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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 16 to 22 December 2003

The Bulgarian Government has requested the publication of the CPT's report on the visit to Bulgaria from 16 to 22 December 2003 (see CPT/Inf (2004) 23) and of its response. The response of the Bulgarian Government is set out in this document.

Strasbourg, 24 June 2004

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INTRODUCTION

The Government herewith submits its observations on the recommendations, comments and requests for information embodied in the report of the Committee on its visit from 16 to 22, December 2003.

From 16 to 22, December 2003 a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Republic of Bulgaria. The visit was the fourth visit by the CPT to Bulgaria.

The Republic of Bulgaria would like to express its thanks for the positive cooperation with the CPT, and is glad to take note of the critical recommendations and comments and use them as a guide for improvements.

The Committee's report was adopted on 5th March 2003.

The following observations are orientated in line with the structure of the Committee's report.

ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY
OF LABOUR AND SOCIAL POLICY

In regard to the findings and recommendations laid down in the report, we enclose herewith the following supplementary information:

1. Social Status Monitoring of people with mental disorders placed at special care institutions for provision of social services

Enforced by an order No 168 of 12.03.2004 of the Minister of Labour and Social Policy, a permanent (national) monitoring was launched on the social status of people with mental disorders placed at special care institutions for provision of social services. The national monitoring has been carried out through inspections on the part of the Social Assistance Agency Inspectorate jointly with representatives of the Ministry of Health. The check-ups have been implemented in cooperation with some public authorities, mayors of municipalities and non-governmental organizations targeted at and run by people with disabilities.

The inspections have been completed by now; over 110 representatives of non-governmental organizations, targeted at and run by people with disabilities, took part. The inspections were carried out based on a time-schedule approved by the Minister of Labour and Social Policy. Participation of 40 institutions, run by the municipalities, providing social services to people with mental retardation and mental disorders have been envisaged in the time-schedule. A special and comprehensive methodology was elaborated for the purposes of inspections, on which the assessment should be grounded. The methodology was fully harmonized with standards and criteria for provision of social services laid down in the Regulation on Implementation of the Social Assistance Act. Reports reflecting on the outcomes of the inspections will be drafted, and based on these reports concrete actions will be taken in view to improve living conditions of people with mental disabilities placed at special care institutions.

The process of reformation of Homes for adults with mental retardation and Homes for adults with mental disorders comprises the following stages:

- Elaboration of “Methodology of controlling activity over provision of social services at special care institutions”, including basic standards, to which the special care institutions should be corresponding, and laying down a framework of leading criteria determining the indicators for assessment of institutions. The Methodology includes full information regarding equipment, placed persons, staff, work management, care quality and supplementary (secondary) social services provided. As I have already mentioned, this Methodology is already completed and the monitoring was carried out based on its provisions.
- Elaboration of assessment of every institution. This stage has also been completed by now.
- General analysis of the state of affairs regarding special care institutions. The analysis summarizes specific assessments of the social institutions in respect to the main standards and criteria.
- Plan on institutional development (restructuring), which will consist of proof of necessity of reforms to be introduced, choice of type of “restructuring”, aims, expected results and difficulties possibly to be encountered when carrying out of reforms.
- Plan on actual implementation of reforms at the special care institutions. It is scheduled short-term (up to one year) and long-term (up to five years).
- Permanent national status monitoring of the people with mental disabilities placed at special care institutions, enforced by Order No 168 of 12.03.2004 issued by the Minister of Labour and Social Policy.

2. Regarding p. 10 of the Report

One of the main Social Assistance Agency (SAA) tasks is to ensure a proper methodological guidance to the staff working at homes for people with mental disabilities, as well as supplementary training and opportunities for improvement of their qualification. In November 2003, a unit “Specialized Institutions and Humanitarian Aid” has been established with the SAA, whose main task is, as a priority, to help solving problems of people with mental disabilities placed at special care institutions.

A Plan has been elaborated on carrying out of reforms at special care institutions for people with mental retardation and mental disorders, where main goals are: improvement of living conditions and quality of care provided to the placed persons at special care Homes for adults with mental retardation and Homes for adults with mental disorders; development, restructuring and decrease of number of now existing special care institutions of hospital type; transition to alternative social services options in compliance with the needs of people with disabilities living in the respective municipalities.

Aiming at ensuring of methodological guidance to the staff working at homes for people with mental disabilities, in April and May 2004 the SAA approved:

- Methodology of social services provided to people with mental disorders;
- Instruction on implementation of provisions regarding guardianship and trusteeship;
- Methodology on the procedure of assignment the management of special care institutions and provision of social services in the community through competition;
- Methodology on the procedure of implementation of public control over the social assistance system on behalf of the public councils.

At the end of June 2004, the SAA will organize a seminar where the following topics will be elaborated: “Cases of violations found in the process of applying the new legislative provisions. Presentation of the elaborated methodologies for work management at special care institutions. Introduction of the Plan on reforming of special care institutions for people with mental retardation and mental disorders”.

The seminar will be held by the experts from “Methodology of social services” and “Specialized institutions and humanitarian aid” units, and beneficiaries to the seminar will be the directors of 40 specialized institutions, subject to national monitoring.

3. Regarding p. 11 of the Report

The PHARE 2003 project “Improvement of life quality of people with mental disabilities” was launched this year. At this stage, the Ministry of Labour and Social Policy is granted a Technical assistance for: selection of pilot municipalities, elaboration of a model of protected houses, drafting recommendations for work improvement of the existing day-care centres for children and adults with mental disabilities in Bulgaria etc. Considerable part of the Technical assistance experts’ teamwork is elaboration of a model of de-institutionalization of adults with mental disabilities. I would like to highlight that this project is of primary importance to us and we do hope that its implementation will lead not only to invention of alternative services for people with mental disabilities in Bulgaria, but also to changes in the existing legislation.

The 10 protected houses, planned in the 2004 budget, will be built in compliance with the model worked out under the PHARE project, as well as according to the methodology for provision of the social service of “protected house” type, which will be further elaborated by the working group (enforced by Order No 73 of 29.01.2004 of the Minister of Labour and Social Policy) on drafting of methodology for social services development at the special care community institutions.

4. Regarding p. 13 of the Report

For the purposes of violence prevention between the residents of the Home for adults with mental disorders – Pastra village, Rila municipality, Kiustendil district - the SAA sent a letter (correspondence No 0800 – 276/29.12.2003) to the Rila municipality mayor asking for better provision of services to the residents through hiring a supplementary staff under the “From social benefits to ensuring of employment” Programme. At present, 3 people work there as an additionally appointed staff.

5. Regarding pp. 21 and 35 of the Report

After a number of inspections and observations have been carried out at the Homes for adults with mental disorders in Pastra village, Rila municipality, Kiustendil district and Razdol village, Strumiani municipality, Blagoevgrad district within 2002-2003, certain violations and breaches of the Regulation for Implementation of the Social Assistance Act have been found out by the SAA Inspectorate, Amnesty International and the Bulgarian Helsinki Committee, related to inconformity with the requirements for provision of social services laid down in that Regulation.

In spite of introduction of some positive changes in the way of performing staff work and in the living conditions at these special care institutions, the final conclusion drawn is that they do not possess the necessary equipment and human resources in order to ensure proper living standard to the persons placed there.

In pursuance of the prescriptions and observations made, the head management of the SAA took a decision for closing down of the two homes. Due to a lack of appropriate housing in Kiustendil and Blagoevgrad districts, in December 2003, an opportunity was investigated together with the Sliven municipality head management for placement of residents of the two homes at the vacant buildings in Kachulka village. On 21.01 2004, SAA experts held a working meeting together with representatives of the municipality administration and an inspection was carried out of the equipment available in the village.

Experts from “Investment and Economic Activity” and “Specialized Institutions and Humanitarian Aid” units at SAA worked out an assessment and found that block 3 and block 5a of Kachulka village, with a capacity - every one of them - for 80 people, are suitable for establishing independent special care institutions.

There are water main and sewerage, heating system for local usage at every block, two buses and two light cargo-carrying trucks in the village. There is also a cinema, two pastry shops, two refectories, a gym and a park for having rest. A farm is run for cattle breeding. The buildings are composed of separate flats each consisting of two rooms and a bathroom.

This housing could accommodate 140 people but some of the flats will be reconstructed and transformed into refectories with kitchens at every floor, sitting rooms, and workshop halls for occupational therapy with the purpose to create opportunity for ensuring a maximum provision of care at these homes.

Funds for working wages of 80 persons' staff have been planned within the draft budget of Sliven municipality for 2005; additionally, it is envisaged that sufficient number of specialists in occupational therapy, social workers and medical staff with appropriate education will be hired.

Time-schedule for transferring the residents of these two homes will be made available to the CPT at a later point, upon completing the construction and repair works at Kachulka village.

6. Regarding p. 36 of the Report

We are aware that in some of the institutions live residents over 18 years of age. We assert that in order to reintegrate them in society life, development of provision of services within the community would be of great importance. Thus, it is envisaged that protected houses be built for children with disabilities who come of age.

7. Regarding p. 42 of the Report

Social services to children with mental disabilities are provided in accordance with the Ordinance on criteria and standards of social services provided to children, adopted by the Council of Ministers (CM Decree No 256 of 7.11.2003, promulgated in State Gazette, No 102 of 21.11.2004). Standards for provision of social services to children at special care institutions are laid down in detail there. The assessment criteria regarding the services provided are also stipulated in that Ordinance. The Head of the State Agency for Child Protection and officials authorized by him carry out control over observance of these criteria through regular check-ups according to previously approved plan and upon complaints of violations.

In pursuance of the Plan on decrease of number of children raised at special care institutions in the Republic of Bulgaria in 2003-2005 (adopted by CM Decision No 602 of 02.09.2003), an evaluation of institutions providing care to children with disabilities has been undertaken. The evaluation is carried out following a previously approved methodology by trained inter-institutional commissions comprising representatives of all public and municipal bodies dealing with children issues. The institutions providing care to children and juveniles suffering mental retardation will be evaluated by the end of June 2004. Based on these evaluations, the commissions will take decision on reforming or closing down in regard to every special care institution. When reforming the Home for children and juveniles with mental retardation situated in Vidrare village, improvement of the technical equipment will obligatory be taken into consideration in view to creating a positive educational and therapeutic environment for its residents as well as ensuring of sufficient living space.

8. Regarding p. 46 of the Report

Elaboration of individual needs assessments followed by identification of measures for reintegration and socialization are forthcoming for all children placed at Homes for children and juveniles with mental retardation, in pursuance of a plan on provision of care elaborated by a team of specialists.

9. Regarding pp. 47 and 48 of the Report

As we have already informed the CPT, the municipality mayors have issued the necessary instructions to the different homes' directors, following the guidelines given by the Executive Director of the SAA on elimination of rooms for isolation and abolishment of all cases of isolation and immobilization (correspondence No 9100-251 of 30.09.2003).

10. Regarding pp. 50-52 of the Report

Recently, an opportunity has been considered by the Ministry of Labour and Social Policy for initiation of legislative changes to the Social Assistance Act and to the Regulation for its implementation. These changes concern the procedure of social services provided at special care institutions as well as some other issues related to legal provisions regulating social services matters in principle. Part of the changes will be related to the opportunity placement of people with mental disabilities to be carried out through the court. The aim here is to ensure observance of right of people with mental disabilities. Such a change would guarantee better precision and taking of responsibility as well as prevention of abuses on the part of the relatives when placing people with mental disabilities at special care institutions.

Besides, a technical assistance has been envisaged to be granted under the PHARE 2003 project "Improvement of life quality of people with mental disabilities". One of the goals to be achieved would be harmonization of the Bulgarian legislation with the best practices and standards of the EU. One of the specific activities here would be to improve the legislative framework regulating placement and forced restraint at social institutions.

11. Regarding p. 53 of the Report

Placement of children at special care institutions is considered a protection measure according to the Act on Child Protection and is initiated mainly by the court. According to the Act on Child Protection, every child placed at special care institution is considered a child at risk. Upon notification (regarding particular child at risk) received at Child Protection Department, a deliberation and proceedings on every specific case are carried out. In respect to children accommodated at special care institutions prior to the entry in force of the Act on Child Protection, upon assessment of every particular case, a placement is carried out in compliance with the law and individual care plan is elaborated. Activities related to child reintegration to the actual or adopting family, or placement at families of relatives or foster family are envisaged in the working plan on the case. Where the institutionalized care is the only possible option, activities are planned aiming at fostering of social skills in children in accordance with the standards for institutionalized care. The working plans drafted to serve every particular case are re-examined every six months.