

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 25 September to 6 October 2017

The Bulgarian Government has requested the publication of this response. The CPT's report on the September/October 2017 visit to Bulgaria is set out in document CPT/Inf (2018) 15.

Strasbourg, 23 October 2018

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.



РЕПУБЛИКА БЪЛГАРИЯ
МИНИСТЕРСТВО НА ПРАВОСЪДИЕТО

99-00-34/18

ДО
Г-Н МИКОЛА ГНАТОВСКИЙ
ПРЕДСЕДАТЕЛ ЕВРОПЕЙСКИЯ КОМИТЕТ ЗА
ПРЕДОТВРАТЯВАНЕ НА ИЗТЕЗАНИЯТА И
НЕЧОВЕШКОТО И УНИЗИТЕЛНО ОТНАСЯНЕ
ИЛИ НАКАЗАНИЕ (КПИ)
Съвет на Европа
Страсбург, Франция
п.к. F-67075 CEDEX

Относно: Отговор на българските власти на доклада до българското правителство за посещението в България на Европейския комитет против изтезанията и нечовешкото или унизително отнасяне или наказание (КПИ), проведено в периода от 25 септември – 6 октомври 2017 г.

УВАЖАЕМИ ГОСПОДИН ГНАТОВСКИЙ,

С настоящото представям на Вашето внимание отговора на българските власти (Приложение 1) на Доклада до българското правителство за посещението в България на Европейския комитет против изтезанията и нечовешкото или унизително отнасяне или наказание (КПИ), проведено в периода от 25 септември – 6 октомври 2017 г. Информацията по фактите, които са изложени в отговора, е предоставена от Министерството на вътрешните работи, Главна дирекция „Изпълнение на наказанията” към Министерството на правосъдието, Министерството на здравеопазването и Министерството на труда и социалната политика.

Използвам възможността да Ви информирам, че досъдебното производство по отношение на инцидента довел до смъртта на лишения от свобода Г. Г. (т. 69 от Доклада), все още не е приключило. Делото е под надзора на Софийска градска прокуратура.

Във връзка с поисканата от Комитета информация за резултата от разследването на смъртта на г-н С. Р. С., който е бил настанен в Дома за пълнолетни лица с умствена изостаналост – Твърдица (т. 151 от Доклада), Министерството на труда и социалната политика е изискало информация от Окръжна прокуратура – Сливен относно образуваното досъдебно производство по чл. 124, ал. 1 от Наказателния кодекс, както и копие от доклада от извършената аутопсия. Окръжна прокуратура – Сливен е представила отговор, че по искане на майката на г-н

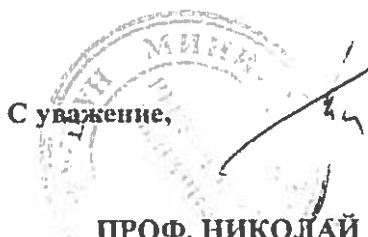
С ... тялото е било освободено от извършване на аутопсия. С Постановление от 26.06.2018 г. на наблюдаващия прокурор от Окръжна прокуратура – Сливен, образуваното наказателно производство е спряно, поради неразкриване на извършителя на престъплението. Делото е изпратено на Районно управление на МВР – Сливен, за провеждане на оперативно-издирвателни мероприятия за разкриване на извършителя на престъплението и изготвяне на следствено-календарен план. При установяване на данни относно неизвестния извършител и необходимостта от провеждане на процесуално-следствени действия, делото ще бъде докладвано незабавно на Окръжна прокуратура – Сливен.

Във връзка с предприетите действия по препоръките, становища по коментарите, както и отговори на отправените искания за информация от Комитета, които са от компетенциите на Агенцията за социално подпомагане и кметовете на общини, в качеството им на доставчици на посетените специализирани институции, приложено. Ви изпращаме предоставената от Агенцията информация (Приложение 2).

Моля, приемете най-високите ми към Вас почитания.

Приложение: Съгласно текста:

С уважение,



**ПРОФ. НИКОЛАЙ ПРОДАНОВ
ЗАМЕСТНИК-МИНИСТЪР
НА ПРАВОСЪДИЕТО**

Courtesy translation!

**TO
MR. MYKOLA GNATOVSKYY
PRESIDENT OF THE
EUROPEAN COMMITTEE
FOR THE PREVENTION OF
TORTURE**

Dear Mr GNATOVSKYY,

Herewith I would like to present to your attention the response of the Bulgarian authorities (Appendix 1) to the Report to the Bulgarian Government concerning the visit to Bulgaria of the European Committee against Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out between 25 September and 6 October 2017. The information presented in the response is provided by the Ministry of Interior, the Directorate General "Execution of Penalties" to the Ministry of Justice, the Ministry of Health and Ministry of Labor and Social Policy.

I take this opportunity to inform you that the pre-trial proceedings in respect of the incident resulted in the death of the inmate G G (item 69 of the Report) is still ongoing. The case is under the supervision of the Sofia City Prosecutor's Office.

With regard to the information requested by the Committee concerning the result of the investigation of Mr. S R S's death, who was placed in the Home for adults with intellectual disabilities – Tvarditsa (item 151 of the Report), the Ministry of Labour and Social Policy has requested information by District Prosecutor's Office – Sliven with regard to the initiated pre-trial proceedings pursuant to art. 124, paragraph 1 of Criminal Code as well as a copy of the autopsy report.

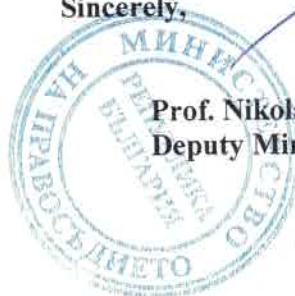
District Prosecutor's Office – Sliven has informed that Mr S's mother has requested an exempt of an autopsy of her son's body. By Prosecutorial Decree of 26.06.2018, the supervising prosecutor at District Prosecutor's Office – Sliven has suspended the criminal proceedings due to failure to find out the perpetrator of the crime. The case is sent to the Regional Department of the Ministry of Interior – Sliven for performance of operative investigative actions aimed at finding out the perpetrator of the crime and elaboration of a schedule and investigation plan. In case of finding out of data relevant to the unknown perpetrator and in case of necessity of performance of procedural investigative actions the case will be reported immediately to the District Prosecutor's Office – Sliven.

Concerning the measures undertaken with regard to the recommendations, statements referring to the comments as well as responses to the requests for information made by Committee, which fall within the competence of Social Assistance Agency and the mayors of municipalities in their capacity as providers of social services at the visited specialized institutions, herein please find attached the information provided by the Agency (Annex 2).

I would like to avail myself of this opportunity to renew the assurances of my highest consideration and esteem.

Enclosures: As stated;

Sincerely,



**Prof. Nikolay Prodanov
Deputy Minister of Justice**

**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 25 SEPTEMBER TO 06 OCTOBER 2017**

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Establishments under the authority of the Ministry of Interior

1. Preliminary remarks

Response under item 18

Article 72 of the Law on the Ministry of Interior (LMI) explicitly regulates the cases in which the police authorities may detain persons. As of the time of his/her detention, the person has the right to legal counsel and may appeal to the court the lawfulness of his/her detention, with the court ruling on the appeal immediately.

Upon dropping the ground for detention, the person is released immediately.

According to Art. 73 of the LMI *“of the person detained under the conditions of Art. 72, para. (1), item (1) to (4)¹, shall not be restricted to rights other than the right of free movement. The term of detention in these cases may not be longer than 24 hours.”*

Response under item 19

The detention of a minor is carried out in separate premises from the premises designated for the persons detained for committed crimes. The detention period is accompanied by appropriate work according to the health state, age and capabilities of the detainee. There is no remuneration for the detention period.

2. Ill-treatment

Response under item 20

Despite the allegations of “many alerts of physical ill treatment, mainly referred to punches, kicks and truncheon blows, as well as verbal threats, psychological harassment and the use of Tasers (electric discharge weapons)” during the visit of the CPT and after that to the Ministry of Interior, no alerts and complaints of physical violence by police officers have been received. The Ministry of Interior is ready to carry out a check of the signals (allegations), but they must explicitly mention the MoI structural unit, the date of detention and the practice of violence.

Response under item 21

Regarding a complaint filed by Mr. S. H. S. regarding the physical violence against him by police officers from the Sliven Police Department during his apprehension on 08.04.2017, an investigation was carried out and it was established that no complaint was lodged by him. The person was detained with a detention order on 7 April 2018 in the Sliven Regional Police Department to the District Directorate MoI – Sliven for possession of narcotic substances and was released on 08.04.2017 without complaints and injuries.

¹Art. 72. (1) The police authorities may detain a person:

1. for which there is evidence of commitment a crime;
2. who, following a due warning, knowingly prevents a police authority from fulfilling its duty of service;
3. who demonstrates severe psychological abnormalities and by his behaviour violates public order or exposes its life or the life of others to obvious danger;
4. if it is impossible to establish his identity in the cases and in the ways specified in Art. 70;

Response under item 22

The report cites two cases of apprehension carried out by the police officers from the District Police Directorate 04th – Sofia, where the detainees were subject to physical violence. We are kindly requesting the CPT to provide additional information about the names of the individuals in order to carry out the appropriate investigations.

Response under item 23

All police officers are acquainted against a signature with the **Ethical Code of Conduct for Civil Servants in the Ministry of Interior** (*Prom. SG. No. 67 of 12 August 2014, amend. SG. No. 47 of June 21, 2016*), which includes the rules of conduct of the officers in the performance of their professional duties; the officers are obliged to respect the right to life of each person and his dignity by not performing, provoking or tolerating any act of torture, inhuman and degrading treatment or conduct. The Code explicitly lists all cases where use of physical force is permitted, which are exceptions to the rule of non-use of physical force. It also includes explicit provisions for the treatment of detainees and the use of physical force as follows:

Section IV. The civil servant and detained persons

87. The civil servant shall immediately inform the detainee of the reasons for his detention and the liability prescribed by law.

88. The civil servant is responsible for the life, health, and respect of the rights of each detainee.

89. The civil servant may not subject the detainees to torture, physical or psychological violence, inhuman or degrading treatment.

90. A civil servant who has witnessed violence by another civil servant towards the detained person shall intervene to stop him and shall inform his supervisors.

91. The civil servant shall protect the life and health of each detainee and, where necessary, shall provide him with the possibility of providing medical assistance.

92. The civil servant shall provide the detainee with the opportunity to exercise his or her right of defence.

Section V. Use of force

93. The civil servant shall respect the right to life of every person by using physical force, auxiliary means, or weapons only in the cases and limits provided by the law.

94. The civil servant shall discontinue the use of physical force, auxiliary means, and weapons immediately after the legitimate purpose has been achieved.

95. The civil servant shall assist persons who have been subjected to physical force, auxiliary means, or weapons as soon as the reason for their application has ceased to exist and the purposes for their use have been achieved.

96. The threat of weapons beyond the methods defined by the professional rules of intervention is a civil servant's behaviour contrary to the principles of professional ethics.

Any failure to observe the rules of the Ethical Code of Conduct for Civil Servants in the Ministry of Interior is a disciplinary violation (Article 194 (2) (4) of the LMI), which provides for the imposition of a disciplinary sanction.

The introduction of contemporary technical equipment for video surveillance in police cars and the equipment of body-cameras is an anti-corruption measure and an additional guarantor of the lawfulness of their actions and the respect of citizens' rights.

Response under item 24

According to *Art. 6 of Ordinance No. 81213-418 / 14.03.2017 on the procedure for use of physical force and auxiliary means by the employees of the Ministry of Interior (Prom. SG No. 25 of 24.03.2017)* the use of physical force and auxiliary means shall take into account the specific situation, the nature of the violation of the public order and the personality of the offender.

The police authorities shall use physical force and auxiliary means in the cases under Art. 85, para. 1 of LMI only when it is absolutely necessary, taking all measures to protect the life and health of the persons against whom they are targeted.

Art. 10 of the Ordinance regulates the use of electric stun guns and devices, in case of detention of persons who do not obey and/or resist a police authority, to intercept an attack on police authorities and/or other persons, as well as when trying to escape convoy, escorts, detained persons and the release of hostages.

The *Methodical Instructions for Use of Physical Force, various types of auxiliary means, technical characteristics and safety rules for their use and storage by MoI authorities (MO Reg. No 81213-219/08.02.2017)* details the order for use of an electric discharge weapon "TASER".

It should be noted that there has been no recorded case of serious injuries when it is used, even for people with electronically incorporated elements in the body such as pacemakers, which further indicates that the life and health of citizens (the offenders) against whom it is used is preserved.

Response under item 25

In 2017, there are 13 alerts with data on police violence against citizens by MoI officers. Nine of the alerts have been investigated and ended with an opinion that the alerts are unfounded, and for the other four alerts, the investigations have not yet been completed. For one of the alerts information with an opinion about the opening of pre-trial proceedings was sent to the respective prosecutor's office.

Response under item 26

Since 2002, a **Permanent Commission on Human Rights and Police Ethics (PCHRPE)** is functioning within the Ministry of the Interior. The Commission is an advisory body working to promote and protect human rights, strengthen the national legal system in various areas of human rights and freedoms, familiarize and implement the standards imposed by the European institutions in this regard.

Since the beginning of 2017, there has been a growing tendency for citizens to address their own alerts and requests to the PCHRPE, with a total of 9 (nine) alerts inbound and processed up to the moment.

Such commissions at regional level are also present in all 28 District Directorates of MoI and their members must be involved in the investigation of signals (*Internal Rules for Work with signals in MoI*) related to over-exploitation, misuse of power, violence, unlawful and unethical actions by police officers.

Response under item 27

On the part of the PCHRPE, steps have been taken to prepare a unified template – **Card for medical examination of a detainee in the structures of the Ministry of Interior.**

Response under item 28

The practice of examination of detainees on the territory of the Sofia Police Directorate by the Medical Institute of the Ministry of the Interior (MI-MoI) is coordinated with the Ministry of Health.

MI-MoI is a medical establishment under Art. 5, para. 1 of the Medical Establishments Act, scientific-teaching and scientific-applying institute for carrying out the health care activity in the Ministry of the Interior. By decision of the Council of Ministers, MI-MoI was appointed as a university hospital for the term of its accreditation.

Response under item 29

The case is related to a visit on 28.09.2017 in the building of the Tvarditsa Regional Police Department, where a bat seized as evidence was found in the room of an investigating officer. It is well established that there is a breach in respect of the storage of material evidence (*the item has not been described, numbered and packaged, and it should be stored in a specially designed room*). The officer is instructed on the rules for the storage of material evidence.

A project was prepared on: “Improving police and forensic expertise in dealing with material evidence in pre-trial proceedings” amounting to € 3,680,000 before the Norwegian Financial Mechanism 2019-2021, Home Affairs and Security Programme. By the end of 2018, a confirmation of project funding is expected.

Part of the project activities are related to:

- Repair and equipment (construction works and equipment) of 10 repositories for the preservation and storage of material evidence (MEs);
- Establishment of a system for seizure, packing, storage and control of the movement of material evidence by introducing an automated system;
- Database for registration, storage tracking of seized MEs;
- Purchase of supplies (envelopes, labels, etc.) for labelling and proper packaging guaranteeing the overall preservation and physical properties of the ME and ensuring their procedural value to ensure the application of the seizure, packing, storage and control system of the ME for the project period.

3. Safeguards against ill-treatment

Response under item 30

Regarding the fundamental legal safeguards – right of access to lawyer, right to notify relatives and the right to a medical examination.

The rights described above are explicitly regulated in Art. 15 of the Instructions on the procedure for detention, the equipment of the detention facilities for detained persons and the order in them in the Ministry of Interior and the detained persons can benefit from them as from the moment of detention.

Response under item 31

According to the internal regulatory basis for detention of a person in the structures of the Ministry of Interior, the duty officer in the Operational Duty Detachment or the police body detained the person is obliged to immediately inform a person indicated by the detainee, most often his close relative, friend or lawyer.

Paragraph 6 of the Declaration (*Annex 1 to Article 15, paragraph 2 of the Instruction*) explicitly specifies the right of the detainee to inform a member of his or her family or other person concerned about his detention.

Response under item 32

As regards ensuring immediate access to a lawyer, from the moment of the person's detention, the problems are related to the unwillingness of the persons referred to as "ex-officio attorneys" to appear at night hours in the regional police departments.

Response under item 33

The procedure for access to a doctor is unified, as Art. 21 of the Instruction regulates and describes the procedure for conducting medical examinations.

In practice, if required and desired by the detainee, at any time of the day, the Operational Duty Centre / Detachment duty officer contacts the Emergency Medical Service Centre in the respective settlement.

Response under item 34

The recommendation may not be implemented immediately, as the forensic doctors in the country are too limited in numbers (53 doctors, 80% of whom are over the age of 50).

Response under item 35

The Response is given with the response to item 33 and item 34.

Response under item 36

With regard to the recommendation each detainee to be provided with a paper copy of the declaration with his rights.

Art. 15, para. 2 of the Instruction states that "*the detained person completes a declaration in duplicate that he is aware of his rights as well as of his intention to exercise or not to exercise his rights under par. 1, items 2 to 6 (Annex No. 1), the first copy being attached to the custody*

order in the registry of the relevant structure of the Ministry of Interior and the second copy shall be handed over to the detainee. The refusal of the detained person to complete a declaration is certified by the signature of a witness”.

It is possible during the check that the detainee person did not have a declaration because he himself refused to fill it or destroyed/hid it.

A MoI project has been launched jointly with some non-governmental organizations, aiming at the production of advertising spots/clips aimed specifically at explaining the rights of detainees in an accessible and understandable way (through animation similar to that shown on planes) and translation in various foreign languages used on the territory of our country. After preparation of the relevant products (in 2019), they will be presented through a video screen (tablet or TV) initially in some of the police departments.

Response under item 37

The detention documentation at this stage is only available in Bulgarian, but interpreters are used to clarify the rights of detained foreigners, as well as the duty officer of the Ministry of Foreign Affairs is notified immediately for the detention of a non-Bulgarian citizen with a view to transmit the message to the diplomatic mission of the respective state or to the one representing it in the Republic of Bulgaria.

Response under item 38

For the detention of juveniles in the structures of the Ministry of Interior there are specially constructed premises for their accommodation.

According to Art. 73 of the Instruction: *“Special detention facilities for juveniles fulfil the following additional conditions:*

- 1. the interior has a friendly and age-appropriate appearance;*
- 2. there are separate beds, fitted with bed linen (sheets, pillowcases, blankets, pillows), table, two chairs, personal belongings cupboard, soap and towels;*
- 3. there is constant monitoring by the Operational Duty Detachment – directly or via a video camera on a monitor;*
- 4. there are installed alert buttons for reaction by the detainees if necessary;*
- 5. window panes are secured on the inside with a metal net so that juveniles cannot reach them;*
- 6. it is not allowed the presence of open electric sources, sharp, cutting, flammable and other objects that would endanger the health and life of the detainees.”*

A project was developed to improve the conditions for accommodating juveniles in MoI structures under the Norwegian Financial Mechanism (NFM) project 2019-2021, the Internal Affairs and Security Program, amounting to EUR 1 799 000 for the construction of specialized premises providing police protection for minors / juveniles, for detaining juveniles and for hearing (interrogation) of victims of crime. By the end of 2018, a confirmation of project funding is expected.

The following activities are planned under the project:

- Repair and delivery of equipment for 84 detention facilities for juveniles;

- Repair and supply of equipment for 80 premises providing police protection for minors and juveniles;
- Renovation of 30 specialized rooms and their equipment with audio-visual equipment, microphones, headphones, computers, special soundproof windows – operating mirror (Venetian glass), furniture;
- Training, together with Norwegian police experts, of 400 police officers providing police protection and responsible for detention of minors / juveniles. Training of 600 investigating police officers, operational officers, inspectors from child pedagogical units to work with victims of crime. Awareness of the Norwegian Model for Working with Children – Victims of Crime.
- Development of a Practical Handbook containing guidelines for police officers in conducting friendly (informal) interrogation with the victim.

Response under item 39

The established positive direction will continue as control will be exercised systematically by management officials to the respective structures of the Ministry of Interior with regard to the design and storage of the documentation kept at the Ministry of Interior.

4. Conditions of detention

Response under item 40

The Ministry of Interior is consistently working to improve the conditions in the places of detention. In this respect in the current year (2018), a major overhaul will be carried out on the premises for detention in the 05th Regional Police Department – Sofia in order to bring them in line with the requirements of the Instruction.

5. Special Home for Accommodation of Foreigners in Lyubimets (SHAF - Lyubimets)

a. Preliminary remarks

Response under item 43

During their stay at SHAF – Lyubimets, all foreigners accommodated are entitled to free access to the procedure for granting international protection. Article 58 (4) of the Law on Asylum and Refugees stipulates that when the application for international protection is made to another state authority, it is obliged to send it immediately to the State Agency for Refugees (SAR), which shall register it at the latest within 6 working days of the initial submission of the application.

Pursuant to the Ordinance on the Responsibility and Coordination of State Bodies, which act on the implementation of the Dublin Regulation and the Eurodac Regulation (prom. SG. no. 3 of 2008), when a foreigner is placed in a special facility for temporary accommodation of foreigners and states that he or she wants to obtain international protection, the officials from the Migration Directorate – Ministry of Interior immediately notify SAR, send the submitted application for international protection in the Republic of Bulgaria and copies of documents certifying the foreigner`s state of health while establishing an organization for their release

from the facility and handing over to the authorities of SAR within the 6-day period for registration of their application.

With regard to the recommendation made, it should be specified that the national legislation of the Republic of Bulgaria does not explicitly regulate such separation in the SHAF of the foreigners who have applied for international protection from the other accommodated migrants. In case there is enough free capacity for accommodation of foreigners in SHAF – Lyubimets the recommendation shall apply.

Response under item 44

The placement of migrant minors accompanied by a parent or other adult is regulated by the Law on Foreigners in the Republic of Bulgaria (LFRB) as an exceptional option. According to Art. 44, para. 9 of the LFRB as an exception, minors, accompanied by a parent or other adult, shall be accommodated in SHAF for a period of up to three months when the prerequisites for accommodation of their adult accompanying persons are present. At the SHAF there are quarters for accommodating minors and juveniles with appropriate conditions for their age and needs. Forced accommodation does not apply to unaccompanied minors. The measure applies if necessary due to the principle of family reunification and the lack of a developed system of resident social services for families of illegally staying migrants. The management and staff of the SHAF – Lyubimets are working with priority on the cases of accommodated adults accompanying children in order to expedite their removal from the facility.

b. Ill-treatment

Response under item 45

All employees with police powers are aware of the legal basis on the use of physical force and auxiliary equipment which is certified by their signature. There is a monthly training of all security staff on topics related to the exercise of police powers, the use of physical force and auxiliary means. The day-to-day briefings of police officers taking-up shift emphasize the welfare of the accommodated, the non-provocative actions and the observance of the Code of Ethics. The leadership of SHAF – Lyubimets clearly and systematically pursues a policy of prevention of violence against and between the accommodated themselves, by supervising the strict and professional fulfilment of the obligations of the staff. Senior staff conducts planned and unannounced inspections on all posts, as well as daily inspections are carried out by platoon commanders. An important guarantee for counteracting the violence of the facility workers against accommodated foreigners is the free access of the occupants to meetings with the management as well as the guarantee of their fundamental rights, such as the right to file requests and complaints with the SHAF Head and all human rights state institutions, their right to report irregularities with the assistance of representatives of international and non-governmental organizations working on the ground at the SHAF – Lyubimets (UNHCR, BHC, IOM, Caritas, Bulgarian Red Cross, etc.).

As a preventive measure for the observance of the rights of the foreign nationals residing in the SHAF, there is strict observance of the tasks assigned to improve the professional training

of the employees directly involved in their work with the foreigners accommodated and the deepening of their knowledge and skills for communication and communication in view of the specifics of the target group. In this regard, the staff of the SHAF – Lyubimets department of the Migration Directorate have received various thematic trainings and have participated in training sessions and seminars on the following topics: Styles of Communication and Interaction; Closed Environment Work Specificity; Aggression and Dealing with Aggression; Methodical Guidelines on the Use of Different Types of Auxiliary Means, Technical Characteristics and Safety Rules for their Use and Storage by MoI Authorities; Psychological Work with Vulnerable Persons; Characteristics of Working with Persons from Other Cultures; Employee Interactions for Working with Accommodated Foreigners with Mental Deviations and Others.

The staff of SHAF – Lyubimets were included as a target group in the project implemented by the International Organization for Migration (IOM), aimed at “Strengthening the National Capacity of the Republic of Bulgaria in the Field of Asylum and Migration”, funded by the Asylum, Migration and Integration Fund. In May 2017, Department officials participated in 5 trainings on psycho-social and health support of migrants organized in Sofia and Harmanli, with the participation of representatives of the State Agency for Refugees and the Bulgarian Red Cross. In September 2017, IOM organized 5 trainings within the framework of the project, “Working with Vulnerable Migrants and Persons Seeking Protection and Protection of Human Rights”, which took place at SHAF – Sofia and SHAF – Lyubimets.

In order to improve communication with foreigners, two employees of the SHAF – Lyubimets department will undergo English language training in September 2018, and three other will be enrolled in a language training course in Arabic.

Response under item 46

Under the Law on the Ministry of the Interior (LMI) and the regulations, the wearing of truncheons by the facility security officers is part of the standard police service equipment. The LMI regulates the cases in which the use of aids is allowed, and these are exceptional cases.

LMI

Art. 85. (1) For fulfilling their obligations on duty the police organs may apply physical force and auxiliary means only if they are not able to meet such obligations in another way in cases as follows:

- 1. counteraction or refusal to fulfil a legal instruction;*
- 2. detention of a lawbreaker who fails to obey or offers resistance to a police authority;*
- 3. convoying a person or if the latter tries to escape, to commit suicide or murder, or to infringe somebody else’s health;*
- 4. assisting other state bodies or officials, including the European Commission’s controllers, who are unlawfully prevented from fulfilling their obligations;*
- 5. attacks against citizens and police authorities;*
- 6. hostage release;*
- 7. group violations of public order;*
- 8. attacks on buildings, premises, facilities and means of transport;*

9. release of illegally occupied objects, if ordered by a competent authority;

10. taking measures to ensure personal safety under Article 75, paragraph 2.

(3) Aids means: handcuffs, straitjackets, truncheons and utensils; chemical substances approved by the Minister of Health; working animals - dogs and horses; halos cartridges, cartridges with rubber, plastic and shock bullets; roadblock applications; forced entry devices, diverting flash and sound devices; water cannons and air jet machines; armoured vehicles.

(4) The order of use of physical force and auxiliary means shall be determined by an ordinance of the Minister of Interior.

Pursuant to Article 6 (3) of Instruction No. 81213-929 of 2 December 2014 on patrol-post activities, this activity is also carried out with auxiliary, protective means and armaments. Article 49 (1) of the same Act states that the police authorities shall carry out the patrol-post activities with the ordered uniforms, badges and equipment, which must include:

1. weapon (gun) and ammunition;
2. auxiliary means (handcuffs and truncheon);
3. means of communication.

Response under item 47

The accommodation of foreigners is based on their gender, marital status and medical needs. Placement of women and children is done only in one of the wards of Block 2. The ward is detached for families including families with children (with two parents/accompanying persons or one parent/accompanying person regardless of their gender). According to the available capacity of the facility, foreigners share large dormitories, which to some extent leads to some inconveniences for themselves, but to date there are no indications by the residents that this has led to serious problems or putting them in some kind of danger. When accommodating, account is taken of possible accommodation in a dormitory of persons of the same nationality and/or religious affiliation, but this is not always decisive for ensuring a relaxed atmosphere in the dormitories, as in some cases interpersonal problems between citizens of third countries of the same nationality lead to a violation of order.

Satisfying the needs of vulnerable groups (minors, pregnant women, people with disabilities or chronic/specific diseases) is a top priority in the work of the facility staff. These persons are subject to special care by the staff working in SHAF – interviewers, psychologists, medical workers, security staff. Persons with special medical needs are accommodated in the SHAF Medical Office (pregnant women, people with disabilities and chronic diseases) for the purpose of continuous monitoring by healthcare professionals. People with chronic diseases are provided with dietary food and treatment appropriate to their needs.

The staff of this category works daily with the psychologists from the Institute of Psychology – Ministry of Interior with their place of work in SHAF, who monitor their condition and provide timely information to the management of the facilities. Any emerging need of individuals with specific requirements is considered and secured as a matter of priority. The aim is to maximize the stay of persons in this category in SHAF.

c. Conditions of detention

Response under item 48

With regard to the comments in the report on the poor material conditions in the facility and the lack of organized activities of the foreigners accommodated, it should be taken into account the fact that in recent years, due to the complicated migratory situation, SHAF – Lyubimets operates in the conditions of accommodation above the capacity, on average 60-70% above maximum accommodation. The Republic of Bulgaria is an external border of the EU that has taken the migratory pressure since the beginning of the Middle East crisis and is part of the Western Balkan route, used as a route for the migratory flow towards the Western European countries. This circumstance determines the high increase of the placements/releases from the SHAF – Lyubimets. This has led to a rapid depreciation of the material base in the facility and the deterioration of the living conditions therein. In this respect, measures have been taken for improvement of the conditions of the foreigners accommodated, including through the implementation of activities funded under the Emergency Aid Facility of the Asylum, Migration and Integration Fund.

Daily efforts are made by staff for maintenance of a good hygienic state of the facility, paying special attention to the premises inhabited by foreigners. The priority is to improve the material conditions of the accommodated foreigners, and in August 2017 a major renovation of the baths in Block 2 was carried out, which are daily cleaned and disinfected. In the year 2018 under Agreement No. HOME/2016/AMIF/AG/EMAS/0044 “Strengthening the National Capacity of the Republic of Bulgaria in the Field of Asylum and Migration” refurbishment of the bedrooms, toilets and a dining room in Block 2 is planned to be done, where the foreigners are accommodated and the repair activities will be completed by the end of September 2018. The dynamics of the accommodation, the lack of hygienic habits and the large number of inhabitants are decisive for the state of the common premises despite the efforts made by the staff. To date, effective mechanisms have not been identified to motivate residents to protect their property and to take care of their personal hygiene and that of the common premises.

Regarding the decontamination and fight against bed bugs, periodic visits by specialists from the Medical Institute of the Ministry of the Interior have been carried out so far and they have carried out the necessary actions for disinfection, disinsection and deratization (DDD), according to the requirements of Ordinance No. 3 of the Ministry of Interior for DDD on the public buildings and those with special purpose. Periodically the facility is processed with the necessary preparations by the specialists of the Medical Institute of the Ministry of Interior. With regard to the fight with the bed bugs, as a preventive action regarding their spread, the mattresses of the detainees are replaced and the necessary new bedlinen is immediately provided. Following the strict recommendation of the health inspectors from the State Health Control, the bedlinen of the accommodated people is regularly changed and the same is processed at 60°C. In 2017 under Agreement No. HOME/2016/AMIF/AG/EMAS/0044 “Strengthening the National Capacity of the Republic of Bulgaria in the Field of Asylum and Migration”, 300 mattresses, 1395 bed sets, 1500 blankets and 1950 pillows, which are provided for the needs of the foreigners accommodated, have been delivered to the SHAF – Lyubimets department but are not currently available for use, due to the fact, is in accordance

with internal rules, the period of use of current bedlinen has not yet expired. The provided property is in good hygienic condition. Regarding the CPT's criticism of the poor condition of the furniture used by the foreigners (beds, lockers in poor condition, etc.), the maintenance and control of the physical condition of the existing equipment is carried out on a daily basis and, if necessary, measures are taken promptly and repairs are carried out. The furnishings provided to foreigners for use are robust and fit for their needs. In the last months, an organization has been set up for painting part of the dormitories in Block 2.

Under project No. HOME/2016/AMIF/AG/EMAS/0044 "Strengthening the National Capacity of the Republic of Bulgaria in the Field of Asylum and Migration" in 2017 the facility was supplied with washing and drying machines, medical products, hygiene materials, consumables and personal protective equipment and home maintenance funds were provided.

Upon completion of the upcoming repairs to the posts, a new regime will be introduced to improve the access of foreign citizens to toilets in the dark half of the day, with room lockage being only between 23:00 and 01:00, where foreigners have access to toilets at night. Until now, and for the future, it is not foreseen that the rooms in the ward where the families with children are housed to be locked in the dark of the day.

Response under item 49

When accommodating children up to the age of 3, in the department of SHAF – Lyubimets enough diapers are provided for infants and other sanitary accessories for the accommodated women, which are provided in case of necessity. At the time of accommodation, each foreigner receives a sanitary package and, when necessary to provide personal accessories of primary necessity (underwear, clothes and shoes), such accommodation is provided by donations through non-governmental organizations.

Response under item 50

Regarding the daily delivery of prepared meals, the same is delivered on the spot, and the food meets the requirements for healthy nutrition. The food includes meats, dairy products, low fat and salt-containing bakery products. Fresh fruits and vegetables are delivered daily. The same are supplied in portions in disposable cans, with the appropriate cutlery placed in isothermal vessels to maintain the original temperature of the production.

Response under item 52

With regard to the built-in wagon settlement – air conditioning is provided in each of these premises. The wagons are to be connected to the electric power supply in order to provide functional heating and ventilation.

Response under item 53

With regard to these recommendations in item 53 of the report, in 2018 under Agreement No. HOME/2016/AMIF/AG/EMAS/0054 "Improvement of the Conditions in Reception Centres for Third-Country Nationals in the Republic Of Bulgaria" activities to improve the material conditions for accommodation with regard to the organization of the free time and opportunities for involvement in various activities of the foreigners, are foreseen. Execution of the following activities is pending:

- “Supply and installation of four 40 inch video walls, two computer configurations and wiring of posts 4 and 5”, with updated information on the rights and obligations of foreigners accommodated in different languages on the video walls to ensure their awareness in an apprehensible language;
- “Provision of television room equipment for third-country nationals”, with 6 TV sets and 6 satellite receivers being delivered and installed in the Lyubimets department, so that foreigners will have access to programs in apprehensible language. The location of the TV sets makes it appropriate for each one of the residents to have access to television;
- “Supply and installation of equipment for indoor sports areas”, including the supply of 5 tennis tables and gym equipment.

Regarding the lack of playgrounds and suitable toys for the children, the construction and equipment of an open playground with two separate zones – for children from 0-3 years and children from 4-12 years – is being implemented. It is intended to be soft floored and equipped with slides, swings, and with parents’ benches. For all the listed and pending activities under Agreement No. HOME/2016/AMIF/AG/EMAS/0054 “Improvement of the Conditions in Reception Centres for Third-Country Nationals in the Republic Of Bulgaria”, contracts will be concluded and respectively the implementation of the activities before the end of 2018.

From the beginning of 2018, educational activities with the foreigners, organized by representatives and volunteers of the Caritas Sofia NGO, are held daily. Rooms with the necessary literature in different languages, teaching aids and supplies are provided. Studying Bulgarian and English for adults and children is organized.

d. Healthcare

Response under items 54/55/56

Foreigners accommodated in SHAF are provided with a 24-hour medical service at the Medical Offices in the facilities. This service is carried out by specialists of the Medical Institute of the Ministry of Interior, who perform their duties in SHAF. Medical Office staff are male and female physicians and male and female paramedics, and where possible, or at the express request of accommodated women, medical examinations are performed by same-sex officers.

Foreigners are undergoing mandatory medical examinations, both at check-in and upon release from the facility. In addition to these statutory reviews, medical professionals help every accommodated foreigner who turns to them for a medical examination. On a medical examination, foreigners are also subjected to a proposal by the employees in the facility who work daily with them and monitor their health.

Medical Institute-MoI has contractual relations with Multiprofile Hospital for Active Treatment – Harmanli, Diagnostic Consultative Centre – Svilengrad and University Hospital-Haskovo. If necessary and at the discretion of the medical professional at the SHAF – Lyubimets, the foreigner is sent for consultation and for specialized treatment in any of the mentioned health establishments. After a review or treatment, the Medical Institute – MoI pays to the respective healthcare institution by means of a duly invoice issued. There are no cases where foreigners pay for their treatment. Medical outpatient journals are maintained by

the medical service at the department of SHAF – Lyubimets, where each of the visits of the accommodated foreigners is entered. The diagnosis is determined and the treatment assigned is entered.

Essential medicines for the needs of the residents are granted periodically upon request by the Medical Institute of the Ministry of the Interior. For specific cases and the presence of rare diseases, NGOs such as Bulgarian Red Cross, which have resources to provide donations of medicines to foreigners, are sought for assistance. There are also cases of chronic diseases (diabetes, epilepsy, hypertension) where foreigners carry their own medicines with them and continue with their therapy within the facility. So far, there is no case at SHAF – Lyubimets department, where a foreigner who is in need is not provided with treatment or medication.

Psychological assistance

The psychological assistance at SHAF – Lyubimets is carried out by two psychologists from the Institute of Psychology to the Ministry of Interior, with a place of work in the facility, who perform psychological work with both facility employees and foreigners accommodated therein.

Regular activities of psychologists are divided into several main groups:

- Preventive activities related to problem situations, prevention of risk behaviours and psychological support;
 - Daily work on the personal affairs of foreigners;
 - Discussion of cases within the psychological team;
 - Exchange of information with employees from different departments of the Migration Directorate with the work place of the SHAF – Lyubimets and with the employees of the facility on the individual cases;
- Joint activities with representatives of non-governmental organizations.

The interviews with the residents aim at establishing the general psychological and emotional state of the foreigners, forecasting the course of the adaptation processes, possible manifestations of risk behaviour and proposals for taking appropriate actions.

Isolated environment, cultural differences and forced withdrawal of the freedom of foreigners repeatedly increase the psychological effect of the most insignificant negative incentives they face. All this is a prerequisite for continuous consultation and discussions with the accommodated persons.

The specialized psychological training of the employees of SHAF – Lyubimets is realized through trainings within the framework of the professional training without leaving the job. Interactive methods, presentations, case studies, etc. are used in training, which supports discussion and feedback processes. Topics have been introduced that focus on the specifics of interaction and understanding of the specifications of the third-country nationals accommodated, respectively the approach to them.

At the end of 2017, a need was identified for developing a Methodology for Social Work with Foreign Nationals, which clearly regulates the mechanism of performing the duties of interviewers in the field of social support and interaction with the residents. Expert

psychologists from the Institute of Psychology – MoI developed the Methodology, which was introduced as a work model in SHAF. A team of psychologists at the Institute of Psychology – MoI organized training on applying the methodology of the team of interviewers. Once the model templates for the Methodology have been validated, the same is already applied in the work of the employees. The introduced algorithm provides an individual approach to the interaction of interviewers with the foreigners accommodated, both in the initial assessment of their needs in order to plan the respective support measures and the follow-up work with them.

In some specific cases, the specialized teams of non-governmental organizations working on the ground to support migrants are sought. Very good interaction has been achieved with the IOM mobile team, including a psychologist, lawyer and social worker, who is ready to respond on request from the management of the facility. If there is an identified need for specialized psychiatric assistance for a foreigner, this is ensured by the health care facilities for outpatient care, with which the Medical Institute – MoI has a contract for service or by psychiatrists provided by partner NGOs.

e. Other issues of relevance to the CPT’s mandate

Response under item 58

Upon placement, all foreigners are made aware of the Internal Rules of Procedure (IRP) in a language they understand verified by signature. At present, IRP is translated into English, Arabic, Pashto (Pukhto), and Farsi. With the assistance of UNHCR, specific extracts from the document, which relate to the fundamental rights of the accommodated foreigners and the order of their practice at home, were translated into 6 languages and circulated through the information boards, and an organization was created for their replacement in the event of wear and tear. For those of the foreigners who cannot read or the communication is difficult due to a language barrier, the qualified translators of the BHC, UNHCR, SANS and IOM are sought for assistance with the conversations and information meetings. Everyone accommodated is provided with daily access to the employee (interviewer) managing the case to whom he can address questions of a different nature— such as seeking information about his placement and his/her rights, meeting health, social, household or other needs.

Response under item 59

The Legal Assistance System of Foreign Nationals in the SHAF to the Migration Directorate includes the following methods:

- **Free legal assistance provided by the State under the terms and conditions of the Legal Aid Act.** Its scope includes consultation with a view to reaching an agreement before the commencement of legal proceedings or the filing of a case, the preparation of filing documents and legal representation;

Legal Aid Act

Art. 23. (2) The legal aid system shall cover as well all cases where the suspect, the accused, the incriminated, the defendant or the party in a criminal, civil or administrative case does not possess the necessary means to pay for an attorney, wishes to have one and the interests of justice require it.

- **Free legal assistance from lawyers who are representatives of various non-governmental and international organizations** – BHC, Voice in Bulgaria, Access to Rights Foundation, IOM and UNHCR;
- **Freelance attorneys** that foreigners hire by their own will.

Response under item 60

Funding under the Asylum, Migration and Integration Fund was provided to finance activities related to the provision of translation services, including in rare languages. The procedure for concluding a contract with a contractor is in progress.

Establishments under the authority of the Ministry of Justice

The Bulgarian state attaches great importance to the recommendations and findings of the CPT and wishes to continue its successful cooperation in the future. Bulgaria's efforts not to allow and to prevent torture, inhuman or degrading treatment or punishment will make a significant contribution to building the country's positive image to the international community.

Serious efforts to reform the Bulgarian penitentiary system began shortly before the ruling on the "*Neshkov and others*" judgement against Bulgaria and the public statement of the CPT. The need for reforming the system has been perceived by the Bulgarian authorities as a matter of national importance and crucial to a successful punitive policy. In December 2014, the Council of Europe department on the implementation of ECtHR judgments and the Bulgarian Ministry of Justice (MoJ) organized a Round Table in Sofia. This event was attended by representatives of all institutions and organizations with knowledge and experience in the penitentiary system; they subsequently took part in the MoJ working groups that were set up to implement the CPT's recommendations and the European Court's ruling. The measures taken can be divided into legislative, practical and conceptual ones.

Legislative changes have introduced different and more flexible rules for the initial allocation and transfer of inmates, early conditional release, compensatory and preventive means of protection. The transfer of more powers to Heads of Prison was a key aspect of the reform. The aim was to improve the efficiency of the system. More power also means more responsibility and more control. Another major goal of the reform was to empower prosecutors with more power to intervene at all stages of decision-making by the prison administration when it comes to individual rights or the protection of the public interest, including in the case of relocation and alteration of the regime. The main objective was to ensure strict control over Heads of Prison in order to prevent corruption and arbitrariness. The fact that almost all the acts of the prison administration are subject to control by the administrative court and the determination of that court to be competent as regards the preventive and compensatory remedies constitute the much needed judicial guarantee against arbitrariness. The recommendations in the "*Neshkov and others*" judgement and others served as a guiding benchmark for the creation of the new compensatory and preventive means of protection (the new sixth and seventh parts of the Law on Execution of Punishments and Detention in custody (LEPDC)). The two proceedings were designed to provide inmates with easy access to court, a quick response to their complaints, and a transfer of the burden of proof to the DG "Execution of Penalties" (DGEP) or the Heads of Prison.

Practical measures include enhanced dialogue between central authorities in the system, including the Deputy Minister of Justice in charge, and relevant prisons. Continuing repairs in

prison facilities and existing projects with national and foreign partners also contribute to the full implementation of the ongoing reform.

Conceptually, the general approach to the role of punishment as a remedy for deprivation of liberty is consistently highlighted and emphasized. As is often explained in the public domain, the focus of all measures must remain on the correction of inmates and the creation of those qualities that will help them to reintegrate into society as full and respectful citizens.

As a result of this, we currently have about 6800 inmates at a capacity of about 8500 inmates. By comparison, in 2013, we had nearly 9400 inmates. Today we have 825 detainees in custody, while the capacity of arrests in the country is about 1,000 detained persons. Also, the situation of the most problematic and overcrowded prisons, those in Varna and Burgas, improved significantly with the opening of two prison hostels to them and ongoing repairs in the main buildings. There are serious plans for a new prison in Sofia, and repairs to the penitentiary infrastructure are made or planned almost everywhere, financed with budgetary resources and resources under the Norwegian Financial Mechanism. In 2018, repair projects were approved in Sofia. Some arrests were closed, others moved to prisons, significantly repaired or built new ones.

This reform was greatly supported by the recommendations and strong support of the CPT, whose cooperation was highly appreciated by the Bulgarian authorities. It was assisted by the European Court of Human Rights Judgment Implementation Department to the Council of Europe. The recommendations of the Committee of Ministers were also taken into account when considering national measures. Projects developed with the support of the Council of Europe Co-operation Department have also been implemented, making the transition to the new rules and procedures easier. The penitentiary system received strong support from its Norwegian partners through the Norwegian Financial Mechanism. Collaboration with them has been extremely successful, new important projects are being developed at the moment, including a project to build a new prison in Sofia, a training centre in it, more repairs to arrests and prisons, and more effective enforcement of alternative sanctions.

Significant progress has been made in terms of prison population and prison hostels of closed type. A National Strategy and Action Plan for Improvement of Medical Care in Prisons has been prepared in the context of the project “Support for the enforcement of judgements of the European Court of Human Rights and of the standards and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in Bulgaria (Prison Reform)” of the Trust Fund for Human Rights, implemented with the assistance of the Council of Europe. Given the scale and long-term nature of the problems, it is important that the national strategy and the action plan are swiftly adopted and implemented. Under the same project, training programs for the prohibition of torture and inhumane treatment were devised, such as Heads of Prison and staff are trained to prevent and combat ill-treatment, to tackle inter-prisoner violence and fight against prison corruption, improved treatment of inmates in prisons (focusing on vulnerable groups) through the introduction of specific rehabilitation programs.

We consider the findings as objective as well. We consider constructive the recommendations for the elimination of the allowed weaknesses and the positive change in the attitude of the state and the society towards the existing problems in the management of prisons and arrests and in the treatment of the imprisoned ones. The comments in this report are not intended to downplay or question the findings and recommendations made, but to determine the real outlook for change and the resource that the prison system has to implement.

1. Preliminary remarks

Response under item 63

Regarding the statement in item 63 of the CPT Report that the electronic monitoring of imprisoned in open-type prison hostels was not implemented during the CPT visit due to a public procurement order to purchase the equipment, we would like to provide you with the following information:

In the implementation of activity 2 under the project “Modernization of the penitentiary system in Bulgaria” financed under the Operational Program “Good governance” (OPGG) through the European Social Fund following a public procurement, on 08.02.2018 a contract was signed with the selected contractor CONSORTIUM “SUPERCOM ABATI BULGARIA” – a Company under the Obligations and Contracts Act (COCA).

The term of performance of the contract is 9 (nine) months from the date of its conclusion and includes all activities related to delivery, installation, testing and implementation of an Electronic Surveillance System (ESS) with parameters for building a complete platform including hardware and software, maintenance training for installation and diagnostics, consumables, warranty maintenance, and training for the staff of the DGEP.

At present, active actions are taking place on both sides – the Contractor and the Contracting Authority for carrying out the planned activities, and we have an assurance from the Contractor that the system will be commissioned within the agreed term ending on 08.11.2018.

Response under item 64

As a whole, the situation with the placement of inmates in the Prison – Burgas has improved and everything possible is made in order to meet the standard of 4 sq. m. per inmate. The renewed area offers good material conditions in line with the European Prison Rules. The premises for life sentenced inmates, as well as prison cells in the prison corps, have been largely repaired and meet the European minimum requirements for prisons as dimensions, areas and conditions for serving imprisonment sentences. In all premises there is a separate bathroom with toilet and sink with running water. There is a possibility of staying in the open for a minimum of 2 hours a day, there is a newly built open-air sports ground and sporting equipment for the outdoors. There is permanent access to fresh air in dormitories through openable windows and a ventilation system in the toilets.

The prison detention ward (IDF) conditions also meet European minimum requirements such as size, area and conditions.

The premises at the Debelt Prison Hostel (PH) (closed type) have a private bathroom with a toilet and a minimum of 4 sq. m. per person. Inside the premises, the inmates are accommodated in 4 and only one room (double size) is for 8 persons. An organization has been established whereby all cases of construction defects are reported promptly and removed by the PH itself or where there is a warranty – by the contractors. Efforts in this direction continue, with reconstruction and repair on the fifth residential floor of the corps (the area of the school) and a complete reconstruction of the “Stroitel” PH. In the “Debelt” PH, the full capacity utilization is being worked out, by completing the reconstruction of the “C” corps.

We categorically declare that all the repairs that the delegation saw during its visit to the prison corps are completed.

The delegation noted that the situation in the penitentiary institution Prison – Sofia has generally improved since the visit in 2015. Considerable work is being done to improve the material and household conditions in which inmates and detained persons reside. Active work is being done to ensure the official standard of 4 sq.m. per inmate, access to natural light and ventilation. DGEP is making constant efforts within the budget allocated to the institution to improve the living conditions of the places of imprisonment. Currently, repairs are being carried out regarding the replacement of old joinery and its replacement with new PVC-made, as well as the localization of overcrowding. In the building, where foreigners are accommodated in the Prison – Sofia, the described repair works were carried out, including roof repair, water supply and sewerage pipes in the bathrooms, laying of faïence and new toilets and toilet tanks, plastering, painting and laying of new floorings in the premises. Six units have been left for finishing so far. The joinery was changed in the Second, Fifth and Twelfth Groups, the corps for foreign citizens was completely repaired. New faïence and tiles were placed in the sanitary facilities, a plaster was applied and new latex was laid. A procedure under the Public Procurement Act (PPA) for the reconstruction of the roof and under roof space, the rehabilitation and replacement of the joinery of the central corps – the north wing of the Prison – Sofia – is currently announced.

Response under item 65

Corruption is an ugly phenomenon for society as a whole, but in prisons, PHs and arrests have serious consequences, which is why the CPT’s concern and numerous recommendations for its disclosure and prevention are clear. It should be noted that this issue is inevitably in the hands of penitentiary administrations and resolute action is taken. The “Strategy for Prevention and Counteraction of Corruption in the DGEP and its Territorial Services“ has been updated. It takes into account indicators of corruption risk among employees established and analysed in the practice of prisons, arrests and probation services.

New modules for prevention of corrupt behaviour were introduced in the curriculum of initial training courses for newly recruited staff and the subject is invariably present in all training courses for employees.

Regarding the CPT findings made in item 65 of the report related to cases of corruption in the penitentiary system, there is no definite case of corruption among the officers of the security guard at the arrests at District Department for Execution of Punishments – Sofia. To avoid such cases, special attention is being paid to the plan for the office academic year, which provides for strategies and practical guidelines for the prevention of corruption and other forms of deviant behaviour among the employees of the DGEP. In conducting day-to-day briefing of the duty officers, the management team makes further efforts to focus the attention of supervisors to establish zero tolerance to any behaviour or attitude that could be considered as a form of corruption. Measures of a similar nature shall also be enforced in order to prevent degrading and inhuman treatment of detainees.

No tolerance on the part of the management is stated on the corruption of employees. At the beginning of 2018, training on “Strategy and Practical Guidelines for the Prevention of Corruption in Prisons” was held in the prisons in Sofia, Varna and Burgas and was attended by employees from different fields. They get acquainted with actual cases and their consequences. Apart from this, in case of a case of corrupt behaviour, the security guard officers are acquainted with the morning instructions in each case and with the consequences thereof.

2. Ill-treatment/cruel or inhuman treatment

Response under p.66

We clearly and unequivocally declare that Heads of Prison have been pursuing a firm and consistent policy of zero tolerance of ill-treatment, both by staff and inmates, as well as in relation to inter-prisoner violence.

New risk assessment shall be made of the new inmates for the risk of recidivism and harm. A serious accent is placed on the risk of self-harm – suicide, as a deliberate act of deprivation of one’s own life or as a result of a mental illness or as a consequence of other reasoning that can prevail over the instinct to continue living. Self-injury as a deliberate act, vulnerabilities, and other risk factors are being analysed at the entrance. Concerning the risk of harm to others, an extremely importance is attached to episodes of violence in the past, repeated impulsive behaviour, difficulty in coping with stress, sadistic and paranoid facial features. These factors influence the risk management of harm and are included in the developed risk management programs.

Cases of inter-prisoner violence are usually the result of rewarding services and property exchange, pre-junction relationships, domestic problems related to the limitation of the territory in which they are accommodated. All cases are recorded and reported to the Head of the Prison or the correctional facility, with a check-up for the participants and an opinion by the Inspector of Social Activities and Educational Work of the Group. These are treated as a serious disciplinary offence, for the sanctioning of which the full severity of the law applies. Physical mob manifestations among inmates is also revealed by employee observations, which is followed by a medical examination, the results of which are reported by a physician detailing the physical injuries. In all cases of visible injuries, inspections are carried out. Upon

completion of the disciplinary file and in the presence of data of a crime of a general nature, it is sent to the respective prosecutor's office for initiating pre-trial proceedings. If the offence is of a private nature, the injured person shall be given instructions in the case of expressed desire for the realization of criminal liability. Measures taken in relation to inter-prisoner violence are also the educational impacts performed by the personnel involved in the rehabilitation of the inmates.

Active work is being done on quick and effective action in cases of established violence between inmates and on the adequate prevention of such situations. In the context of the problem of "ill-treatment cruel and inhuman treatment" and violence between inmates and in order for employees to be proactive and motivated, training of the employees on the topics "Prevention of ill-treatment and inter-prisoner violence", "Ethical and Organizational Values – Employee Ethics Code"; "National and European Legislation and Standards in the Field of Enforcement of Sanctions in the Context of Respect for Human Rights" were held. There is an active interaction between the employees of the sectors and the different directions of activity in order to improve the performance in the work. In this regard, a group of employees working in different units in the prison in Varna (inspectors of surveillance and security activities, inspectors of social activities and educational work) took part in a training seminar in Plovdiv entitled "Training Program on Ill-treatment, Inter-prisoner Violence and Corruption", carried out in support of the implementation of ECtHR judgments and the standards and recommendations of the CPT for the prevention of torture and inhuman and degrading treatment of inmates, with subsequent training of the officers of the relevant divisions on the questions raised.

Response under item 67

With regard to the findings in item 67 that "...violence between inmates remains a serious problem in many of the prisons visited, especially in prisons in Sofia and Varna", we would like to provide the following opinion:

In the spirit of the European values, the National Assembly of the Republic of Bulgaria adopted amendments to the Law on Execution of Punishments and Detention in Custody (LEPDC) (prom. SG, No. 13 of 7 February 2017, effective as from 7 February 2017). Among the changes introduced, the provisions on the definition and protection mechanisms against torture, cruel and inhuman or degrading treatment of inmates are a priority. New rules have been introduced for the initial distribution of inmates as a measure to tackle overcrowding in detention facilities; significant changes to the early release procedure on parole; official confirmation of the 4-sq.m. standard for an inmate as standard in all penitentiary institutions, regardless of the type, regime and category of the inmates; the introduction of a mandatory annual review (by the Heads of Prison) of the decisions on the regime for each sentenced to life inmate; introducing personal and confidential medical records for all inmates.

Regarding the problem of ill-treatment and inter-prisoner violence, a response was made in the reply to the previous item 66 of the CPT's comments.

Heads of Prison conduct a consistent policy of limiting and controlling ill-treatment and violence among inmates, the principles being set in the process of initial training for newly

recruited employees and continuing with further training. The necessary organization is created for the timely completion of the vacant positions of the employees of the security guard and social workers. Active work is being done on taking swift and effective action in cases of established violence between inmates, as well as on prevention of future similar situations.

Supervisory and security officers respond in a timely and adequate manner to any attempt or manifestation of violence between the deprived of liberty persons, strictly observing the provisions of the normative documents and the security measures in the detention facility. An effective practice in such cases is the transfer of one or more detainees from one cell to another in order to avoid a possible conflict or physical abuse between them. When conducting events related to the gathering of a significant number of detainees – staying outside, etc., the presence of detainees with aggressive behaviour, from different ethnic groups, abnormal behaviour, etc., is taken into account for the prevention in conveying or clustering in the same common premise, creating preconditions for the occurrence of violence between them or other detainees.

In the course of the planned learning process under the 2017/2018 school curriculum, identifying and preventive activities are conducted with aggressive detainees who escalate violence between inmates and team interactions for addressing the situations. Active work is being done on quick and effective action in cases of established violence between inmates and on the adequate prevention of such situations.

Response under item 68

As regards the findings in item 68, “concerns about the semi-official role conferred upon certain inmates (who are different in the prisons visited, for example “mayor” in Prison – Sofia, “responsible for the order and discipline” at the prison in Varna and “person in charge” in the Debel PH)”, we would like to inform you of the following:

It is stipulated in the LEPDC that the activities in the places of imprisonment are carried out under the active and organized participation of the inmates. Convicted persons choose amateur bodies that can organize and hold meetings and other general events with the permission of the respective Head of Prison, prison hostel or correctional facility. The members of the amateur bodies are representatives of the inmates who are elected by secret ballot and support the initiative of the convicted.

In all prison communities, amateur bodies are structured and periodically completed. A good mechanism of dialogue and cooperation with the representatives of the convicted has been built. This constructive dialogue is a prerequisite for avoiding unjustified expectations and claims that may cause pressure to build up. Practice has proven that periodic meetings of prison management with community council members and discussing community-related issues take the pressure off and make the inmates themselves aware of the problems and difficulties of everyday life. In general, the work with the amateur prison authorities is an essential element of the social activity being carried out, and the selection and establishment of a stable and functioning self-confident prison body is linked to serious commitments from the Social Activities and Educational Work Sector. The inclusion of informal leaders in the

amateur prison authorities and their integration into the institution's norms and rules have a positive effect, both for neutralizing emerging conflicts and for timely solution of material issues and implementation of activities in line with the needs of the convicted persons. In the past year, the amateur prison authorities have helped to incorporate and maintain motivation for teaching, maintaining hygiene, deratization and disinfection of dormitories, cooperation in the implementation of sports tournaments and cultural activities, as well as activities for the satisfaction of religious needs of inmates. They also participated in writing materials and publishing newspapers.

The work with the amateur prison authorities and the "persons in charge" of the groups in the Prison – Burgas is in compliance with the LEPDC and Implementing Rules of LEPDC and the rules established by Order No. 2953/07.04.2010 of the Director General of DGEP. Representatives of these authorities are elected by the inmates themselves and are rather a mediator, expressing the problems of the community, before the administration and not being assigned other functions. One of the peculiarities of modern penitentiary systems is the participation of the convicted persons themselves in the enforcement of the penalties activity.

In the arrests at District Department for Execution of Punishments – Sofia the detainees are assigned only tasks related to the maintenance of the hygiene in the cells and the common premises, washing the utensils, etc., which implementation does not in any way place certain detainees in privileged position with respect to the other detainees in custody. For the desire to carry out these activities, detainees sign a declaration of consent.

Response under item 70

The presence of officers of the operational staff of the Ministry of the Interior in the places of deprivation of liberty was settled by interdepartmental act, with the participation of the Supreme Prosecutor's Office of the Republic of Bulgaria. The tasks performed by these officers are specific and are not within the competence of the penitentiary administration, namely:

- Together with the prison authorities, they prevent, intercept and disclose crimes and other offences committed by inmates;
- Prevent, interrupt and disclose crimes and other offenses committed by prison staff;
- Together with DGEP, they conduct measures to prevent terrorist acts in places of imprisonment, hostage taking, rebellion, mass disobedience and other similar events;
- Prevent escape from detention facilities and assist in the search for escaped inmates and convicted persons who have not been returned within a time limit after the suspension has been suspended or persons in custody;
- Perform inspections, assigned by the Prosecutor's Office and the investigative bodies;
- Conduct a survey, upon request, of the Head of the relevant place of imprisonment of those wishing to hire inmates for work;
- Together with the guides of the places of imprisonment, they conduct measures to limit the access of unauthorized items and objects, etc.

These tasks are part of the functions and duties of the police authorities, regulated by the Law on MoI and the guides of the places of deprivation of liberty do not have such powers. Their assignment to penitentiary officials could only be done on a legal basis and subsequent training of such officers. At this moment, we are not prepared for such activities.

3. Material conditions of detention

Response under item 72

An organization has been established whereby all cases of construction defects in Debelt PH are reported promptly and removed by PH or where there is a warranty – by the contractors. Efforts in this direction continue, with reconstruction and repair on the fifth residential floor of the corps (the area of the school) and a complete reconstruction of the “Stroitel” PH. In the “Debelt” PH, the full capacity utilization is being worked out, by completing the reconstruction of the “C” corps.

Response under item 73

We categorically declare that all the repairs that the delegation saw during its visit to the prison hull are completed.

Response under item 74

Regarding the material base of the prison in Varna and its divisions, in order to improve the living conditions, major repairs were planned and carried out in 2015 – “Varna” PH, 2016 – “Razdelna” PH, 2017 – Prison in Varna. At the moment, the repair has been completed as the material base is in compliance with the requirements. All bedrooms are with built-in sanitary facilities. The repair and maintenance of the dormitories and the common parts of the corps of the Prison – Varna and the adjoining “Razdelna” PH are carried out in a timely manner, in accordance to the emerging needs.

Regarding the kitchen block in the Prison – Varna construction works have been carried out on the premises. There is also a planned delivery and installation of new kitchen appliances in the plan for capital expenditure and public procurement.

Response under item 75

Regarding the furnishing of the renovated bedrooms with new furniture, this was done in the “Varna” PH and “Razdelna” PH and partially in the prison of Varna. Hygiene in the dormitories is done by the inmates by providing them with the necessary detergents and materials.

Response under item 76

In some of the cells in the IDF “Dr. G.M. Dimitrov” 42 before the start of the repair activities leaked and damaged plaster were found, but we could not agree with the statement that they were “dilapidated”. In the course of the repairs, there are fully repaired cells as well as those

with partial repairs, with the majority of the shortcomings listed in the CPT report being removed and the cells being put into normal operation. With the removal of one bed from the cell the capacity of IDF “Dr. G.M. Dimitrov” No. 42 was reduced from 332 to 249, with the possibility of accommodating up to 4 detainees in a cell. With such capacity, each detained person is provided with a living area of 4 sq. m. according to the provisions of Art. 43, para. 4 of LEPDC.

The CPT’s recommendations for sanitary units in the cells to be barred are in the process of being implemented. Actions were taken and two experimental cells were built. On the basis of the value of the barriers built, the exact sums needed to complete the partitioning activities will be requested.

We cannot agree with the allegation that the windows in the detention area have dark glasses. Glasses on the bottom of the windows are opaque, which does not really allow them to be seen outside, but at the same time they let in a sufficient amount of natural light. The construction of the windows consists of two parts, and for ventilation the windows on the northwest side of the building have one openable window wing, and on the southwestern side – both window wings can be opened considering the longer exposure to direct sunlight and heat. This window structure allows access to a sufficient amount of natural light and fresh air in the rooms.

Response under item 77

With regard to a request from the CPT to carry out repairs in a building for foreign inmates in Prison – Sofia we inform you of the following:

Significant efforts are being made to improve the material and living conditions in which inmates and detainees reside in order to ensure the official rate of 4 sq. m. per inmate, access to natural light and ventilation. Currently, repairs are being carried out regarding the replacement of old joinery and its replacement with new PVC-made, as well as the localization of overcrowding. Established living conditions in dormitories housing foreigners will be improved – they are currently being completely renovated. New faïence and tiles were placed in the sanitary facilities, a plaster was applied and new latex was laid. The repair in the 13th group continues.

In the building, where foreigners are accommodated in the Prison – Sofia, construction and assembly activities were carried out, including roof repair, water supply and sewerage pipes in the bathrooms, laying of faïence and new toilet bowls and cisterns, plastering, painting and laying of new flooring in the rooms; 6 rooms are left for finishing. The joinery was changed in the Second, Fifth and Twelfth Groups, and in the corps for foreign citizens the windows were glazed in the premises where these were damaged/broken. A procedure under the PPA for the reconstruction of the roof and under roof space, the rehabilitation and replacement of the joinery of the central corps – the north wing of the Prison – Sofia – is currently announced.

Response under item 78

Commission of DGEP conducted an inspection of the premises of the prison for women in Sliven, with the task to propose a suitable place for relocation of the arrest in the city of Sliven on the territory of the prison. After a thorough analysis of the existing equipment and the location of the premises and the places of work and outdoors, it was concluded that the transfer of the arrest at the prison premises in Sliven is not appropriate at present.

Contract No. 2785/21.03.2018 was concluded for the construction of the new arrest in Sliven on the territory of the prison. The site's construction and installation works started on 10 May 2018. The construction and equipment of the site is expected to be completed by 10 December 2018. Actual detention of detainees in the arrest is expected in early 2019. Detention facilities for detained persons in the arrest are located on the second floor of the building. It is planned for building 17 premises for 2 persons or a total capacity of 34 detainees.

The overcrowding in the Sliven arrest varies depending on the detention orders issued by the respective court. At the time of the visit there were no more than 4 detainees in a cell. Order by DGEP provides free access of the detainee to the toilet, including at night. The cells are repainted where necessary mattresses and bed linen are replaced. Multiple atomisation of the mattresses was performed. At present, the building in which the arrest – Sliven is located, does not allow for a constructive solution for accessing the daylight to the dormitories of the detainees.

Response under item 79

In the arrests at District Department for Execution of Punishments – Sofia, according to a contract concluded with DGEP, an external company disinfects, disinsects and carries out deratization regularly and, if necessary, immediately, for which the necessary protocols are issued.

Regarding the condition of the sleeping accessories, in April 2016, DGEP provided to District Department for Execution of Punishments – Sofia 140 new blankets; in February 2017 – 600 new sheets and 300 new pillowcases; in May 2017 – 92 new mattresses, 100 new pillows and 209 new blankets; in July 2017 – 90 new blankets; in October 2017 – 25 new blankets; in November 2017 – 600 new sheets and 300 new pillowcases and in February 2018 – 10 new mattresses. With these new bedding accessories are partially replaced and the process of replacement of amortized and unusable old bedroom accessories in the two arrests in the territory of Department for Execution of Punishments – Sofia – IDF “Dr. G. M. Dimitrov” No. 42 and IDF “M-r G. Vekilski” No. 2 is ongoing. In the process of exploitation of this inventory, the most important problem is the preservation of the inventory as a significant part of the provided items is deliberately destroyed by detained persons, in the absence of a legal basis for seeking administrative and financial sanctions.

In the Prison – Sofia measures has been taken regarding the purchase of new mattresses and the regular steam-cleaning of the sleeping element already used. According to established

timetable, disinfection, disinsection and deratization of the premises by an external company is also carried out.

In the Prison – Burgas with regard to the alarming presence of various parasites, we declare that the premises in the prison and the hostel are regularly disinfected and a staged replacement of bed linen is in progress.

Regarding the CPT question on the replacement of bed linen for inmates at this stage, the situation is as follows:

The care of DGEP for the replacement of the depreciated and torn bed linen of the inmates started as early as the end of 2016, and for that period we purchased 1900 mattresses and 1000 pillows. In 2016 we also bought 4700 sets of bed linen and 1000 blankets. In 2017 we bought 4600 sets of bed linen, 1500 blankets and delivered 1000 mattresses. In 2018 so far we bought 1000 mattresses, 1000 blankets and fabrics for sewing were delivered to the State Enterprise “Prison Fund” (*Darzhavno predpriyatie “Fond Zatvorno delo”*), Sliven division for 4600 sets of bed linen. For the last three years 3500 blankets have been delivered, 3900 mattresses, 13900 sets of bed linen and 1000 pillows.

In the period from 02.11.2017 to 30.11.2017 the company “DDD-1” OOD, Sofia, with which we have concluded a contract under PPA for disinsectisation and deratization, carried out triple treatments of the premises on the territory of all prisons and arrests, as well as “atomization” of mattresses and blankets therein.

Response under item 80

In the Prison – Burgas measures are taken for improvement of hygiene, and in one day of the working week in each group the bedrooms, sanitary units, the corridor of the group, are thoroughly cleaned with the disinfection preparations.

The dormitories at Prison – Sofia are cleaned daily, according to an established schedule, with a responsible person on the part of the inmates, which is encouraged on a daily basis. The purchase of hygienic equipment for the common parts and the sleeping aids is done according to the allocated funds.

To the detained persons placed in the IDF “Dr. G.M. Dimitrov” No. 42, Sofia, sanitary-hygienic materials are supplied according to the approved schedules, and besides toilet soap the necessary amount of soap for washing is provided. In addition, detainees are provided with the option of purchasing with their own means and keeping in the cells or designated places sanitary and hygienic preparations and other consumables related to the maintenance of their personal hygiene. The necessary cleaning materials are provided – buckets, brooms, rags, disinfectants, etc., which are provided to detainees for use under the supervision of employees in cleaning, washing and maintaining hygiene in the arrest premises. The bathing of detained persons shall be carried out in accordance with the order of the Director General of DGEP for the internal rules of procedure, provided at least once a week, and during the summer period, if possible at least twice a week, according to a schedule prepared by a junior security instructor or commander of a compartment. Cells that are inhabited by female

detainees have constant access to running hot water, enabling them to maintain their personal hygiene at the required level.

Response under item 81

The Minister of Justice, in coordination with the Minister of Health and the Minister of Finance, has established tables for the required number of calories contained in the daily nutrition standard for inmates and adults. The weekly menu, including the products to be used in the food, is approved by the Head of Prison (detention facility) and agreed with a medical officer. Changes to it may be made by way of exception and with the approval of the persons approving it. The variety of food inputs is provided within the funds for food per day. Strict control is provided for the use of foodstuff exported from food stores to the inmates' food. Both employees and imprisoned persons authorized by the respective amateur prison authorities are involved in the control. For each meal, controlling food portions, which are subject to day-to-day control by the chief warden on duty or the on-call arrest, medical officer, or management representative, are set aside.

The food for the detainees in IDF "Dr. G.M. Dimitrov" No. 42, Sofia is delivered from the Prison in Sofia and as a quantity, calorie composition and organoleptic qualities meet the requirements of the normative documents. As the delivery of the food takes place immediately before the scheduled lunch time, it does not have to be preheated. In the case of dinner and breakfast, cooking stoves are provided on each floor, whereby the food is preheated before serving. Items provided for the purchase of detainees in prison shops are supplied by an external contractor with which a contract has been signed and which offers all the products included in the List of permitted personal items, articles and food products that can receive, use and hold with them or at the places designated for this purpose detained in custody under the Criminal Procedure Code and other persons placed in arrests approved by an order of the Minister of Justice. The vendor provides the products at prices from the store network and makes free delivery on site.

The prison's shops in the Prison – Varna and its subsidiaries carry out their activity and for this purpose a contract has been concluded after a procedure under the PPA with a company for deliveries of goods with approved nomenclature and prices.

4. Activities

Response under item 82

With regard to the CPT's recommendation to develop an appropriate regime in detention facilities, consideration is given to the possibilities of social assistance and commitment of the leisure resource at the expense of sufficient space available. One of the objectives is to actively restructure the arrests and move them to the prisons where such a possibility exists and to use the available human and material resources.

We strive to fill in the lack of social workers in arrests by targeting qualified pedagogues and psychologists from probation services for crisis interventions in extreme situations, stressful conditions and suspicions of suicidal attitudes.

The recommendation to allow for meaningful activities for 8 hours or more outside the dormitories can only be made with regard to convicted and accused persons serving prison sentences. As early as 2002, such programs have been developed. The leading role belongs to the employees in the field of social work and educational work, but the employees from the production units, the security staff, even the medical workers (for organizing health talks, preventive activities, etc.) are also involved in the task. Religious staff, volunteers, interns, students, representatives of the public, etc. are also eligible for participation.

In 2009 three pilot programs in the arrests in Sofia, Plovdiv and Varna were adapted and put into operation:

- Initial diagnosis upon admittance in arrests;
- Minimizing harm from drug use;
- Reducing levels of illiteracy in arrests.

At the end of the pilot one-year period, Initial Diagnosis was introduced in all arrests upon admissions of the arrested. The work on the both other programs proved to be ineffective due to the high turnover of detained persons and the short time spent in detention.

The difficulty of carrying out such activities in arrests is linked both to the lack of social workers and to the lack of premises and adjoining outdoor spaces for the organization of sports events or other relaxing outdoor activities. On the other hand, account should be taken of the existing prohibitions for the accused and the defendants to meet with trial mates, to communicate with convicts, etc., in order not to have a negative influence or to dissuade the revelation of the objective truth in the case. A consequence of these prohibitions is the lack of opportunity for arrested detainees in arrests to organize group work, trainings aimed at behavioural changes, etc. In this regard, changes were made to the Supreme Cassation Prosecutor's Office to discuss the treatment of the accused and the defendants in the detention facilities to allow the organization of group consultative and relaxing activities. If necessary, changes to current legislation will also be discussed.

The comprehensive concept of DGEP in relation to arrests that do not meet the minimum standards for the treatment of inmates is aimed at innovating, restructuring and at the same time closing down objects that cannot be brought into line with the requirements. Over the last two years, eight arrests have been closed within the country.

Response under item 83

Regarding the provision of organized activities (work, vocational training, education, sport, cultural-informational and other activities) to inmates and detained persons:

The organization of activities is parallel to sentenced and detained persons. The policy in managing organized activities is aimed at full implementation of the punishment of imprisonment, rehabilitation of risk factors and resocialization by supporting personal change and building skills and abilities for a lawful way of life in society.

We believe that, at the present moment in the Prison – Sofia are identified the needs of the inmates and in this way created conditions allowing for the inclusion of maximum number of inmates according to the capacity of the facilities and the existing possibilities. The resources

of inmates are also used to mitigate the negative effects of the sentence and the harmful influence of the convicted person's environment.

For the inmates in the Prison – Sofia is guaranteed the implementation of a variety of cultural, educational (School for the education of students from the 1st to the 12th grade), training activities, as well as the possibility of realizing religious needs. Organized sports activities are daily practice in the Prison – Sofia, the sports facilities in the prison gym and those in the open-air places allow a larger number of persons – convicted and detained – to practice mass sport. Separate clubs in the sentenced and detained groups are given the opportunity and are running on an agreed schedule, so called silent games.

An important contribution to the activities related to the re-socialization effect on the inmates is also has the “Argira Zhechkova” School, opened in the Prison – Varna and “Razdelna” PH, as well as the organized professional courses aimed at improving the qualification, preservation and further development of the available resources of the inmates. With the category of inmates sentenced to life imprisonment, corrective actions are conducted in accordance with their individual needs and specific legal status when extending and renewing applied programs and approaches in order to achieve an optimal outcome.

The correction activities carried out with the inmates in the Prison – Varna and its subsidiaries are planned and implemented according to the legal requirements and the specific needs of the inmates, observing the principle of individual approach. The prescriptions and methodological guidelines for initial diagnostics in the Reception Department are complied with. The three adaptation program modules are implemented. In an individual form, the adaptation program continues to apply to those inmates who need additional support after group accommodation. Individual work to adapt to penitentiary conditions is also carried out with the recategorized inmates from closed to open type. A wide range of activities are being carried out: individual–correctional, group–correctional, events of sport, culture, mass, and religious character. In order to provide full and adequate re-socialization impact, the correctional activity carried out with the inmates includes representatives of NGOs – Non-profit Association “Altruist”.

Employees of the Prison – Burgas are making considerable efforts to provide the people with the opportunity to change and develop their daily life with a variety of constructive activities to help their social reintegration. Periodic meetings with experts from the “Labour Office” Burgas are held, where the convicts receive up-to-date information about the services and benefits provided. The association of “Anonymous Alcoholics” Burgas is regularly active on the territory of “Stroitel” PH, and it has meetings with inmates who have abused psychoactive substances.

Response under item 84

In the execution of the prison sentence with the convicted, systematic correction and re-education work is carried out, applying an individual approach throughout the execution stage of the punishment. The social activities and educational work in the places of deprivation of liberty are realized in several directions:

- reception and adaptation activities;

- activities related to the individualization of the execution of the “imprisonment” punishment at the basic stage of serving the punishment;
- activities related to the preparation for a life of freedom.

In the Reception department, the accused, defendants and convicts are treated in a differentiated way, adaptation activities are carried out in the prison environment, information about their rights and obligations is provided. An adaptation program is mandatory and an offender’s offence assessment and/or screening for injured defendants, defendants and new convicts of up to 6 months long sentences is made. On the basis of the information received, an initial report and recommendations for the future individual and group work with the person, according to the Implementing Rules, shall be prepared for the system of assessment of the risk of recidivism and harm to persons serving custodial sentences in the penitentiary institutions. For this purpose, a team of inspector social work and educational work in the places, psychologist, officer of the security guard, medical person and inspector regime activity is formed.

Following the distribution of accused persons, defendants and convicted persons in groups, the process of adaptation continues as an inspector of social work and educational work in the places (group leader) draws up an individual plan of the sentence. On this basis, training, educational (training, literacy courses and vocational training courses), cultural, informational, sporting and labour activities with the inmates are organized and implemented. The Inspector for Social Activities and Educational Work in the places contributes to the satisfaction of their religious needs, implements specialized programs according to the needs of the convicted persons, provides counselling on topical problems, organizes and supports the work of the amateur authorities of the inmates. He reschedules the sentences and reports on the results of the treatment. The overall consideration of the degree of correction and re-education of the sentenced person in the execution of the punishment is based on the principle of the progressive system. He requires compliance with the legal constraints imposed on the convicted person with the results of his correction and re-education. This enables the convicted, through its own conduct and effort, to change and improve its legal status. This system allows, after a certain period of time, if the inmates proves to be rectified, that his original regime is replaced by a lighter one, transferred to a prisoner of a lighter type or released early on parole. Decisions are made on the basis of an assessment of the risk of recidivism and harm; the needs profile in the course of penitentiary treatment, the overall conduct of the sentenced person and the extent of his/her correction and re-education, as well as the execution of the sentence plan.

The activities of resocialization of inmates in the pre-release period are carried out by a probation inspector. He investigates and analyses the inmates’ resources to impose probation supervision during the period of early release on parole and interacts with probation services, representatives of state institutions and non-governmental organizations in the realization of the re-socialization activities (Labour Office Directorate, Directorate Social Support, State Agency for Child Protection, Local Commission for Combating Juvenile Delinquency). He implements the program for preparing for life at liberty, both individually and in group, by conducting consultative and corrective activities to build attitudes and skills for active

behaviour on the labour market. He also assists in the qualification and re-qualification of the convicted and supports the realization of educational activities with them. The Probation Inspector works with the Inspector for Social Activity and Educational Work in the places with regard to investigation and analysis of the inmate's resource, proposed for early release on parole with probation supervision.

According to the statistics for the period 2017/2018, in the Bulgarian prisons there are predominantly offenders aged 25 to 50, who are of low educational attainment and without professional qualification, with sentences ranging from 1 to 3 years of imprisonment. Given the low level of literacy and language culture of some of the convicted, the implementation of the planned activities is difficult. An important role is played by the insufficient motivation of the participants to participate in educational programs and corrective and re-education activities, the participation of which is on a voluntary basis. In view of the importance of the participation of convicted persons in various activities to support the re-socialization process and the fact that they are in active working age, the same is constantly encouraged. The role of the amateur authorities of the inmates is also used to extend the number of inmates involved in different cultural and informational and educational activities.

Reflection of the inmates' free time is realized through the inclusion of those convicted in various cultural, informational, sporting and religious activities. Celebrations are celebrated on remarkable dates and anniversaries, official and religious holidays. In this regard, there are conducted quizzes, competitions, theatrical productions with imprisoned persons and exhibitions are organized. There are discussions on health and legal issues.

The organization of different courses for inmates is tied to financial provision, which at times is difficult. In this connection, opportunities are sought for their realization by actualization of partnership agreement between the Ministry of Justice and the Ministry of Labour and Social Policy, NGOs, projects and others.

In the Prison of Burgas inmates participate in three clubs of interest: "Cinemalectory", "Art Academy" – 7 inmates and "The most beautiful hands – applied activities" – 17 inmates. The association "Alcoholics Anonymous" is active in "Stroitel" PH, 42 inmates attended the meetings.

Prison officers are making considerable efforts to provide inmates with opportunities for change and development by filling their everyday life with a variety of constructive activities to help their social integration.

Adaptation program covers 686 inmates. In the year 2017, there were 467 plans for serving sentences and 491 are rescheduled.

The specialized group works held in the Prison – Burgas are oriented towards certain personal needs and deficits reported at the inmates, whose main aim is to reduce the risk of recidivism and harm.

The specialized programs carried out during the period 2017/2018 are:

- "Skills to Think" – 20 inmates;

- “Program for the formation of communicative and social skills of offenders” – 19 inmates;
- Preventing and reducing the harm caused by the use of narcotic substances among the inmates, jointly with the NGO “Doza Obich” – 25 inmates;
- Short term motivation program for stopping drug addiction – 8 inmates;
- Program to promote tolerance - 5 inmates;
- Program to deal with life problems through change in thinking – 10 inmates;
- Program for the rehabilitation of vulnerable groups – 5 inmates;
- Program for working with inmates of low intellectual level – 26 inmates;
- The Life Challenge and Choice Program – together with the Labour Office Directorate – 108 inmates;
- “Sports and Health” Program – 126 inmates;
- During the training process, 2017/2018 are included 74 inmates; in detached classes in the prison corps, in the “Debelt” and in “Zitarovo” PHs.

Various sporting events take place during the stay in the open air. The prison boxing group meets according to an approved timetable for sports meetings. Every day the prison gym is visited by 70 inmates. On the territory of “Debelt” PH there is a fitness club for those who want to do sports.

In the enhanced security zone, there are 13 sentenced to life imprisonment and life imprisonment without substitution. Seven inmates were employed by the Ecopack Brigade, for the assembling of markers and correctors, and one was assigned to voluntary work on maintaining hygiene. A short-term work program for inmates with mental health problems was held on the territory of the group, involving 6 inmates. Removed from the group on the grounds of Art. 198 of LEPDC are 9 life imprisoned. Two of them are assigned to work in the household sector, and three are working to maintain hygiene and cleanliness on a voluntary basis. One convicted is working voluntarily in “Argira Zhechkova” School – on a voluntary basis, and two more are included in the editorial board of the “Briz” newspaper of the Prison – Burgas.

In the Prison of Varna interest clubs implement all around the year activities – “Art Club” – 2 inmates, “Poetry Club” – 4 inmates, “Sports Club Boxing” – 9 inmates and “Sports Club-Fitness” – 32 inmates. 142 inmates participated in the sports tournaments, chess, backgammon, table tennis and football events. In the three modules of the Adaptation Program in the period 2017/2018 a total of 625 inmates were transferred. 199 convicted that are subject to release have gone through the “Preparing for a Life at Liberty” Program. In the revealed branch of “Argira Zhechkova” School, during the 2017/2018 school year, 5 inmates of the prison corps and 18 detainees from “Razdelna” PH are involved. The following specialized programs were carried out for convicted inmates in the prison corps:

- “Short-term program for work with drug addicts” – 17 inmates;
- “Overcoming Anger and Aggression” – 25 inmates;
- “Prevention of Sexual Abuse” – 7 inmates;
- “Forming Skills for Active Labour Market Monitoring” – 47 inmates.

With the assistance of the Observatory Commission of the Municipality of Varna and the “Altruist” NGO, the following activities were carried out with the inmates:

- “Legitimate Freedom” Program – for finding job and accommodation in public dormitories of released inmates – 5 inmates;
- “Inmates with Alcohol Dependence” Program – 16 inmates, two of whom are placed in the enhanced security zone;
- A project was carried out jointly with the “Altruist” NGO for the creation of “Reception for Job with Deprived of Liberty” on issues of social and private character, through which 37 inmates have passed.

Currently, a second joint vocational training project – “Welding course” – is being carried out with 11 inmates;

The inmates placed on the territory of the “Razdelna” and Varna PHs are for the most part involved in a labour process, which does not exclude their inclusion in various pro-social activities. The following events were organized with the assistance of “Altruist” NGO:

- Professional qualification course “Low Pressure Steam Boiler Engineer” – successfully completed by 10 inmates;
- Group work with addicted – 20 inmates;
- “My addiction” group work – 17 inmates;
- Spring celebration with sports games in which 176 inmates have participated;
- Sport tournaments – power triathlon, arm wrestling, football with the participation of 187 inmates;
- Program “Preparing for Life at Liberty” in the Razdelna PH – 13 inmates;
- Talks of various religious communities, which are visited weekly by 46 inmates.

In the Prison – Sofia, the inmates in the corps and its two dormitories 892 inmates are employed. 320 inmates are involved in the education process. Visiting courses for language preparation and computer literacy – 182 inmates. In the long aspect continues “Art Club” activities – 7 inmates. A new-built Yoga Club was opened in 2018, which is visited by 17 inmates. Specialized group work includes 80 inmates, divided into:

- Program for working with “Alcoholics Anonymous” – 12 inmates; “Short Term Program for Drug Addicts”, held in the corps and dormitories through where 56 inmates have participated;
- Project “Prisoner’s Journey” – 58 inmates;
- Religious events – 188 inmates;
- Sports activities including fitness and boxing –182 inmates;

Traditional football tournaments are held both intergroup and interprison with Kremikovtzi and Kazichene PH, interprison boxing tournament involving inmates from other prisons.

In 2017 the programs implemented in prisons are as follows:

SPECIALIZED PROGRAMS - 2017

No.	prison/PH	No. of programmes	inmates attended
1	BELENE	11	86
2	BOBOV DOL	7	72
3	BURGAS	4	35
4	VARNA	6	53
5	VRATSA	11	110
6	LOVECH	14	170
7	PAZARDZHIC	6	44

8	PLEVEN	22	223
9	PLOVDIV	9	46
10	SLIVEN	4	30
11	SOFIA	3	30
12	STARA ZAGORA	7	76
13	PD	5	43
	Total	109	1018

The most common programs are: “Skills for Thinking”, “Promoting Tolerance”, “Tolerance in Prison, Tolerance in Life”, “Short Term Program for Working with Drug Addicts”.

As of 15.09.2017 in the educational activity the persons involved are as follows:

Number of inmates involved in school year 2017/2018

Prison	Classes												TOTAL
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	
Belene	19	7	12	8									46
Bobov dol	15	11	66	10	7	6	7	9	14	12	5		102
Burgas	17	19	16	25									77
Varna	13	10	99	1									33
Vratsa	6	8	77	5	12	12	10	9	14	6	6	2	97
Lovech	9	10	66	8	19	13	12	14	31	17	13		152
Pazardzhik		11	77										25
Pleven	16	8	13	9									46
Plovdiv	16	15											31
Sliven	5	3	22	4	9	3	8	9	7	3	7		56
Sofia	48	51	46	49	19	17	18	23	45	13	9		338
Stara Zagora	18	27	23	34	28	15	11	11	23	11	13	11	225
Boychinovtsi					4	5	8	4	2	3		1	27
TOTAL	1182	1180	1147	1160	998	771	770	779	1136	665	553	220	1255

The specialties under which inmates in prison are trained are:

- Turning;
- Basic and finishing works in construction;
- Dry construction;
- Furniture manufacturing;

- Inner plumbing networks;
- Locksmithing;
- Tailor;
- An operator in the clothing industry.

As of December 2017, the total number of employed persons is 3406, with the largest share of the employed under Art. 80 of LEPDC – 1538, follow the “*Fond Zatvorno Delo*” employment line in the open-type prison dormitories – 1144 and the employees in the household sector – 724. The main areas in which people work are servicing and communal activities; construction activity; agriculture; tolling fabrication of products, etc. The result of the involvement of the inmates is the formation of professionally oriented knowledge and skills, the improvement of the internal microclimate, the reduction of the risk of recidivism, the change of motives and the attitudes for socially positive implementation after the punishment, etc.

It is true that there is still much to be desired and achieved in the provision of organized activities, but not so few are carried out in the penitentiary institutions inspected. In the future, our efforts in this direction will be increased. It is important to note that the penitentiary administration is endeavouring to provide literacy, upbringing and free-time activities, and the same is evident from what has been said so far for the different territorial services.

5. Life-sentenced inmates

Response under item 86

The premises in the Prison – Burgas for life-sentenced inmates as well as disciplinary cells in the prison corps have been largely repaired, in compliance with the European minimum requirements for prisons as dimensions, area and conditions for serving the sentence of imprisonment. In all premises there is a separate bathroom with toilet and sink with running water.

Response under item 87

Referring to the recommendations under item 87 on the treatment of life-sentenced inmates, we provide the following information:

This is a category of inmates where correction is often very difficult, but has a wider scope and a heavier burden. In all prisons a certain team is working with them, including Inspector of Social Activities and Educational Work, a psychologist, a physician, and a guard officer. The method of working with them is above all individual and is in the direction of overcoming the negatives of isolation and long period of imprisonment.

In the places of imprisonment, 182 persons were life-sentenced, of which 123 with substitution and 59 were not entitled to such. Over the past period, employees have found new opportunities for reconsidering the lives of life-sentenced inmates and for more purposeful individual-educational work with them. There is a striving to stimulate legitimate behaviour, preserve their psychic status, and open to them prospects for change in legal status. The activities carried out with this category of inmates are in accordance with the way they are

treated in terms of the regime requirements and their individual plans for serving the punishment related to their treatment and preservation.

The Administration of the Prison – Varna is making serious efforts to integrate and reintegrate life-sentenced inmates and life imprisonment without substitution. The amendments to the LEPDC allow the inclusion of this category of convicted persons in the institution, together with the other inmates, without being accommodated in common premises. Their total number is 20 inmates, 8 of them are accommodated in common premises, 7 inmates are entitled to substitution and the rest without the right of such. In 2017, as a result of corrective actions, verdicts of two sentenced to life imprisonment were replaced by penalties of 30 years. Two specialized programs – “Mastering anger and emotions” – 8 inmates; and “Inmates who have committed alcohol-related crimes” – 2 inmates participated.

Persons convicted of life imprisonment and life imprisonment without substitution in the Prison – Sofia are 24 inmates. Of them, with the right to replace are 13 inmates and without the right of such – 11 inmates. More than 18 inmates are accommodated in the area of enhanced security. Six inmates who have been assigned to full-time jobs are removed in common premises. One convict was released by a Decree of the President of the Republic of Bulgaria. The life sentences of 2 inmates are replaced by a term of 30 years. Regularly convicted of this category by order of the Head of Prison are taken out of the group in which they are accommodated for joint activities with other inmates – competitions, quizzes, sports events, etc. In the security area there is a fitness hall, which is daily visited within 1 hour by 14 inmates. For many years there has been a Club of Interests equipped with computers, where training, educational and cultural events are held every day within 1,5 hours. A library is also available, which is visited by 14 inmates. Eight inmates participated in the Prisoner’s Travel Project. In meetings and religious talks with different communities, 13 inmates are involved weekly. Two of those convicted in the group are engaged in work in the service sphere.

In Prison – Burgas regularly is taking place “Short-term program for working with inmates suffering from psychological problems”, aimed at the group of life-sentenced persons.

Response under item 88

Although the changes do not happen at the pace we want, serious steps are taken to abolish life imprisonment without substitution and changing the order for life imprisonment. The Ministry of Justice, respectively DGEP, initiated the discussion of the lifting of the life imprisonment without substitution, after which politicians, public figures and representatives of all levels of society have joined it. Despite the contradictory opinions on and against the revocation, a draft of a new Criminal Code (CC) was tabled in Parliament in which the life imprisonment without substitution is not a form of punishment. The draft of the new Criminal Code has not been withdrawn and MPs are expected to take a decision on the proposal. The presidential institution supports the lifting of life imprisonment without substitution and plays a leading role in shaping public attitudes in favour of change.

Life inmates, who have served 20 years or more of their punishment, are subject to active monitoring. The monitoring is conducted to assess whether the behaviour shown gives reason

to suggest to the court that the life imprisonment be substituted with a custodial sentence. There is a willingness to submit 3 proposals to replace the punishment of several convicts from different prisons. An opinion is sought from the mayors of the settlements of their place of residence on the possibilities for housing accommodation, have relatives who are able to accept and assist them, if possible early release is granted at the same time as the substitution.

According to Art. 199 (2) if the court orders a substitution of life imprisonment with imprisonment, the sentenced person may be placed under facilitation for serving the sentence by being placed in an open-air prison dormitory. Reliefs include work outside the guards, visits to cultural and sporting events in the settlement at the location of the hostel, including the possibility of a reward with home leave.

Persons convicted of life imprisonment may be released from the court on parole early on as soon as the life sentence is substituted. Moreover, if the substitution proposal is upheld by the court not after the minimum of 20 years prescribed by law, and 30 years or more are served, the sentenced person is automatically released after the hearing.

The aim is to humanize the execution of the punishment “life imprisonment”.

6. Health-care services

Response under item 89

The lack of sufficient medical staff (doctors, paramedics, nurses, midwives, etc.) is a national problem. The same trend is found in other European countries. The administration is trying to compensate for the shortage of staff by taking various steps. Following the changes made to the LEPDC, medical professionals (doctors, paramedics, nurses) are appointed under employment contracts. This makes it possible, after the age of 60, that medical staff to continue to work on employment relationships, leading to the keeping of long-time employees in the system, and to expedited procedure for appointing of new candidates. In the vacant positions where there are no candidates, additional medical staff is contracted for a pre-hospital medical service and a general practitioner’s choice is made under the National Framework Contract for Medical Activities. Also, medical specialists from the corresponding strictly profiled specialties visit the prisons on the spot and provide health services guaranteed by the budget of the National Health Insurance Fund. According to the LEPDC, inmates have permanent health insurance rights and can be consulted and hospitalized in outprison hospital facilities under the National Framework Contract.

At Medical Centre to the “Arrests” Sector employs on full time basis 1 doctor-ordinator, 1 paramedic, 1 nurse and 1 dental practitioner, 1 director of the medical centre. It is desirable to have a post for another medical practitioner and nurse in order to go to 24-hour duty and have a 24-hour medical service. It is especially urgent to appoint a physician-psychiatrist in connection with the regime in the arrests.

Response under item 90

The shortage of medical staff continues to pose serious problems for the provision of quality medical care in prisons. The problem is further aggravated, given that in recent years it has

not only been related to places of deprivation of liberty. The shortage of high and middle medical staff affects the entire healthcare system. DGEP has made a targeted effort to announce competitive procedures and to appoint medical professionals to vacant posts in prisons. Due to the lack of candidates for the announced positions, competitions have to be announced multiple times. The reasons are complex: the deficit of doctors with a specialty acquired nationally; unattractive working conditions in prisons; the amount of remuneration that does not correspond to the qualifications of doctors. Serious is the issue of optimizing the wages of employees in the prison health system.

The Directorate General Execution of Punishments understands the difficulties in recruiting qualified staff in prisons and on this occasion has authorized civil contracts with general practitioners, psychiatrists and dental practitioners for vacant posts at the prisons.

The medical service provided to the detainees and inmates is equal to that of the other citizens in the Republic of Bulgaria.

The chronic lack of dental practitioners and psychiatrists adds to the difficulty of appointing general practitioners. Indeed, the availability of full-time positions for dental practitioners and psychiatrists is an advantage for the places of deprivation of liberty in our country, as in many European countries dental and psychiatric care is provided through contracts with external specialists.

In out-of-work and weekend medical care is provided by the nearest Emergency Medical Service or by the National Emergency Call System 112.

Response under item 91

In fulfilment of the legitimate recommendation of the CPT, the DGEP management again sent instructions to all prison officers on the procedure for the appointment of inmates as auxiliary staff at the medical centres. These are to do only cleaning with disinfectants the premises of the medical centre – floor, walls, windows, doors, sanitary units. It is strictly forbidden to participate in diagnostic, remedial and rehabilitation procedures, access to a pharmacy warehouse and dispensing of medicines, access to medical records, care procedures for patients requiring contact with the patient's body, except for palliative care procedures terminally ill patients.

Inmates are allowed to work in medical centres and prison hospitals as hygienists, for the cleaning of premises and common areas and not for participation in medical procedures that are performed only by specialized personnel. The limitation is also valid for inmates with doctor's or other medical competence, who have not lost or been taken away in connection with the committed crime. For the position of "medical orderly" a job description is prepared by the director of the medical centre and approved by the Head of the Prison. Pre-service training for the inmates designated for medical orderly is carried out on the volume of their activities, their rights and obligations at work.

Response under item 92

Medicine delivery in the places of deprivation of liberty is carried out through a central delivery, after a completed public procurement. Inmates receive free medications for a diagnosed disease, as prescribed by a doctor. Apart from the specification of the central delivery, inmates are entitled to receive, upon their own request, medicines from outside with the knowledge of the physician of the respective healthcare facility and under his control.

At the Debelt PH, the premises are located in the renovated building and have a waiting room, a pre-office and an office, a pharmacy warehouse and a sanitary facility with a toilet and a bathroom. The office is equipped with two desks, a couch, a refrigerator, an emergency cabinet, a tool table, a scale, a hot and cold water sink. There are three separate rooms that serve as an insulator and for a short stay in case of illness.

The medicines for the detainees in the arrests of District Department for Execution of Punishments – Sofia are supplied by “Pharmnet”, which won a public procurement contract, and there were no problems with the quantity or quality of the delivered medication. The prescription drugs of the detained persons are entered in a personal journal for the inscription of the prescribed drugs to the detainees certified by their signature.

Each newly detained person undergoes a thorough initial medical examination by a physician, according to Art. 242, para. 2 of the LEPDC, which draws up a medical report for the initial examination. Any subsequent medical examination or treatment is reflected in a daily journal to conduct periodic medical examinations of detained persons. The removal for examination or treatment in an external specialized medical establishment is reflected in a journal for removal of detained persons to external medical establishments.

The control over the quality and quantity of the prepared and delivered food of the detainees in each of the arrests is reflected in a Book of Control of Received and Delivered Food of the Detained Persons, signed by an employee of the Medical Centre and the Chief of Staff in the 24-hour duty.

A record of traumatic injuries to inmates and detained in custody is kept in the arrest where any case of physical violence against a detainee is strictly recorded. For each such case, the supervising prosecutor in the respective pre-trial proceedings shall be notified in writing, the prosecutor supervising the legality of the detention and the relevant competent prosecutor’s office, according to art. 205, para. 2 of the CPC.

Response under item 93

The rule of examining all inmates immediately upon their arrival is enshrined in the LEPDC, Art. 139, para. 1 – *“Everyone deprived of his liberty is subject to primary medical examination for assessment of his/her general health and sanitary treatment”*.

Regarding conducting systematic screening for tuberculosis, the Ministry of Health has concluded a civil contract with a medical specialist in all prisons under the Program “Strengthening the National Tuberculosis Program in the Republic of Bulgaria”, funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Response under item 94

Given the CPT's recommendation, this extremely important topic has been extensively discussed and discussed at a training seminar for medical and non-medical professionals held in 2017 under the project "Support for the Enforcement of Judgements of the European Court of Human Rights and Standards and the Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in Bulgaria (Prison Reform)". The subject will continue to be on the agenda for each subsequent staff training.

Regarding medical confidentiality – it is personal responsibility of every professional to observe the Code of Professional Ethics and the Rules of Good Medical Practice approved by the Minister of Health.

In accordance with the medical confidentiality requirements health cards of the inmates are kept, which are stored in the respective medical centres. Data from the initial examination, the treatment provided during the serving of the punishment in medical establishments inside and outside the places of deprivation of liberty, the dental care provided, etc. are included in the health records. The medical records accompany the convicted person when moving to another location. Access to medical information shall be granted to non-medical officers only in the cases of: applications for changing the measure of detention for medical reasons; interruption of execution of the punishment for deprivation of liberty for treatment; applications for pardon for health reasons; for discussion and inclusion in lists of persons needing dietetic food.

Response under item 95

Despite the overall difficulties of staffing with prison specialists, the psychiatric ward in Specialised Hospital for Active Treatment of Prisoners – Lovech has two doctors with recognized specialty "psychiatry", appointed by state and all other positions for paramedics and nurses in the ward are occupied and secured with medical staff. All inmates in need of specialized psychiatric health services are immediately transferred to the psychiatric ward of Specialised Hospital for Active Treatment of Prisoners – Lovech and have access to professional assistance.

Response under item 96

All psychologists went through trainings led by university lecturers with a total of 240 academic hours within project NFM-2013-BG-15-3 "Improving Staff Competencies in Psychological Selection and Consulting". The trainings were oriented to the specifics of the working environment in the places of imprisonment. The envisaged activities were related to the creation and standardization of tools for the investigation of offenders, from which a clinical questionnaire, questionnaires, oriented to the study of addictions of psychoactive substances (alcohol and drugs); questionnaires to detect the presence of aggressive and depressive states; questionnaire evaluating criminogenic thinking; an interview for assessing antisocial attitudes. Training within 80 academic hours for using these tools and accompanying psychopathology training and consultation basics was held. Training within 90

hours of counselling, crisis interventions, grouping and supervision conducted by leading psychiatrists and clinical psychologists was held. For each of the training modules, psychologists received certificates after an exam. The acquired knowledge and skills reflect the specificity of the work in the DGEP system.

The only tool that can be said to measure risks is IS-DPR – “Integrated System for Differentiated Psychological Research”. According to the data from this tool psychologists draw up expert opinions on changing the legal status of the inmates. The role of psychologists in prisons is related to diagnosis in a foster care unit and express conclusions, counselling on-call imprisonment, crisis interventions, grouping, expert opinion on the court, presence of a psychiatrist in the unit, work with him in a team to cope with the emergence of acute conditions in inmates with mental disorders.

In the beginning of 2018, one psychologist was appointed to each District Department for Execution of Punishments. Psychologists are still undergoing training. The first module, which can be called “psychodiagnostics” - work with tests and interpretation of test results is now concluded. Trainings on counselling and crisis interventions is forthcoming. Psychologists employed in District Department for Execution of Punishments are committed to working with detainees detained in custody upon request or a crisis.

District Department for Execution of Punishments – Sofia has a state psychologist who holds meetings with detained persons, draws psychological conclusions from the interviews conducted and gives directions for the work of the supervisory and security staff and other services. Apart from that, by order of the Head of District Department for Execution of Punishments – Sofia, for each of the arrests, two officials from the staff of the probation services at District Department for Execution of Punishments – Sofia with the corresponding qualification were appointed, who in the absence of the existing psychologist carry out risk assessment, preventive activity and all other activities to provide the necessary psychological assistance to the detainees, for which the necessary psychological conclusions are drawn up with guidance to the officials.

Response under item 97

The main problem with the treatment of drug addicted inmates is of practical nature, namely the lack of a psychiatrist assigned with a place of work in prison. Actions were taken to disclose two posts for one physician with a specialty in psychiatry and one nurse with a view to obtaining authorization from the Ministry of Health to open a program for treatment of opioid-addicted inmates with agonists and agonists-antagonists. In 2016 there were revealed 0.5 permanent position for the position of “physician with specialty in psychiatry” and 0.5 permanent position for the position “nurse” at the Medical Centre at the Prison – Sofia. The posts are not occupied at this time due to lack of suitably qualified candidates, which leads to additional difficulties in achieving the goal. At present the activity is organized and the services are provided by a program to the “Ambulatory for Individual Practice for Specialized Psychiatric Medical Assistance – Dr. Alexander Kanchelov”. Daily access to the program is provided. Its activity has been going on since March 2014 and is ongoing. The activity organized in this way is an opportunity by which opioid-addicted inmates can continue their

treatment. Regarding methadone treatment of opiate addicts, there is an authorized person from the “Kanchelov clinic”, which supplies methadone daily at the Medical Centre, which contradicts the statements in item 97 of the CPT report on the lack of such treatment for detainees. On average, such treatment is applied to about 5 detainees.

Response under item 98

Within the framework of the project “Support for the Implementation of ECtHR Judgments and the Standards and Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Focusing on Prison Reform)” on 13 September 2017 before the Minister of Justice Ms Tsetska Tsacheva, as the main stakeholder in the reform process, a strategy for provision of health care in prisons in Bulgaria was presented. Mrs Tsacheva provided her full support for the implementation of the strategy. On September 14, the strategy and the accompanying Action Plan were further discussed at a round table involving many stakeholders. The purpose of the round table was to clarify the main tasks and deadlines for implementing the documents in question. At the meeting, comments and opinions were expressed by the Ministry of Justice and in particular by DGEP, by a representative of the Ministry of Health, the Deputy Ombudsman and the Head of the National Preventive Mechanism, by the National Institute of Justice and the Bulgarian Helsinki Committee. Under the same project, medical and non-medical personnel from the DGEP system were trained on prison healthcare and medical ethics. In addition, the CoE publication “Health Care in Prisons and Medical Ethics” was translated into Bulgarian. This edition, along with four others, developed and/or translated within the project, were printed and are now available for distribution.

The strategy and plan for its implementation itself has not yet been adopted.

7. Other issues

a. prison staff

Response under item 99

The Committee’s findings of insufficient number of wardens are valid for all places of deprivation of liberty. Reserves are sought for a change in the duty cycle, which will fill secure zones with more employees during the day.

The turnout of the system is constant and significant due to the unattractive work and the hostile environment in which the staff is working, as well as the low wages.

Notwithstanding the efforts made to assemble the security staff, the task remains difficult mainly because of the difficult working conditions, the work with a serious criminal contingent and inequality with the employees of the Ministry of Interior system.

At present, a draft methodology for determining the numerical composition of the staff required for the post and convoy service has been developed in DGEP, whereby the coefficients of change for employees are determined. The methodology was developed on the basis of the methodology used in the Ministry of Interior. It takes into account the time spent

for one employee, regulated by normative documents, on the basis of which the effective working time fund is defined for one employee, on the basis of which the number of employees required for the post office and convoy service was calculated at 8, 12, and 24 hours of workflow.

Following the calculations made on the basis of the draft Methodology, it was established that in order to carry out the duties of supervising, guarding and convoying the inmates in the places of deprivation of liberty, it is necessary to increase the number of staff with more than 700 positions, leading the system to analogous to developed penitentiary systems. Due to a lack of financial resources no action has been taken to increase the staff in the described parameters. At the same time, by Decree No 9 of the Council of Ministers of 13.01.2017 the number of staff in the DGEP was increased by 182 in relation to the newly created prison dormitories of closed type in Debelt and Razdelna respectively to the prisons in the towns of Burgas and Varna. After the competition procedures, the total number of wardens in the Debelt and the Razdelna PHs is almost full, and 5-6 vacant positions remain to be completed.

On the other hand, DGEP has taken a strategy to maximize the optimization of acting employees. Part of this optimization is the transfer of arrests to prisons (Burgas, Vratsa, Pleven, Lovech, Smolyan and Pazardjik) and the transfer of the arrest officers to the prisons schedule, thus consolidating the structures and improving the working process. Following the approval of the new staff schedules of December 2017, the number of the re-allocated posts from Probation sector to prisons was 19, thus seeking a balance of workload in the system.

Specifically for the Prison – Sofia: the security of one of the external three-position posts was reorganized and measures were taken to maintain it by the employees of the IDF “M-r. G. Vekilski No. 2” where the post is located.

The arrest in the town of Dupnitsa was closed and the officers of the supervisory and security staff were transferred to the payroll of the Prison – Sofia, which resulted in an additional increase of the staff with 14 full time positions.

Currently in the Prison – Sofia vacancies for the guards are 4.

In 2018, actions are planned for the construction of new arrest premises in the prisons in Sliven and Stara Zagora, as well as in the prison hostel in Veliko Tarnovo to the prison in Lovech, after which the detained persons will be transferred in the same way under the Criminal Procedure Code, respectively the staff available.

Competition procedures currently run regularly. To overcome the current shortage, proposals are currently being drafted and procedures are in place for filling the posts.

Measures have also been taken as regards the wages of employees. At present, the salaries of the staff from the supervisory and security activities have been updated by 10%.

Response under item 100

According to Art. 16a, para. 2 of IRLEPDC hours of working time are organized in 8, 12 and 24 hour duties. In most territorial offices, a mixed mode of work is used. Article 16a, para. 3

indicates that 24-hour duties may also be established. The decision is made by the Heads of territorial offices depending on the specifics of the place or posts and the operational situation.

The process of accepting and giving up duty at arrests at District Department for Execution of Punishments – Sofia is related to the implementation of specific activities that take considerable time. During this period, it is not possible to carry out other tasks related to the stay of detainees in the respective arrest, which in the conditions of insufficient number of staff leads to delay and sometimes to the impossibility of performing these tasks in the necessary terms. At the same time, the time taken by the on-duty officer in the detention facility at each of the floors to undertake measures in resolving problems of a different nature is shortened.

b. contact with the outside world

Response under item 101

The meetings of the inmates with their relatives are carried out in an order determined by the Head of the Prison, the correctional facility or the arrest. The frequency of a visit in the month differs in individual prisons and arrests, but is never less than twice a month, as is the normative regulation. The number of local visits depends on the number of inmates and their distribution in groups, as well as on available staff. In this respect, in some places of imprisonment, there is no practical and physical opportunity to increase the number of meetings with relatives (such as the situation in the Prison – Sofia).

For the recommendation made regarding the so-called open visits in the provisions of Art. 73 of the IRLEPDC is laid down the procedure, manner and conditions under which inmates conduct visits. According to the current legislation, open visits are envisaged only for those deprived of their liberty under the conditions of the open type or as incentives under Art. 98, para. 1 point 5 of the LEPDC - “Extended visit for up to 4 hours”.

Under the provisions of Art. 277 of IRLEPDC detained in custody at the District Department for Execution of Punishments – Sofia arrests have the right to visit not less than twice a month, with duration of up to 40 minutes. During the visits the detainees receive food items and other authorized items according to the List of Authorized Items, Articles and Foodstuffs, which can Receive, Use and Hold with Them or at the Places Designated for this Purpose the detained in custody under the Criminal Procedure Code and other persons placed in arrests approved by Order No JIC-04-1366/16.08.2017 of the Minister of Justice. No more than four visitors are allowed to visit, and this limitation does not apply to descendants and ascendants, spouses, brothers and sisters.

The rooms for holding visits with friends and relatives and meetings with defenders and trustees, 4 in total in the IDF “Dr. G.M. Dimitrov” No. 42 and 2 in the IDF “M-r G. Vekilski” No. 2 , are equipped specifically for this purpose with the necessary furniture and technical equipment. Each room is divided into two parts by means of a glass partition, which provides for visual, but not physical, contact between the detainees and their visitors. At the same time, a total of 3 detainees can hold visits or meetings in one premise. The talks are conducted

through intercom speakers. Cases of deliberate damage to elements of this arrangement are numerous, and are mainly caused by detained persons. Damages are promptly removed.

There a number of attempts to surrender unauthorized items to detained persons have been prevented, while a meeting or visit has been conducted, which has been notified to the relevant supervising prosecutors and the DGEP.

Response under item 102

At present, the detained persons placed in the arrests of District Department for Execution of Punishments – Sofia are conducting telephone conversations with prepaid calling cards of the Vivacom service provider, which determines the prices of the calls. Detainees are provided with the opportunity to conduct conversations daily, during a stay in the open air or on the appropriate floor, in case of need. The conversations are conducted on the basis of pre-submitted by the detainees applications and a validated monthly list. Providing the required amount of calling cards is regular and equal.

c. discipline

Response under item 103

Regarding the procedures for disciplinary practice and the allegations of deprived of liberty persons to the CPT delegation's staff that they are not always personally heard in the application of disciplinary sanctions and that they are not provided with a written document, we declare that we do not accept this finding as a generally valid one. Disciplinary procedures are respected by the prison administration, and if there are any omissions, including those mentioned in the report, they are episodic. Due to lack of specificity, we are unable to discuss in detail what has been done.

Although disciplinary procedures are regulated, taking into account CPT's recommendations, all Heads of places of deprivation of liberty have again been ordered to hear the convicted offenders prior to the punishment, and to serve a copy of the order to the sentenced inmate. All inmates are aware of their right to visit, food, money for personal use and use of a telephone while they are serving a punishment in a disciplinary cell.

Disciplinary proceedings against detained persons in the arrests of District Department for Execution of Punishments – Sofia are carried out in strict compliance with the provisions of the normative documents regulating the execution of the detention on remand into custody. Prior to the imposition of a disciplinary sanction, the detained person must be heard and given the opportunity to give new written explanations for which a written record is prepared in the presence of two witnesses. In the event of disciplinary sanction, a copy of the order shall be served on the detained person with an opportunity to appeal within specified deadlines, and a copy thereof shall be annexed to the inmate's detention record.

Response under item 104

There is still the practice of seeing the prisoner before being placed in a disciplinary cell. The purpose of these reviews is to gain immediate insights into the current state of health of the punished person. The review does not have the meaning of a “permit” to impose such a penalty on the part of the Head of Prison and does not negate the responsibility of the Head of Prison for the choice of such a penalty.

It is the responsibility of the management to assess, in view of the offender’s state of health, the enforcement of the disciplinary sanction imposed on him to be postponed until his health recovers. The conduct of a medical examination of inmates who are subject to disciplinary sanctions is intended to protect the health and life of the inmates. When diagnosing a disease, the penalty is postponed in the interests of their health. We believe that it cannot be concluded that doctors from prisons continue to participate in the disciplinary procedure. Rather, it is the opposite; if there are medical reasons, the punishment is postponed.

Response under item 105

The disciplinary cells in the visited prisons are equipped according to the provisions of the IRLEPDC and include the most necessary objects and items. Indeed, in many places of deprivation of liberty, these premises need to be repaired. At the earliest opportunity to provide the necessary funds, this will be done.

Response under item 106

Such a practice does not exist. The situation has been temporary and no longer exists.

e. complaints and inspection procedures

Response under item 108

Applications and complaints of detained persons shall be accepted in accordance with the provisions of Art. 77 of IRLEPDC, being recorded in a special book. If requested, the detained person shall be provided with the numbers under which the applications are filed in the custody registry. Requests and complaints shall be sent within three days and, when the deadline expires on a non-working day, shall be sent on the administration’s first working day.

No complaints from detained persons related to the reception and transmission of their complaints to other institutions have been filed in the Registry of District Department for Execution of Punishments – Sofia. At the same time, as regards the correspondence of the detainees placed in the arrests at District Department for Execution of Punishments – Sofia, the provisions of Art. 256, para. 2 of the LEPDC and Art. 278, para. 1 of IRLEPDC are strictly applied.

Despite the fact that we do not have specific alerts for censorship on inmates’ appeals and complaints, the submission and transmission procedures will be reviewed and if necessary,

legislative changes will be made. DGEP strongly believes that these procedures should ensure a free, fast and confidential way of correspondence.

Concluding remarks

The CPT's recommendations are justified and objective because they require the application of standards that have been achieved and exceeded in most EU Member States. They are not wishes for the future, but imperatives for the present time.

The measures taken by the Bulgarian authorities described above demonstrate the overall commitment of the responsible authorities to take decisive steps to implement the CPT recommendations. We would like to assure the Committee that the recommendations made, which have not yet taken effective action and the implementation of which is not linked to significant financial resources, will be taken into account.

The cooperation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Committee of Ministers of the Council of Europe is highly appreciated.

Establishments under the authority of the Ministry of Health

Concerning the recommendations made by CPT in its Report, the Ministry of Health (MH) has sent letters to the directors of the State Psychiatric Hospitals (SPH) visited by the Delegation – SPH-Sevlievo and SPH-Radnevo in order to indicate specific measures that will be taken to overcome the problems identified by the CPT.

In this regard, we would like to inform you of the following:

1. With regard to the physical abuse of patients by SPH – Sevlievo staff, the Delegation has not received any allegations of this:

There were allegation in the SPH – Radnevo about slaps gotten by the patients from the attendants and allegations that the latter had brought rods with themselves to show their power and threaten the patients. When suspicion arises for such attitude or such information is received, SPH – Radnevo management appoints an internal investigation for clarifying the case and taking relevant measures to prevent their occurrence. A committee was formed at the medical establishment about the found rods in one of the ward and it took the explanations of the ward's team, had conversations with the patients, and reviewed the camera recordings in the ward. As a result of the investigation, it was clarified that it was a matter of accidental bringing in of these items into the ward by a particular person, but they were not used for punishment or beating. The findings of the Delegation also confirm these items were not used to exert physical violence against patients.

External inspections have been carried out at the SPH – Radnevo by the Inspectorate of MH, the Regional Health Inspectorate - Stara Zagora and the National Preventive Mechanism to the Ombudsman over the past 2 years which have not identified data on physical violence by the staff.

Regarding the inter-patients violence, the Delegation did not find a serious problem in any of the hospital establishments visited.

The human rights of the patients in the hospital are regulated according to the national legislation in force. Patients' rights are described in the Regulations on the structure, activities and internal order of the medical establishments in detail and exhaustively.

2. Regarding living conditions:

The wards of SPH – Sevlievo are located in renovated buildings. Reconstruction with thermal insulation materials, replacement of joinery, flooring, sanitary faience, radiators of all hospital buildings and kitchen units was made under a “Phare” project and funds from the MH in 2009. Internal painting of the wards was performed in 2013. Three hydrophores were built in 2016 and this solved the problem with the water regime during the summer season in the Municipality of Sevlievo.

Old buildings are situated in the hospital yard, but they have not been used; no patients are accommodated there and they have no access to them.

The wards in SPH – Radnevo are located in pavilion type buildings, some of them are built more than 50 years ago and they have been depreciated accordingly. During the last two years funds for emergency repairs have been allocated, according to the financial capacity of the management of the hospital for urgent repairs – roofs, kitchen, dining room, change of lighting in the ward, change of beds, bedside tables, and hospital bed linen. Quantitative bills for the overhaul of 2 male wards with the most urgent need for repair by application form were sent to MH for approval. It is envisaged to prepare a project in 2018 for changing the heating system and construction of a local heating installation due to inefficiency and depreciation of the current one.

3. Regarding the staff:

The number of doctors: SPH – Sevlievo provides 13 doctors, 8 of whom specialists, 1 therapist, 1 practitioner, 2 specializing at the moment and 1 director. There are no difficulties in recruiting and retaining nurses in the hospital as there is a constant flow of people from the profiled municipal hospital in Sevlievo and the closed private hospital in the city who want to work at the establishment. Wards are provided with a minimum of 9 nurses, according to the requirements of the medical standard “Psychiatry”. Episodically, they have encountered difficulties in selection of health care attendants, as unemployment in the city is below 5% and due to the specifics of work in a psychiatric hospital. Two of the hospital wards meet the second level of competence in accordance with the medical standard “Psychiatry” and the other two meet the first level of competence.

15 doctors are currently employed at the SPH – Radnevo, of whom 10 having specialty “psychiatry”, 1 having specialty “clinical laboratory” and 5 practitioners; there are 3 established posts for doctors not employed. Despite the efforts made by the hospital’s management, there has been some shortage of senior medical staff over the last 5 years. A large proportion of the employed nurses are in pre-retirement and retirement age and there is a lack of willing young medical professionals to work. The work of the attendants is heavy and unattractive and the remuneration is low; there is also a lack of motivation to work. In this regard, in order to provide 24-hour care for the patients, over the last two years the management of SPH – Radnevo has provided six established posts for attendants so that there is no difficulty in preparing work schedules, but there is still a shortage for taking up of all the posts in the wards.

The latest inspection of the Regional Health Inspectorate – Stara Zagora in May 2018 found that the wards at SPH – Radnevo meet the first level of competence in accordance with the medical standard “Psychiatry”.

4. Regarding psychosocial therapies and opportunities for occupational and rehabilitation therapies:

Because of the short stay of the Delegation at SPH – Sevlievo, its members have not been able to see the art therapy hall and the other activities organized for the patients, such as the care of the vegetable and orchard gardens, the hospital park, where the patients are involved in occupational therapy activities.

The director of SPH – Radnevo disagrees with the CPT’s finding that psychosocial therapies and opportunities for occupational and rehabilitation therapies are not available in the hospital. The participation of patients in occupational therapies reaches 35% - there is a group of corrective-gymnastic therapy, entertaining studio therapy, theatre group, park maintenance, group psychotherapy in the dependency ward. Regarding the inclusion of patients and ex-patients within the occupational therapy as sanitary officers and attendants and health care workers, their participation has a long history of record and it is recognized as an effective and sought practice by the patients themselves. There are former patients who, after being discharged, are employed as attendants, some of whom are currently working in the hospital with a very good quality of work commitments. The main principles of occupational therapy - partnership between staff and patients, volunteering, gradual difficulty of the assigned activities, compliance with the patient’s abilities, and continuity of participation are observed. These measures shorten hospital treatment, improve the recovery process and the patient re-socialization, stimulate their creativity and self-esteem and ensure their sense of achievement of a particular goal through work.

5. Regarding the access of patients in locked wards to fresh air:

The access of the patients to fresh air depends on the regime that is defined as per the patient’s condition and the court decisions.

6. Regarding temporary physical restraint measures:

In patients with established mental disorders measures are governed by a special ordinance of MH – Ordinance No 1 of 28 June 2005 on the procedure for applying measures for temporary physical restraint in patients with established mental disorders as well as in the medical standard “Psychiatry” and are well known to the teams in the medical establishments. Each ward disposes of a diary where these appointments are filled in and the same are reflected in the patient’s medical history by the doctor who ordered their application.

By direct visual control or by remote means, monitoring is arranged during temporary isolation and, in the case of temporary immobilization, near the patient’s bed to ensure that all of their needs are met and the patient’s condition changed as a result of the treatment applied, reported by the team and documented in the defined manner.

Because of the importance of this topic, it is discussed periodically at doctor’s colleges and at the Health Care Board. The treating doctor assesses what type of temporary immobilization to be applied, partial or full, for what period of time, what medications to be administered. From the results of ongoing internal inspections in hospitals and from the results of periodical inspections by external institutions – RHO, EA Medical Audit, Ombudsman, there is no reason to doubt the judgment of the specialists or the strict application of the provisions of the ordinance and the standard.

The inspections of the District Prosecutor’s Office in Sevlievo in 2015 and 2016 did not find any violations regarding the measures for temporary physical restraint and voluntary and enforced accommodation of patients in SPH – Sevlievo.

The inspection of the Regional Health Inspectorate – Stara Zagora in May 2018 found that measures for the temporary physical restraint of patients who are in a state of direct and immediate danger to their own health or life or to the health of others are applied in compliance with the regulatory requirements.

7. Application of electroconvulsive therapy (ECT) in SPH:

During the last 2 years, just one patient was treated with ECT in Sevlievo. According to the requirements of the medical standard “Psychiatry”, within the algorithm of the Care program “Conducting Electroconvulsive Therapy”, an informed consent and anesthesiology team is provided during the ECT application. They are a mandatory part of the preparation and application of this manipulation. For this purpose, SPH – Sevlievo has concluded a contract for providing a team of anesthesiologists by MHAT – Sevlievo EOOD, if necessary.

All of the abovementioned has been explained to the Delegation and its members have been provided with the history of the patient’s illness in which the anesthesiologist reports the application of premedication with Dormicum and anesthesia with Propofol fl. i.v., in compliance with the regulatory requirements.

8. Regarding the complaints mechanisms to the hospital management:

Options for patient complaints are provided and comprehensive information about them can be found on the websites of the medical establishments:

- mailboxes are provided for this purpose in the ward;
- in the registry office of the medical establishment;
- to the doctor treating the patient or the doctor on duty;
- during the main visits to the wards by the hospital management – the patients have direct contact;
- during a phone conversation with relatives and friends;
- in writing on paper or by e-mail to Regional Health Inspectorates, MH, Ombudsman and other institutions.

In this regard, the Charter of Patients’ Rights is placed in the wards in view and Patient Satisfaction and Complaints Committee have been established in the hospital. The Committee is working on established rules, reviews complaints from patients or their relatives, prepares relevant reports to the Director and responds to patients’ complaints.

9. Regarding the legal guarantees in the context of involuntary hospitalization and protection, in the case of enforced accommodation in the medical establishment:

The legal guarantees are described in detail in the Health Act, Chapter V “Mental Health” and are regulated by rules for the structure, activity and internal order of the medical establishments.

At SPH – Radnevo between 20% and 30% of the patients are admitted under the terms of mandatory and enforced treatment. Hospitalization is voluntary for the remaining patients who have signed a declaration of consent for treatment.

No violations of enforced admission for mandatory treatment of patients have been identified in SPH – Sevlievo.

Declarations for informed consent for treatment, informed discontinuation of treatment, informed decision to early termination of the stay at the medical establishment, informed withdrawal of consent for treatment in hospitals are prepared.

Establishments under the Authority of the Ministry of Labour and Social Policy

1. With regard to the updated information relevant to the progress in elaboration of the Action plan for the period 2018 – 2021 on fulfillment of the National Strategy for Long-Term Care and information about the main provisions of the plan (item 140 to item 1 Preliminary notes to Section D Establishments managed by the Ministry of Labour and Social Policy (MLSP) requested by CPT herein we provide the following information:

The Action Plan for the period 2018 – 2021 on fulfillment of the National Strategy for Long-term Care² was adopted by Decision No 28 dated January 19, 2018 of the Council of Ministers. The Plan is focused on deinstitutionalization of the care for elderly people and people with disabilities. The implementation of the Plan will represent the first step of the process of deinstitutionalization, which according to the Strategy shall be finalized until 2034.

The main purposes of the Plan are:

- Limitation of the network of specialized institutions and the access to them, taking out people with disabilities from specialized institutions and closing of 10 specialized institutions for people with disabilities with the most unacceptable living conditions;
- Improvement of the quality of life and opportunities for social inclusion of the people with disabilities and elderly people by providing for network of services and measures for support in the community and home environment and development of suitable (material and staff) capacity for their provision;
- Prevention of the institutionalization of people with disabilities and elderly people and development of accepting and supporting attitude in the society;
- Elaboration of regulatory framework for the development of social services and integrated social and healthcare services.

The main target groups of the Plan are adults with mental disorders, intellectual disabilities and with multiple disabilities, persons with different types of dementia, adults with different forms of disabilities, elderly people, including elderly people who are unable to take care of themselves. There are four main groups of measures, which in their integrity and coherence will form the centre of the actions for the period 2018 – 2021 aimed at ensuring of long-term care and deinstitutionalization of people with disabilities and elderly people who need care and assistance:

- Measures for assuring of support for people with disabilities and elderly people who need care and assistance in home environment and in the community – these measures include activities for providing of social care and patronage care in home environment, creation of day-care social services in the community, etc.;
- Measures for assuring of qualitative community-based social services for persons placed in specialized institutions with unsatisfactory life conditions and quality of care and phasing down of institutions – these measures include activities for development of new community-based residential care social services, preparation for taking out of persons from specialized institutions, closing of institutions, etc.;
- Measures for increasing the efficiency of the long-term care system – these measures include activities for organizing of trainings and supervision, improvement of the relevant legislation, elaboration of quality standards, etc.;

² <https://www.mlsp.government.bg/index.php?section=POLICIESI&I=280&lang>

- Measures including the activities for construction and repairs of the infrastructure necessary for the provision of social and integrated health and social care services.

The implementation of the Plan will result in the creation of 100 new community-based social services – supportive and residential care type, for 2 140 beneficiaries including:

- 6 Day care centres for provision of support to persons with different forms of dementia and their families;
- 16 Day care centres for people with disabilities and their families, including for people with severe multiple disabilities;
- 10 Social rehabilitation and integration centres for persons with mental disorders and for intellectual disabled persons;
- 68 Care centres for people with disabilities and elderly people (30 – for persons with mental disorders, 22 – for intellectual disabled persons, 7 – for persons with different types of dementia and 9 – for elderly people who are unable to take care of themselves).

Patronage care for people with disabilities and for elderly people who need care and assistance will be developed. The provision of social services in home environment will continue – personal assistant, social assistant and domestic worker. These activities will provide assistance to over 30 000 persons.

The Plan includes taking out at least 750 persons with mental disorders and intellectual disabled persons from specialized institutions and providing of community-based services and care for these persons. The closing of 10 specialized institutions for persons with mental disorders and intellectual disabled persons is planned³. New legislation will be developed relevant to the social and healthcare services. The capacity of the employees and specialists in the field of long-term care will be improved.

The proposal for the closing of particular institutions is made by the Social Assistance Agency (SAA) and is based on inspections performed by the Inspectorate at the Social Assistance Agency, analytical report on social services for adults, state-delegated activities towards 31.05.2017 and on the findings of the CPT delegation in Bulgaria that visited specialized institutions during the period September 25 – October 06, 2017. The institutions that will be closed in fulfillment of the measures and activities envisaged under the Plan are:

1. Home for adults with mental disorders – village of Razdol, municipality of Strumyani, capacity 70 places;
2. Home for adults with mental disorders – village of Zavernovo, municipality of Malko Tarnovo, capacity 60 places;
3. Home for adults with mental disorders – village of Radovtzi, municipality of Dryanovo, capacity 110 places;
4. Home for adults with mental disorders – village of Lakatnik, municipality of Svoje, capacity 90 places;
5. Home for adults with mental disorders – village of Radovetz, municipality of Topolovgrad, capacity 75 places;
6. Home for adults with intellectual disabilities – village of Pchelishte, municipality of Veliko Tarnovo, capacity 77 places;

³ 9 institutions will be closed and the capacity of 1 specialized institution will be seriously reduced, because it is the largest institution in the country.

7. Home for adults with intellectual disabilities – village of Prekolnitsa, municipality of Kyustendil, capacity 44 places;
8. Home for adults with intellectual disabilities – village of Podgumer, Sofia municipality, capacity 90 places;
9. Home for adults with intellectual disabilities – village of Lozevo, municipality of Shumen, 90 places;
10. With regard to the Home for adults with intellectual disabilities – area "Kachulka", municipality of Sliven, the proposal is for reduction of its capacity with 80 places, because this is the largest institution in the country with capacity of 240 places and its closing during the term for the implementation of the Plan is not possible.

The above described institutions include two of the institutions visited by CPT in 2017 (Home for adults with mental disorders – village of Radovetz, municipality of Topolovgrad and Home for adults with intellectual disabilities – area "Kachulka", municipality of Sliven).

The implementation of the Plan is funded mainly by the state budget and by the two operational programmes "Human Resources Development" (OPHRD) and "Regions in Growth" (OPRG) for programming period 2014 – 2020. After the funding by the two operational programmes ends, ensuring of sustainability of the newly created services is envisaged by provision of financing from the state budget.

The implementation of the measures envisaged under the Plan has begun:

- In February 2018 the Interinstitutional Working Group for management and coordination of the process of deinstitutionalization of care for elderly people and people with disabilities approved the Map of community-based day-care services and the Map of community-based residential services. These maps include the municipalities, in which the new services will be developed by means of stage by stage financing by OPHRD and OPRG;
- With regard to the preparation for starting of activities under OPRG in February the Ministry of Labour and Social Policy elaborated and provided to the Ministry of Regional Development and Public Works functional requirements for development of the new social services. The development and repair of the infrastructure, necessary for the creation and functioning of the new services will be performed in conformity to the functional requirements and directions that correspond to the relevant European documents on deinstitutionalization and life in the community;
- In March 2018 procedure BG16RFOP001-5.002 "Support for deinstitutionalization of social services for elderly people and people with disabilities" under OPRG 2014 – 2020 was announced. This procedure is aimed at the development of the infrastructure for the new services (6 day care centres for provision of support to persons with different forms of dementia and their families and 68 care centres for people with disabilities and elderly people (for persons with mental disorders, intellectual disabled persons, persons with different forms of dementia and elderly people who are unable to take care of themselves). Financing will be provided only to the municipalities included in the Map of community-based residential services and the Map of community-based day-care services. The other 26 supporting services (10 social rehabilitation and integration centres for persons with mental disorders and for intellectual disabled persons and 16 day care centres for persons with disabilities and their families, including for persons with severe multiple disabilities) will be developed by means of financing provided by the OPHRD 2014 – 2020;

- Procedure BG05M9OP001-2.008 “Support of persons with disabilities” under OPHRD 2014 – 2020 was announced with regard to the implementation of supporting community-based services. The procedure is aimed at assuring of financing for six municipalities for the creation of Day care centres for provision of complex support to people with disabilities, including persons with severe multiple disabilities and their families. The first 6 centres from the above mentioned 16 day care centres for people with disabilities and their families, including for persons with severe multiple disabilities will be created within this procedure;
- The 2018 State Budget of the Republic of Bulgaria Law envisages financial resources to the amount of BGN 68 million for guaranteeing of sustainability and provision of the services “Personal assistant”, “Social assistant” and “Domestic worker”.

The National policy in the field of social services preserves its focusing on provision of wider range of community-based and home-based social services, development of long-term care and successful implementation of the process of deinstitutionalization of care for children, elderly and people with disabilities. The implementation of new forms and models for support is also important, including integrated cross-sectoral services with preventive functions that may replace the existence of institutions. Social services proved to be one of the most successful instruments for stimulation of social inclusion of vulnerable groups in Bulgaria. Due to the applied result-oriented policy for deinstitutionalization of care and priority development of alternative forms of services the number of social services in the community has increased significantly, especially in the last years.

Year	Community-based social services, state-delegated activities	
	Number	Capacity
2014	841	18 933
2015	1 025	21 490
2016	1 095	22 771
2017	1 120	23 167

As at June 2018, the community-based social services are 1 143 with capacity 23 642 places, of which 835 services are directed to provision of support to adults, including to people with disabilities.

In the last years a trend for annual increasing of funding of social services, state-delegated activities, from the state budget is accounted. The data below illustrates this positive trend.

Year	Amount of the financial resources from the state budget dedicated to social services
2014	BGN 183 205 800
2015	BGN 189 803 600
2016	BGN 200 455 025
2017	BGN 211 494 202
2018	BGN 230 956 018

In 2016 the National Assembly adopted amendments to the Social Assistance Act aimed at improvement of the regulatory framework in the field of social services. Part of these amendments are related to improvement of the access to social services, guaranteeing of the rights of the beneficiaries, including the right of free choice, providing of individual approach and complex assessment of the needs. The amendments provide all necessary guarantees that using of social services against the will of the persons shall not be admitted and the wishes and preferences of these persons will be of greatest significance regardless of the fact whether these persons are placed under guardianship or not. The provision of residential type community-based social services and placing in specialized institutions of persons who are placed under plenary guardianship shall be performed by virtue of a court decision. Mandatory examination of the will of the person in the course of court proceedings is envisaged and additional guarantees are provided by the rule that if placing in a specialized institution is requested the court may grant such request only in case it is established by the court that there is not any other opportunity for provision of community-based social services of residential type or in home environment. A maximum term for placing of children, people with permanent disabilities and persons placed under guardianship in specialized institutions is envisaged. This term may not exceed three years and it aimed at prevention of permanent institutionalization of such persons.

The mayors of municipalities who manage the social services on the territory of the respective municipality, state-delegated activities and local activities, shall be responsible for observing of the criteria and standards for provision of social services. Part of the functions of the Social Assistance Agency (SAA) is clarified by outlining of its function relevant to provision of methodological assistance at provision of social services. The powers relevant to provision of social services and establishing of violations of inspectors at the Inspectorate of SAA are extended.

In 2017 the Council of Ministers adopted amendments to the Regulations for Application of the Social Assistance Act in conformity to the amendments and supplements to the Social Assistance Act adopted in 2016. The amendments in the field of social services are relevant mainly to the individual assessment of needs, implementation of special rules for persons placed under guardianship aimed at protection of their rights and interests, improvement of definitions of social services in conformity to their dynamics in time and creation of opportunity for provision of wider and more flexible assistance to these persons, etc. It is important to be pointed out that the requirements in the field of social services are raised. These requirements refer to standards and criteria for location and infrastructure, healthcare and specialized and service staff.

Notwithstanding the achieved success, various challenges still exist in the field of social services. These challenges require launching of a comprehensive reform in the sector. At present a new Law on Social Services is being developed. After a broad public discussion at national, regional and municipal level the Concept of the Law on Social Services has been approved. The new law is aimed at regulation of all issues related to provision, use, financing, quality, controlling and monitoring of social services.

2. With regard to the updated information relevant to developing of a new legal act referring to management and transition of persons with psychic disorders placed in specialized institutions for provision of social services in psychiatric hospitals (item 141 to item 1 Preliminary notes to Section D Establishments managed by the Ministry of Labour and Social Policy (MLSP) requested by CPT herein we provide the following information:

Developing of normative acts and amendments of normative acts relevant to psychiatric care and treatment falls within the competence of the Ministry of Health. With regard to social inclusion of persons with mental disorders the Ministry of Labour and Social Policy may provide the following information about the measures in this regard included in the Action Plan for the period 2018 – 2021 on fulfilment of the National Strategy for Long-term Care:

Persons with mental disorders will be able to use the newly developed supporting community-based services for social and labour rehabilitation of people with disabilities – Day care centres and Centres for social rehabilitation and integration. These services are aimed at rehabilitation, compensation of deficits, increasing of personal potential, leisure time management and learning of new skills, implementation of activities for ensuring of employment, including protected employment in the form of occupational therapy. The new Centres for social rehabilitation and integration will provide support in the form of labour mentoring, including mentoring by a member of the team for realization of occupational practice and employment in an actual working environment and introducing and on-the-job training of employed persons who need operative support in working process.

The new residential services envisaged in the Plan include profiled Care Centres for persons with mental disorders. These centres will provide opportunities for accommodation in family environment and will contribute to achieving of maximum level of independence in combination with other social, health, educational and supporting/auxiliary services in conformity to the needs of the persons placed in an institution.

The community support measures will include realization of activities for supported employment of persons with mental disorders and intellectual disabled persons and development of social enterprises. Activities based on the “Social Enterprise” principle (job positions created especially for such persons, for example a café, restaurant, atelier, workshop, etc. i.e. a form of support for creation of work habits and social skills accompanied by real employment) will be realized and approbated and on-the-job training will be assured.

Very careful approach will be applied in the process of transition of beneficiaries from specialized institutions to the new services together with mandatory assessment of the needs and examination of the wishes of all adults. Assessment of the needs of persons permanently placed in state-owned psychiatric hospitals will be performed. For this purpose special teams will be formed and trained for:

- conducting of individual assessment of the needs of support;
- examination of the wishes of persons placed in specialized institutions that will be closed;
- psychological consulting and explanation of the change and preparation for accepting of the change in life;

- conducting of assessment of the specific medical needs;
- conducting of assessment of the need of intensive assistance by specialized personnel;
- conducting of assessment by application of the methodology for assessment of the status to avoid interpretation of status resulting from the institutionalization such as indications of problematic/challenging, self-aggressive and aggressive behaviour;
- conducting of assessment of the specific social circle and of opportunities for reintegration in home environment;
- elaboration of individual plan for support of persons placed in specialized institutions, which will be closed, that takes into account to the maximum possible extent their preferences, established emotional relations, character and specific features.

Implementation of a programme for preparation for life in the community is also envisaged – this programme will include individual social work for the preparation of persons for their taking out of specialized institutions and for realization of measures for their moving.

3. Information related to the recommendation for ensuring of initial and ongoing training of personnel in the specialized institutions in Kachulka, Tvarditsa and Radovets (item 149 to item 2 Degrading treatment of Section D Establishments managed by the Ministry of Labour and Social Policy (MLSP)):

The Bulgarian legislation envisages statutory standards and criteria, to which the social services provided in specialized institutions and in the community shall conform. The Regulations for Application of the Social Assistance Act envisage exhaustive listing of all particular requirements relevant to definite number of general criteria including for specialized and service staff. The scope of statutory requirements towards personnel include a requirement for ensuring of opportunities for raising of the qualification of the personnel in view of specific features of the work with the separate groups of beneficiaries of social services. The organization of the provision of social services in conformity with the mandatory criteria and standards is an obligation of the respective service provider and the control over conformity of social services shall be performed by the Inspectorate at the Social Assistance Agency.

The Action Plan for the period 2018 – 2021 on fulfilment of the National Strategy for Long-term Care adopted by the Council of Ministers in January 2018 includes various particular measures and activities aimed at increasing of the competences and professional qualities of specialists and teams that work with adults with disabilities and elderly people. These measures are aimed to improve the capacity of people working in the system of social services – employees at “Social Assistance” Directorates and personnel in the field of provision of social services. The Plan envisages the following measures for ensuring and maintenance of high quality of care for the beneficiaries of resident and other new services:

- elaboration of social work standards;
- application of programmes for training, qualification and supervision of employees engaged in provision of social services to adults under types of services, including initial and upgrading trainings, general and profiled under specific subjects;

- preparation of training materials and organization of training of specialists from the social and healthcare system mostly in the field of support for persons with mental disorders (under the following programmes: "Social work with psychiatric cases", "Training in social skills", "Handling of psychiatric cases", "Psychosocial interview for general medical practitioners", etc. and organization of trainings).

In response to the need of creation of conditions for more effective realization of the reform in the field of social services, including by means of improvement of professional competence, knowledge and skills of professionals in the system, the Social Assistance Agency implements a project "Increasing of the capacity of the employees in the field of child protection, social services and social assistance" under the Operational Programme "Human Resources Development" 2014 – 2020. The activities under the project include employees of the Social Assistance Agency, municipalities, social services providers and structures of the Ministry of Health.

The project includes organization of specialized trainings on the following:

- teams of operative social services – motivation trainings;
- social services teams related to specialized activities and care for children/young people and adults with different behaviour – self-aggression, aggression, hypersexuality, etc.;
- teams of operative social services for work with children and adults with different disabilities related to their health status;
- introduction of multidisciplinary approach at conducting of the needs assessment and elaboration of individual plans for support.

The trainings will be attended by not less than 6 000 persons working in the field of social services for children and adults.

The project includes plans for trainings for development of cross-sectoral coordination connections of representatives of different sectors related to social services: operative social services, the territorial units of the SAA, medical establishments and general medical practitioners, schools and other educational organizations, police, courts, prosecutor's office, municipalities, etc. These trainings will be attended by a total number of 3000 representatives, which by means of their functions are key participants in the implemented integrated models of care.

The project plans also to provide supervision and consultations for operative social services teams. Performance of not less than 10 267 hours group and 30 000 individual supervisions is planned.

The project includes forming of teams for specialized support and crisis intervention that will contribute to successful surmounting of challenges of different nature related to the provision of social services to different groups of persons – children and adults. The teams for specialized support will provide assistance to personnel at operative social services level in relation to dealing with difficulties and challenges in the course of social services provision and will work directly with the beneficiaries of the services in case of occurrence of crisis situation.

The project is with term until the end of 2019 and with budget of BGN 28 million.

4. Information related to the recommendation for ensuring the sufficient number of personnel well trained to handle difficult situations or behaviour of the beneficiaries (item 153 to item 2 Degrading treatment of preliminary notes to Section D Establishments managed by the Ministry of Labour and Social Policy (MLSP) and to the recommendation for taking of urgent measures for increasing the number of suitably trained personnel for clinical care at all institutions for social care in the country (item 164 to item 4 Personnel and treatment of preliminary notes to Section D Establishments managed by the Ministry of Labour and Social Policy (MLSP):

Article 41, paragraph 5 of the Regulations for Application of the Social Assistance Act stipulates that social services provided at specialized institutions and in the community shall conform to the following standards and criteria for specialized and service staff:

1. correspondence of the number of the personnel to the positions under the Methodology for provision of social services approved by the Minister of Labour and Social Policy;
2. annual assessment of the fulfilment of the tasks by the personnel performed by the employer and reporting of the planned activities;
3. providing of opportunities for improvement of the qualification of the personnel with regard to the specific work with the different groups of beneficiaries of social services.

The Methodology for defining of job positions in specialized institutions and in social services provided in the community approved in 2012 has been reviewed and updated in view of ensuring the provision of qualitative care and support according to the specific needs of the separate groups of beneficiaries and ensuring the necessary number of personnel for provision of social services. The Methodology defines the minimum requirements towards the structure of the personnel at the social services, state-delegated activities. The job positions for specialists required for the functioning of the service, recommended job positions for specialists and general job positions necessary for ensuring qualitative care are defined for each type of service.

**REPUBLIC OF BULGARIA**

Social Assistance Agency

**Outgoing № 04-00-1087****13.08.2018**

TO
MR. LAZAR LAZAROV
DEPUTY MINISTER OF
LABOR AND SOCIAL POLICY
Ref. No 0409-93 dated 20.04.2018

COPY TO: MRS. ELENA KREMENLIEVA
DIRECTOR OF
'SOCIAL INCLUSION' DIRECTORATE

REFERENCE: Report of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) referring to the visit to Bulgaria, 25 September — 6 October 2017.

DEAR MR. LAZAROV,

With regard to a letter of the Ministry of Justice (MJ) received at the Ministry of Labor and Social Policy (MLSP), forwarded to the Social Assistance Agency (SAA), referring to a Report on a visit of a Delegation of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Bulgaria in the period 25 September — 6 October 2017 and in relation to the need of provision of information to the MJ for elaboration of a response to CPT, I would like to present to your attention information about actions on the part of SAA and mayors of municipalities where the specialized institutions visited by CPT are located.

Recommendation 140: *'The Committee recommends to Bulgarian authorities to continue with their efforts for development of social care in the community, because this may not only shorten or avoid the stay in an institution and decrease opportunities for degrading treatment, but also improve experience and results for consumers of such services. Such settling in the community shall include small group houses in the community, ideally in cities, close to all respective facilities and not large homes located on the territory of long-term social care establishments (which do not allow actual deinstitutionalization and proper integration in the community).'*

The adoption of the National Strategy for Long-term Care in 2014 established the

concept framework for construction and development of an efficient modern system of social and integrated services for long-term care and a special emphasis was put on the deinstitutionalization of care for persons of old age and persons with disabilities. By Decision No 28 dated 19.01.2018 the Council of Ministers adopted an Action Plan for the period 2018–2020 for fulfillment of the National Strategy for Long-term Care (NSLTC). The Plan conforms to the vision, priorities and purposes of the Strategy and includes measures for the first stage of the process of deinstitutionalization of adults. The Plan covers also activities relevant to assessment of needs and review of wishes of all adults who use services in specialized institutions that will serve as basis for planning of the second stage of the process of deinstitutionalization of care for persons with disabilities and persons of old age, which shall be finalized until 2034.

The most important focus of the Plan is put on the urgent assuring of qualitative living conditions of mentally retarded persons and persons with psychic disorders, which at present are settled in specialized institutions with poor living conditions and poor quality of care.

One of the main purposes of the Plan is the limitation of the network of specialized institutions and the access to them, taking out of such institutions of persons with disabilities and closing of ten specialized institutions for persons with disabilities (mentally retarded and with psychic disorders), which offer the most unacceptable living conditions. The number of institutions that will be closed is approved by the Interdepartmental Working Group for management and coordination of the process of deinstitutionalization of care for persons of old age and persons with disabilities, established by Order No P-22/08.02.2018 of the Prime Minister.

On 22.02.2018 the Interdepartmental Working Group adopted a Map of services for provision of support in the community and the Map of resident services under the Action Plan. In this regard in March 2018 the Executive Director of SAA issued orders for termination of settling in specialized institutions, included in the Plan for closing/reduction of capacity, including in the Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district and Home for mentally retarded adults (HMRA) –Kachulka area, Byala village, Sliven municipality, Sliven district.

According to the Plan the Maps include:

- 49 municipalities, where 100 new social services will be developed by means of funding provided under Operational program 'Regions in Growth' (OPRG) 2014–2020 and Operational program 'Human Resources Development' (OPHRD) 2014–2020. It is envisaged that the newly developed social services will provide support to around 2 140 consumers;
- the indicative value of activities for construction/repair/furnishing/equipment of the separate types of social services, which will be developed by means of the funding provided under OPRG 2014–2020.

The Map of services for provision of support in the community includes 32 new social services for minimum of 1 120 consumers in 22 municipalities in the country. The Map of resident services includes 68 social services for 1 020 consumers in 27 municipalities. It is envisaged 786 consumers (405 persons with psychic disorders and 381 mentally retarded persons) to be taken out of closing specialized institutions and settled in the newly constructed 30 care centers for persons with psychic disorders and 22 care centers for mentally retarded persons. The other 234 places will be used for settling of persons who spend long periods of time in psychiatric hospitals due to social indications and persons who are waiting to be settled in specialized institutions or in social services of resident type. The Plan includes construction of 7 care centers for persons with different forms of dementia and 9 care centers for persons of old age who are unable to take care of themselves.

Recommendation 147: *'The Committee would like to be informed whether similar inspections will be performed in all other social care establishments in Bulgaria and whether these inspections are envisaged to be performed on regular basis.'*

For the period from 20.10.2017 to 30.06.2018 the Inspectorate at SAA has performed the following inspections in specialized institutions and social services in the community:

- **51 complex inspections of social service as follows:**

- 1 Family type accommodation center for adults with physical disabilities –Izvor village, Dimovo municipality, Vidin district;
- 4 Family type accommodation centers for adults with psychic disorders – Varbovo village, Chuprene municipality, Vidin district; Vodnyantsi village, Dimovo municipality, Vidin district; town of Dolna Banya, area 'Tsigansko meshe', Sofia district (2 centers);
- 15 Homes for persons of old age - Gara Oreshets village, Dimovo municipality, Vidin district; Dobromirka village, Sevlievo municipality, Gabrovo district; city of Dobrich, Dobrich district; Karaisen village, Pavlikeni municipality, Veliko Tarnovo district; holiday village 'Starozagorski mineralni bani', Stara Zagora district; Banya village, Nova Zagora municipality, Sliven district; Garchinovo village, Opaka municipality, Targovishte district; city of Harmanly, Haskovo district; city of Sliven, Sliven district; town of Tryavna, Gabrovo district; town of Ugarchin, Lovech district; town of Aytos, Aytos municipality, Burgas district; city of Ruse, Ruse district; city of Kazanlak, Stara Zagora district; town of Radomir, Pernik district;
- 12 Temporary accommodation centers – cities of Stara Zagora, Blagoevgrad, Burgas (2 centers), Montana, Sofia (2 centers), Vidin, Pazardzhik, Plovdiv, Lom, Silistra.
- 2 Family type accommodation centers for children without disabilities in the city of Sliven;
- 4 Family type accommodation centers for children/young people with disabilities – Sliven (2 centers) and Kyustendil (2 centers);
- 12 Homes for adults with dementia – Opanets village, Dobrich municipality, city of Razgrad; city of Sofia; Bistrilitsa village, Berkovitsa municipality, Montana district; Slavyantsi village, Sungurlare municipality, Burgas district; Gorna Mahala village, Kaloyanovo municipality, Plovdiv district; town of Dryanovo, Gabrovo district; city of Ruse; city of Kazanlak, Stara Zagora district; Gorsko Kosovo village, Suhindol municipality, Veliko Tarnovo district; Salash village, Belogradchik municipality, Vidin district; Dobri Dol village, Lom municipality, Montana district;
- 1 Social rehabilitation and integration center – Butan village, Kozloduy municipality, Vratsa district.

The above complex inspections resulted in elaboration of written statements on findings with recommendations and mandatory instructions with particular deadlines for fulfillment. These written statements were served to the managers of inspected social services and to the mayors of respective municipalities.

➤ 59 inspections after signals received at social services as follows:

- 1 Temporary accommodation center 'St. Dimitar' Sofia;
- 4 Homes for mentally retarded adults – Kudelin village, Bregovo municipality, Vidin district; town of Batak, Pazardzhik municipality and Byala village, Kachulka area, Sliven municipality (2 inspections);
- 1 Home for adults with physical disabilities - Ruse;
- 3 Family type accommodation centers for adults with psychic disorders – town of Bregovo, Vidin district; town of Rila, Kyustendil district (2 centers);
- 2 Family type accommodation centers for adults with physical disabilities – Baley village, Bregovo municipality, Vidin district (2 centers);
- 5 Homes for persons of old age (the social service is financed as an activity delegated by the state) – Vratsa, Gara Oreshets village, Dimovo municipality, Vidin district; Sliven; town of Galabovo, Stara Zagora district; Voden village, Bolyarovo municipality, Yambol district;
- 8 Homes for persons of old age (the social service is provided by providers pursuant to art. 18, paragraph 1, items 3 and 4 of The Social Assistance Act and is not financed as an activity delegated by the state) – Sofia (4 homes); Yavorets village, Gabrovo municipality, Yagoda village, Maglzh municipality, Stara Zagora district; town of Galabovo, Plovdiv;
- 2 Public dining rooms – Karlovo; Sofia;
- 3 Protected homes for mentally retarded adults – town of Batak, Pazardzhik municipality (2 homes); Montana;
- 1 Protected home for adults with psychic disorders - Batak;
- 1 Protected home for adults with physical disabilities – Pravets, Sofia district;
- 4 Family type accommodation centers for children/young people with disabilities – Gabrovo; Montana (3 centers);

- 2 Family type accommodation centers for children/young people without disabilities – Borovan village, Borovan municipality, Montana district;
- 2 Social rehabilitation and integration centers – town of Rila, Rila municipality, Kyustendil district and Sofia;
- 18 Crisis centers for children – Plovdiv (2 centers), Shumen, Pleven, town of Alfatar, Silistra district; Varna, Sofia (2 centers), Montana, Balvan village, Veliko Tarnovo municipality, town of Gotse Delchev, Blagoevgrad district; town of Peshtera, Pazardzhik district; town of Dragoman, Sofia district; towns of Pernik, Sredets, Burgas district; Vidin, Silistra and Burgas;
- 1 'Domestic worker' – town of Slivnitsa, Sofia district;
- 1 'Personal assistant' – town of Boboshevo, Kyustendil district

➤ **12 monitoring reviews of the average annual employment and the spending of funds from the uniform costs standards for financing of activities delegated by the state by the municipal budgets in the field of social services, as follows:**

- Social professional training center – Varna;
- 3 Day care centers for persons of old age – town of Dragoman, Sofia district; town of Lom, Montana district; Izvor village, Radomir municipality, Pernik district;
- 1 Day care center for adults with disabilities – Dalbok dol village, Troyan municipality, Lovech district;
- 1 Transitional home for children – Brezitsa village, Provadia municipality, Varna district;
- 3 Homes under surveillance – Plovdiv, Novi Iskar, Sofia-city district, Lozen village, Pancharevo region, Sofia-city district;
- 2 Homes for adults with physical disabilities – Provadia, Varna district and Stara Zagora;
- 1 Home for persons of old age – holiday village Starozagorski mineralni bani, Stara Zagora municipality.

➤ **22 monitoring reviews under the approved Methodology for controlling of provision of social services in specialized institutions as follows:**

- 20 Homes for mentally retarded adults – Goren chiflik village, Dolni chiflik municipality, Varna district; Lozevo village, Shumen municipality; Kudelin village, Bregovo municipality, Vidin district; Tri kladentsi village, Vratsa municipality; Fakia village, Sredets municipality, Burgas district; Oborishte village, Valchi dol municipality Varna district; Rusokastro village, Kameno municipality, Burgas district; Samuil village, Samuil municipality, Razgrad district; Podgumer village, Sofia municipality; Balgarevo village, Kavarna municipality, Dobrich district; Malenovo village, Straldzha municipality, Yambol district; Butan village, Kozloduy municipality, Vratsa district; Slavovitsa village, Septemvri municipality, Pazardzhik district; Malko sharkovo village, Bolyarovo municipality, Yambol district; Dzhurkovo village, Laki municipality, Plovdiv district; town of Lom; Montana district; town of Banya, Karlovo municipality, Plovdiv district; Prekolnitsa village, Kyustendil municipality; town of Tvarditsa, Sliven district and Batoshevo village, Sevlievo municipality, Gabrovo district.
- 1 Home for adults with psychic disorders – town of Tvarditsa, Sliven district;
- 1 Home for adults with physical disabilities – town of Bankya, Sofia municipality.

The above monitoring reviews resulted in elaboration of written statements on findings, which were served to the directors of institutions and mayors of respective municipalities. These written statements contain a total number of 200 recommendations and 156 mandatory instructions.

In the beginning of every year the Inspectorate at SAA elaborates a Yearly Plan for the upcoming inspections under months, types of inspections and particular sites to be inspected, which is approved by the Executive Director of SAA. Every year complex inspections are performed with regard to served mandatory instructions, thematic inspections and monitoring under an approved plan in the specialized institutions that provide social services and in the social services provided in the community.

For 2018 performance of monitoring is planned for all Homes for mentally retarded adults and Homes for adults with psychic disorders. The purpose of this

planning is specialized institutions to be inspected with regard to observance of standards and criteria for provision of social services every two years.

Recommendations 148 and 149:

'CPT recommends in view of the above remarks to reconsider the procedures for recruitment of personnel and its initial and operative training applied in the homes in Kachulka, Tvarditsa and Radovets. Furthermore, the management team of these establishments shall continue to control strictly and to clarify to the personnel at all levels that any degrading treatment of inmates, including oral insulting, are completely unacceptable and will be punished severely by the respective authorities.

Furthermore, CPT recommends to the Bulgarian authorities to assure the removal from all premises of all social care establishments in Bulgaria of all irregular objects that may be used for degrading treatment'.

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

The specialized institution has not elaborated and does apply a Recruitment procedure. According to the information provided by the director of the institution such a procedure will be elaborated and will be presented to SAA.

During the period from 01.01.2016 to 30.06.2018 the following professional trainings of personnel were conducted at HMRA – Kachulka on different subjects according to the specific features of the positions occupied by the members of the staff.

The following trainings were conducted in 2016:

- 2 in-house trainings of specialized personnel (social workers, teachers, occupational therapists), subject of trainings: 'Tools for and areas of application of occupational therapy for mentally retarded persons', 'Application of musical therapy for persons with autism'. The trainings were attended respectively by 20 and 22 social workers, teachers, occupational therapists.

- 3 external trainings of specialized personnel (social workers, teachers, occupational therapists), subject of trainings: 'Assertive communication skills', 'UN Convention on the rights of persons with disabilities, art. 12 and art. 13', 'Work on the History of life'. The trainings were attended respectively by 1, 1 and 4 social workers, teachers, occupational therapists.

- 1 in-house training of specialized personnel (nurses and paramedics), subject of trainings: 'Team work, elaboration of assessments, planning of activities, drafting of reports and planning of healthcare activities', 'Provision of first aid to consumers', 'Organization of first aid to consumers', 'Keeping of mandatory documentation/receiving and prescribing of medicines'. 11 lecture courses on the above subjects were organized and each course was attended by 5 nurses and 1 paramedic.

- 1 in-house training for increasing of administrative capacity of specialized personnel (social workers, teachers, occupational therapists) referring to application of legislation in the field of social policy: Social Assistance Act and the Rules for its application, Integration of Persons with Disabilities Act and the Rules for its application, Public Health Act and the UN Convention on the rights of persons with disabilities.

- 1 in-house training of non-specialized personnel (hospital attendants, cleaners). The subject of the training is related to the professional qualification of employees at performance of their duties for taking care of the consumers – sanitary and hygienic requirements at consumer servicing, care for consumers with seriously damaged health condition and for persons with difficulties to move, work with auxiliary technical tools, requirements towards the hygiene in the premises etc.

The following trainings were conducted in 2017:

- 2 in-house trainings of specialized personnel (social workers, teachers, occupational therapists), subject of trainings: 'Effective teaching methods for mentally retarded persons. Ways of settling and resolving of problems.', 'Specific features of

communication with mentally retarded persons. Mastering of non-verbal communication technique'. The trainings were attended respectively by 17 and 23 social workers, teachers, occupational therapists.

- 3 external trainings of specialized personnel (social workers, teachers, occupational therapists), subject of trainings: 'Methodological guide for settling in a specialized institution of newly accepted consumers by virtue of an act of the court', 'Let`s assign a leading role to the practicing of the social work', 'Stage activity and behavior'. The trainings were attended respectively by 2, 5 and 2 social workers, teachers, occupational therapists.

- 1 in-house training of specialized personnel (nurses and paramedics), subject of trainings: 'Team work, elaboration of assessments, planning of activities, drafting of reports and planning of healthcare activities', 'Provision of first aid to consumers', 'Organization of first aid to consumers', 'Keeping of mandatory documentation/receiving and prescribing of medicines'. 16 lecture courses on the above subjects were organized and each course was attended by 5 nurses and 1 paramedic.

- 1 in-house training for increasing of administrative capacity of specialized personnel (social workers, teachers, occupational therapists) referring to application of legislation in the field of social policy: Social Assistance Act and the Rules for its application, Integration of Persons with Disabilities Act and the Rules for its application, Public Health Act and the UN Convention on the rights of persons with disabilities.

- 1 in-house training of non-specialized personnel (hospital attendants, cleaners). The subject of the training is related to the professional qualification of employees at performance of their duties for taking care of the consumers – sanitary and hygienic requirements at consumer servicing, care for consumers with seriously damaged health condition and for persons with difficulties to move, work with auxiliary technical tools, requirements towards the hygiene in the premises etc.

The following trainings were conducted towards 30.06.2018:

- 1 in-house training of specialized personnel (social workers, teachers, occupational therapists), subject of training: 'Personality change (multiple personality disorder) of mentally retarded persons'. The training was attended by 18 social workers, teachers, occupational therapists.

- 1 in-house training of specialized personnel (nurses and paramedics), subject of trainings: 'Team work, elaboration of assessments, planning of activities, drafting of reports and planning of healthcare activities', 'Provision of first aid to consumers', 'Organization of first aid to consumers', 'Keeping of mandatory documentation/receiving and prescribing of medicines'. 6 lecture courses on the above subjects were organized and each course was attended by 6 medical specialists.

- 1 in-house training for increasing of administrative capacity of specialized personnel (social workers, teachers, occupational therapists) referring to application of legislation in the field of social policy: Social Assistance Act and the Rules for its application, Integration of Persons with Disabilities Act and the Rules for its application, Public Health Act and the UN Convention on the rights of persons with disabilities.

- 1 in-house training of non-specialized personnel (hospital attendants, cleaners). The subject of the training is related to the professional qualification of employees at performance of their duties for taking care of the consumers – sanitary and hygienic requirements at consumer servicing, care for consumers with seriously damaged health condition and for persons with difficulties to move, work with auxiliary technical tools, requirements towards the hygiene in the premises etc.

The main priority of employees at HMRA – Kachulka is the assuring of safety and security of consumers, respecting of their dignity and human rights. The team of the institutions has specialized knowledge and skills necessary for satisfaction of the specific needs of consumers. The service provides supporting environment that guarantees establishment of mutual trust, respect and understanding, development of the process of intercession and respecting of rights of inmates. The right to confidentiality of consumers is respected.

In view of prevention of all forms of degrading treatment of consumers at HMRA – Kachulka area special activities are performed aimed at development and improvement

of problem solving skills, communication skills, development of positive relations and attitudes, handling of emotions and stress, planning and decision making, self-affirmation skills, acquiring of skills for independent functioning.

When cases of violence are established at the specialized institution, group and individual work with consumers is performed for prevention of further cases of such nature and the fulfillment of defined purposes is controlled. If the purposes are not achieved a team meeting is organized and proposal for further actions is elaborated in order to prevent the aggressive behavior.

The main principles of social work with consumers – victims of violence or demonstrating violence include respect for personality and dignity by means of assuring of safe and secure environment based on involvement and empathy. Multidisciplinary coordination is developed in the establishment in view of provision of effective support to victims, which develops intervention networks and procedures for guidance. Partnership relations between the municipality, general practitioner, medical care establishments, healthcare institutions, police station etc. are established.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

The specialized institution has elaborated and applies a Recruitment procedure approved by the mayor of the municipality.

Each newly recruited member of personnel shall attend initial training courses as follows:

- general introductory training – the employees are informed about the structure and the hierarchy in the institution, the obligations and the responsibilities in the working process;

- specialized introductory training - the employees are informed about the specific features of the work in the specialized institution and the responsibilities in the process of servicing and supporting of consumers. The training includes subjects referring to the risks related to work with persons with psychic disorders, ways for reaction and behavior in specific cases of aggression on the part of consumers.

For the period 01.01.2016 r. - 30.06.2018 6 employees are recruited (1 social worker, 1 occupational therapist, 2 cooks, 2 stokers and 1 hospital attendant) and all of them have passed the introductory training courses.

According to the information provided by the director after performed inspection a truncheon was found in the room of hospital attendants. An investigation was performed in the course of which the hospital attendants explained that the truncheon was not used and it was kept only for provoking of respect. The truncheon was seized and taken out of the institution.

The management team of the institution has taken serious measures against all forms of degrading treatment of consumers.

In cases of established degrading treatment of consumers on the part of an employee the competent authorities are informed about the offense and the employee is dismissed in accordance with disciplinary procedures. In cases of violence and conflict between consumers the personnel is trained how to intervene and how to react in each particular case. The case is reported to the director in view of undertaking of follow-up measures.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) - town of Tvarditsa, Sliven district**

The specialized institutions have elaborated Recruitment Procedures aimed at recruitment of highly qualified and motivated personnel. At the beginning of employment mandatory introductory trainings are conducted. Initial, periodical and if necessary extraordinary instructions on labor safety are conducted.

For the period from 01.01.2016 to 30.06.2018 6 external trainings were conducted at HAPD and HMRA – Tvarditsa on the following subjects:

- 'Rendering of first aid on the workplace' – the training was attended by a total number of 30 employees (medical workers, social workers, group leaders, occupational therapists) from the two institutions;

- 'Supervision and reflection. Specialized consulting, professional therapy, advising. Emotional conditions and experiences in professions relevant to provision of support. Reflection of professional activities.' - the training was attended by a total number of 114 employees from the two specialized institutions;

- 'Amendments to the Rules for Application of the Social Assistance Act in force as from 01.01.2018' - the training was attended by a total number of 6 employees (social workers) from the two specialized institutions;

- 'Amendments and supplements to the Rules for Application of the Social Assistance Act in force as from 01.01.2018' - the training was attended by a total number of 5 employees (social workers) from the two specialized institutions;

- 'National Strategy for Long-term Care. Map of resident services' - the training was attended by a total number of 4 employees (social workers) from the two specialized institutions;

- 'Professional communication at provision of social services' - the training was attended by a total number of 3 employees from the two specialized institutions.

No evidence was established that the sticks found in the specialized institutions were used for degrading treatment of consumers. According to the information provided by the director extraordinary instructions were conducted at HAPD and HMRA – Tvarditsa aimed at prevention of such practices.

In view of prevention of all forms of violence against consumers, daily instructions are conducted in the specialized institutions; operative inspections of the employees on duty are performed as well as periodical meetings for discussion of situations and problems.

> Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district

The Rules for Internal Labor Organization of HMRA – Batoshevo envisage an interdiction for rude and unethical attitude towards the consumers of social services as well as for any form of physical or psychic violence against them.

For the period from 01.01.2016 to 30.06.2018 external trainings were conducted at HMRA – Batoshevo on the following subjects:

- 'Safe and healthy conditions of labor' – the training is conducted on annual basis and is attended by the director of the specialized institution, a social worker and an occupational therapist;

- 'Regulation 2016/679 of The European Parliament on protection of personal data and free movement of such data' – the training was attended by 1 social worker from the specialized institution;

- 'Modern aspects and practical guidance for care for persons of old age. The role of medical and auxiliary staff in caring and communicating with persons of old age' - the training was attended by 12 employees (nurses and hospital attendants) from the specialized institution.

Recommendations 150, 151 and 152:

'CPT recommends to the Bulgarian authorities to undertake the necessary measures, including at legislative level – in order to guarantee that always when an inmate/patient dies in a social care establishment or after transferring from a social care establishment to a hospital:

- *the death shall be established immediately by a physician on the basis of physical examination;*

- *an autopsy shall be performed except in cases when the death is preceded by a clear diagnosis of irreversible disease established by a physician;*

- *always when an autopsy is performed the conclusions shall be notified to the management team of the social care establishment in view of the opportunity for drawing of some lessons relevant to operative procedures;*

- *records of clinical causes for the death of the inmate/patient shall be kept at the social care establishment.*

Furthermore, when an inmate/patient dies under suspicious circumstances or after an injury, always the respective investigating authorities shall be informed'.

With regard to the above recommendation of CPT the mayors of municipalities of

Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

HMRA – Kachulka has elaborated and applies a procedure in case of established death of a consumer. The death is established mandatorily and only by a medical specialist. A notice of death is elaborated by a physician on the spot of the event after presenting of the ID card of the deceased.

In the cases when the person died in the establishment the general practitioner is informed and he/she drafts the notice of death. When the person died in a hospital the notice of death is drafted by the physician in charge at the respective department of the hospital. The notice of death for a person who died outside the settlement shall be drafted in the nearest settlement. After its drafting the notice of death shall be delivered according to the specific circumstances to the guardian of the person, the social worker or the official of the funeral agency who shall present the document to the respective municipality/the mayor in view of drafting of a death certificate. The death certificate shall be drafted not later than 48 hours as from the date of death; otherwise it shall be drafted by the court. The municipality/the mayor shall issue a copy of the death certificate, which shall be recorded in the register of deceased persons kept at the establishment. The notice and the certificate of death are enclosed in the file of the deceased person, which is kept in the records office of the establishment.

According to the information provided by the director of HMRA – Kachulka in cases when a person dies in the establishment or in a hospital performance of an autopsy is mandatory. The autopsy statements are also kept in the personal file of the deceased person. SAA has not received any autopsy statements of deceased consumers.

In case a consumer dies in a hospital the informing of the institution is mandatory. The notice of death shall be drafted by the physician in charge at the respective department of the hospital or by the forensic specialist at performance of an autopsy of the body. A social worker requests the notice of death from the physician in charge or from the forensic specialist and delivers it to the funeral agency, which shall take the necessary steps for issuing of a death certificate and shall organize the funeral. If the deceased person has relatives, the institution informs them in due time. The institution shall be informed about the conclusions of the autopsy of consumers who died in hospitals.

The notice and the certificate of death are enclosed in the file of the deceased person, which is kept in the records office of the specialized institution.

In cases when a consumer dies under suspicious/unclear circumstances or after an injury the police shall be informed about the incident and they shall come together with a forensic specialist.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

HAPD – Radovets has elaborated and applies a procedure for establishment of death of consumer approved by the director.

After a telephone call announcing the death of a consumer in a hospital the team of the establishment undertakes the following actions:

- the management team of the institution is informed about the cause and the time of death of the person;
- the relatives of the deceased are informed about the cause and the time of death of the person;
- conversations are held with the relatives in order to coordinate the subsequent actions that need to be taken with regard to the autopsy and the funeral of the person;

According to the information provided by the director up to the present moment there was no case, in which the relatives of a person who died in a hospital requested performance of an autopsy and respectively the institution was not informed about such cases. The notice and the certificate of death are enclosed in the file of the deceased person, which is kept in the records office of the specialized institution. In cases when a consumer dies under suspicious/unclear circumstances or after an injury the competent authorities are informed about the incident.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) - town of Tvarditsa, Sliven district**

HAPD and HMRA – Tvarditsa have not presented elaborated procedures applicable in case of death of a consumer in the specialized institution. According to the information provided by the mayor of Tvarditsa municipality an autopsy of deceased consumer is performed only if requested by the relatives. There is not information about cases in which the institutions were informed about performed autopsies of consumers who died in hospitals. The death certificates of consumers are kept in their files for a term of 50 years.

HAPD and HMRA – Tvarditsa have no information about the results of pre-trial proceedings and the preliminary investigation initiated on 13.12.2017 by the District Prosecutor's Office – Sliven pursuant to art. 124, paragraph 1 of Criminal Code relevant to the circumstances around the death of S S R .

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

HMRA – Batoshevo has elaborated and applies a procedure for establishment of death of consumer, which regulates the steps for issuing of a notice of death, death certificate, informing of relatives etc. An autopsy of a deceased consumer is performed in case of explicit request on the part of the relatives and in cases of medical or legal claims on their part relevant to the diagnosis or treatment. An autopsy may be performed also upon request of the physician who established the death. Up to the present moment there were no cases of autopsies of consumers settled in the specialized institution who died in hospitals.

The death certificates of consumers are kept in their files for a term of 50 years.

HMRA – Batoshevo has elaborated and applies a procedure for crisis situations and interventions aimed at timely establishing and resolving of events with high risk for security and life of consumers and personnel of the specialized institution. The procedure regulates the symptoms and specific features adherent to the crisis and the sequence of actions that need to be taken for its prevention/surmounting.

Recommendation 153:

CPT points out that the obligation of the authorities to take care of inmates includes responsibility for their protection against the other inmates who may harm them. This means in particular that the personnel need to monitor the behavior of inmates and to be well trained and able to take decisive measure and intervene when necessary. Respectively a sufficient number of personnel on duty shall be always assured including during the night and on holydays. At present this is not done. Furthermore, proper measures shall be taken with regard to the most vulnerable inmates, for example not to be accommodated together or left alone with inmates who are known with their aggressive behavior.

CPT recommends to the Bulgarian authorities to take the necessary measures in relation to the above remarks in order to protect the inmates in the visited social care establishments and if appropriate in the other social care establishments from the other inmates who may harm them. This requires not only the permanent presence of a sufficient number of personnel, but also the proper training of these personnel how to handle difficult situations/behavior of inmates'.

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

24-hour care is assured for consumers at HMRA – Kachulka. The members of staff on duty that take care of the consumers during the night and on holidays include 7 employees (1 nurse and 6 hospital attendants).

During the period 01.01.2016 – 30.06.2018 the personnel have not attended specialized training for work with consumers with aggressive and self-aggressive

behavior and handling of crises and conflicts. No information is presented about elaboration of a Mechanism for control of behavior of consumers and prevention of isolation.

The medical documents contain remarks that 27 consumers demonstrate aggressive and self-aggressive behavior. The management team of the institution has adopted measures and realized activities for resolving of conflict situations and for handling of behavior of consumers who demonstrate aggression or self-aggression. In this regard an individual approach to the respective consumers is applied and team meetings are held, at which the team includes an occupational therapist, a social worker, a psychologist and a medical specialist. After consultations with the general practitioner and a medical specialist the therapy of the person is changed or additional therapy is prescribed. In case of crisis situation the police department and the Emergency unit are informed. The person is transferred to a psychiatric hospital as an extreme measure. The consumers are settled for treatment in order to handle their behavior. During the period from 01.01.2016 to 30.06.2018 11 consumers were hospitalized, some of them more than once.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

24-hour care is assured for consumers at HAPD – Radovets. The staff on duty that take care of the consumers during the night and on holidays includes 3 employees (1 nurse and 2 hospital attendants).

During the period 01.01.2016 – 30.06.2018 3 employees (director, matron and occupational therapist) have attended specialized education for work with consumers who demonstrate aggressive and self-aggressive behavior and handling of crises and conflicts. A Mechanism for controlling of behavior of consumers is elaborated.

The medical documentation kept in the institution shows that at present only one consumer demonstrates aggressive and self-aggressive behavior. The management team of the institution has taken measures and has performed activities aimed at handling of conflicts and controlling of behavior of consumers who demonstrate aggression and self-aggression. Normally the personnel handles such situations independently, but in more serious cases of conflicts the assistance of a psychiatrist is requested. The consumers are hospitalized for treatment as an extreme measure.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) - town of Tvarditsa, Sliven district**

24-hour care is assured for consumers at HAPD and HMRA – Tvarditsa – 4 employees are on duty during the night and on holidays the number of personnel on duty varies between 7 and 13 employees.

The specialized institutions conduct periodical in-house trainings on working with consumers who demonstrate aggressive and self-aggressive behavior and handling of crises and conflicts. The conducting of an external training course on similar subject is planned.

According to the information provided by the director of the specialized institutions in cases of changes in the behavior of consumers and demonstration of aggression or self-aggression they are sent to consultations with a psychologist or a psychiatrist and if necessary they are transferred for treatment to a psychiatric hospital. These consumers are not isolated in separate premises in the institutions.

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

Medical specialists take 24-hour care of consumers at HMRA-Batoshevo and their schedule is coordinated with the transport scheme of the municipality. During the night 1 medical specialist and 1 hospital attendant are on duty.

The personnel have not attended specialized training for work with consumers who demonstrate aggressive and self-aggressive behavior and handling of crises and conflicts, but the specialized institution has elaborated and applies a procedure for handling of crisis situations and intervention.

According to the information provided by the director of the specialized institution only one consumer demonstrates aggressive and self-aggressive behavior and in cases of

such behavior the consumer is transferred to a specialized hospital for treatment until the crisis is mastered.

Recommendations 154 – 158 inclusive, referring to the infrastructure and living conditions in the specialized institutions:

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

7 apartments were reconstructed in 2017 and 6 apartments were reconstructed in 2018 with regard to improvement of infrastructure and living conditions of consumers at HMRA – Kachulka. The institution has assured proper and individual furniture for each of consumers in conformity to the standards and criteria for infrastructure envisaged under art. 40f of the Rules for Application of the Social Assistance Act. The institution has not planned any reconstruction works and purchasing of new furniture for 2018.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

Two independent toilet rooms adherent to two of the bedrooms of consumers have been constructed during the period 01.01.2016 – 30.06.2018 with regard to improvement of infrastructure and living conditions of consumers at HAPD – Radovets. The institution has not assured proper individual furniture and equipment in conformity to the requirements of art. 40f of the Rules for Application of the Social Assistance Act. The furniture and equipment of bedrooms is designed according to their area.

The institution strictly observes the sanitary and hygienic requirements in order to prevent distribution of infections. The personnel is instructed on annual basis on using of disinfectants and detergents and the Regional Health Inspectorate performs an inspection every trimester and controls the disinfection and sterilization activities.

Repair works for part of the premises and purchasing of new equipment is planned for 2018 with regard to improvement of functionality of buildings and quality of provided services.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) – town of Tvarditsa, Sliven district**

Consulting rooms for musical therapy, medicine, occupational therapy and the living rooms and bedrooms and toilet rooms at HAPD and HMRA – Tvarditsa have been reconstructed during the period 01.10.2017 – 30.06.2018, which were criticized in the CPT report.

Purchasing of new furniture in conformity to the infrastructure standards and criteria envisaged under art. 40f of the Rules for Application of the Social Assistance Act in planned.

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

During the period from 01.10.2017 to 30.06.2018 various reconstruction works have been performed at HMRA – Batoshevo – changing of all doors and joinery, construction of two new bedrooms completely furnished, changing of furniture in the other bedrooms of consumers in conformity to the infrastructure standards and criteria envisaged under art. 40f of the Rules for Application of the Social Assistance Act.

The specialized institution plans reconstruction of the living rooms and purchasing of new furniture for the dining room until the end of 2018.

Recommendations 159 – 164 inclusive, relevant to personnel at the specialized institutions:

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

Personnel according to the permanent positions list: total number of personnel 130 employees, of which 43 are specialists and 87 are support staff.

There are 9 (specialized and support staff) free job positions. The reasons for existence of free job positions are termination of employment contract upon mutual agreement or retiring.

No information is presented about the measures taken by the municipality for assuring of the necessary number of specialists to take care of consumers.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

Personnel according to the permanent positions list: total number of personnel 43 employees, of which 18 are specialists and 22 are support staff as well as 3 employees under Decree of Council of Ministers No 66.

At present there are not any free job positions in the institution.

The efforts of the director are aimed at assuring of professional with proper education and experience in view of assuring of the necessary number of specialists who may provide qualitative care and services to consumers.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) – town of Tvarditsa, Sliven district**

According to the permanent positions list of HAPD and HMRA – Tvarditsa approved by the mayor of Tvarditsa municipality, in force as from 01.01.2018 the number of personnel at the two specialized institutions is respectively 52 and 62 employees.

Towards 01.07.2018 there are not any free job positions in the institutions and the distribution of positions between the specialized and support staff is as follows:

- For HAPD – Tvarditsa – 19 positions for specialists and 33 positions for support staff;
- For HMRA – Tvarditsa – 22 positions for specialists and 40 positions for support staff.

The minimum number of personnel of the two institutions does not conform to the Methodology for defining of the number of personnel at specialized institutions and social services in the community. For HAPD – Tvarditsa the minimum number of personnel is 54 permanent positions and for HMRA – Tvarditsa – 63,6 permanent positions.

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

According to the permanent positions list of HMRA – Batoshevo approved by the mayor of Sevlievo municipality, in force as from 01.01.2018 the number of personnel at the specialized institution is 22,5 permanent positions, of which 8,25 permanent positions for specialized staff and 14,25 permanent positions for support staff.

Towards 01.07.2018 there are two free job positions at the institution – 1 permanent position for a paramedic and 1 permanent position for assistant chef. According to the information provided by the director of the establishment the reasons for existence of free job positions is the distance of the social service from the municipality center (18 km from Sevlievo), the transport difficulties (bus three times a day) and the salary, which does not conform to the conditions of labor. SAA does not have any information about particular measures undertaken by the municipal administration to assure the number of specialists necessary to take care of consumers.

Recommendations 165 - 166:

CPT recommends to the Bulgarian authorities to take urgent measures for assuring of performance of systematic and regular assessment of individual needs of inmates of establishments in Batoshevo, Kachulka and Radovets (as well as in other establishments for mentally retarded persons and persons with psychic disorders, where such evaluations have not been performed yet) and to offer them adapted activities for psycho-social rehabilitation and for improvement of quality of their life, as well as to offer them programs for re-socialization aimed at preparation of the inmates for life in the community. On the first place this will require additional personnel that have the

necessary qualification to provide such services (for example occupational therapists, speech-therapists, physiotherapists etc.).

Furthermore, the Committee recommends to the Bulgarian authorities to undertake measures for assuring that all inmates of the establishment in Kachulka (and in the other establishments for mentally retarded persons and persons with psychic disorders as the case may be) whose health status allows may have unlimited access to exercises in the open during the day, except in cases when their medical treatment procedures require their presence inside the building. In this regard the management team of the establishment in Kachulka needs to assure the safety of inmates when they are outside the building and to provide the necessary help to all inmates who have physical disabilities'.

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

Individual assessments of needs from support and individual plans for provision of support for all 237 consumers have been elaborated until 30.06.2018 in conformity to the requirements of art. 40b and art. 40c of the Rules for Application of the Social Assistance Act.

HMRA – Kachulka has elaborated annual, monthly and weekly training and educational programs, which are approved by the director of the institution. The subjects of the programs are social world; person and nature; national holidays; me and the nature; perception of literature /fiction/; native language; reading and writing; elementary mathematics; leisure time activities.

Content and methodology for education and training under the programs is correspondent to the psycho physiological status, interests, wishes, skills and abilities for concentration of consumers. The information on the subject is graded at levels of difficulty according to the personality development of each consumer. Every educational situation is supported by proper didactic materials for visualization. Consumers make exercises in order to facilitate the assimilation of information.

More than 35 consumers participate in the training and educational programs. During the week individual sessions with consumers who have lower level of assimilation are held and their participation in trainings is recorded in special forms. Literate consumers have their own notebooks for writing and calculations. The other take part visually, they are included in didactic educational games with logical sequence. All individual works and materials are kept in personal files.

HMRA – Kachulka has common living rooms equipped with TV sets, musical players, where the consumers individually organize their leisure time. Many of the apartments of consumers are equipped with TV sets for personal use.

Pavilions are constructed in front of the buildings for rest and leisure time. There is an equipped privacy room and an apartment in the administrative part of the institution for personal contacts with relatives and friends.

Cultural, sport and other types of activities are organized in the institution. The activities are performed pursuant to Annual Plan for social work, approved by the director and reports on implementation of the plan are elaborated. Activities aimed at fostering and stimulation of consumers to take part in different events are performed.

HMRA – Kachulka has not elaborated and does not apply programs for psycho-social rehabilitation and re-socialization, which to prepare the consumers for realization of their potential for life in the community.

All 237 inmates take part in occupational therapy activities towards 30.06.2018. They are distributed in 13 general groups for functional entertaining occupational therapy with physical activities and in 5 groups under specific interests relevant to dancing, musical therapy, art therapy, physical activities, planting, crafts and domestic work, computers.

The institution has assured accessible environment for consumers with physical disabilities. Auxiliary technical tools are used (wheelchairs, walkers, walking sticks). There are ramps, handrails, elevators for support of movement, the rooms are equipped with signaling system and video surveillance.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

Individual assessments of needs from support and individual plans for provision of support for all consumers have been elaborated in conformity to the requirements of art. 40b and art. 40c of the Rules for Application of the Social Assistance Act.

HAPD – Radovets has elaborated and applies educational programs corresponding to the age and personal choice of consumers, which are approved by the director of the institution.

Consumers may organize independently their leisure time and if necessary they receive support from the personnel. According to their preferences the consumers may watch TV, read, listen to music, practice sport, go for a walk etc.

Cultural, sport and other types of activities are organized in the institution. The activities are performed pursuant to Annual Plan for social work, approved by the director.

HAPD – Radovets has elaborated and applies programs for psycho-social rehabilitation and re-socialization, which to prepare the consumers for realization of their potential for life in the community.

Occupational therapy activities are organized in the institution on daily basis. 21 consumers take part in the functional occupational therapy (hygiene and community service work, vegetable and fruit growing, floriculture). 47 consumers take part in entertaining therapy (art and construction activities, reading and writing, musical and physical therapy). Other forms and opportunities for trainings are offered to the consumers who do not wish to participate in the occupational therapy activities in order to avoid their isolation.

The institution does not offer accessible environment for consumers with physical disabilities due to the impossibility for reconstruction of existing buildings and premises.

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

According to the information provided by the director of HMRA – Batoshevo the specialized institution has elaborated individual assessments of needs from support and individual plans for provision of support for all consumers in conformity to the requirements of art. 40b and art. 40c of the Rules for Application of the Social Assistance Act.

Consumers may organize independently their leisure time, they may watch TV, read newspapers, books and magazines, they may go for a walk and socialize with people who live in Batoshevo. The institution has assured to the inmates pencils, crayons, felt tipped pen, paints, plasticine, notebooks, canvasses, meccanoes, puzzles, books, drawing books, decoration paper and subscription for two newspapers and one magazine.

The annual plan of the social worker includes sport and cultural events and other activities related to the daily life of consumers. The educational program implemented in 2018 includes subjects as: calculation and information about the money, types of shops, types of institutions (hospitals, banks, police, municipality, 'Social Assistance' Directorates etc.), reading and writing, geography of Bulgaria, traffic rules, personal hygiene, domestic work, spiritual culture, rituals and customs, trips and rests.

Weekly program approved by the director is applied in the occupational therapy room that includes activities as: painting, application, vegetable growing, musical therapy, modeling, domestic works, entertaining games etc. Consumers take part in separate activities according to their wishes and abilities.

A ramp is constructed in the main building of the specialized institution, where the bedrooms of consumers are located, for assuring of access to consumers with difficulties in moving.

Recommendations 167 – 170 inclusive

'In the Home for mentally retarded persons in Kachulka our delegation was informed that regardless of the profile of the establishment around 40 of its inmates are only with psychic disorders. CPT have serious concerns with regard to this practice and recommends certain measures to be taken for assuring of better distribution of inmates and the ones with serious psychic disorders to be separated from the mentally retarded ones and the two categories to receive better directed and specified care.'

'CPT requests updated information about realized measures for transferring of Iliya Iliev and Bliser Markov from HMRA-Kachulka to proper safe establishments that offer psychiatric medical care. Furthermore CPT requests information about realized measures for taking of safe and satisfactory care for Alexander Petrov without isolating him.

In general CPT requests explanation from the Bulgarian authorities relevant to the legal grounds for isolation of the inmates of HMRA-Kachulka with regard to the fact that the respective legislation does not provide for isolation in the social care establishments.'

'CPT recommends to the Bulgarian authorities to review in timely manner the legal status of all inmates of social care establishments with regard to the above mentioned new legal provisions' (art. 16-16d of the Social Assistance Act)

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

In relation to fulfillment of the requirements of art. 16-16d of the Social Assistance Act referring to settling by virtue of an act of the court of persons placed under plenary guardianship and in view of unification of practice at application of the above stated legal provisions SAA has issued methodological instructions approved by order No PД01-0015 dated 05.01.2018 of the Executive Director of SAA, which are sent for implementation to the territorial units of the agency and to the municipalities.

> Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district

With regard to the legal status of the persons:

- Total number of settled persons towards 30.06.2018 - 237 persons;
- Number of settled legally capable persons towards 30.06.2018 – 23 persons;
- Number of settled persons placed under limited guardianship towards 30.06.2018 – 5 persons;
- Number of settled persons placed under plenary guardianship towards 30.06.2018 – 209 persons;
- Number of persons placed under plenary guardianship settled by virtue of an act of the court towards 30.06.2018 and term of settlement – 58 persons (24 persons for a term of 1 year and 34 persons for a term of 3 years);
- Number of persons with regard to which measures for settling by virtue of an act of the court have been taken towards 30.06.2018 -99 persons;
- Number of persons with regard to which measures for termination of settling have been taken towards 30.06.2018 – 1 person. Settling of I I was terminated due to the fact that his health condition does not correspond to the type of the institution. As from 19.02.2018 he is settled in HAPD – Tvarditsa.

SAA has not received information about measures taken on the part of the specialized institution with regard to 52 persons placed under plenary guardianship.

With regard to the request of CPT referring to updated information about realized measures for taking of particular consumers out of the institution the following shall be taken into consideration:

Due to the fact that the health condition of Mr. I I does not conform to the profile of the Institution the necessary measures were undertaken and he was taken out of HMRA – Kachulka. On 19.02.2018 he was settled in HAPD – Tvarditsa. Documents for taking out of Aneta Krasteva have been filed at 'Social Assistance' Directorate – Sliven.

A letter to the mayor of Sliven municipality has been elaborated in relation to the requirements of the Social Assistance Act referring to settling by virtue of an act of the court of persons placed under plenary guardianship and the need of undertaking of actions falling within the mayor's competence. The letter refers to 12 persons with psychic disorders whose diagnoses established by the Territorial Expert Medical Commission do not correspond to the profile of the specialized institution.

The health condition of Mr. A P corresponds to the profile of the specialized institution, therefore measures for his taking out of the Institution are not necessary. Due to his aggressive behavior he is settled in a separate room with secured window. The room is not locked. He takes part in a group for entertaining occupational therapy.

After multiple hospitalizations at State Psychiatric Hospital – Radnevo on 06.06.2018 Mr. B M was re-examined and a disease corresponding to the profile of the institution was established, therefore measures for his taking out of the institution are not necessary.

> Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district

With regard to the legal status of the persons:

- Total number of settled persons towards 30.06.2018 - 75 persons;
- Number of settled legally capable persons towards 30.06.2018 - 35 persons;
- Number of settled persons placed under limited guardianship towards 30.06.2018 - 2 persons;
- Number of settled persons placed under plenary guardianship towards 30.06.2018 - 38 persons;
- Number of persons placed under plenary guardianship settled by virtue of an act of the court towards 30.06.2018 and term of settlement – 38 persons for a term of 3 years;
- Number of persons with regard to which measures for settling by virtue of an act of the court have been taken towards 30.06.2018. Towards 30.06.2018 all 38 persons placed under plenary guardianship are settled by virtue of an act of the court;
- Number of persons with regard to which measures for termination of settling have been taken towards 30.06.2018. Towards 30.06.2018 no measures for termination of settling have been taken.

> Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) - town of Tvarditsa, Sliven district

100 adult mentally retarded persons are settled in HAPD – Tvarditsa towards 30.06.2018, of which 12 are legally capable, 9 are placed under limited guardianship and 79 – under plenary guardianship. 69 of the persons placed under plenary guardianship are settled by virtue of an act of the court, 8 persons are subject to pending proceedings for settling by virtue of an act of the court and SAA has not received information about measures for settling by virtue of an act of the court taken on the part of the specialized institution with regard to 2 persons.

121 adults with psychic disorders are settled in HMRA – Tvarditsa towards 30.06.2018, of which 31 are legally capable, 6 are placed under limited guardianship and 84 - under plenary guardianship. 46 of the persons placed under plenary guardianship are settled by virtue of an act of the court, 36 persons are subject to pending proceedings for settling by virtue of an act of the court and SAA has not received information about measures for settling by virtue of an act of the court taken on the part of the specialized institution with regard to 2 persons.

> Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district

- Total number of settled persons towards 30.06.2018 – 41 persons;
- Number of settled legally capable persons towards 30.06.2018 – 1 person;
- Number of settled persons placed under limited guardianship towards 30.06.2018 – 3 persons;
- Number of settled persons placed under plenary guardianship towards 30.06.2018 – 37 persons;
- Number of persons placed under plenary guardianship settled by virtue of an act of the court towards 30.06.2018 – 37 persons (36 for a term of three years and 1 until 01.12.2018 or until changing of circumstances);
- With regard to 1 person measures for transferring to another social service have been taken due to the fact that the person does not correspond to the profile of the institution.

Recommendation 171:

The Committee recommends a brochure to be elaborated, which to be provided regularly to the inmates and their families at settling in all social care establishments in

Bulgaria. The inmates who may not understand the brochure shall receive adequate help to do so'.

With regard to the awareness of candidate-consumers and of consumers of social services the following is important to be pointed out:

According to art. 40, paragraph 6 of the Rules for Application of the Social Assistance Act, 'Social Assistance' Directorate shall provide consultations and information to the person about all kinds of social services that may be used, including information about the profile of services and conditions for payment and exemption from fees for using of services.

The social service provider is also obliged to provide to potential consumers a draft of a contract for provision of social services and written information that shall contain description of social services, which will be provided; experience of the provider in provisions of social services and qualification of personnel; conditions and rules for using of the services; procedure for filing of complaints.

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

The potential consumers receive a draft of a contract for provision of social services and written information containing description of the type of social service; location; infrastructure; capacity, qualification of personnel; experience of provider; activities and support provided; conditions for use. The institution has not elaborated a procedure for filing of complaints.

In view of guaranteeing of the right of consumers to receive information in an appropriate manner the social workers provide individual consultations to consumers with regard to the contract for provision of social services that will be signed with the social service provider. They provide information about the rights and obligations of consumers.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

The potential consumers receive a draft of a contract for provision of social services and written information containing description of the type of social service; location; infrastructure; capacity, qualification of personnel; experience of provider; activities and support provided; conditions for use. The institution has elaborated a procedure for filing of complaints.

In view of guaranteeing of the right of consumers to receive information in an appropriate manner the social workers provide individual consultations to each of the consumers.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) - town of Tvarditsa, Sliven district**

The specialized institutions have elaborated a brochure containing text and photographs, in which the conditions for provision of social services are described. The contracts signed with consumers contain information about the provided social services, the experience of provider, qualification of personnel, conditions and rules for using of services and the procedure for filing of complaints.

Consumers and their relatives/guardians/custodians may receive from the personnel additional information about different subjects and issues.

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

According to the information provided by the director of HMRA – Batoshevo written information about the specialized institution, containing the organizational scheme/chart, activities offered etc. is provided to every candidate-consumer and respectively to his/her guardian. They receive also a draft of the contract for provision of social services, which contains provisions relevant to procedure for filing of complaints.

The specialized institution has also elaborated and issued an information brochure.

Recommendations 172- 174:

'The Committee appeals to the Bulgarian authorities to try to find alternative solutions that will guarantee better the independence and impartiality of guardians/custodians'.

With regard to the above recommendation of CPT the mayors of municipalities of Sliven, Topolovgrad, Tvarditsa and Sevlievo, where the institutions listed below are located, were required to provide information.

➤ **Home for mentally retarded adults (HMRA) – Kachulka area, Byala village, Sliven municipality, Sliven district**

The director of the institution is appointed as a custodian of 4 persons placed under limited guardianship and a nephew is appointed as a custodian of 1 person placed under limited guardianship.

The director of the institution is appointed as a guardian of 186 persons placed under plenary guardianship and relatives are appointed as guardians of 23 persons placed under plenary guardianship.

Social services contracts are signed between the municipality of Sliven in its capacity as provider and the consumer of social services. The mayor of the municipality has authorized a person who shall sign the contracts with consumers.

According to the information provided by the director there are no cases, in which the same person represents the mayor of the municipality as provider of social services and acts as a custodian/guardian of a consumer.

➤ **Home for adults with psychic disorders (HAPD) – Radovets village, Topolovgrad municipality, Haskovo district**

An employee at the institution (a social worker) is appointed as a custodian of 1 person placed under limited guardianship and the sister is appointed as a custodian of 1 person placed under limited guardianship.

Employees at the institution are appointed as guardians of 18 persons placed under plenary guardianship ('Human Resources' Specialist is the guardian of 16 persons and the social worker is the guardian of 2 persons), relatives are appointed as guardians of 20 persons placed under plenary guardianship.

Social services contracts are signed between the director of the institution who is authorized by the mayor of municipality of Topolovgrad in his capacity as provider of social services and the consumer of social services.

According to the information provided by the director there are no cases, in which the same person represents the mayor of the municipality as provider of social services and acts as a custodian/guardian of a consumer.

➤ **Home for adults with psychic disorders (HAPD) – town of Tvarditsa, Sliven district and Home for mentally retarded adults (HMRA) - town of Tvarditsa, Sliven district**

The director of specialized institutions is appointed as a custodian of 7 consumers from HAPD and of 2 consumers from HMRA – Tvarditsa.

A relative is appointed as a custodian of 2 consumers from HAPD and of 4 consumers from HMRA – Tvarditsa.

The director of specialized institutions is appointed as a guardian of 66 consumers from HAPD and of 45 consumers from HMRA – Tvarditsa placed under plenary guardianship.

Relatives are appointed as guardians of 13 consumers from HAPD and of 40 consumers from HMRA – Tvarditsa placed under plenary guardianship.

According to the information provided by the mayor of the municipality of Tvarditsa there are no cases, in which the same person represents the mayor of the municipality as provider of social services and acts as a custodian/guardian of a consumer.

➤ **Home for mentally retarded adults (HMRA) – Batoshevo village, Sevlievo municipality, Gabrovo district**

An employee at the institution (a nurse) is appointed as a custodian of 1 person

placed under limited guardianship.

Relatives are appointed as custodians of 2 persons placed under limited guardianship.

A nurse at the institution is appointed as a guardian of 21 consumers placed under plenary guardianship and a social worker at the institution is appointed as a guardian of 1 consumer placed under plenary guardianship.

Relatives are appointed as guardians of 15 consumers placed under plenary guardianship.

The job description of the director of HMRA - Batoshevo contains a provision stating that he may sign contracts with consumers and/or their custodians and guardians. According to the information provided by the director there are no cases, in which the same person represents the mayor of the municipality as provider of social services and acts as a custodian/guardian of a consumer.

Respectfully yours,

RUMYANA PETKOVA, signature: /illegible/
Executive Director

*Round seal: MINISTRY OF LABOR AND SOCIAL POLICY * SOCIAL ASSISTANCE AGENCY*

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