligatory both in the pre-trial phase of the penal procedure and also in the court procedure. In case that the defendant does not have a defender, a defender is appointed ex officio. Not fulfilling this requirement constitutes a violation of the procedural rules. The Penal Procedure Code also provides that, when necessary a psychologist or an educator can participate in the questioning of the underage accused and they can ask them questions with the permission of the investigating authority.

4. Conditions of the detention (§ 38–41)

As it was indicated in the CPT report, immediately after the visit the use of the detention facilities in 1 RPD and in 4 RPD (cell 4) – SMDI was terminated as well as the redirection of the detainees to accommodation facilities for detainees in the territory of other RPD – SMDI.

The Regional Directorates of Interior and SMDI provide blankets, mattresses, pillows and linens. The detention facilities and the bathroom units are cleaned regularly. The necessary measures are undertaken for the removal of the rails for handcuffing of detainees (on all floors of the buildings) from all MoI structures.

The detention facilities have been examined and projected financial reports have been prepared for their renovation. The necessary financial resources for the renovation of the accommodation facilities for detainees will be gradually planned in the budget of MoI.

Establishments under the Authority of the Ministry of Justice

Preliminary notes – Nearly 20 years have passed from the beginning of the monitoring of the Committee for the Prevention of Torture (CPT) over the activity of the authorities performing the punishment of imprisonment in our country. The Bulgarian competent authorities highly appreciate the contribution and the support they receive from CPT for the creation of appropriate material conditions in the prisons and places of detention and for the building up of a new type of interrelations between the personnel and the persons deprived of liberty with a view to the attainment of the objectives of the punishment. The initial situation of anxiety and mistrust has been replaced by an atmosphere of respect and cooperation, with the provision of access of the representatives of CPT to the places and to the data of interest for their activity.

We accept these assertions as objective as well. We consider the recommendations for the elimination of the admitted weak sides and for a positive change in the attitude of the state and the society to the existing problems in the management of the prisons and places of detention and in the treatment of the persons deprived of liberty accommodated in them as constructive. The comments in this statement do not aim at undervaluing or casting doubt on the assertions and recommendations made but at defining the real perspective for a change and the resource by which the system of the places for imprisonment have for its implementation.

As early as at his first meeting with the managerial personnel of the places of imprisonment the present Minister of Justice Hristo Ivanov emphasized the great significance of the assertions and the recommendations of CPT and ordered that the report of the visit should be considered and analyzed in all the places of imprisonment and by all the levels of the personnel. A recommendation was also made to the Unions of the employees in the prisons in Bulgaria on their hand to analyze the stated weak sides and to define measures for overcoming the passivity and the selectivity of the interference of the security personnel in the overcoming of conflicts amongst persons deprived of liberty.

At the beginning of his mandate, the Minister of Justice extended an invitation for a talk with representatives of the Bulgarian Helsinki Committee (BHC) and the Bulgarian Lawyers for Human Rights (BLHR). The two organizations from the non-governmental sector show serious professional interest in the activity of the places of imprisonment and have a significant contribution to the formation of the public attitude to the existing problems. In the meantime, steps were made by the management of the Ministry in direction improvement of the communication also with the team of the national ombudsman.

However, with undue delay the recommendation of the Committee for thorough scrutiny of the manner, which the Reformatory in the town of Boychinovtsi functions in, is being performed as at this time and the final analysis will be made directly by the Management of the Ministry. You will be notified about the result by the end of the month of February.

In addition, though with an unjustified delay, an interdepartmental working group was already formed aimed at considering in detail the recommendations of the Committee for the needed changes of the effective legislation with regard to the condition of the persons deprived of liberty, which representatives of BHC, BLHR and of the national ombudsman were also invited to. The final objective of the working group is the offering of specific changes in the legislative base. You will be notified about the result by the end of the month of March.

The relative share of the positive assertions in the Report of CPT is insignificant as compared to the well-grounded criticism for weak sides admitted, existing problems and unsettled issues. The places of imprisonment (PI) are a part of the objective reality, which, unfortunately, the negative characteristics of the processes taking part in the Bulgarian society dominate in.

The information on the facts which are set out is provided by the Bulgarian Chief Directorate “Execution of Penal Sanctions”.

Under § 44 and 49 – CPT asserted that as compared to the preceding visit in 2012 the number of persons deprived of liberty was reduced by over 1500 (from 9788 to 8271, and as at 18.12.2014 they added up to 7839). If we consider past time periods, we will establish that the tendency for the reduction of the level of prison population and detention in more acceptable limits stems from 2005 when probation was introduced in. The data about the last four years are as follows:

REFERENCE

About accommodated convicted, accused parties and defendants in places of imprisonment

No	Year	Accommodated in prisons	Accommodated in places of detention	TOTAL in PI
1.	2011	9886	1233	11119
2.	2012	9493	1205	10698
3.	2013	8282	1052	9334
4.	18.12.2014	7839	894	8733

Such a lasting tendency for reduction of the prison population is not stated in the other European states, even in those with ratified democratic structure.

The analysis of the data shows that in our country after the introduction of alternative measures of the imprisonment the need of construction of new prisons has not been dropped out. CPT welcomes the achieved results because in conformity with the international practice, it is preferred to reduce the number of the persons accommodated in places of imprisonment instead of spending funds for the construction of new prisons. The new construction temporarily solves the problems with overpopulation. According to the investigations made, the opened new places for detention are very fast filled up with new convicted persons and the overpopulation is restored to its previous level, if the increase of the capacity and the bed fund in the prisons is not accompanied by appropriate measures for a change of the criminal policy of the state. The conclusion is imposed that the most favorable combination is the matching of the new construction to new approaches in the policy of the state. Bulgaria badly needs the construction of new prisons as the everyday conditions in the existing ones are bad and do not correspond to the state-of-the-art philosophy for the punishment.

The reduction of the number of the detainees in the places of imprisonment which CPT appreciates as a positive change in the last few years in conformity with the public opinion, however, is construed to the contrary. The reduction of the prison number is deemed as poor attestation for the work of the law enforcement authorities, as unjustified liberalism, as a weak side of the state in principle to respond restrictively against the registered high level of criminality. The conclusion is outlined that the implementation of the reforms in the prisons is made difficult also by the availability of negative public attitudes. The reactions at the discussion of the ideas for new construction, for the increase of the funds for sustenance, health care and others are even more negative.

CPT appreciates as positive the reduction of the number of the convicted persons and defendants with a measure of remand detention, which was registered as at the date of the verification. Unfortunately, it is difficult to maintain the thesis that there is a tendency towards permanent reduction. The preliminary detention is subject to sharp changes within short time periods. Its role in pre-trial proceedings is frequently overestimated. As a result of campaign events, sometimes the places of detention and the prisons are overcrowded by detainees, who are released after having stayed there for a few days, before an accusation is brought up against them. In this respect, the need of a change does not refer only to the places of imprisonment.

The Ministry of Justice and the Embassy of the Kingdom of Norway in Sofia work under a joint project for the introduction of electronic monitoring over individual categories of law offenders. One of the ideas is to apply electronic monitoring also with regard to the accused and the defendants with a measure of remand house arrest. The forecasts and the expectations are that the electronic monitoring will reflect in the same positive manner with regard to the number of detainees as the probation with regard to the number of persons convicted to imprisonment. The term for the completion of the project and the submission of proposals for amendments in the legislation is by the end of year 2015.

Actions were undertaken for the reduction of the prison population, through which the applied field of the probation and other forms for the realization of the criminal liability should be expanded, as well as re-zoning of the prisons with taking the level of criminality in the relevant area into consideration and the maximal capacity of the places for serving the sentence of imprisonment.

In spite of the measures undertaken and the reported positive tendencies, the material conditions in the Bulgarian prisons remain unsatisfactory from the point of view of the established international standards. In 2014 there was a certain progress with regard to the improvement of the material conditions in the prisons through the building up of new facilities and reconstruction and modernization of the already built up material resources. With funds received under the Norwegian Financial Mechanism the medical center and the children's crèche with the prison in the town of Sliven were fully modernized and they are already in compliance with all the European standards. A new detention place is under construction up in the town of Shumen and the construction activities will be completed at the end of the month of January 2015. The repair activities of the health care center and the kitchen block with the prison in the town of Lovech started up as well as of the only center for training of personnel in the town of Pleven. The start-up of the repair activities in the prison hostel Razdelna with the prison in the town of Varna is forthcoming, for which a public procurement for the selection of a contractor of the construction and assembly works was announced. An announcement of a public procurement for the selection of a Contractor of the construction and assembly works for prison hostel Debelt with the prison in the town of Burgas is forthcoming during the month of January 2015. After the completion of all the anticipated activities, the sites will be in compliance with the European standards and the recommendations of the CPT and simultaneously the overpopulation in two of the overcrowded prisons in the towns of Burgas and Varna will be limited.

Under § 45, 46, 51 – 53 – The maltreatment, the corruption and the discrimination are monstrous phenomena for the entire society, but in the prisons, the prison hostels and the places of detention they are with even higher degree of reproachability, because they are directed at persons placed in isolation, with limited possibilities for response and protection.

It should be noted down that these questions are irreversibly brought up to the attention of the penitentiary administrations and decisive actions are undertaken, even though the things done are not enough. During the month of September 2012 the Minister of Justice ratified the “Strategy for Prevention of and Combat with Corruption in the General Directorate Execution of Punishments and Its Territorial Services”. It reports the established and analyzed in the practice of the prisons, places of detention and probation services indicators for corruption risk amongst the officials.

In 2013 new modules were introduced into the educational contents of the courses for initial instructions of the newly appointed officials for prevention of corruption behavior, and the subject-matter is invariably present also during the conduct of all the courses for re-training of officials.

It should be taken into consideration that the administration of the places of imprisonment does not have powers to investigate deeds, which contain signs of crimes committed. The officials do not have powers to collect pieces of evidence and to document them in accordance with the procedure established by the Criminal Procedure Code (CPC), to appoint expert examinations, to summon and interrogate citizens and officials who are not deprived of liberty or a part of the personnel and so on. If it is established during verification that there are doubts for criminal behavior of an official or of a person deprived of liberty, the materials are sent to the Prosecutor’s Office for the initiation of criminal proceedings. There are no events of concealing crimes, suspension or hiding materials from verifications which contain such doubts in the Report of the CPT. There are no events at which it is established that obstacles are created or persons deprived of liberty or officials are solicited not to lodge complaints and signals for criminal encroachments committed with regard to them, or signalize about events whose witnesses they have become. The Prison Managers do not have control powers with regard to the investigating authorities and may not bear responsibility for the completeness and the terms of investigation for materials from verifications made in the places of imprisonment.

With the availability of data about corruption behavior, verifications were made and the relevant disciplinary measures were undertaken. Thus, for instance, up to the visit of CPT, 19 officials were established and dismissed for disciplinary reasons in the prison in the city of Sofia, and all of them were referred to the Prosecutor’s Office for the initiation of criminal proceedings and criminal cases are underway. The same were promptly removed from work and after the completion of the disciplinary proceedings; they were punished with dismissal for disciplinary reasons.

These practices are constantly observed by the managements of the places of imprisonment and the message to the personnel is repeated in an appropriate form and in proper intervals before all the employees. The topicality of the subject-matter imposed its inclusion in the conducted official educational year without interruption of work. The prevention and the disclosure of such events are made also with the cooperation of the relevant structure of the Ministry of Interior, and most frequently these practices are related to bringing in non-permitted by the law possessions and objects of persons deprived of liberty.

Six employees from the prison in the town of Burgas were dismissed for disciplinary reasons for established illegal contacts related to corruption behavior in the last few years and the materials were handed over to the Prosecutor’s Office.

The prison in the town of Burgas was most frequently the target of inspection on the part of the CPT. The Prison Manager was dismissed at the end of the nineties for stated by the Committee events of maltreatment of the convicted and for poor management. The new Manager who replaced him was also dismissed after about 2 years of management. The consecutive new Manager was again dismissed in 2012, for established by the CPT gross violation during work with persons deprived of liberty. The official appointed after that temporarily to manage the prison was dismissed from his post in 2013 as a result of a multitude of complaints for intolerance and doubts for corruption. Four Managers were dismissed for a brief time period in the town of Burgas. The appointed in July 2014 Head of the prison had very good official characteristics and we hoped that he shall demonstrate the qualities needed for coping with the created problem related situation. Subsequently, however, the dismissal of the former head of the Burgas prison Deyan Kostov was revoked by the Court and he was reinstated on this position.

The analysis of the situation in the prison in the town of Burgas does not show any signs for the availability of special circumstances, which impede the effective work. The failures in the selection of an appropriate manager are the reason for the frequent changes in the management of the prison, which are not characteristic of any other division of the General Directorate Execution of Punishments. The adverse consequences of these frequent changes are the long time periods of lawlessness, generated by the continuous procedures for selection of a new Manager. The fear of a consecutive failure reduces the strictness, creates a situation of mistrust and suspiciousness, interchanging the passive attitude to the behavior of the persons deprived of liberty with hastiness and inadequate interferences. The Management of the General Directorate Execution of Punishments undertook the measures needed for the completion of the personnel and the appointment of employees – holders of vacancies.

Along with the organization activities the Ministry of Justice and the General Directorate Execution of Punishments undertook active actions for overcoming the problem related to the overpopulation in the prisons and in particular with regard to the prison in the town of Burgas. For the purpose the Minister of Justice changed the order for distribution of the persons deprived of liberty per prisons, reformatories and prison hostels. A new redistribution of the persons deprived of liberty was made and thus the problem related to overpopulation was partially overcome. As at 18.12.2014 the prison population in the prison in the town of Burgas and the hostels associated with it adds up to 738, and 580 persons deprived of liberty are accommodated in the building of the prison, or with over 250 fewer as compared to the month of March 2014 during the inspection when the persons deprived of liberty in the building added up to 844.

More employees from the supervision security staff were re-directed in 2014 as an additional measure after an analysis made for rendering assistance to the security in the building of the prison.

About 400 persons deprived of liberty will be taken out with the construction of the new hostel Debelt within the area of the town of Burgas, a great part of whom will be appointed at work. Thus, the overpopulation in the building of the prison will be significantly reduced.

A module for the observation of human rights, avoidance of superfluous aggression or the use of intimidating or threatening behavior was also developed taking into consideration the instructions of the CPT for avoiding threatening or degrading behavior on the part of the personnel. The esteem and respect for the personal dignity of the detainees and the convicted persons, the search for the balance between the supervision, the respectable and resocialization measures are amongst the main messages in the training of the newly appointed officials. Within this meaning, the training is orientated to the creation of attitudes for the observation of the human rights, taking the differences into consideration and an individual approach. In their initial training, the trainees are acquainted with the main objective of the penitentiary treatment – risk management, effective supervision, identification and reduction of the risk behavior in the detainees and persons deprived of liberty, decrease of the tension and orientation towards correction of destructive conduct and resocialization.

It is indicated in the report that numerous allegations for deliberate physical maltreatment of prisoners by the supervisory staff in the prisons of Burgas, Sofia, Belene and the Reformatory in the town of Boychinovtsi were received.

Verification was made with regard to the stated in the Report of the CPT on the occasion of a prisoner interviewed by the Delegation of the prison in Sofia about his beating on 20.03.2014 by a group of guards who used batons. No such event was established in the report on the officials on duty from the supervisory security staff, the medical center (MC) with the prison in the city of Sofia and the Specialized Hospital for Active Treatment of Persons Deprived of Liberty (SHATPDL). There is no complaint submitted by a person deprived of liberty for physical ill-treatment and we may not provide for the event any more data other than those indicated in the Report of the Delegation of the CPT.

With regard to the described hereinabove about an ill-treated person deprived of liberty during the month of March 2014 no signal was received in the prison in the town of Burgas to the administration due to which no inspection was conducted. We should note down that the marks described in the Report of CPT could be made in consequence of another intervention.

The stated at the beginning of the statement is valid about the Reformatory in the town of Boychinovtsi.

We declare herein clearly and definitely that the managements of the places of imprisonment were ordered to pursue a firm and consecutive policy of zero tolerance to maltreatment both on the part of the personnel and with regard to interprison violence.

For the newly admitted prisoners are prepared a risk assessment of recidivism and a risk assessment of damages. Serious focus is placed onto a risk of injuries to oneself – the suicide as a deliberate act of taking away one's own life or as a result of a mental disease, or as a consequence of other motivations which could prevail over the instinct for the continuation of one's life. Self-injury as a willful act, the fears of vulnerability and other risk factors are analyzed as early as at the entrance. With regard to the risk of injuries for the others, an exceptional significance is attached to the availability of episodes of violence in the past, the repeated impulsive behavior, the difficulties in coping with stress, the sadistic and paranoid features of the person. The indicated factors exert impact over the management of the risk of damages and are included in developed risk management programs.

The events of interprison violence are usually as a result of services for valuable consideration and exchange of possessions, interrelationships prior to imprisonment, everyday problems related to the narrowness of the territory which the prisoners are accommodated on. All the events are registered and reported to the Manager of the Prison or the Reformatory, and verification is made for the participants and a standpoint is developed by an inspector of the social activity and the educational work of the group. Physical assault between the persons deprived of liberty is also established from observations of the officials, at which a medical examination is made, the results of which are reflected by a medical doctor who describes the physical injuries in detail. Verifications are made for all the events of visible injuries. After the completion of the disciplinary correspondence and with the availability of data about a public-law offence, i.e. a criminal offence prosecuted by the state, the correspondence is sent to the relevant Prosecutor's Office for the initiation of pre-trial proceedings. If the offence is of private nature, i.e. an offence criminally prosecuted at the will of the victim, the latter is clarified the procedure for the realization of criminal liability in event of a wish expressed for the purpose. The educational effects implemented by the personnel for rehabilitation of the persons deprived of liberty are amongst the measures which are undertaken with regard to interprison violence.

The verifications for violence between juveniles deprived of liberty are clarified by an inspector – a pedagogue, a psychologist, a medical doctor, the Manager of Sector “Social Activities and Educational Work” and the Deputy Manager of regime, supervision and security activities. Pedagogical measures or the imposition of a disciplinary punishment are proposed depending on the result.

Conditions are created for instructing the entire personnel that the physical and mental health of the prisoners and of the detainees are their obligation and care. Exceptional significance is also attached to the matter at the evaluation of the overall behavior of the persons deprived of liberty, which is related to the application of the progressive system and the resocialization activities.

Each morning mandatory instructions are conducted with the officials from the supervisory security staff who are about to commence their duty by the employees responsible for the management and the control of the security related activity. At least once a month such instructions are conducted by the Prison Manager or his Deputy. The subject-matters for the use of physical force and the corruption are obligatorily discussed during the instructions. The results of the inspections of the competent authorities and in particular the decisions of the Court for maltreatment, corruption and discrimination are made public and analyzed before all the officials regardless of the fact where the weak sides and the violations were admitted.

In implementation of the recommendations of the CPT we also plan the conduct of additional measures for prevention. We commenced negotiations with the Commission for Protection against Discrimination for the starting up of a 16-month training program for the non-admission of discrimination acts in the places of imprisonment. We anticipate the delivery of lectures on the subject-matter with the employees who are trained in the Training Center in the town of Pleven. Moreover, the lecturers of the Commission for Protection against Discrimination will be attracted as trainers in the primary and secondary schools with the places of imprisonment. Convicted persons who are illiterate or are with a low educational training are trained in them. We realize that in some events the persons deprived of liberty themselves demonstrate discriminating behavior with regard to other persons deprived of liberty and they should be warned about the consequences of such behavior.

We are open for negotiations with other state institutions and non-governmental organizations which may contribute to the prevention.

Under § 47, 48, 76 and 77 – We accept the recommendation for gradual closure down of places of detention and the movement of the defendants and accused parties accommodated in them to prisons as correct and we have set up measures for its realization in stages. Up to now we have rebased the place of detention in the town of Smolyan into the Prison Hostel (PH) in the same town and the place of detention in the town of Plovdiv – to the prison in the town. The conditions for similar relocation in the prisons of the places of detention in the towns of Pleven, Lovech and Sliven are being studied.

We accept the assertions about the poor material conditions in the inspected by CPT places of detention in the towns of Burgas and Vratsa. We consider that no repair activities performed in the existing premises may create the conditions needed for the accommodation of detainees. Owing to these reasons, urgent measures were undertaken for the displacement of the place of detention in the town of Burgas to the prison of the town. At the moment repair and construction activities are being implemented and the real displacement will be made at the end of the month of January or the beginning of the month of February 2015. With regard to the new place of detention in the town of Vratsa – the development of a project for its movement to a building next to the prison in the town of Vratsa is underway, which was provided by the Regional Governor for the construction of a new prison hostel of an open type.

It is expected that the following recommendations of the CPT with regard to the condition of the accused and the defendants should be implemented as a result of the measures undertaken: place and possibility for the conduct of a stay in the open air; better ventilation and access of daily light to the dormitories; better conditions for rendering medical services, livelihood and conduct of consultative work under the management of qualified social workers.

Along with the movement of the places of detention to the prisons, the provision of appropriate conditions for the implementation of the measure of remand detention also includes the construction of some new places of detention beyond the prisons. As it was indicated, a new place of detention will be opened in the town of Shumen during the month of February 2015 after which the existing one will be closed down because of being unfit for use. The new place of detention in the town of Shumen as well as the place of detention in the town of Vratsa will fully satisfy the European requirements for material living conditions.

We strive to fill up the absence of social workers in the places of detention by directing qualified pedagogues and psychologists from the probation services for crisis interventions under extreme situations, stress conditions and doubts for suicidal attitudes.

It is possible to realize the recommendation to provide possibility for meaningful activities for 8 and more hours beyond the dormitories as at this time solely with regard to persons accommodated in prisons. Such programs were developed as early as in 2002. The employees from the direction for social activity and educational work have the leading role in this respect, but the officials from the production units, the security staff, even the medical workers (for the organization of health lectures, prophylactic events and so on) are also related to the fulfillment of the task. Religious officials, volunteers, probationers, students, representatives of the public and others are suitable for participation as well.

The difficulties for the implementation of such activities in the places of detention are related both to the absence of social workers and to the lack of premises and associated external spaces for the organization of sports events or other relaxing activities in the open air. On the other hand meaningless prohibitions for the accused and the defendants to meet their peers, to communicate with convicted persons and so on aimed at not being exerted adverse impact over or not frustrating the disclosure of the objective truth under the case continue to exist. The absence of possibility to organize group work, trainings, directed at changes in the behavior and so on with the detainees in the places of detention is the consequence of these prohibitions. Insignificant success was achieved which does not exert any essential impact over the oppressive atmosphere in the places of detention. The needed legislative changes will be analyzed by the working group indicated in the beginning.

The overall concept of the General Directorate Execution of Punishments with regard to the places of detention which do not satisfy the minimal standards for treatment of persons deprived of liberty is directed at innovation, restructuring and the simultaneous closure down of sites which may not be brought in compliance with the requirements. The activity of eight places of detention has been suspended in the last two years.

With regard to the recommendations in the Report for the provision of organized activities for the detainees, a library is under construction in the place of detention at 42, Dr. G. M. Dimitrov Blvd. in the city of Sofia, which will provide possibility to expand the circle of leisure activities. An electric power system with voltage 12V DC and a cable for a TV-signal for the supply of the cells is being designed at the moment and will be built up.

There is no built up installation for cable television in the place of detention in the town of Vratsa but the detainees are provided with an excellent digital air signal which may be caught by television sets permitted for use in conformity with the ratified by the Minister of Justice “List of Permitted Personal Possessions, Objects and Foodstuffs, Which Detainees May Receive, Use and Keep with Themselves or in Places Designated for the Purpose”.

Under § 50 – No signals and complaints from detainees with assertions about maltreatment by the personnel and violence amongst the detainees were received in the administration of place of detention at 42, Dr. G. M. Dimitrov Blvd. We do not have any information about signals and complaints of such nature submitted by detainees to other institutions and mass media. No specific event is indicated in the Report of the Committee which an inspection should be conducted under.

There are no established events of illegal use of physical force and auxiliary means on the part of the supervisory security staff in the places of detention with Regional Service Execution of Punishments in the city of Sofia. Each event of use of physical force and auxiliary means is explicitly reported to the Prosecutor exercising supervision over legality in the places of detention who in person keeps a watch over the objectivity of the inspections conducted in such events.

Trainings of the supervisory security staff of the places of detentions are annually anticipated and conducted in the plans for the official educational year for bringing the treatment of the detainees during their stay in the places of detention in compliance with the European standards. Apart from that, at the conduct of the instructions of the staff special attention is paid to the officials for the strict observation of the provisions of the legislative documents concerning the treatment of the detainees accommodated in the places of detention.

The possibilities for introduction of disciplinary procedures in the places of detention have been a subject-matter of discussion for a long time. The disciplinary measures for impact anticipated in the legislation for persons deprived of liberty are also applicable with regard to the defendants and the accused parties in prisons. There is no obstacle for the application of a part of these measures in the places of detention as well. This is why this possibility is anticipated in the Execution of Punishments and Detention Act (EPDA). The kinds of disciplinary punishments which may be imposed to detainees in the places of detention and the procedures for imposition and appeal of the orders were specified with the amendments and the supplements of the Implementing Regulations of the Execution of Punishments and Detention Act promulgated in the State Gazette, issue 20 of 07 March 2014.

In practice, the implementation of disciplinary liability and the application of measures for encouragement with regard to detainees in the places of detention are not sufficiently effective, as it may not really provoke any dissuasive or stimulating effect.

Under § 58 – The cells in the place of detention at 42, Dr. G. M. Dimitrov Blvd. in the city of Sofia satisfy the requirements for accommodation of detainees and the structure of the used PVC joinery of the external windows allows access of sufficient quantity of natural light and fresh air. The windows themselves add up to a total of 4 in number in each cell, in a common frame, two of them may not be opened and are with frosted glass and the remaining ones located in the lighter part of the frame may be opened and their glass is transparent, which allows visibility outside and the access of sufficient quantity of fresh air and natural light. The assembly of mechanisms for opening the windows from inside provides the detainees with possibility to adjust by themselves the access of fresh air and light in the premises which they are accommodated in.

Under § 59 – The architecture of the building, which the place of detention in the town of Burgas is located in, does not allow for the construction of a place for a stay in the open air. Such a one may not be differentiated in the patio of the building, either. On the occasion of our enquiry the Director of the Regional Directorate of Interior – town of Burgas, whose building the place of detention is located in, stated his dissent for the differentiation of a place for a stay in the open air of the detainees in the patio of the building and substantiated this standpoint of his.

In view of the stated hereinabove the movement of the place of detention to the prison in the town of Burgas was undertaken.

Under § 60 – The place of detention in the town of Vratsa has 13 equipped cells, each of them with a size of about 5 sq. m. In event of a bigger number of detainees, it is necessary to accommodate two of them in one cell.

Each cell is equipped with two lighting fixtures, respectively for day-time and night light. The corridor is well lit up. The provision of direct natural access of light to the cells is impossible up to date. Such will be provided with the construction of the new place of detention.

In connection with the ventilation of the detention premises, the officials from the supervisory security staff were ordered daily to organize ventilation in conformity with a preliminarily developed schedule, as well as additional ventilation in accordance with the weather conditions and the assessment of the relevant person on duty for the detention. An air conditioner is also assembled in the place of detention, which is used appropriately in compliance with the various seasons.

Under § 61 – The design for repairs and their commencement in the place of detention at 42, Dr. G. M. Dimitrov Blvd. in the city of Sofia date back prior to the receipt of the Report of the Committee. After the conducted overhaul of the water supply and sewerage installation in the place of detention, the sanitary units of the cells were significantly structurally improved, which allows for the maintenance of the hygiene at the needed level. The sanitary units are separated from the remaining part of the cell by means of retaining walls with appropriate height for the provision of sufficient personal space of the detainees, simultaneously guaranteeing the needed view during the monitoring exercised by the officers on duty from the supervisory security staff, with a view to non-admission of attempts at self-injury and suicide.

Access to the toilet and running water is provided for all the detainees accommodated in the place of detention in the town of Vratsa, and the same are taken out to use the sanitary premises in conformity with an elaborated schedule obligatorily three times a day – in the morning, at lunch and in the evening as well as each time they need to go there. We are of the opinion that the assertions made before representatives of the Committee for use of plastic bottles at night do not correspond to the truth. Access to the toilet is provided at any time of the day and night.

Under § 62 – The detainees accommodated in the place of detention at 42, Dr. G. M. Dimitrov Blvd. in the city of Sofia are provided with sanitary hygienic materials in conformity with the ratified tables, and the needed quantity of laundry soap is also provided further to the toilet soap. Apart from that, the detainees are provided with possibility to purchase with their own funds and keep in their cells or in the places designated for the purpose, sanitary – hygienic preparations and other consumables related to the maintenance of their personal hygiene. The needed materials for cleaning are also provided for them - buckets, brooms, cloths, disinfection preparations and so on, which are supplied to the detainees for use under the supervision of the officials at cleaning, washing and maintaining the hygiene in the detention premises. The bathing of the detainees is performed fully in compliance with the Order of the Director General of General Directorate Execution of Punishments for the internal order, being provided for them once a week and during the summer season, if possible, as a minimum twice a week, in conformity with a schedule elaborated by the Junior Instructor for Security or the Division Commander. The cells, which women detainees are accommodated in, are with permanent access of running hot water which provides them with possibility to maintain their personal hygiene at the needed level.

The hygiene in the places of detention in the town of Vratsa and the town of Burgas is good. Daily under the control and the management of the official on duty for the detention detainees defined by the Division Commander clean the premises and the places for common use, making use of the needed sanitary-hygienic preparations. The sanitary units and all the common detention premises are washed three times a day with water and disinfection preparations. The wastes from the waste-paper baskets are collected in bags and are thrown out every day. There have been no events when disinfection preparations are missing in the two places of detention. The medical specialist in the place of detention also exercises control over the cleaning and the disinfection reflecting the results in a Logbook for the Verifications Made, Instructions and Control.

The place of detention in the town of Vratsa has a contract concluded, in conformity with which monthly and each time when needed, and in the judgment of the medical specialist disinfection, disinsection and deratization are made in the place of detention by a company from the town of Vratsa. The detainees are provided with possibility for bathing and laundry once a week, and during the summer time period if possible twice, in conformity with a schedule elaborated by the Division Commander. Additional access to the bathroom beyond the defined schedule is provided at the wish of the detained persons and in conformity with a prescription of the medical doctor.

The place of detention in the town of Burgas has a 300-liter water heater. The bathing of the detainees is made minimum once a week and during the summer season if possible twice a week, in conformity with a schedule developed by the Junior Instructor for Security or the Division Commander.

We should note down in conclusion that the hygienic and deratization events are conducted in spite of the available difficulties and the reduced financial resource.

Under § 63 – In each prison, prison hostel or place of detention there are persons deprived of liberty who at any time express dissatisfaction and lay complaints about the food, its taste and calorific value.

The Minister of Health ratified tables about the needed number of calories contained in the daily nutritional norm for the juveniles and adults deprived of liberty. The value expression of the daily rations of the persons deprived of liberty adds up to 3,64 BGN. The weekly menu inclusive of the products which are to be input into the food are ratified by the Manager of the Prison (the place of detention) and is coordinated by a medical official. Changes in it are admitted as an exception and with the approval of the persons who ratify it. The adversity of the input foodstuffs is provided within the framework of the funds due for sustenance per day. Strict control is exercised for the input of the foodstuffs taken out from the food warehouses in the food of the persons deprived of liberty. Both officials and persons deprived of liberty empowered for the purpose by the relevant amateur prison authorities participate in the exercise of the control. Control portions of food are set aside for each meal, which are subject to daily control on the part of the Chief Superintendent on Duty or the Official on duty for the detention, a medical official or a representative of the Management.

The food for the detainees in the place of detention at 42, Dr. G. M. Dimitrov Blvd. in the city of Sofia is supplied from the prison in the city of Sofia and as quantity, calory composition and organoleptic qualities it satisfies the requirements of the legislative documents. As the supply of the food is made directly prior to the time fixed for serving the lunch, its heating is not needed. Cookers, which the food is heated prior to serving on, are provided with regard to the breakfast and dinner on each of the floors.

The food for the detainees in the place of detention in the town of Burgas is supplied three times a day – in the morning, at lunch and in the evening from the prison in the town by a specialized motor vehicle satisfying all the sanitary hygienic requirements. Its quantity and calory composition are conformed to the legislative requirements. The food in cauldrons is distributed for each detainee by the official on duty for the detention. The medical specialist in the place of detention exercises control over the quantity, the suitability and the organoleptic qualities of the food in cauldrons reflecting the same in the Book for Control over the Food Received and Distributed to Detainees. Dietetic food is provided for ill detainees in conformity with the medical doctor's prescription.

Under § 64 – Attitude was taken regarding the recommendations made to a great degree in the answers under § 58 – 63. Apart from that:

- The places of detention in the towns of Burgas and Vratsa will be decommissioned being moved to the prisons of these towns – the first by the end of the month of January 2015 and we may not commit ourselves by mentioning a specific term for the second as the project for its building up is still in the process of preparation, and funds for the movement will be anticipated in conformity with the capital expenditures for year 2015;

- The new places of detention in the towns of Burgas and Vratsa will be conformed to the requirements for good visibility outside and for access of a sufficient quantity of fresh air and natural light. The place of detention in the city of Sofia provides such possibilities at present as well though there is still much to be desired;

- Unimpeded access is provided to a toilet at any time of the day and night in the place of detention in the town of Vratsa;

- We may not perform the full partitioning of the toilets inside the cells for the time being due to the need of financial funds for the purpose which we do not have at our disposal. We also have certain reserves in this respect, which are of control security nature;

- The access to showers will be increased depending on the need of the detainees;

- The sanitary-hygienic materials are sufficient, they are used regularly and there is no shortage of such;

- The recommendations about the food provided in the places of detention in the town of Burgas and the city of Sofia were taken into consideration;

- The grids separating the windows from the remaining part of the cell in the place of detention at 42, Dr. G. M. Dimitrov Blvd. in the city of Sofia are assembled in conformity with a preliminarily developed plan for repairs of the cells. The hazard of injury of detainees in events of breaking windows, which tragic experience there was with the old structure of the windows prior to the repairs, was removed to a great degree with them, and the breaking of the windows and the handing in of objects were significantly reduced.

Under § 65 – The overpopulation in the prison in the city of Sofia and in Prison Hostel Kremikovtsi is a fact. Attempts were made in the course of the years at its reduction through additional adaptation of premises for residential accommodation of persons deprived of liberty but the available resource is exhausted. The efforts of the administration are directed at the regulation of the population through active use of the possibilities of the legal institutes from the Commission pursuant to Art. 73 of the Execution of Punishments and Detention Act (EPDA) – proposals to Sofia City Court for release on parole and movement to a prison hostel of the open type. The statistics in this respect is as follows:

145 events for accommodation in a prison hostel of an open type and 238 events for release on parole were considered by the Commission in 2011. Of them 134 are the decisions for accommodation in an institution of an open type and the Court rules release on paroles for 153 events. In 2012 the events considered by the Commission added up respectively to 158 and 220, of which 153 were taken out to an open type, and 142 were released by the Court. In 2013 the events were respectively 171 and 263, and 156 were completed by a positive decision for accommodation in an institution of an open type and the persons released by the Court added up to 152 in number.

The building of the Prison in the city of Sofia is with a history of over 110 years, built up for the execution of the punishment with another order, other requirements and conditions. Financial funds in exceptionally big amounts are needed for its reconstruction, normal functioning and maintenance in adequate condition. No capital expenditures were granted after year 2009, the depreciation of the water supply pipeline and the sewerage is objective, which results in the destruction of the floorings and the walls. The overpopulation additionally depreciates the dormitories. Structurally the building does not allow for a change of the access of daylight due to which the artificial light was increased as compensation.

The administration of the Prison makes a lot of efforts for overcoming the problem with the torn out and non-hygienic mattresses, and a carder and a sewing workshop function for the purpose, which the available damages mattresses are repairs and treated in. Thus the turnover is maintained and the needs are satisfied. No funds were provided for the purchase of new mattresses, blankets and bed linen.

With regard to the provision of a bed for each person deprived of liberty, we state that this is a rule not only in the prison in the city of Sofia but also in all the places of imprisonment in the country. No event was established in the prison as a whole and in the XIII group about a detainee who did not have a bed and was obligated to sleep directly on the floor on a mattress, and simultaneously we may note down that the number of accommodated persons deprived of liberty in the same group is under its capacity possibilities.

With regard to the pests, which the Delegation of the CPT established during its visit, we would like to say that the efforts made by the organization, which there is a contract concluded with and which performs the treatment of the dormitories, do not provide for the desired result. The problem, however, is again related to the material and financial funds, the old building fund and the compromised water supply and sewerage installation.

Under § 66 – Actually a great part of the recommendations from the preceding visit of the Committee in 2012 related to the poor material conditions in the prison of the town of Burgas were not implemented. Regardless of that, as a result of organizational measures, the overpopulation in the prison has significantly been reduced in the last few months – by over 250 persons deprived of liberty.

The management of the prison makes attempts to improve the living conditions within the framework of the budget (repairs in dormitories, dining halls, clubs, school and sanitary units). The final solution of the domestic problem will be completed with the opening of the prison hostel in the village of Debelt.

Disinsection of all the premises in the prison is regularly made. There is no event that a person deprived of liberty does not have his/her own bed and bed linen inventory. A procedure for overall renovation of the kitchen block was started up and for the purpose utilization of funds under a European Project is planned in 2015.

Under § 67 – In connection with the stated overpopulation in the prison in the town of Belene work of the Commission was optimized pursuant to Art. 73 of the Execution of Punishments and Detention Act (EPDA), with regard to the stimulation of the persons deprived of liberty to be transferred into a prison hostel of an open type, with the availability of the conditions they should satisfy. As a result of this, as at this time the number of persons deprived of liberty was reduced by about 80 persons. The transfer of persons deprived of liberty approved for an open type is forthcoming which will additionally reduce the number of persons accommodated in the prison and in this manner the admissible capacity will be approached.

The building fund of the prison in the town of Belene is old and intensely depreciated. Unfortunately no financial resources for an overhaul of the buildings which is indispensable have been anticipated for years on end. For the last time an overhaul of the roof structures of the buildings of persons deprived of liberty was made in 2006. Strengthening of the supporting wall of the headquarters and an overhaul of the hall for extraordinary visit was performed in 2007 – 2008. Current repairs of the buildings (external painting and patching) were made in 2007.

The glass and the joinery of the windows of some of the dormitories of the persons deprived of liberty, which were in extremely poor condition, have been replaced in the last four years. Leakages from the roofs are eliminated partially with own labor which is extremely insufficient. External pipes were taken in inside the building in stages aimed at the prevention of their freezing in winter.

Repairs of the water heating boiler of the steam installation of the First Site of the persons deprived of liberty were made this year. Repair activities of exhaust sewerage are implemented in events of need. Construction and repair activities (painting of walls, doors, windows, repairs of kitchen equipment, patching and refreshment) in the prison kitchen and premises to it, storehouse and the warehouse for food were again implemented this year.

Repairs of the cells and the toilets to them are made currently and their execution is assessed in conformity with the urgency of the repairs and the permitted monthly expenditures.

In spite of the overpopulation in the prison there are no persons deprived of liberty in the prison who do not have their own bed and toilet in each dormitory.

In connection with deworming the prison in the town of Belene has a contract concluded with a company which makes disinfection and deratization in conformity with the requests submitted.

After the visit of the CPT a recommendation was given for the immediate closure down of premises related to the medical center, the same was implemented and simultaneously funds were planned for the implementation of repair activities.

Under § 68 – Maximal use of the legal base for the regulation of the prison population is anticipated with regard to the overpopulation in the prison in the town of Vratsa with observation of the principles of the progressive system for serving the sentence of imprisonment.

Under § 69 – Each dormitory in the Reformatory in the town of Boychinovtsi satisfies the requirements for a unit of area of a person deprived of liberty and has an independent sanitary unit. The wooden flooring is not in a good condition everywhere, it is damaged and cement screed was made in some places. Requests for repairs of the flooring were made on the part of the Management of the Reformatory, and from 2010 up to now they have always been included in the annual request for public procurements but the flooring was not repaired owing to the absence of funds. The same refers to the replacement of the joinery which is morally and physically aged. The heating installation did not create any problems which should not allow for the reformatory to be heated. After the purchase of two numbers of water heating boilers of a new type in 2011, which are more economical and manoeuvrable, and the regular supply of fuel for them, there have been no problems in the heating of the building where the persons deprived of liberty are accommodated.

It may be definitely said that there have never been bugs in the Reformatory.

Under § 70 – Actually in a lot of respects the conditions in the inspected prisons are bad. The Managements of the Ministry of Justice, of the General Directorate Execution of Punishments and of the prisons do their best for their improvement within the framework of their possibilities:

- All the measures for the reduction of the occupancy of the cells were undertaken with a view to the provision of sufficient residential area for a person deprived of liberty but it is not possible to attain this everywhere;
- Each person deprived of liberty is provided with a bed, a mattress and bed linen inventory which is washed at regular intervals;
- The repairs of the dormitories are depending on the needs and on the availability of funds. Such are made in each possible event but in general their condition is unsatisfactory;
- At this stage we may not improve the access of natural light and ventilation in the cells in the prison in the city of Sofia (the conditions in which are commented on in the answer under § 65);
- All the places of imprisonment have a contract concluded with a company for the provision of disinfection, disinsection and deratization services. The relevant events are periodically performed (monthly in conformity with a schedule) and if needed.

Under § 71 – With regard to the prison in the town of Belene, a proposal was made that the possibilities for its closure down and construction of one beyond the island in a town communication center should be discussed.

Our opinion on the proposal made is that there are no objective possibilities for the fast solution of the problem. If the prison is promptly closed down, this means that about 500 persons deprived of liberty accommodated in it should be moved and placed in the located close to it prisons in the towns of Pleven, Lovech and Varna, in which there is high level of overpopulation even now. Due to this it is doubtful that the persons deprived of liberty from the town of Belene will be accommodated under better conditions after their movement to any of the adjacent prisons. On the other hand it is sure that the condition of the convicted persons in the prisons in the towns of Pleven, Lovech and Varna will deteriorate to a greater degree as compared to the one which exists now in Belene. The problem may be solved with the construction of new prisons and innovation of the present ones and not with the closure down of the existing such.

The prison in the town of Belene is the only one in the country, which there is no prison hostel with. Various variants were discussed during the years some of which continue to be topical up to date as well – as, for instance, for opening a division of the prison within the area of the town of Teteven for the building up of the water cycle within the region and for work in the sphere of timber production. An offer of a joint-stock company from the town of Svishtov which is still within a process of investigation (Svishtov is located at a distance of about 20 km to the east of the town of Belene) made to the Ministry of Justice and General Directorate Execution of Punishments is realistic. The joint-stock company has a free residential area for the accommodation of over 500 persons deprived of liberty. The premises were repaired recently and they are in a very good condition. There are buildings with them which are used as a medical center, a canteen, a laundry room and a concert hall. No big financial funds are needed for their restoration. The greatest advantage of the offer is that workplaces are offered for all the persons deprived of liberty who may be accommodated there. The workshops are in an isolated zone, which allows for restriction of the contacts with the civil workers and the exits to the populated area to a minimum.

The prison population on the island will be considerably reduced with the realization of this idea and the conditions will become more acceptable.

The things stated in the preliminary notes are valid with regard to the Reformatory in the town of Boychinovtsi.

As to the displacement of the place of detention in the town of Vratsa we may not commit ourselves by fixing a specific term as the project for its construction is still in the process of preparation (this was indicated in the answer under § 64).

Under § 72 and 73 – Repairs of the cells and of the toilets to them in the prison in the town of Belene are made on a current basis and their execution is assessed with regard to the urgency of the repairs and the permitted monthly expenditures. The potable water on the island of Persin is from its own water source. It is permitted for use by the Ministry of Environment and Water by an official document of 2008. Microbiological and physical-chemical analysis of the water is periodically made and the results are good. The sewage for potable water of the First Site is old, the pipes are also aged and they are asbestos cement ones. The replacement of the water supply network by polypropylene pipes and the main water supply pipeline is again planned in the request for public procurements for 2015, but its execution depends on the availability of funds. There are hygienic materials and they are used but they are insufficient.

The assertions for the sanitary units, the water supply and the sewerage system in the prison in the city of Sofia are objective. The hygienic and cleaning materials are not in the needed quantity owing to the absence of sufficient funds.

The water supply and the sewerage systems in the prison in the town of Burgas are aged and depreciated. Their maintenance is related to material funds which the prison does not have available at hand. Nevertheless current repairs are made with available funds and materials. It is possible to perform the overall replacement of the water supply and sewerage systems in the prison after the construction and opening of Prison Hostel Debelt, which would allow for the vacancy of individual wings of the prison for the implementation of the repair activities. The hygienic materials as well as their quantity are in conformity with aged tables. They are the target of a central supply and it may be said that they are insufficient.

The sanitary units in the Reformatory in the town of Boychinovtsi are not common and each room has its own sanitary unit. Detergents in sufficient quantity are provided every month for the cleaning of the sanitary units.

Under § 74 – As to the recommendations for urgent measures in conformity with the assertions under the preceding two paragraphs:

- Repairs of the water supply and sewerage installations, of the toilets, the common sanitary units and the showers in all visited penitentiary institutions will be made in stages during the next five years;

- To our regret we should admit that the use of plastic buckets and bottles for personal needs at night in the prison in the town of Burgas is not suspended as at the time of drawing up this answer, either. This does not refer to all the persons deprived of liberty but to those whose premises should be locked up during the night. Owing to the insufficient number of the officials guarding the premises during the night, it is not possible always and permanently to provide access to the sanitary units, but in events of signaling on the part of the persons deprived of liberty they are provided with such access;

- Hygienic and cleaning materials are regularly supplied but as there are signals that they are insufficient we will investigate the matter also in the remaining places of imprisonment. In events of need of a change, the tables in conformity with which these materials are provided, will be corrected;

- As it was indicated, the water in the prison in the town of Belene is suitable for use and as long as the analyses of the samples taken from it are within the regulated limits, we do not find any reasons for concern.

Under § 75 – Livelihood is organized in compliance with the provision of Art. 84, Para. 2, point 1 of the Execution of Punishments and Detention Act (EPDA). The tables for the foodstuffs due for the various categories of persons deprived of liberty were developed and fully conformed to the European Prison Rules, excluding the application as a punitive measure of a reduced ration of foods with regard to persons serving punishment of imprisonment. They were ratified by the Minister of Justice in coordination with the Minister of Health and the Minister of Finance. The organization of the sustenance of persons deprived of liberty in full is in compliance with the standards ratified by the health authorities in the Republic of Bulgaria – the food is prepared in specialized kitchen blocks, it is served individually in canteens satisfying the needed sanitary-hygienic norms and feeding takes place three times a day rendering an account of the age, the health status and the nature of the effort expended.

With this organization of the livelihood 2622 calories are provided with the daily menu for adults – deprived of liberty who do not implement labor activities and juveniles deprived of liberty are provided with 3108 calories. In conformity with the implemented labor activities the persons deprived of liberty are due as follows: allowance “A” – for labor with average intensity – 517 calories and for labor with high degree of intensity – allowance “B” of 1024 calories. The official standpoint of the Scientific Institute for Gastroenterology and Nutrition with the Medical Academy on the occasion of the introduction of this organization of livelihood in the prison system is that it is conformed to the topical principles of nutrition, rendering an account of the specifics of physical workload and the age differentiation and is applicable in practice.

As at this time in conformity with the basic table No 1, the value of one nutrition day at prices of the National Statistical Institute and the State Commission on Securities and Stock Exchange (SCSSE) is 3,07 BGN exclusive of allowances. Due to the permanent lack of budget funds for sustenance, the practice to apply a replacement table ratified by the Minister of Justice, which provides possibility for replacement of some foodstuffs with others which have smaller value but also provide for the caloric balance of the food, continues.

The daily food norm in the places of detention is higher than that in the prisons due to the fact that the majority of them supply the food from external companies.

Significant progress was reached with regard to the livelihood of the persons deprived of liberty and we are of the opinion that it is maintained at a good level. The daily menus are prepared by a competent person in conformity with ratified recipe books, in coordination with the Director of the Medical Center and are ratified by the Prison Manager. The food is daily checked up by employees whose official obligations include organization and control over nutrition. The amateur prison authorities are also actively involved in the preparation of the menu and in the control over the input of the products, the quality of the food and its distribution. The daily control and the strict organization allow for the prompt response to problems arisen with regard to the quality and the quantity of the food.

The complaints of the food in the prison in the town of Burgas are of episodic nature. It is a fact that the kitchen does not satisfy any hygienic and sanitary requirements. The kitchen equipment is aged and in some events also unfit for use. As it was already indicated, measures were undertaken for the construction of a new kitchen, beyond the now existing one.

Under § 78 – 83 – With regard to the provision of organized activities (work, vocational training, education, sports, cultural-information and other activities) for persons deprived of liberty and detainees:

The organization of the activities is parallel for the convicted persons and detainees. The policy at the management of the organized activities is directed at the full execution of the punishment imprisonment, rehabilitation of the risk factors and resocialization through rendering assistance to the personal change and building up skills and capabilities for lawful way of life in the society.

We consider that as at this time conditions are created in the prison in the city of Sofia allowing for the involvement of a maximal number of prisoners in conformity with the capacity of the basic material means and the existing possibilities. The resources of the persons deprived of liberty are also used, with a view to the limitation of the negative consequences of the effect of the sentence and the harmful impact of the environment of the convicted persons. In this connection we would like again to mention that 212 persons deprived of liberty are engaged in work and vocational qualification courses as at this time (vocational courses in the printing house for obtaining qualifications and a vocational course for vehicle painters). Classes at the school are attended by 272 students. The language courses in the prison in the city of Sofia are: in Italian language with 60 participants daily; in the English language with 93 trainees daily; in the Bulgarian language for foreign citizens - 2 groups of 32 trainees each, in total 64 persons daily. The training in the English language Second Level for 12 persons deprived of liberty continued during the inspection and after that; the training in the Bulgarian language for foreign citizens continues as well as Project “Languages Behind Bars” for 15 persons deprived of liberty. A course in computer literacy is conducted with the participation of 100 persons deprived of liberty daily, 8 groups of 10 persons each go out to the fitness hall, or in total 80 persons deprived of liberty. The series of courses for behavioral skills, self-control, sexual abuse, drug abusers, training courses for prevention of HIV, AIDS and other sexually transmitted diseases, skills for dealing with anger, skills for thinking and others are attended by 480 persons deprived of liberty from the prison in the city of Sofia. A dancing course and a theater group were realized during the first six months of year 2014, which 50 persons deprived of liberty participated in. A library for legal self-assistance for persons deprived of liberty was also opened and functions along with the functioning library with fiction, through which access is provided to topical legislative acts and court practice.

A multitude of specialized and general penitentiary activities were realized from the date of the visit of the Commission up to date in the prison in the town of Belene, through which the number of persons deprived of liberty engaged with activities was increased. Such are for instance: a short-term program for work with drug addicts; a specialized program “Development of Skills for Assertive Behavior of Persons Deprived of Liberty”; a specialized program “Skills for Thinking”; a program for self-assistance of persons deprived of liberty; a program for built-up training of persons deprived of liberty in conformity with module “Livestock Breeding”; a program for initial literacy of persons deprived of liberty - 2 groups; a program for “Initial Computer Literacy” - 3 groups; work under Project “Great Reading”; work under a program for perpetrators of road traffic accidents deprived of liberty; a multitude of sports tournaments were conducted; several competitions were announced for writing essays and poems; a multitude of persons deprived of liberty were included in clubs per interests with sports or literacy activities, a multitude of information talks and cinema lectures were held.

The commitment of persons deprived of liberty is permanently in the center of the attention of the Management of the prison in the town of Vratsa. Regardless of the positive comments the work in this direction will continue to be executed through the use of the possibilities for expending effort; maintenance of a high number of persons deprived of liberty engaged in a training process; search of various forms of cultural mass and sports activities; introduction of new programs for specialized group work and motivation of a bigger number of persons deprived of liberty for involvement in them; permanent conduct of language and computer courses, expansion of the club activities and so on.

The reduction in the time period 2012 – 2014 of the specialized programs with the persons deprived of liberty and the conducted vocational courses, as compared to the preceding Report of the CPT of 2012, is due to a great degree to the personnel changes made during this time period and the decrease of the staff engaged directly with these activities. As a result of this the inspectors of social activity and educational work were overloaded, they had to work with a great number of persons deprived of liberty, the volume of mandatory documentation which had to be prepared for each of them also increased for the inspectors who remained at work, the absence of funds which should provide for the security of the social activities and prizes for the most active participants is not irrelevant, either. Regardless of that the following activities were implemented during the indicated hereinabove two-year time period:

- The clubs per interests grew up from 5 to 10 and continue their activities as at this time as well. A great part of the newly formed clubs are situated in Prison Hostel Stroitel (Builder) and in Prison Hostel Zhitarovo;

- The Clubs Music, Palitra (Palette), Art-Academy and Amateur Creativity continue to function in the building of the prison, and the total number of persons deprived of liberty involved varies from 24 to 30;

- 6 training courses were conducted on the principle of mutual training method – 4 courses for a western language (English – 1 for a primary level and 1 for an advanced level, as well as 2 courses in the German language) and 2 courses for computer training;

- The Chaplain of the Prison realized 3 programs for theology (one with persons sentenced to life imprisonment, the other – with defendants accommodated in the zone for enhanced security, the third one – with convicted persons);

- The successful interaction with the institutions in the town continued. The Observation Commission with the Municipality of Burgas provided funds for the realization of a vocational course for builders. Each year association “Doza Obich” (Dose of Love) realizes a program for groups of persons deprived of liberty whose duration is about 3 months;

- A total of 15 sports tournaments were organized and conducted, which 392 persons deprived of liberty participated in;

- The activities of club “Music” are implemented most of all around holidays – “The Day of Burgas – 6. XII”, Christmas and New Year, 24 May – the Day of the Bulgarian Education and Culture;

- “Art – Therapy” for persons deprived of liberty with addictions was conducted during the time period February – May 2014 with hired lecturers, which 15 persons deprived of liberty participated in, and 25 were diagnosticated.

It is indicated in the Report that “only four of the persons deprived of liberty worked during the visit owing to limitations of the legislation” in the Reformatory in the town of Boychinovtsi. Perhaps the representatives of the CPT had in mind the adults deprived of liberty working in the servicing activity, where certain age is required as well as a certificate for vocational qualification. The persons indicated herein below expended labor effort from the beginning of the year as follows:

Month	Working juveniles deprived of liberty	Working adults deprived of liberty	Persons deprived of liberty expending voluntary labor effort
I.	6	4	8
II.	7	4	10
III.	5	4	12
IV.	6	4	19
V.	6	5	14
VI.	6	4	34
VII.	6	4	31
Total:	42	29	128

With regard to the assertions that the conduct of courses for vocational training it should be noted down that after the retirement of the employees who conducted the vocational training of the persons deprived of liberty in the available workshops with the Reformatory, the number of staff on payroll positions was curtailed and there are no qualified employees who could conduct such a training. At the same time the prison population changes. The number of illiterate persons considerably increases with each following year, which makes difficult the formation of groups for vocational training, as minimal educational qualifications are required there. The conduct of courses for vocational training requires certain funds by which the training organization should be paid. They strive for the provision of such from sponsors in the Reformatory every year and for the conduct of at least one course with 10 to 12 participants during the summer holidays. The needed funds were provided this year and a course in the profession of “Assistant Cook” with 10 trainees was conducted during the months of July and August 2014, which was completed by passing a practical examination.

Specialized programs for individual and group work are implemented in the Reformatory in the town of Boychinovtsi, which are realized by inspectors – psychologists and inspectors – pedagogues. A correction-therapeutic group was realized for specialized group work under the Program “EQUIP” - 1 group. The objective of the program is the training of young people to render assistance to other young people for making socially acceptable decisions. The work in the group is managed by a trained inspector-pedagogue, who is only a mediator directing the process, and the genuine discussion and making decisions on a certain problem are performed by the juveniles themselves. 7 juveniles are included in the group. The program is with a continuous working regime, and new members enter the group in the place of the members who have left it. Further to specialized, educational programs are also implemented managed by the inspectors-pedagogues and the Chaplain with the Reformatory: “Creation of Computer Presentation” - 6 participants, “Initial Computer Literacy” - 6 participants, “Literacy Course” - 9 participants, “Landscaping” – 7 participants, “Izonite – Embroidery on Cardboard” - 6 participants, “Art Education” – a group of 10 juveniles, which functions all the year round with filling up the membership in the place

of the members who have left it, “More About the Hazardous Drugs and the Harm Caused by Them” - 6-8 participants, “Literary Art Club” - 10 participants. Juveniles are provided with possibility for the satisfaction of the religious needs through participation in religious services, rituals as well as the use of relevant literature and the conduct of courses. A library functions in the Reformatory, and all the juveniles are provided with access to it. The visit to the library is once a week in conformity with a schedule. Films are shown in the cinema hall on days off, and more frequently during holidays. The selection of films is conformed to the interests of the juveniles and the anniversaries in the calendar. Persons deprived of liberty are provided with possibility for subscription to editions of the local and national printed media. Conditions are created and there is a good material base for sports – football, volleyball, basketball, a running track. Various tournaments and competitions are realized daily during the stay in the open air. The fitness hall and the tennis tables are at the disposal of the persons deprived of liberty and are used in conformity with the daily regime by everyone. Tournaments in volleyball, basketball, football, table tennis, powerlifting, wrestling, chess are conducted all the year round conformed to the sports calendar or extraordinary ones in connection with various holidays. Tournaments and sports competitions are conducted jointly with representatives of external organizations – Foundation for Social Change and Inclusion, the Secondary School of General Education Vasil Levski in the town of Boychinovtsi. A group “Conditioning Bodybuilding” with 10 participants is functioning. 4 groups are organized within the framework of the year with duration of 3 months. Persons deprived of liberty are trained under the management of a specialist in physical education in conformity with a preliminarily elaborated program.

We fully share the opinion that much better results are to be achieved in the provision of organized activities. It is appropriate to note down that the penitentiary administration still makes serious efforts for the provision of activities for literacy, enhancement of the qualification and the rationalization of the free time of the persons deprived of liberty. These efforts will be increased in the future though with the shortage of staff which additionally loads up their strained daily routine.

Under § 84 – 93 – Our standpoint with regard to the execution of the punishment life imprisonment is that though the changes far do not occur with the rates we wish, positive steps are made with a view to the cancellation of the punishment life imprisonment without parole and changes in the procedure for the execution of the punishment life imprisonment.

The Ministry of Justice, respectively the General Directorate Execution of Punishments, laid the beginning of the discussion for the cancellation of life imprisonment without parole, after which it was joined by politicians and public men.

The Presidential Institution supports the cancellation of life imprisonment without parole and plays a leading part for the formation of public attitudes to the benefit of the changes. At the beginning of year 2014 a Presidential Decree was issued for the amnesty of a convicted person from the prison in the town of Burgas through replacement of the most severe punishment imposed to him by life imprisonment. The case was lively commented upon amongst the citizens and persons deprived of liberty as a symptom for future more large-scale intentions. A similar replacement was made by the court so far with regard to another two persons deprived of liberty from the prisons in the city of Sofia and the town of Stara Zagora.

Serious changes were made in the procedure for the execution of the life imprisonment. The isolated accommodation of the convicted persons is not applied as mandatory. There are already more than 15 persons sentenced to life imprisonment who are accommodated in common premises with other persons deprived of liberty. They are placed in an ordinary prison community with possibilities for inclusion in work.

All the persons sentenced to life imprisonment, who have served 20 and more years of the punishment imposed on them, are under active monitoring exercised over them. The monitoring is exercised aimed at judging whether the behavior demonstrated by them provides grounds for proposing to the court that the life imprisonment should be replaced by the punishment of imprisonment. There is readiness for the submission of 3 proposals for replacement of the punishment of several convicted persons from various prisons. A standpoint is sought from the Mayors of the populated areas with regard to their place of residence about the possibilities for their fixing up with a residence, whether they have relatives and close friends who are in a position to receive and assist them, if eventually simultaneously with the replacement pre-term release is also applied.

Pursuant to Art. 199, Para. 2 of the Execution of Punishments and Detention Act (EPDA), if the Court rules replacement of the life imprisonment by punishment of imprisonment, the convicted person may be placed under alleviated conditions for serving the punishment being accommodated in a prison hostel of an open type. The alleviations include work outside without security, visits of cultural and sports events in the populated area with regard to the location of the hostel, inclusive of with possibility for an award with a home leave.

The persons sentenced to life imprisonment may be released by the court on parole as early as at the time of the enactment of the replacement of the life imprisonment sentence by imprisonment. Moreover, if the proposal for replacement has been taken into consideration by the court after serving the anticipated in the law minimum of 20 years, but after 30 and more years have been served, the convicted person is automatically released after the completion of the court session.

We expect assistance and support so that we may overcome the negative public attitude against the reforms conducted.

In connection with the assertions of the CPT for the attitude of the Management and the employees from the prison in the town of Belene to the persons sentenced to life imprisonment, measures have already been taken and as at this time the convoy of the persons sentenced to life imprisonment within the zone for enhanced security is made without placing handcuffs, except in events of need during incidents, which the Regional Prosecutor's Office in the town of Pleven is notified about. All the officials from the supervisory security staff were also ordered to terminate the practice of demonstrative carrying batons and auxiliary means which orders have been followed.

The conditions for accommodation of persons sentenced to life imprisonment are within the framework of the requirements on the territory of the prison in the city of Sofia. A club for the implementation of social and educational activities designated for this category of persons has been functioning since 2006. The club is equipped with 2 numbers of computers, 1 number of a television set with a DVD, electronic game "Playstation-2", a library with fiction and educational literature, backgammon with chess, dominoes - 2 numbers, cards - 2 numbers. The same is visited on weekdays from 10:00 h to 17:00 h, in conformity with the events planned in the group as follows:

- Satisfaction of religious needs through meetings and lectures: Mondays and Fridays from 13:00 to 14:00 h with the Orthodox Priest of the prison; Tuesdays from 10:00 h to 12:00 h with an evangelical pastor, Wednesdays from 10:30 h to 12:00 h with the systems from the Order of Mother Teresa;

- Educational courses: initial computer literacy - I level from Mondays to Fridays from 14:00 h to 17:00 h; a course in the Italian language I level – 3-month, on the days of Mondays, Tuesdays and Fridays from 15:30 h to 17:00 h; a course in the English language - 1 level – 3-month, on the days of Tuesdays, Wednesdays and Thursdays from 13:00 h to 14:00 h;

- Specialized activities – psycho-training for social competence and behavioral skills, and the group is referred by external experts – psychologists;

- Periodic meetings and lectures – with an inspector social activity and educational work on the occasion of topical problems in the community, with representatives of the management of the prison, meetings with medical representatives for health lectures, with non-governmental organizations. Lectures are delivered for important dates and events prepared by the persons deprived of liberty themselves.

Indeed the problem with the labor commitment of persons deprived of liberty sentenced to life imprisonment accommodated in the zone for enhanced security of the prison in the town of Vratsa is difficult to solve. The efforts for overcoming the problem are in the direction of search of the so called piece-work done at home. For the time being this is compensated by alternative forms of employment with regard to the social and educational activities which is noted down in the Report.

Up to date there are 13 persons in the zone for enhanced security in the prison in the town of Burgas where persons sentenced to life imprisonment and sentenced to life imprisonment without parole are accommodated. 12 convicted persons of this category were taken out into the common premises in stages. The premises are uniform with an average area of 5,9 sq. m., which are inhabited by one convicted person. Two of the premises are with an area of 8,5 sq. m. with one occupant, they are also equipped by their own sanitary unit. The intensity of the lighting during the dark part of the day and night is reduced to a degree which provides for monitoring and in no manner whatsoever impedes the sleep of the convicted persons.

Under § 94 – 104 – The Committee welcomes the amendments made in the law about the covering of the needed expenditures by the National Health Insurance Fund (NHIF) for outpatient treatment of persons deprived of liberty under conditions relevant for the citizens. These amendments are the result of 10 years of efforts, predominantly on the part of the medical personnel and the Management of the General Directorate Execution of Punishments.

The permanent shortage of medical staff continues to create serious problems for the provision of health care of quality in places of imprisonment. The problem deepens even more taking the fact into consideration that it has not referred solely to the places of imprisonment in the last few years. The shortage of health care personnel with higher and secondary education concerns the overall health care system. The General Directorate Execution of Punishments makes targeted efforts for the announcement of tender procedures and the appointment of medical specialists to occupy the vacant positions in prisons. It is necessary to announce tenders repeatedly owing to the absence of applicants for the positions announced. The reasons are complex ones: deficit of medical doctors with acquired specialty at a national scale; unattractive working conditions in the prisons; low remuneration, which does not correspond to the qualifications of the medical doctors. The problem of the optimization of the labor remunerations of the persons working within the system of prison health care is serious for solution.

The General Directorate Execution of Punishments realizes the difficulties related to the appointment of qualified personnel in prisons and on this occasion, it has permitted the conclusion of service contracts with general practitioners, psychiatrists and dental medical doctors for the vacant permanent positions in the Medical Centers in prisons.

In the events quoted hereinabove (beyond the working time of the Medical Center), taking the remoteness of the prison in the town of Belene from the emergency center into consideration, the supervisory-security staff does not have the task to assess the need of emergency medical care. With good organization and consistency, the patients are provided with the needed medical examinations, which are performed more effectively under the conditions of the health care institution. This is done making use of the automobile fleet of the health care institution with the prison, which is specialized solely for the transportation of persons in need of medical care.

The recommendations of the CPT for the appointment of additional medical staff in the prisons visited at this stage may not be followed as they are a matter of financial possibilities.

As at this time the Medical Center with the prison in the town of Belene has a general practitioner and a medical paramedic under service contracts and a nurse under an employment contract. The recommendation of the CPT for decommissioning the rooms for medical isolation in the prison in the town of Belene was promptly followed and the representatives of the Committee were notified about the measures undertaken. Repairs of the insulator and two toilets in the Medical Center were made in connection with the recommendations of the CPT.

There is a Director of the Center and a medical paramedic in the Medical Center with the prison in the town of Vratsa. A service contract was concluded with a medical doctor psychiatrist.

The medical services, which the detainees and persons deprived of liberty are provided with, are equal to those of the free citizens in the Republic of Bulgaria and in some events they offer better conditions for access and use of health care services.

The difficulties related to the appointment of general practitioners are added to the chronic shortage of dental medical doctors and psychiatrists as well.

Persons deprived of liberty are used for work in the Medical Centers and the prison hospitals as health officers for the cleaning of the premises and the communal parts and not for participation in the medical procedures, which are performed solely by the specialized staff. The limitation is also valid for persons deprived of liberty with doctors' or other medical qualifications, who have not lost or who were not deprived of their qualifications in connection with the crime committed. A job description is prepared for the position "first aid attendant" by the Director of the Medical Center and it is ratified by the Prison Manager. Persons deprived of liberty defined as first aid attendants undergo through preliminary training for the volume of activities, their rights and obligations during work in the Medical Center. By a regional letter of 05.04.2013 persons deprived of liberty appointed as auxiliary personnel in the medical center were prohibited to implement the following activities:

- Participation in diagnostic, curative and rehabilitation procedures;
- Access to the pharmacy storehouse and distribution of medicaments;
- Access to medical documentation;
- Procedures for care for patients whom contact with the body of the patient is needed, with the exception of procedures for palliative care for terminally ill patients.

Health records are kept in compliance with the requirements for medical confidentiality of persons deprived of liberty which are stored in the relevant Medical Centers. Data from the initial examination, the treatment conducted during serving the punishment in health care institutions in and beyond the places of imprisonment, the rendered dental assistance and so on are attached to the health records. The medical documentation accompanies the convicted persons at each their displacement to another location. Access to medical information is permitted solely to non-medical officials only in the events of applications for a change of the measure of remand due to medical reasons; suspension of the execution of the punishment imprisonment for treatment; requests for amnesty owing to health reasons; for discussion and inclusion in the lists of persons in need of dietetic food.

All the medical examinations are in principle performed beyond the auditory and visual range of the superintendents. Exceptions are allowed in events of raving on the part of the patients and with the explicit insistence by the medical employees in examinations of persons deprived of liberty with an increased risk and aggressive attitudes.

We accept the assertions about the formal conduct of the initial medical examinations of newly admitted persons deprived of liberty. As the matter is not about single actions, we will increase the control and will set up measures for more profound medical examinations and for the more complete reflection of the facts and the circumstances related to the health status in the medical documentation.

The representatives of the CPT stated that the superintendents illegally require needless for their work medical information from the persons deprived of liberty with regard to the reasons because of which they need access to a medical doctor or to a health care institution. In fulfillment of the recommendations made we will plan measures for the change of the practice indicated hereinabove, regardless of the fact that so far no complaints have been received on the part of the persons deprived of liberty that in this manner matters of their personal or intimate sphere are illegally affected.

Under § 105 and 106 – The assertions of the Committee about an insufficient number of superintendents is valid for almost all the places of imprisonment. The grounds for optimistic expectations in this respect are few in number. Reserves are being sought in the change of the schedule for the employees being on duty by which there will be more officials available during daytime in the guarded areas.

After the initial cancellation of the 24-hour duty and the serious protests by the employees from the supervisory-security staff against this decision counted from 01.10.2014 as a result of a series of discussions in places jointly with representatives of the Unions of the employees in the prisons in Bulgaria, a mixed working regime was undertaken – on a 24- and a 12-hour schedule of the duties. The working time was conformed to the specifics of the individual prisons, their provision with human resources and their remoteness from the relevant populated areas. There has been no unrest amongst the employees with regard to the working regime up to now.

The outflow of staff from the system is permanent and considerable owing to the unattractive labor and the hostile environment, which the personnel work in as well as because of the low payment. It is a fact that from the month of July up to date a significant number of employees left the penitentiary system.

Urgent measures were undertaken with a view to the staff provision of the prison in the town of Burgas. Competition procedures were announced for the positions of a Deputy Manager of the prison, of a Director of the Medical Center, of an Inspector of Social Activity and Educational Work and a Manager of the Human Resources Group. The positions were occupied but in the meantime, the position of the Director of the Medical Center was vacated again. By an order of the Minister of Justice, additionally 13 permanent positions for employees from the supervisory-security staff were transferred from other places of imprisonment. The thus increased personnel combined with the reduction of the prison population by over 250 persons deprived of liberty, definitely resulted in the decrease of the tension in the work, the creation of relatively normal working atmosphere, calming the staff and the persons deprived of liberty.

Another 15 permanent positions for employees from the supervisory-security staff were distributed in 2014 after the closure down of the place of detention to Prison Hostel Kremikovtsi of the prison in the city of Sofia, which will alleviate the activity.

In spite of the efforts made for the completion of the security staff, the task remains difficult for fulfillment.

Under § 107 – 109 – The visits of the persons deprived of liberty with their relatives and close friends are paid in conformity with a procedure defined by the Manager of the Prison, the Reformatory or the Place of Detention. The frequency of the visits during the month differ in the individual prisons and places of detention, but it is never less than twice a month as the legislative regulation is. The number of visits per places depends on the number of the persons deprived of liberty and their distribution per groups as well as on the available personnel. In this connection, there is no practical and physical possibility to increase the number of meetings with relatives and close friends in some places of imprisonment (as the situation in the prison in the city of Sofia is). The duration of the visit is up to 40 minutes, which is also regulated in the Implementing Regulations of the Execution of Punishments and Detention Act (EPDA). It is possible to pay a visit on other days beyond the ratified schedule on the grounds of a motivated statement, which will take place with the permission by the Manager of the relevant penitentiary institution.

A strict remark was made in the Report with regard to the conditions and the limitations during the conduct of visits between the persons deprived of liberty and their relatives and close friends. We should note down in this respect that the premises for the conduct of visits with the relatives and close friends of the persons deprived of liberty were completely repaired and that the old premises where the persons deprived of liberty did their shopping were replaced by a newly built up prison kiosk. On the occasion of the remark that a visit is paid only twice a month in the prisons visited, we should emphasize that a visit with relatives and close friends may be paid each week of the month, or 4 times per month in the prison in the town of Belene.

The Management of the Reformatory in the town of Boychinovtsi provides a right to visit during working time on all the days of the week. Telephone calls are made in an unlimited manner. The correspondence is unlimited. It makes an impression that only 15% of the juveniles correspond with their parents by letters.

The recommendations of the Committee about the regime of the visits will be discussed at the work of the working group indicated herein at the beginning of the statement.

With regard to the encouragements of the persons deprived of liberty by a prolonged visit for a term of up to 4 hours for the 6 months of year 2014 this prize was given to 371 prisoners from the prison in the city of Sofia. Similar stimulation is a part of the overall progressive system for reeducation and is motivated and substantiated very thoroughly by the inspectors for social activities and educational work, including the overall behavior, the orderliness and the duration of the positive behavioral changes. We strive for the encouragement of the contacts with relatives and close friends, as they are our partners with positive orientation in the process of the rehabilitation of the prisoners.

Structurally, the building of the prison in the city of Sofia does not allow for the differentiation of special premises for the conduct of these visits, because of which they are conducted on defined days in the premises for visits, but without partitions, with possibility for contact with relatives and close friends and with possibility for joint consumption of brought in foodstuffs. For convicted persons with low risk for the security the visits are conducted in the official refreshment room of the prison. Along with the stated hereinabove, it may be indicated that meetings of the families of persons deprived of liberty are organized in the form of such a prize jointly with non-governmental and religious organizations in the prison in the city of Sofia on the occasion of Christmas and New Year, Easter, for the first school day of children deprived of liberty. The meetings are held in the administrative part (the refreshment room for the employees), and there is a separate comfortable place for each family, resembling the family meetings, and there are gifts for the children, usually as a result of our active cooperation with the non-governmental and religious organizations.

As far as the access to the island of Persin is concerned where the prison in the town of Belene is located, it should be taken into consideration that the idea for the restoration of the humid zones on the territory of the island is realized in conformity with a European Project, and along with that the recovery of the flora and the fauna, which turns it into a natural reserve. Hopes grow up that the interest in this reserve may help for the building up of a permanent connection with the land through a bridge facility. The maintenance of the pontoon creates difficulties but so far there have been no events that access may not be provided during the daily change of the team on duty, the taking out of persons deprived of liberty for lawsuits, in urgent events for treatment and so on.

Under § 110 – The telephone contacts of persons deprived of liberty with their relatives, close friends and defense counsels are made with the cooperation of the international holding Telio Group in conformity with the Kontel System. The offered service is with high international standard. Subscribers of the Holding are over 300 prisons in Europe and the UAE with over 150 000 persons deprived of liberty. The Dutch prison Scheveningen, which defendants and convicted persons under lawsuits within the jurisdiction of the International Court of Human Rights with the United Nations are accommodated in, is also included in the number of prisons serviced.

According to the contract concluded with the Ministry of Justice the prices of the services for the telephone calls are with 2% lower than those of the mobile operators provided to citizens through prepaid subscription cards. The inspections made by the Service of the National Ombudsman and the General Directorate Execution of Punishments did not state any violations with regard to the price agreed. The latest reduction of the prices performed by the Holding in 2012 dispelled the mistrust initially incurred and reduced the grounds for dissatisfaction to a minimum. According to the opinion of the persons deprived of liberty from the prison hostels of an open type, who recently became subscribers of the Holding, the services used by the Kontel cards are preferred to the services used prior to that by prepaid cards of Bulfon. The advantages are both in the price of the service and in the condition and the maintenance of the stationary telephones.

In compliance with the recommendation of the CPT the former Deputy Minister of Justice – Mr. M. Vachevski held a meeting with the owners of the Holding and recommended them to reduce the prices of the telephone services by 10%. The recommendation was accepted for discussion and resolution.

Under § 111 – 117 – With regard to the procedures for the disciplinary practice and the assertions of persons deprived of liberty before the team of the Delegation of the CPT that they are not always heard in person at the application of disciplinary sanctions and that they are not presented a document in writing, we declare herein that we do not accept this assertion as generally valid. The disciplinary procedures as a rule are observed by the administration of the persons and if there are any omissions, inclusive of those indicated in the Report, they are episodic. Due to the absence of concreteness, we are not in a position to discuss the stated in detail.

The assertion that the disciplinary cells in the prison in the town of Vratsa are with quadrature of under 5 sq. m. is not quite precise. The same are in total 7,26 sq. m., of which 4,97 sq. m. of residential area and 2,29 sq. m. of laundry room. Persons deprived of liberty are accommodated one at a time in these cells. They are accommodated two at a time in very rare events, depending on the number of the punished by insulation in a disciplinary cell. Repairs of the disciplinary cells are made every year – painting of walls, replacement of water supply and sewerage parts and so on.

Unlike the revoked Implementing Regulations of the Execution of Punishments Act, the new Implementing Regulations of the Execution of Punishments and Detention Act (EPDA) does not have the imperative obligation for participation of the medical doctor of the prison in the disciplinary procedures. We realize that there is no manner in which the insulated accommodation in a disciplinary cell should exert a favorable impact over the health of the punished person. In conformity with the old act the medical doctor of the prison had to declare in writing that the serving of the disciplinary punishment will not cause any harmful consequences to the health of the convicted person. Such a declaration, which was a mandatory element of the disciplinary procedure, is in conflict with the morality and the professional ethics. Owing to these reasons it was not reproduced by the new act. Now the practice continues to exist that the medical doctor should examine the persons deprived of liberty prior to their accommodation in a disciplinary cell. The objective of these examinations is to acquire direct impressions of the momentary health status of the punished persons. The examination does not have the significance of “permission” or “medical blessing” to impose such a punishment on the part of the Prison Manager and does not revoke the responsibility from the Prison Manager for the selection of a similar punishment. In conformity with the Ordinance on the Conditions and the Procedure for Medical Servicing in Places of Imprisonment, the medical doctor of the prison is obligated at least once a week to visit the persons isolated in the disciplinary cells. The recommendations of the CPT are that such visits should be paid every day, which it is not possible to do with the available medical personnel. In events of emergency situations or with a stated wish on the part of the person deprived of liberty, the medical doctor is obligated promptly to visit him in the disciplinary cell. If it is established that the insulation threatens the life of the person deprived of liberty, it will be promptly terminated at the proposal of the medical doctor, and the punished person will be accommodated for treatment in a health care institution. In practice this means that the medical doctor is entitled to visit the punished persons not every day but several times a day if he/she judges that this is indispensable.

Regardless of the fact that the disciplinary procedures are legislatively regulated, with a view to the recommendations of the CPT, all the managers of the places of imprisonment were again ordered obligatorily to hear the guilty persons prior to the imposition of the punishment as well as to hand in a copy of the order to the punished person deprived of liberty. All the persons deprived of liberty are acquainted with their right to a visit, to a food parcel, to money for personal needs and use of a telephone, at the time during which they serve their punishment in a disciplinary cell.

The disciplinary cells in the visited prisons include the most needed possessions and objects. Actually it is necessary to repair these premises in a number of places for imprisonment. This will be made at the earliest opportunity of provision of the needed funds.

Under § 118 – Not only in the prison in the town of Burgas, but also in the remaining places of imprisonment, in conformity with the legal provisions, the defendants and the culprits who are accused of crimes, which punishment imprisonment of over 15 years or life imprisonment is anticipated for, are kept in permanently locked up premises without the right of participation in collective events. Those defendants and culprits who grossly or systematically violate the security in the prison or in the Reformatory are also kept in such conditions.

The recommendations of the Committee will be analyzed by the already repeatedly mentioned working group whose objective is to initiate amendments in the legislation.

Under § 119 – The search of the persons deprived of liberty is made in a manner which will not degrade their dignity. It is performed by officials who are of the same gender as the persons deprived of liberty. When a search of the intimate parts of the person deprived of liberty is needed, the search is performed solely by a medically qualified person. The search, which the participation of a medical official is mandatory for, is not a disciplinary but an administrative procedure in conformity with our legislation.

With regard to the assertions of prisoners about their stripping during a search in the prison in the town of Burgas, it should be noted down that a basic search is seldom made, in event of a well-founded reason. Such a search is performed in differentiated premises by qualified personnel. The taking off of the clothes and their hand-over for inspection prevents the physical contact with the person deprived of liberty. The management of the prison was ordered to specify the events at which search with stripping should be resorted to.

Under § 120 – The open carrying of batons and placing handcuffs at convoying persons deprived of liberty in the zone for enhanced security in the prison in the town of Belene is suspended. We indicated this in our statement pursuant to § 84 – 93.

Under § 121 – The notes about the complaints of the persons deprived of liberty will also be analyzed by the working group.

Under § 122 – We fully support the recommendation to increase the independent control of the penitentiary system. This control is legally regulated and so far there has been no event, which we would impede such an inspection in any manner whatsoever in, and we have not stated our disagreement with the frequency of the control. The national preventive mechanism to the Ombudsman of the Republic of Bulgaria conducts the inspections in the places of imprisonment on the grounds of an annual schedule, which is prepared by him. We do not have any attitude to the determination of the places of imprisonment which will be inspected or to the time of the inspection.

Final notes – The recommendations of the CPT present requirements for a new and radically different situation in the places of imprisonment. The critical notes with regard to the living conditions are the most serious. Recommendations were given to close down all the premises for accommodation of persons deprived of liberty which are smaller than 5 sq. m.; a sanitary unit with partitioning walls from the flooring to the ceiling should be built up in each premises and sufficient personal space should be provided for the use of a toilet or a bathroom; wide light apertures should be built up in each premises with appropriate glazing and without partitions, impeding the view outside; sufficiently big places for a stay in the open air should be built up in all the places of detention, including conditions for daily physical activities of the detainees; possibility for daily employment of minimum 8 hours should be provided for everywhere beyond the dormitories.

These recommendations may not be followed without the construction of one or more new prisons, as well as without making overhauls in the existing places of imprisonment.

For the consecutive time the CPT makes an insistent recommendation to the Bulgarian authorities to increase the efforts for the construction of new places of imprisonment. The long awaited Public-Private Partnership Act (PPPA) entered into force on 01.01.2013, but so far the regulated opportunities for the construction of new prisons still remain unrealized. With a view to the legal possibility for public-private partnership and the commented in the course of the years need of new prisons, though up to now no procurement for their construction has been announced, tenders from the private sector and foreign partners are received in the Ministry of Justice and the General Directorate Execution of Punishments. There even are preliminary investigations made with British companies.

The Director General of the General Directorate Execution of Punishments should systematize the tenders received from the private sector and the foreign partners by the end of the month of March 2015 and present them for discussion to the Management of the Ministry of Justice with a view to the assessment of the possibilities for the announcement of a procedure under the Public Procurement Act (PPA) or the Public-Private Partnership Act (PPPA) for the construction of new places of imprisonment.

The representatives of the CPT add to the material conditions recommendations for the heating and the ventilation of the residential and production premises, sufficient funds for personal hygiene of the persons deprived of liberty and for deworming of all the premises, food dominated by meat, eggs, dairy products and fresh vegetables in conformity with the season. The recommendations for the increase of the number of the security staff for the prevention of violence amongst the convicted persons themselves and of the medical personnel for the provision of health care services of quality and the conduct of prophylactics are categorical as well.

The recommendations of the CPT are well-grounded and objective because they require the applications of standards, which were attained and exceeded in most of the member-states of the EU. They are not wishes for the future but imperatives for the present time. In conclusion we would like to assure the CPT that the recommendations made which we have not undertaken effective actions so far under, and whose implementation is not related to significant financial resources, shall be taken into consideration.