



CPT/Inf (2002) 1

**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 (CPT)**

from 25 April to 7 May 1999

The Bulgarian Government has authorised the publication of this report and of its responses. The Government's responses are set out in document CPT/Inf (2002) 2.

Strasbourg, 28 January 2002

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Copy of the letter transmitting the CPT's report

Strasbourg, 7 December 1999

Dear Mrs Vassileva,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I have the honour to enclose herewith the report to the Government of Bulgaria drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Bulgaria from 25 April to 7 May 1999. The report was adopted by the CPT at its 40th meeting, held from 15 to 18 November 1999.

I would like to draw your attention in particular to paragraph 221 of the report, in which the CPT requests the Bulgarian authorities to provide an interim and a follow-up report on the action taken upon its report. The Committee would be grateful if it were possible, in the event of the reports forwarded being in Bulgarian, for them to be accompanied by an English or French translation. It would also be most helpful if the Bulgarian authorities could provide a copy of the reports in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Finally, I would be grateful if you could acknowledge receipt of this letter.

Yours sincerely,

Ivan ZAKINE
President of the European Committee for
the prevention of torture and inhuman
or degrading treatment or punishment

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I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In accordance with Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred as “the Convention”), a delegation of the CPT visited Bulgaria from 25 April to 7 May 1999.

The visit formed part of the Committee’s programme of periodic visits for 1999, and was the second periodic visit to Bulgaria to be carried out by the CPT (the first periodic visit having taken place in March - April 1995).¹

2. The visit was carried out by the following members of the CPT:

- Ingrid LYCKE ELLINGSEN, 1st Vice-President of the CPT, Head of the delegation
- Silvia CASALE
- Christina DOCTARE
- Rudolf SCHMUCK
- Davor STRINOVIĆ.

They were assisted by:

- James MacKEITH, Consultant Forensic Psychiatrist, the Bethlem Royal and Maudsley Hospitals, London, United Kingdom (expert)
- James McMANUS, Scottish Prisons Complaints Commissioner, Edinburgh, United Kingdom (expert)
- Derrick POUNDER, Professor of Forensic Medicine, University of Dundee, United Kingdom (expert)
- Sashka HRISTOVA (interpreter)
- Georgi IVANOV (interpreter)
- Krassimira IVANOVA (interpreter)

¹ The Committee’s report on its first periodic visit to Bulgaria and the responses of the Bulgarian Government have been made public at the request of the Bulgarian authorities (cf. document CPT/Inf (97) 1).

- Iliana SARAIOULEVA (interpreter)
- Petroushka TOMOVA (interpreter)
- Mitko VELKOV (interpreter),

and accompanied by the following members of the CPT's Secretariat:

- Fabrice KELLENS, Head of Unit
- Petya NESTOROVA.

B. Establishments visited

3. The delegation visited the following places of detention:

Police establishments

- 4th District Police Directorate, Burgas
- 6th District Police Directorate, Plovdiv
- 3rd District Police Directorate, Sofia
- District Police Directorate "Slunchev Bryag", Nessebur
- Regional Directorate of Internal Affairs, Stara Zagora
- Gladstone Street Police Station, Pleven
- Home for the temporary placement of adults, Plovdiv
- Home for the temporary placement of adults, Sofia
- Home for the temporary placement of minors, Plovdiv

Investigation detention facilities

- Central Investigation detention facilities, Blvd. G.M. Dimitrov, 42, Sofia
- Investigation detention facility, Razvigor Street, 1, Sofia
- 3rd District Investigation detention facility, Sofia
- Regional Investigation detention facility, Burgas
- Regional Investigation detention facility, Pleven
- Regional Investigation detention facility, Plovdiv
- Regional Investigation detention facility, Stara Zagora
- Investigation detention facility "Slunchev Bryag", Nessebur

Prisons

- Burgas Prison
- Stara Zagora Prison

Psychiatric establishments

- Lovech Neuropsychiatric Hospital (closed ward for the criminally irresponsible)
- Lovech Prison Hospital (psychiatric section)
- Social welfare home for male residents with mental disorders, Terter (Kubrat region)

Other establishments

- Accommodation for passengers denied entry, Sofia Airport.

In addition, the delegation paid brief visits to the Pulmonary Ward at Lovech Prison Hospital and the Central Hospital of the Ministry of Internal Affairs in Sofia.

C. Consultations held by the delegation and co-operation encountered

4. In addition to meeting local officials at the establishments visited, the delegation held talks with the competent national authorities and with representatives of several non-governmental organisations active in areas of concern to the CPT. A list of the national authorities and non-governmental organisations consulted during the visit is set out in Appendix II to this report.

5. As had been the case during the first CPT visit to Bulgaria in 1995, the delegation's meetings with the national authorities - both at the start and the end of the visit - took place in a spirit of close co-operation. The CPT is grateful for the time devoted to its delegation at the outset of the visit by the Minister for Health, Mr Petar BOYADJIEV, the Deputy Minister for Justice and European Legal Integration, Mrs Zlatka RUSSEVA, the Director of the National Police, Mr Vassil VASSILEV, and the Deputy Chief Prosecutor, Mr Dimitar DIMITROV. The delegation also had fruitful discussions with senior officials of the Ministry of Justice's Main Directorate of Places of Deprivation of Liberty and Main Directorate of Investigation Detention Facilities, the Ministry of Education's Department of General Education, as well as of the Chief Prosecutor's Office.

The delegation appreciated the efficient assistance provided to it during and after the visit by the liaison officer designated by the national authorities, Mrs Galina VASSILEVA, Expert at the Ministry of Justice and European Legal Integration.

6. There were no significant delays in gaining access to the places of detention visited, including those which had not been notified in advance of the CPT's intention to carry out a visit. On the whole, the delegation received a very satisfactory reception from the establishments' management and staff, the majority of whom were aware of the possibility of a CPT visit and had a basic knowledge of the Committee's powers.

However, as regards more particularly those establishments which were the subject of a follow-up visit, the delegation noted that in certain of them the management was not familiar with the pertinent extracts of the CPT's report on the 1995 visit to Bulgaria. In this respect, **the CPT would like to underline the importance of Parties bringing the contents of the report drawn up by the Committee after a visit to the attention of all the relevant authorities and staff, in an appropriate form. It would also be desirable to make use of the reports on CPT visits in the training of the different categories of staff working with persons deprived of their liberty.**

D. Immediate observations under Article 8, paragraph 5, of the Convention

7. Before its departure from Sofia on 7 May 1999, the CPT's delegation had a final meeting at the Ministry of Justice and European Legal Integration with representatives of the Bulgarian competent authorities, in order to acquaint them with the main facts found during the visit. On this occasion, the delegation made three immediate observations, in pursuance of Article 8, paragraph 5, of the Convention, as follows:

- i) the metal rails fixed to the walls of police detention cells, and used for handcuffing detainees in a standing position, should be removed;
- ii) an independent inquiry should be carried out into the treatment of prisoners at Burgas Prison;
- iii) the functioning of the Social Welfare Home for male residents in the village of Terter should be reviewed. As a matter of priority, a medical team from a nearby hospital should be sent to conduct an evaluation of the physical state of all the residents. Further, the two small barred cages used for isolation in Block 3 should be immediately taken out of service, and residents accommodated in that block provided with adequate sanitary facilities.

8. The above-mentioned immediate observations were subsequently confirmed in a letter of 2 June 1999 from the Head of the CPT's delegation. The CPT requested the Bulgarian authorities to submit, within three months, a report on the action taken in response.

The delegation also asked to receive reports within six months on:

- the steps taken to develop a regime of activities for persons detained in investigation detention facilities;
- the planned reorganisation of the national system of investigation detention facilities (including a timetable);
- the national strategy for tackling the problem of tuberculosis in prisons and investigation detention facilities.

9. By letters of 12 August and 19 August 1999, the Bulgarian authorities informed the CPT of the measures taken. Those measures will be considered in detail later in this report. The CPT wishes to emphasise already at this point the constructive spirit in which the Bulgarian authorities took note of and reacted to its delegation's observations.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Police establishments

1. Preliminary remarks

10. Police custody in Bulgaria is currently regulated by the Law on the Ministry of Internal Affairs, in force since December 1997. In pursuance of Article 71 of this Law, the police can detain a person on their own authority for up to 24 hours. The Law contains a list of grounds on which a person may be taken into police custody.² A person can lodge a complaint against his/her detention by the police, which should be considered by the competent court immediately. To extend custody beyond the 24-hour period it is necessary to obtain an arrest warrant from a public prosecutor.³ All persons who are remanded in custody are transferred to investigation detention facilities (currently run by the Ministry of Justice).

11. Notwithstanding the provisions of Article 71 of the Law on the Ministry of Internal Affairs, it transpired from the delegation's discussions with police staff, investigating magistrates and public prosecutors that in practice the time which persons spend in the custody of the police could extend beyond the 24-hour period. The Director of the National Police informed the delegation that police officers were authorised to have an initial "talk" with a person taken or summoned to the police station for up to 3 hours, after which time an order of detention had to be issued or the person released.

The CPT would like to receive a clarification as regards the legal basis of the above-mentioned practice and the status and rights of persons invited by the police for initial "talks".

12. Further, the delegation received allegations that the legal time limits were sometimes exceeded by transferring persons from one police station to another for several successive 24-hour periods. Investigating magistrates and public prosecutors spoken to by the delegation were aware of the existence of such a practice; to quote one public prosecutor, this happened "in hard cases or when other cases might get solved in the process".

The CPT would welcome the Bulgarian authorities' comments on this issue.

² According to Article 70, paragraph 1, the organs of the police can detain persons in the following cases: 1) persons who have committed a crime; 2) persons who obstruct the work of the police; 3) persons who are seriously mentally disturbed, and pose a danger to other persons or to themselves; 4) juveniles who have absconded; 5) persons whose identity cannot be established; 6) persons who have escaped from an establishment for the deprivation of liberty; 7) in other cases stipulated by law.

³ The draft amendments to the Code of Criminal Procedure (currently in the process of being adopted by the National Assembly) envisage that the power to remand in custody will be vested in a court.

13. In addition to police cells, the delegation visited two other types of establishments run by the police: the centres for the temporary placement of adults in “Drouzhba-2”, Sofia (a follow-up visit) and in Plovdiv, and the centre for the temporary placement of minors in Plovdiv.

In pursuance of the Law on the Ministry of Internal Affairs, persons who are vagrant or mendicant may be detained by the police for up to 30 days in centres for the temporary placement of adults.⁴ Under the new Aliens’ Law (in force since December 1998), foreigners who are illegally present in the country may be detained in special centres until the moment of their deportation.⁵ However, the law does not set a specified time limit on the detention of illegal foreigners, and the delegation met one person who had spent over 5 months at the Centre for the temporary placement of adults in “Drouzhba-2”, Sofia. **The CPT would like to be informed whether there are possibilities under Bulgarian law to appeal against a decision to detain an illegal foreigner.**

The legal basis for the detention of minors by the police is provided by the Law on combating the anti-social behaviour of juveniles (Articles 34 to 39). The maximum length of detention in a centre for the temporary placement of minors is 15 days. In exceptional circumstances, this period may be extended to 2 months with the public prosecutor’s authorisation (rather than a court decision).

2. Torture and other forms of physical ill-treatment

14. In its report drawn up after the first periodic visit to Bulgaria, the CPT concluded that criminal suspects deprived of their liberty by the police run a significant risk of being ill-treated at the time of their apprehension and/or while in police custody, and that on occasion resort may be had to severe ill-treatment/torture.

In the course of the second periodic visit, the CPT’s delegation continued to receive numerous allegations of ill-treatment by the police. The allegations related to both the time of apprehension and subsequent questioning by operational police officers. In contrast, no allegations were received of ill-treatment by police staff employed in the centres for temporary placement of adults in “Drouzhba - 2”, Sofia and Plovdiv, and in the centre for the temporary placement of minors in Plovdiv.

15. The ill-treatment alleged concerned, in the main, slaps, punches, kicks and blows with a truncheon. A certain number of allegations were received of blows with a truncheon or stick on the palms and the soles of the feet, slapping of both ears with flat hands, asphyxiation using a plastic bag, the infliction of electric shocks, and the beating of detained persons while they are handcuffed and suspended by the arms or maintained in a hyperextended position. The ill-treatment alleged was on occasion such that it could be considered as amounting to torture.

⁴ Cf. Article 83 of the Law on the Ministry of Internal Affairs.

⁵ Cf. Article 44 (4) of the Aliens’ Law.

16. Certain of the persons who made allegations of ill-treatment were found on examination by medical members of the delegation to display physical marks or conditions consistent with their allegations. By way of illustration, reference might be made to the following cases:

- a person interviewed by the delegation at the Central Investigation detention facilities on Blvd. G.M.Dimitrov in Sofia alleged that some days earlier, he had been taken from his home to the district police station where he was beaten repeatedly by police officers in order to extract a confession. The person concerned stated that he had been made to strip to his underpants and kneel on the ground with his arms stretched out and hands open palms upwards; in this position, he had received truncheon blows on the palms, and when he withdrew his hands, on the back and the neck. He also alleged that he had been made to lie face down on the floor, with his knees bent and feet up in the air, and hit on the soles of the feet, and that he had been punched in the face and slapped on both ears with flat hands. The medical examination revealed: on the lateral aspect of the left upper arm, a confluent blue-red haematoma measuring 18 cm x 8 cm, apparently comprising four original separate bruises; a swelling and bruise on the left upper eyelid, and spotty bruising over the adjacent malar prominence; pain on palpation on both knees; pain on palpation of the palms of the hands and a tingling sensation at the fingertips. The person concerned refused to have his feet examined;
- another person met by the delegation at the Central Investigation detention facilities in Sofia alleged that, whilst in police custody some twenty-six days earlier, he had been kicked and hit with batons on the head. Upon medical examination, the person concerned displayed a 7 cm linear scar on the right side of the head (right parasagittal parietal, 4 cm to the right of the mid-line), consistent in appearance with the age alleged;
- a detained person interviewed by the delegation at Gladstone Street Police Station in Pleven alleged that approximately a week earlier, whilst in police custody, he had received truncheon blows on the soles of the feet whilst handcuffed. Upon medical examination, the soles of both feet were found to be tender to palpation. The person concerned also stated that he had been bitten by a police dog at the time of apprehension. The medical examination revealed, on the inner side of the right upper leg and the other part of left leg, small red round excoriations, slightly inflamed, consistent with the allegations of dog bites;
- a person met by the delegation at Plovdiv Regional investigation detention facility alleged that two months previously he had been beaten by the police at three different police stations to which he had been transferred in turn. The person concerned stated that the police had used a thick hose to beat him and that he had lost several teeth in the beatings. The delegation observed that five of his teeth were missing and that his remaining teeth appeared to be healthy.

17. Most of the police stations visited possessed only one, multi-occupancy cell. These cells were equipped with metal rails, usually at a height of 180 cm or more. Police officers spoken to by the delegation explained that these rails were used infrequently for handcuffing detainees who were violent or drunk. However, the delegation received allegations from numerous persons who had been in police custody to the effect that they had spent several hours attached to a rail in a standing position, with one or both arms stretched above the head and handcuffed to the rail (a position referred to as “the tram”). Such a form of positional abuse causes discomfort and induces pain; it is therefore unacceptable in any circumstances. The delegation made an immediate observation under Article 8, paragraph 5, of the Convention, requesting the immediate removal of the above-mentioned rails from police detention cells.

In their letter of 19 August 1999, the Bulgarian authorities informed the CPT that the Director of the National Police had issued an order according to which the rails to which detainees are handcuffed should be moved to a height of 80 to 120 cm above the floor level, “with a view to avoiding pain and discomfort to the detainees”. The letter also makes reference to the fact that police officers on duty “are obliged to make regular checks of the physical state of detainees on the spot every hour so as the normal circulation of blood and avoidance of self-injuring be guaranteed”. All the measures required for the carrying out of the above-mentioned order were expected to be completed by 31 August 1999.

The CPT has taken note of the above-mentioned order concerning the lowering of the rails in police cells. It must be seen as only a provisional solution. The Committee is of the view that detention in a cell normally does not require the use of additional restraints. It fully accepts that there might be need to take special precautions vis-à-vis persons in custody who are drunk and/or violent, with a view to preventing them from harming themselves or others. However, the precautions should consist in placing any such person in a separate, appropriately equipped and closely supervised (e.g. every 15 minutes) cell. **The CPT recommends that police stations be equipped with such a facility as a matter of priority.**

18. The information gathered during the second periodic visit indicates that the Bulgarian authorities must exercise continuing vigilance as regards the treatment of persons in police custody.

In its first report, the CPT stressed that it is highly important for the relevant national authorities as well as senior police officers to deliver the clear message that the ill-treatment of detained persons is not acceptable and will be dealt with severely. In the light of the information gathered during the visit in 1999, and bearing in mind that since that visit the CPT has continued to receive reports containing allegations of ill-treatment by the Bulgarian police, **the CPT recommends that the Ministry of Internal Affairs remind police officers, through a formal statement, that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. In this statement, emphasis should be placed on the key role to be played by senior staff in managing and supervising police activities at all levels.**

19. The delegation's discussions with public prosecutors and investigating magistrates confirmed that ill-treatment by the police constituted an on-going problem, and was the subject of criminal proceedings in a number of cases.

The Director of the National Police pointed out in this regard that a special "Complaints" Office had been set up at the Ministry of Internal Affairs (within the Directorate of Human Resources), with a view to combating illegal behaviour by the police, including ill-treatment. The office in question is obliged to draw up reports on a monthly basis concerning all complaints received and action taken, and present it to the Minister of Internal Affairs. **The CPT would like to receive copies of recent reports drawn up by the "Complaints" Office.**

20. In order for the CPT to obtain a complete and up-to-date picture of the current situation, **the Committee would like the Bulgarian authorities to supply the following information in respect of 1998 and 1999:**

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

The CPT would also like to receive detailed information on complaints and disciplinary procedures in respect of the police, including the safeguards incorporated to ensure their objectivity, proper documentation, timely consideration and resolution.

21. In the report on the 1995 visit (cf. paragraph 28 of document CPT/Inf (97) 1), the CPT stressed that the best possible guarantee against ill-treatment by the police is for its use to be unequivocally rejected by police officers themselves. This implies strict selection criteria at the time of recruitment of such staff and the provision of adequate professional training. As regards the latter, the Bulgarian authorities should seek to integrate human rights concepts into practical professional training for handling high-risk situations, such as the apprehension and interrogation of suspects.

Consequently, **the CPT must recommend once again:**

- **that a very high priority be given to professional training for police officers of all ranks and categories, taking into account the above remarks. Experts not belonging to the police should be involved in this training;**
- **that an aptitude for interpersonal communication be a major factor in the process of recruiting police officers and that, during the training of such staff, considerable emphasis be placed on acquiring and developing interpersonal communication skills.**

22. As already pointed out in the 1995 visit report, another effective means of preventing ill-treatment by the police lies in the diligent examination by public prosecutors and judges of all complaints of such treatment brought before them and, when appropriate, the imposition of a suitable penalty. This will have a very strong dissuasive effect.

In this connection, the CPT must stress the importance of all persons in respect of whom the preventive measure of remand in custody is applied being physically brought before the public prosecutor – and, once the draft amendments to the Code of Criminal Procedure have been adopted, before the judge - who must approve that measure. This will provide a timely opportunity for a person who has been ill-treated to lodge a complaint. Further, even in the absence of an express complaint, the fact of having the person concerned brought before the prosecutor will enable the latter to take action in good time if there are other indications (e.g. visible injuries; a person's general appearance or demeanour) that ill-treatment might have occurred. The information gathered during the visit indicates that at present persons remanded in custody are rarely brought before public prosecutors ordering the measure.

The CPT recommends that appropriate steps be taken to ensure that all persons in respect of whom the preventive measure of remand in custody is applied are physically brought before the public prosecutor/judge ordering the measure.

The CPT also recommends that whenever a person brought before a prosecutor/judge alleges ill-treatment by the police, the prosecutor/judge immediately request a forensic medical examination of the person concerned. This approach should be followed irrespective of whether the person concerned bears visible injuries.

Further, even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment.

23. Health-care services in investigation detention facilities (cf. also paragraphs 82 to 85) can make an important contribution to the prevention of ill-treatment by the police, through the systematic recording of injuries observed on newly arrived detainees and, if appropriate, the provision of information to the relevant authorities.

Current practice in this area in the investigation detention facilities visited by the delegation left room for improvement. Many persons interviewed by the delegation stated that several days had elapsed between their arrival at the detention facility and the actual medical examination. Further, the CPT's delegation was told by several persons alleging ill-treatment by the police that the initial medical examination had been of a very summary nature, and that the doctor who had examined them had not taken note of their allegations. Examinations of the medical records confirmed the extreme brevity of entries in cases of alleged ill-treatment, which were limited to general descriptions such as "multiple injuries". Further, medical examinations were carried out as a rule in the presence of non-medical staff employed at the investigation detention facility (cf. also paragraph 83).

The CPT recommends that steps be taken to ensure that health-care staff at investigation detention facilities always record in a detailed manner any injuries observed on persons admitted to such facilities (i.e. the nature, location, size and specific characteristics of each and every injury). It is important that the medical record drawn up includes, in addition to a description of injuries observed, any relevant statements made by the person concerned (and in particular allegations of ill-treatment made by him) and the doctor's conclusions. In his conclusions, the doctor should indicate the degree of consistency between the allegations made and the objective medical findings; this will enable the relevant authorities, and in particular prosecutors, to properly assess the information set out in the record. The same approach should be followed whenever a detained person is medically examined following a violent episode in the investigation detention facility.

Further, the CPT recommends that existing procedures be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a detained person, the record is systematically brought to the attention of the relevant prosecutor.

24. In the course of the 1999 visit, the CPT's delegation also paid a visit to the Central Hospital of the Ministry of Internal Affairs in Sofia, which inter alia provides medical reports for the courts. The CPT was pleased to note that the contents of the forensic medical reports drawn up by the hospital contain an account of relevant statements by the detainee, an account of objective medical findings based on a thorough examination, and the doctors' conclusions in the light of those two elements. However, the delegation was told that a forensic medical examination could only be performed upon a specific request addressed by the public prosecutor. Further, no copy of the forensic medical report was provided to the detained person and his lawyer, the public prosecutor's authorisation being again required for that.

The CPT recommends that steps be taken to ensure that:

- **State forensic services are authorised to accept requests for medical examinations presented to them directly by persons who allege ill-treatment, or by their doctor or lawyer;**
- **forensic medical reports are always provided to the person concerned and his lawyer.**

Further, as regards more specifically hospitals of the Ministry of Internal Affairs, the CPT recommends that when they are asked to provide medical reports in relation to injuries sustained by detained persons, a forensic medical expert from a University forensic medical department should be involved in the examination and the drawing up of such reports.

3. Safeguards against the ill-treatment of persons deprived of their liberty

a. introduction

25. The CPT wishes to recall the particular importance which it attaches to three rights for persons detained by the police:

- the right of those concerned to have the fact of their detention notified to a close relative or third party of their choice,
- the right of access to a lawyer,
- the right of access to a doctor.

The CPT considers that these three rights are fundamental safeguards against the ill-treatment of persons detained by the police, which should apply from the very outset of custody (i.e. from the moment when those concerned are obliged to remain with the police).

26. Moreover, it considers it equally fundamental that detained persons be informed without delay, and in a language they understand, of all their rights, including those mentioned above.

27. In the report on the first periodic visit to Bulgaria (cf. document CPT/Inf (97) 1), the CPT made a number of recommendations designed to strengthen these fundamental safeguards. This issue has since formed part of the ongoing dialogue between the CPT and the Bulgarian authorities, and the Committee is pleased to note that some measures have been adopted with a view to reinforcing the safeguards applying to persons in police custody. Nevertheless, the responses of the Bulgarian authorities and the facts found during the CPT's second periodic visit demonstrate that several of the Committee's recommendations in this area have yet to be fully implemented.

b. notification of custody

28. In the report drawn up after its first periodic visit, the CPT recommended that persons deprived of their liberty have the right to inform, without delay, a close relative or third party of their choice of their situation, either directly or through a police officer, and that any possibility exceptionally to delay the exercise of this right be clearly circumscribed in law, made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a court or public prosecutor) and strictly limited in time.

29. It transpired from the responses submitted by the Bulgarian authorities to the 1995 visit report and the discussions held with competent officials during the second periodic visit that Bulgarian law does not at present make express provision for the above-mentioned right. Admittedly the 1997 Law on the Ministry of Internal Affairs stipulates that “persons detained by the police ... cannot have any of their rights restricted, with the exception of the right to free movement”⁶. However, the law in question contains no specific provisions on the right of such persons to have the fact of their custody notified to a relative or third party.

In their interim report, the Bulgarian authorities make reference in this context to the right of access to a lawyer, which applies “from the moment of detention” (cf. paragraph 33 below). However, even if the right of access to a lawyer for persons in police custody were to be operating satisfactorily (which is presently not the case), that right is not a substitute for the right to inform a relative or third party of one's choice of one's detention.

It should be noted that at the 3rd District Police Directorate in Sofia and the Gladstone Street Police Station in Pleven, the delegation did observe, displayed on a wall, a document entitled “Rules for the internal order in facilities for temporary detention” (dated 18 September 1998), which stated inter alia that persons detained in such facilities have “the right to call their relatives and inform them of their location, and to receive visits and food”. However, no such rules were seen at the other police stations visited. Moreover, a number of police officers spoken to were clearly unaware of the existence of any such right.

30. As was the case in 1995, in the course of the second periodic visit the delegation received numerous allegations from persons met in investigation detention facilities and prisons to the effect that notification of police custody had been refused or significantly delayed.

31. In the light of the above remarks, **the CPT must reiterate its recommendation that the Bulgarian authorities take the necessary steps to ensure that persons detained by the police have, from the moment they are obliged to remain with the police, the right to inform members of their family or a third person of their choice of their situation, and that this right is effectively guaranteed in practice. Further, any exceptions foreseen to this right, designed to protect the interests of justice, should be clearly circumscribed in law and made subject to appropriate safeguards.**

c. access to a lawyer

32. As already indicated in the 1995 visit report, access to a lawyer is guaranteed by the Bulgarian Constitution “as from the moment of detention or the moment of being charged” (Article 30, sub-paragraph 4). As regards the actual content of the right of access to a lawyer, it includes the right to have the lawyer present at all stages of the preliminary investigation (including interrogations), to meet with him in private, and to have the lawyer consult the investigation file.⁷

⁶ Cf. Article 71 of the Law on the Ministry of Internal Affairs.

⁷ Cf. Article 75, paragraph 1 of the Code of Criminal Procedure.

33. At the time of the 1995 visit, the CPT entertained certain doubts as to whether the right of access to a lawyer applied during the first 24 hours of police custody. The legal situation appeared to have been clarified by the 1997 Law on the Ministry of the Interior, which provides for the right of legal defence for persons in police custody “as from the moment of detention”.⁸ However, the “moment of detention” is interpreted as starting only when an order for detention has been issued in respect of a person. As already indicated (cf. paragraph 11), persons might be obliged to remain with the police for several hours prior to the issuing of such an order. Such persons had no right of access to a lawyer during that initial period.

34. In fact, it transpired from the delegation’s discussions with detained persons that they had not been informed of their right of access to a lawyer, and that such access was rarely – if ever – granted to persons throughout their period of police custody. Further, defence lawyers spoken to by the delegation claimed that their attempts to meet clients at a police station were usually rebuffed by police officers, who continued to maintain that persons in their custody did not have the right of access to a lawyer. Such a refusal, as well as the evidence obtained during police custody, is apparently impossible to challenge in court: police custody not being part of the preliminary investigation procedure, the lack of access to a lawyer could not be raised as a substantial violation of procedural requirements under the Code of Criminal Procedure.

It should also be noted that some investigating magistrates met by the delegation stated that persons who were brought to them after police custody often had not had access to a lawyer.

35. The CPT has already stressed in its first visit report to Bulgaria that it is during the period immediately following deprivation of liberty that the risk of intimidation and ill-treatment is greatest. Consequently, the possibility for persons to have effective access to a lawyer from the very outset of their custody by the police (i.e. from the moment they are obliged to remain with the police) is a fundamental safeguard against ill-treatment. The existence of this possibility will have a dissuasive effect on those minded to ill treat detained persons; moreover, a lawyer is well placed to take appropriate action if ill-treatment actually occurs.

In the light of these considerations, the CPT recommends that the Bulgarian authorities take steps to ensure that the right of access to a lawyer for persons in police custody applies as from the very outset of their deprivation of liberty (and not only when a formal order of detention is issued). Further, anyone who is under a legal obligation to attend a police establishment following an “invitation” to appear there, should have the right of access to a lawyer.

36. To be effective, the right of access to a lawyer must include the right to talk to him in private. In this connection, the CPT's delegation noted that none of the police establishments visited possessed facilities designated for the purpose of meetings between detainees and their lawyers.

The CPT recommends that the Bulgarian authorities make appropriate arrangements to ensure the confidentiality of discussions between persons in police custody and their lawyers.

⁸ Cf. Article 70, paragraph 4 of the Law on the Ministry of Internal Affairs.

37. Finally, if the right of access to a lawyer is to be fully effective in practice, appropriate provision should be made for those who are not in a position to pay for legal services. The delegation met a considerable number of detainees who stated that they had not been in a position to consult a lawyer because of a lack of resources. In this connection, **the CPT re-iterates its request to receive details on the system of legal aid for detained persons in Bulgaria (e.g. basis in law, financing mechanisms, appointment procedure, etc.).**

d. access to a doctor

38. As far as the CPT's delegation was able to ascertain, the situation concerning the right of persons detained by the police to have access to a doctor has remained unchanged since the 1995 visit. That is to say, there are still no specific legal provisions guaranteeing this right.

The Director of the National Police informed the delegation that every person taken in police custody should immediately be examined by a doctor and could request examination by a doctor at any other point. However, it was clear from the delegation's discussions with police officers that persons were not routinely examined by a doctor upon detention. Although police officers indicated that if a detained person had a health problem, a police doctor was either called in or the person concerned taken to a nearby health centre/hospital, it was clear that seeking medical assistance was at the discretion of the police. In this connection, the delegation met persons who claimed that they had not been seen by a doctor whilst in police custody, despite their alleged need for medical assistance and their requests for such assistance.

39. **The CPT must therefore re-iterate its recommendation that persons deprived of their liberty by the police be expressly guaranteed the right to have access to a doctor. Specific legal provisions should be adopted on the subject. Those provisions should stipulate inter alia that:**

- **a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police authorities (it being understood that the expense of such an additional examination might be borne by the detainee);**
- **with a view to protecting medical confidentiality, all medical examinations of persons in custody are to be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;**
- **the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the detained person and his lawyer;**
- **the confidentiality of medical data is to be strictly observed.**

e. information on rights

40. The CPT has already stressed the importance which it attaches to people detained by the police being expressly informed without delay of all their rights, including those referred to in paragraph 25 (cf. paragraph 26).

Regrettably, the situation in this respect has remained unchanged since the 1995 visit. As far as the CPT's delegation could ascertain, there are no legal provisions requiring the police to inform persons of their rights during the first 24 hours of custody. Many detained persons interviewed by the delegation were surprised to learn that, under Bulgarian law, they were entitled to a lawyer, or indeed that they had any rights at all during the period of police custody.

41. In order to ensure that persons detained by the police in Bulgaria are fully informed of their rights, **the CPT must reiterate its recommendation that a form setting out those rights in a straightforward manner be given systematically to persons arrested by the police (and, as appropriate, explained to them), at the very outset of their custody. The form should be available in different languages and the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.**

f. conduct of interrogations

42. Another recommendation made in the report on the first periodic visit concerned the drawing up of a code of conduct for interrogations (cf. paragraph 94 of document CPT/Inf (97) 1). In their interim report, the Bulgarian authorities made reference in this context to the "Instructions on the enforcement of the Code of Criminal Procedure", said to be in the process of preparation and to reflect the points stressed by the CPT.

In the course of the second periodic visit, the CPT's delegation was unable to establish whether the above-mentioned instructions had been issued. Police officers spoken to by the delegation were not aware of the existence of a specific code of conduct of interrogations.

Admittedly, the Code of Criminal Procedure does lay down important procedural principles concerning the custody and questioning of detained persons. In addition, the CPT has noted that the new Code of Ethics for the Police provides general guidelines on the behaviour of police officers. However, although a useful document, it is not a substitute for a detailed code of conduct of interrogations. The Committee therefore remains convinced of the need for such a code, setting out in detail the procedure to be followed on a number of specific points, including those mentioned in paragraph 94 of the 1995 visit report. The existence of a code of conduct for interrogations would in particular serve to underpin the lessons taught during professional training.

The CPT must therefore reiterate its recommendation that a code of conduct for interrogations be drawn up for the Bulgarian police force.

g. custody records

43. As had been the case in 1995, the delegation's examination of police custody records revealed that the period spent in police custody was poorly documented. In particular, it was not uncommon for the time of release or transfer from police custody to be omitted from the register.

The CPT remains of the opinion that a single and comprehensive custody record should be kept for each person brought into a police station. This register should record all aspects of the custody and all the action taken in connection with it (time of and reason(s) for the arrival at the police station; time of issuing the order of detention; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when released, etc.).

h. persons detained under the Aliens' legislation

44. Persons detained under the Aliens' legislation should - in the same way as other categories of persons deprived of their liberty - be entitled, as from the outset of their detention, to inform a person of their choice of their situation and to have access to a lawyer and a doctor. Further, they should be expressly informed, without delay and in a language they understand, of all their rights and of the procedure applicable to them. In addition, such persons should be entitled to maintain contact with the outside world during their detention, and in particular to have access to a telephone and to receive visits from relatives and representatives of relevant organisations.

45. At the time of the delegation's visit, persons detained at the centre for the temporary placement of adults in "Drouzhba -2", Sofia (on which, cf. paragraphs 52 to 60) could receive visits from relatives and representatives of relevant organisations. However, they did not have access to a pay-phone. Further, no written information was provided to them, and many detainees alleged that they had been left unaware of their legal situation.

The CPT recommends that steps be taken to ensure that persons detained under the Aliens' legislation:

- **have access to a pay-phone;**
- **are systematically provided with a document explaining the procedure applicable to them and setting out their rights. This document should be available in the languages most commonly spoken by those concerned and, if necessary, recourse should be had to the services of an interpreter.**

46. The CPT also wishes to take this opportunity to reiterate a point already made in the report on the 1995 visit to Bulgaria, that it would be in violation of both national and international legal obligations for persons to be returned to a country where there are substantial grounds for believing that they would run a risk of being subjected to torture or inhuman or degrading treatment or punishment.

The CPT reiterates its request to receive a detailed account of the precise practical steps taken by the Bulgarian authorities to ensure that such a situation does not occur.

4. Conditions of detention

a. preliminary remarks

47. In the course of the discussions held between the delegation and the Bulgarian authorities at the beginning of the CPT's second periodic visit, the Director of the National Police stated that since 1995, efforts had been made to improve conditions in police detention facilities. In this connection, the CPT wishes to recall the conditions of detention which should be offered to persons in police custody.

All cells should be clean and of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should have access to natural light. Further, cells should be equipped with a means of rest (e.g. a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets.

Persons in police custody should be allowed to comply with the needs of nature in clean and decent conditions, and be offered adequate washing facilities. They should have ready access to drinking water and be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. Persons held in custody for 24 hours or more should, as far as possible, be offered one hour of outdoor exercise every day.

b. police cells

48. Two of the police stations – the 3rd District Police Directorate in Sofia and the Regional Directorate of Internal Affairs in Stara Zagora – had already been visited by the CPT in 1995 (cf. paragraphs 39, 42 and 43 of document CPT/Inf (97) 1).

The delegation did not observe any improvements to the cell at the 3rd District Police Directorate in Sofia: it remained completely bare, save for two metal bars to which detained persons could be handcuffed (cf. paragraph 17), poorly lit and inadequately ventilated. As was the case in 1995, detained persons had no means of rest and persons held overnight were not provided with mattresses or blankets.

As for conditions in the Regional Directorate of Internal Affairs in Stara Zagora, in the report on the 1995 visit the CPT had stressed that the physical characteristics and location of the cage situated on the ground floor under the staircase made it unsuitable for holding persons, no matter for how short a period, and recommended that it be withdrawn from service. At the time of the 1999 visit, the delegation observed that the cage in question had been fitted with a bench, but continued to be used. As regards the second cell described in the 1995 report, although the artificial lighting in it had been improved, it was as dirty and foul-smelling as had been the case during the first CPT visit.

In addition to the two cells already seen at the Regional Directorate of Internal Affairs in Stara Zagora at the time of the first visit, the delegation was shown a newly fitted out cell designed for holding juveniles. It was spacious (11 m²), had a large window and adequate artificial light, and was equipped with a cupboard and table. There was no means of rest; however, the delegation was told that a bed, mattress and blankets were about to be provided in the cell in accordance with instructions issued at a recent meeting in Sofia concerning the treatment of juveniles.

49. Conditions of detention in the police cells seen by the delegation for the first time in the course of the 1999 visit left a great deal to be desired. The police stations in Burgas, Nessebur, Pleven and Plovdiv each possessed a cell for holding detained persons. Located near the entrance to the police stations, these cells – intended for multi-occupancy - were small (4 to 6.5 m²) and poorly lit. Those in Burgas, Nessebur and Pleven were cage-like and located either under a central staircase or opposite the entrance to the building, as a result of which detained persons were exposed to the gaze of visitors to the police stations. The cells were fitted with a narrow bench or a chair; however, once again persons detained overnight were provided with neither a mattress nor blankets.

50. As regards the provision of food and drink to persons in police custody, according to the previously mentioned "Rules for the internal order in facilities for temporary detention" (cf. paragraph 29), persons detained by the police should be provided with "food at their own expense, at lunch and dinner, as well as drinking water". The delegation met a small number of detained persons who confirmed that their relatives had been allowed to bring them food and drink. However, it also received numerous complaints that persons who had been detained by the police had been given nothing to eat or drink throughout their period of custody of up to 24 hours or more. In this regard, the CPT must stress that all persons detained by the police should be offered food at appropriate times; if a person in custody is not able to obtain food by his own means or his relatives, the police should provide him with food.

51. The CPT recommends that conditions of detention in the police establishments referred to above be reviewed in the light of the above remarks and the general criteria in paragraph 47. In particular, steps should be taken to ensure that:

- **all cells are equipped with a means of rest;**
- **all persons detained overnight are provided with clean mattresses and blankets;**
- **cell lighting and ventilation is adequate.**

Further, the CPT recommends that efforts be made to find alternative facilities at Burgas, Nessebur, Pleven and Stara Zagora. Persons detained should not be kept in view of persons visiting the police station.

The CPT also recommends that conditions of detention in all Bulgarian police establishments be reviewed with a view to bringing them into conformity with the general criteria in paragraph 47. As regards more particularly the question of food, the Committee recommends that police establishments be allocated a specific food budget to cover the cost of providing food to detained persons who have no resources.

c. Centre for the temporary placement of adults in “Drouzhba – 2”

52. The Centre for the temporary placement of adults in “Drouzhba – 2”, Sofia was first visited by the CPT in 1995 and was the subject of a number of recommendations and comments in the subsequent visit report (cf. paragraphs 69 to 78 of document CPT/Inf (97) 1). The delegation's observations suggest that, despite some positive action undertaken since the appointment of a new Director at the end of 1998, there remains considerable room for improvement.

On the day of the follow-up visit, the Centre was accommodating 41 foreign nationals, of whom 20 women who had been transferred the previous night from the border with Greece. The majority of the foreign nationals had spent periods of less than a month at the Centre. However, one foreign national had been there for nearly 5 months (cf. paragraph 13 above).

53. As in 1995, foreign nationals were accommodated in a barrack-type construction comprising two living units, each with nine rooms and sanitary facilities. Only nine of the rooms (seven in Unit 1 and two in Unit 2) were occupied at the time of the visit. The delegation observed that the occupied rooms were quite overcrowded: for example, up to six persons were held in a room measuring some 15 m². Apart from beds - which were pushed closely together - the rooms contained no other furniture.

At the time of the visit, a refurbishment programme was underway. The roof of the accommodation building had been repaired, some of the rooms had been repainted, and work was proceeding on renovating Unit 2 and the central area used as a dining room.

54. The delegation observed that - as at the time of the 1995 visit - the majority of the detained persons (excluding the women) were wearing pyjamas, and heard complaints that their personal clothes had been removed on arrival. It is noteworthy that the temperature in the rooms tended to be low, and detainees were having difficulties keeping warm (only one blanket being available for each detainee). The Director informed the delegation that new rules concerning clothing were about to be introduced as of 1 May 1999, according to which persons detained at the centre would be allowed to wear their own clothes during the day, provided they were in a presentable state. The CPT welcomes this development **and would like to receive confirmation that the rules in question are now in force.**

The provision of clean bed linen continued to be a problem: the delegation saw dirty bed linen in use in some of the cells, and observed that the women who had arrived the previous night had been provided with dirty blankets but no bed linen. Apparently, it was not uncommon for detainees to wash sheets and clothes themselves, using the limited means at their disposal, and to dry them in the rooms. Further, the delegation heard a number of complaints about the lack of basic personal hygiene products.

55. **The CPT recommends that:**

- **steps be taken to reduce the number of persons accommodated in each room, by distributing detainees more evenly among all the available rooms;**
- **detainees be provided with bed linen and blankets which are cleaned at regular intervals;**
- **more attention be accorded to the regular supply of essential personal hygiene products (soap, toothpaste, sanitary materials for women's monthly needs).**

56. As had been the case in 1995, there was a total lack of activities for foreign nationals held at the Centre. They were not provided with books or newspapers, and there was no TV or radio at their disposal. The only occasions on which detained persons left their rooms were in order to use the sanitary facilities and take meals in the dining room. Staff assured the delegation that detained persons could have outdoor exercise every day; however, detainees did not seem to be aware of that possibility, and displayed surprise when, on the day of the CPT's visit, staff invited them to stroll in the yard. More generally, although the Centre's grounds offered considerable scope for exercise and activities, detainees' movements were restricted.

The CPT is extremely concerned by its delegation's findings about outdoor exercise at the Centre, which run contrary to information supplied by the Bulgarian authorities after the 1995 visit. **The Committee recommends that immediate steps be taken to ensure that persons detained at the Centre are guaranteed at least one hour of outdoor exercise per day.**

57. The Director told the delegation of his plans to equip the dining room with a TV set, radio, cardboard games and newspapers to allow it to function as a recreation area. **The CPT would like to be informed whether these plans have now been implemented. Further, the CPT wishes to stress that the longer the period for which persons are detained, the more developed should be the activities which are offered to them.**

58. In the 1995 visit report, the CPT had recommended that the small barred area within the sanitary annexe which was being used for disciplinary purposes be withdrawn from service. The delegation was pleased to learn that the bars had been removed, and the area in question no longer used for detention. At the time of the visit, the Centre did not possess a specific facility for disciplinary isolation. The Director informed the delegation that if it was necessary to segregate a detainee for disciplinary reasons, he/she would be placed in an ordinary room which is empty.

However, as had been the case during the 1995 visit, there was no register recording disciplinary sanctions imposed. **The CPT therefore re-iterates its recommendation that such a register be established.**

59. The provision of medical care to persons detained at the Centre was an issue of concern to the CPT at the time of the 1995 visit. The delegation was pleased to note that some improvements had been made in this area. In particular, at the time of the follow-up visit, one full-time doctor was employed at the Centre. Further, the Centre's two medical rooms had been refurbished and were well-equipped.

60. Finally, at the time of the visit the Director was in the process of devising new internal regulations for the Centre. **The Committee would like to receive a copy of those regulations. It also recommends that the regulations be translated into an appropriate range of languages and supplied to detainees, accompanied by information on the Centre's daily routine and on how they can exercise their rights.**

d. other police detention facilities

61. The Home for the temporary placement of minors in Plovdiv is situated on the outskirts of the city. It occupies a two-storey house surrounded by a large garden amidst agricultural fields. The establishment fulfils the purpose of holding minors who are vagrant, who have run away from their homes or special educational establishments, or whose identity cannot be established. On the day of the visit, only one child was being held at the Home: a 10-year old homeless boy who had already spent 35 days there. An examination of the establishment's register showed that, as a rule, children were detained at the Home for less than 24 hours. Since the beginning of 1998, the maximum number of children who had been held at the Home at any given time was eleven.

The Home was staffed by a director, a teacher, a psychologist, an orderly, a housekeeper and a driver, all of whom worked during the day. Further, two police officers were on duty 24 hours a day.

62. The facility has the potential to offer satisfactory conditions of detention. There were four bedrooms on the ground floor, each measuring some 8 m². The rooms had satisfactory lighting (including good access to natural light) and were well-ventilated. Further, the beds were equipped with mattresses, sheets and blankets, which were generally clean.

During the day, children had access to a spacious dining room and an activity room which was furnished with tables, chairs, TV, video, children's books and toys. They could also spend up to 4 hours a day in the garden and play table tennis.

Nevertheless, at the time of the visit the Home's premises were in need of refurbishment. There were some signs of on-going repair works, **and the CPT trusts that priority will be given to their completion.**

63. Children admitted to the Home were not medically examined. In case of need, it was possible to call an ambulance and/or the child concerned could be transferred to a hospital.

The CPT wishes to stress that the systematic medical screening of children upon their admission, either by a doctor or a qualified nurse reporting to a doctor, would inter alia minimise the risk of the spread of communicable diseases. Further, such a screening would provide an ideal opportunity to identify and record any injuries that may have been incurred prior to admission. **The CPT recommends that the Bulgarian authorities take appropriate steps to ensure that all new arrivals at the Home, as well as at other establishments for the temporary placement of minors, are medically screened. Provision should also be made for a regular attendance by a paediatrician.**

64. The delegation also paid a visit to the Home for the temporary placement of adults in Plovdiv, which was empty at the time. The establishment is intended for holding several categories of administrative offenders: intoxicated persons; homeless persons without identity documents; persons detained for petty hooliganism offences; and foreign nationals detained under the Aliens' legislation. Consultation of the register showed that the periods of stay varied from a few hours for intoxicated persons to 15 days for administrative offenders.

The delegation was informed that the establishment was well staffed by a number of police officers, health-care and support staff.

65. Material conditions at the Home were unsatisfactory. The cells seen by the delegation were dark, unventilated, dirty, and crammed with filthy mattresses and blankets. Further, the sanitary facilities were very unhygienic, and a so-called dining room gave the impression of not having been used for a long time. The Home as a whole had a run-down appearance.

The CPT recommends that the Bulgarian authorities take immediate steps to improve conditions of detention at the Home, in the light of the above remarks.

B. Investigation detention facilities

1. Preliminary remarks

66. In its report on the 1995 visit, the CPT stated that “almost without exception, the conditions in the National Investigation Service (NIS) detention facilities visited could fairly be described as inhuman and degrading”. The Bulgarian authorities themselves agreed, in a letter dated 23 June 1995, that this assessment was “objective and correctly presented” (cf. CPT/Inf (97) 1, paragraphs 61 and 62). The CPT therefore recommended that a certain number of measures relating to material conditions of detention, outdoor exercise and medical services be implemented without delay.

67. As a result of recent amendments to the Bulgarian legislation, since 1 January 1999 the responsibility for running investigation detention facilities has been transferred from the NIS to a new Directorate of Investigation Detention Facilities, established within the Ministry of Justice. Furthermore, a new set of rules governing the investigation detention facilities came into force during the CPT’s visit (Ordinance N° 2 of 19 April 1999 on the Status of Accused and Defendants remanded in Custody, published in the Official Gazette on 27 April 1999)⁹.

2. Torture and other forms of physical ill-treatment

68. As in 1995, scarcely any allegations were heard of ill-treatment by staff employed at investigation detention facilities. The few allegations received concerned the Plovdiv Regional Investigation detention facility. One person detained there stated that one month prior to the CPT’s visit, he had been kicked in the head by staff at the facility, as a result of which he had suffered a broken tooth and a split lip. Further, a young woman alleged that a week earlier she had been taken out of her cell and hit with a rubber stick; the delegation observed a bruise on the woman’s left thigh which was consistent with her allegations. In both cases, detainees held in different cells who had had no opportunity to confer gave mutually consistent accounts of the incidents.

The CPT recommends that custodial staff at Plovdiv Regional Investigation detention facility be reminded that the use of ill-treatment is prohibited and will be severely punished.

69. In order to obtain a nationwide view of the situation in investigation detention facilities, **the CPT would like to receive the following information in respect of 1998 and 1999:**

- **the number of complaints of ill-treatment lodged against custodial staff working in these facilities;**
- **an account of disciplinary and/or criminal sanctions imposed following such complaints.**

⁹ The Ordinance also applies to remand prisoners (accused and defendants) who are held in prison establishments.

3. Conditions of detention

a. introduction

70. The new rules governing the investigation detention facilities set out in detail the standards applicable to the material conditions of detention and regime of pre-trial detainees: individual bed and bedding, free of charge clothes and shoes for destitute detainees; free of charge food, medicines and diets according to the doctor's prescription; cells with sufficient daylight, artificial lighting, heating and ventilation; facilities for maintaining personal hygiene; daily outdoor exercise; medical examination on arrival; right to correspondence, visits, etc.

The CPT welcomes the introduction of these new standards, which are mainly in line with its previous recommendations on the subject. However, it became rapidly apparent in the course of the visit that the time which had elapsed since the adoption of the new rules had been too short to allow the attainment of any significant improvements.

The CPT recommends that the Bulgarian authorities take all necessary steps to implement the new rules in investigation detention facilities in Bulgaria.

b. establishments visited for the first time

71. The new Central Investigation detention facilities in Sofia (Blvd G.M. Dimitrov) are the largest premises of this type in Bulgaria. They accommodate criminal suspects on behalf of both the Central Investigation Service and some of the capital's districts.

The building comprises several floors, four of which each contained 22 fully equipped cells. Regrettably, only two floors (5th and 6th) were in use at the time of the visit. The two other floors (3rd and 4th) were empty, notwithstanding the fact that they offered conditions of detention that were clearly superior to those in the other investigation detention facilities visited.

The establishment's current official capacity was 176 places and, at the time of the visit, 68 persons were in custody (including 5 women and 6 minors). The length of detention ranged from a few days to nearly two years.

72. All cells were designed to accommodate up to four detainees and at the time of the visit were holding between one and three detainees. The cells were of an acceptable size (15 m²) for both current and envisaged occupancy levels and well equipped (beds and bedding, partitioned toilet and washbasin, heating, call-bell). Moreover, access to natural light, artificial lighting and ventilation in the cells were satisfactory. Each floor was equipped with shower facilities to which detainees had access once a week.

Three exercise yards (40 m² each) were situated on the top of the building; however, the delegation was informed that the shortage of staff made it very difficult – if not impossible - to enable each detainee to have one hour of exercise every day.

Further, no other form of out-of-cell activity was provided to detained persons.

73. As they were generally the same as those observed in investigation detention facilities during the CPT's 1995 visit, the report will not describe in detail the conditions observed in Burgas Regional detention facility (15 cells, forty detainees at the time of the delegation's visit), Nessebur Investigation detention facility (5 cells, six detainees at the time of the visit) and Plovdiv Regional Investigation detention facility (32 cells, forty-eight detainees at the time of the visit). To mention only some of the most important failings, these establishments were overcrowded, poorly equipped and dirty, detainees' access to toilet/shower facilities was problematic, there was insufficient food and drinking water and a total absence of outdoor exercise and out-of-cell activities. As such, the conditions remain of very serious concern to the CPT.

c. follow-up visits

74. The CPT's delegation also conducted follow-up visits to the 3rd District and Razvigor Street Investigation detention facilities in Sofia, as well as the Pleven and Stara Zagora Regional Investigation detention facilities.

75. At the 3rd District Investigation detention facility, some positive changes had taken place since the 1995 visit. In particular, the maximum occupancy level had been reduced to 4 detainees per cell and detainees were allowed one shower a week, easier access to sanitary facilities and some walking time in the corridor. However, the conditions of detention remained far from satisfactory. That said, the facility was to be definitively closed within the following month.

By contrast, conditions of detention at the Razvigor Street detention facility had deteriorated. First and foremost, the average cell occupancy rate had increased (60 detainees for 32 cells in 1999, compared to 54 detainees for 35 cells in 1995) and thus reached intolerable proportions. A thorough examination of the custody register revealed that in the recent past, cells measuring 6.5 m² had accommodated up to 5 persons and those measuring 4.5 m², up to 3 persons. It is hardly surprising that, given such levels of occupancy, detainees were not even in a position to have their own mattress in the cell. The overcrowding had had an adverse effect on the general material conditions of detention and hygiene in the detention facility. Furthermore, because of the shortage of staff, detainees could not exercise in the 60 m² room devoted to that purpose.

In the Pleven and Stara Zagora Investigation detention facilities, the conditions of detention had basically remained unchanged (cf. CPT/Inf (97) 1, paragraphs 56 and 57). They were unacceptable.

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76. As in 1995, some detainees complained about the quality and/or quantity of food they received and insufficient access to drinking water. Nevertheless, the delegation observed that two cooked meals a day were now served in the establishments visited. In addition, at certain of the establishments visited, detainees were allowed to receive food parcels (albeit in limited quantities).

However, the delegation noted that many detainees – for example at the detention facilities in Razvigor Street (Sofia), Pleven and Plovdiv – still had to eat with their fingers, not having been provided with appropriate cutlery. Furthermore, the cleanliness of other eating utensils left a great deal to be desired.

d. assessment and measures proposed

77. The observations made by the CPT's delegation in the course of the 1999 visit suggest that, with the noticeable exception of the new facilities at Blvd G.M. Dimitrov in Sofia, the situation in investigation detention facilities remains on the whole unchanged and has even deteriorated in some of the facilities already visited in 1995. Those conditions can still fairly be described as inhuman and degrading.

The Bulgarian authorities indicated that prior to the CPT visit, three underground investigation detention facilities in Sofia had been closed and that they intended to close three more within weeks after the visit. The CPT welcomes these measures. **It recommends that the Bulgarian authorities take the necessary steps to close down, before the end of 1999, the remaining underground investigation detention facilities in Sofia, as well as the detention facility in Razvigor Street, and to transfer the detainees to the Central Investigation detention facilities in Blvd G.M.Dimitrov (which will imply bringing into service the already equipped cells located on the 3rd and 4th floors).**

78. At the end of its visit, during the final talks held in Sofia on 7 May 1999, the CPT's delegation requested the Bulgarian authorities to submit, within six months, a report on the planned reorganisation of the national system of investigation detention facilities (including a timetable).

By letter of 10 November 1999, the Bulgarian authorities submitted a report providing the requested information. According to that report, the reform of the national system of investigation detention facilities is being carried out along the following lines:

- "1. Elaboration and adoption of secondary legislation regulating the specific activity of these facilities;
2. Establishment of larger detention facilities and concentration of the detainees in newly built or reconstructed premises that are in compliance with the requirements for treatment of the detainees;
3. Step-by-step closure of the facilities that cannot be reconstructed;
4. Training courses for the guards taking into consideration the higher requirements put to them."

In the short term, the reorganisation of the investigation detention facilities is said to involve two stages: in the first stage (by the end of 1999), the existing facilities will be reconstructed and the underground detention facilities closed down; in the second stage (year 2000), new detention facilities will be built in the towns of Targovishte and Biala, and the facilities in the town of Razgrad will undergo major reconstruction.

A concrete timetable for the envisaged transfer and closing down of investigation detention facilities was also provided. According to the timetable, one of the facilities to be transferred in 1999 is that in Razvigor Street, scheduled to move to the Central Investigation detention facilities in Blvd G.M.Dimitrov by 24 September 1999. **The CPT would like to receive confirmation that this transfer has been effected.**

79. The CPT is convinced that the recent transfer of responsibility for investigation detention facilities from the National Investigation Service to a new Directorate within the Ministry of Justice provides a unique opportunity for a fresh start. The introduction of new rules governing the investigation detention facilities is one important step in the right direction.

In this context, **the CPT would like to draw the attention of the Bulgarian authorities to the following recommendations concerning material conditions of detention, which should be implemented in investigation detention facilities without any further delay:**

- **each detainee should be offered sufficient food and drink, and supplied with appropriate eating utensils;**
- **each detainee should be provided with a clean mattress and blankets, to be laundered regularly;**
- **each detainee should be provided with personal hygiene products (soap, toothpaste, towels, sanitary towels for women's monthly needs, etc.) and be allowed to take a hot shower at least once a week;**
- **all detainees should have access to the necessary materials to maintain their cells in a clean and hygienic state;**
- **custodial staff should be given clear instructions to the effect that a request made by a detainee during the day to be released from his cell for the purpose of using a toilet facility should be granted, unless overriding security considerations require otherwise;**
- **the new regulation providing for one hour of outside exercise every day should be fully respected in practice;**
- **access to natural light and artificial lighting in the cells, as well as cell ventilation, should be improved.**

80. As the Bulgarian authorities know, persons undergoing criminal investigation can be held in investigation detention facilities for up to one year and, in exceptional circumstances, for up to two years. It is therefore incumbent on the authorities to develop a proper regime of activities, which inter alia is designed to protect the detainees' mental and physical health. This would involve the development of a strategic plan for the implementation of regimes in investigation detention facilities. In the case of detainees undergoing prolonged preliminary investigation, the aim should be to enable them to spend a reasonable part of the day (eight hours or more) outside their cells engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association).

In this context, the CPT took note with interest of Section 26 of the previously-mentioned Ordinance N°2, which states that persons remanded in custody "can work whenever possible and if they declared their wish to do so in writing" and that "their involvement in educational and vocational training courses is encouraged".

At the end of the visit, the CPT's delegation requested the Bulgarian authorities to provide to the CPT within six months information on the steps taken to develop a regime of activities for persons detained in investigation detention facilities.

81. In their letter of 10 November 1999, the Bulgarian authorities indicated that the envisaged concentration of detainees in larger investigation detention facilities will enable the organisation of suitable activities for them. It is also stated that Draft Internal Regulations for the investigation detention facilities are under consideration. However, the response fails to provide concrete information on the regime of activities to be introduced.

The CPT would like to receive details on the precise manner in which the Bulgarian authorities intend to implement the provisions of Ordinance N° 2 of 19 April 1999 concerning activities for persons held in investigation detention facilities.

4. Health-care services

82. Ordinance N° 2 lays down a certain number of requirements concerning the health-care services in investigation detention facilities. First and foremost, all new arrivals should immediately be the subject of a “thorough medical examination” (Section 7). Moreover, detainees should be visited by a doctor at least once a week and in case of urgent need, immediately (Section 21).

83. The Central Investigation detention facilities at Blvd G.M.Dimitrov in Sofia possessed their own medical unit, located on the first floor of the building (next to the admission unit). The local health-care team comprised two doctors, one dentist and three nurses. They were present on-site during the day and were on call at night and at weekends. The senior doctor also assumed the role of Head/Co-ordinating doctor for all investigation detention facilities in Sofia.

The delegation did not receive complaints about access to the health-care service; however, the information gathered suggests that the level of care provided to detainees was minimal. Clearly, any significant medical examination/treatment would have required a transfer to a local hospital or to the Central Hospital of the Ministry of the Interior.

The delegation also noted that, although the majority of detainees stayed at the facilities for a prolonged period of time, no individual medical files were opened (either on arrival or later); instead, the medical information was filed chronologically in a register of admissions/consultations. Some medical certificates, drawn up at the detainee’s request, were filed in the detainee’s administrative file.

Finally, the delegation observed that the medical examination on arrival was performed in the admission unit, in the presence of custodial staff.

84. In certain of the other investigation detention facilities visited, such as those in Razvigor Street in Sofia, Pleven and Plovdiv, a doctor/feldsher was present on site, at least during the daytime; in other – smaller – facilities, a doctor from a local hospital had to be called in as and when necessary.

85. **The CPT recommends that the Bulgarian authorities take immediate steps to ensure that:**

- **an individual and confidential medical file is opened for each detainee;**
- **all medical examinations are conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of custodial staff.**

5. Other issues

86. As in 1995, the delegation observed that contact with the outside world for persons held in investigation detention facilities was extremely restricted. Almost all detainees indicated that they were not allowed to receive visits, write letters or have access to books, newspapers or radio. The general practice observed by the delegation at the various establishments visited was for custodial staff to deny detainees everything unless investigating magistrates/prosecutors had explicitly authorised it. By contrast, several investigating magistrates met by the delegation throughout the country indicated that this practice was a “hangover from the old regime” and that there were no reasons, save for exceptional cases, for such restrictions to be applied.

In this context, the CPT has taken note with interest of Sections 24 and 25 of Ordinance N° 2 of 19 April 1999, setting out more favourable rules for detainees held in investigation detention facilities (inter alia concerning visits, letters, parcels, etc.).

The CPT recommends that the Bulgarian authorities take all necessary steps to implement without delay the above mentioned new rules in all investigation detention facilities, in order to ensure that contact with the outside world is not being restricted unjustifiably.

87. At the 3rd District Investigation detention facility in Sofia, the delegation was told that detainees could be handcuffed as a disciplinary sanction for many hours, a state of affairs which was confirmed by staff working at the establishment. The CPT wishes to recall that the use of handcuffs as a punishment is unacceptable (cf. in particular Rule 39.1 of the European Prison Rules).

The CPT recommends that an immediate end be put to this practice in investigation detention facilities.

C. Prison establishments

1. Preliminary remarks

88. At the time of the 1995 visit, the combination of a grave economic crisis and an alarming increase in the crime rate had negative repercussions on areas covered by the CPT's mandate. In particular, the CPT's first visit report highlighted the serious overcrowding in the prisons visited by the delegation and the lack of activities for prisoners.

At the time of the second periodic visit, the total number of prisoners in Bulgaria stood at 11,130, compared to 8,529 at the beginning of 1995. According to statistics provided by the Main Prison Directorate, overcrowding in closed prisons averaged 230% (calculated on the basis of 6 m² of living space per prisoner). At the same time, only 65% of the capacity of the semi-open and open facilities was being used. The Bulgarian authorities voiced their concern over the increased use of imprisonment and the tendency to impose longer sentences in recent years, and informed the CPT's delegation of measures designed to relieve the problem of overcrowding. In the first place, it is hoped that the introduction of half-way facilities ("labour-correctional hostels of a transitory type") will alleviate overcrowding in other parts of the prison system. So far five such facilities have been set up, accommodating 800 prisoners in total. However, the possibility to transfer prisoners to more open facilities has been limited by the legal requirement that only prisoners who have served half of their sentences could benefit from such a transfer. In addition, the Bulgarian authorities have pressed on with their prison building/reconstruction programme. Further, a wider use of alternatives to imprisonment - envisaged by the draft Code of Criminal Procedure - is expected to reduce the prison population.

89. The CPT welcomes the multi-faceted approach adopted by the Bulgarian authorities in tackling the problem of overcrowding. Indeed, the Committee is far from convinced that providing additional accommodation will alone offer a lasting solution. A number of European States have embarked on extensive programmes of prison building, only to find their prison populations rising in tandem with the increased capacity acquired by their prison estates. By contrast, the existence of policies to limit or modulate the number of persons sent to prison has in certain States made an important contribution to maintaining the prison population at a manageable level.

The CPT recommends that the Bulgarian authorities pursue vigorously the application of all the different measures designed to combat prison overcrowding, including measures to limit the use of pre-trial custody and the time spent in detention awaiting trial. The Committee also invites the Bulgarian authorities to consider reducing the minimum time necessary for prisoners to become eligible for transfer to half-way facilities and introducing a more individualised approach to such transfers, based on case by case risk/needs assessment.

90. The problem of overcrowding has a direct bearing on the issue of activities for prisoners. The Bulgarian authorities informed the CPT's delegation that 434 work places for prisoners had been created in the course of 1998. However, the employment situation for inmates in Bulgarian prison establishments continues to be unsatisfactory.

The Bulgarian authorities acknowledge that the provision of appropriate work to sentenced prisoners is a fundamental part of the rehabilitation process. The CPT would add that in the interests of their psychological well-being, remand prisoners should as far as possible also be offered work. It follows that the employment situation within the prison system should not be dictated exclusively by market forces. **The CPT recommends that special measures be introduced with a view to ensuring that both sentenced and remand prisoners are provided with work.**

91. Following a moratorium on the execution of the death penalty in force since August 1990, in December 1998 the Bulgarian National Assembly abolished the death penalty, and introduced two types of life imprisonment: with or without parole.

The CPT recognises that the abolition of the death penalty creates new challenges for the Bulgarian prison system. Later sections of the report will describe in detail the conditions under which life sentenced prisoners were being held in the two prisons visited (cf. paragraphs 118 to 124). Suffice it to say at this stage that their situation left a great deal to be desired, in terms of material conditions as well as activities and possibilities for human contact. Prison staff stressed that the lack of new regulations related to this category of prisoner was preventing the introduction of improvements to their conditions of detention (the regulations in force dating back to 1995 and 1996). According to the Director of the Main Prison Directorate, greater integration of life sentenced prisoners with other inmates was a very long way off and would require inter alia a fundamental change in the attitude of prison staff.

92. Long-term imprisonment is widely considered to have a number of desocialising effects upon inmates. In addition to becoming institutionalised, such prisoners may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from society to which almost all of them will eventually return. In the view of the CPT, the regimes which are offered to prisoners serving long sentences should seek to compensate for these effects in a positive and proactive way.

Prisoners serving life sentences should have access to a wide range of purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association). Moreover, they should be able to exercise a degree of choice over the manner in which their time is spent, thus fostering a sense of autonomy and personal responsibility. Additional steps should be taken to lend meaning to their period of imprisonment; in particular, the provision of individualised custody plans and appropriate psycho-social support are important elements in assisting such prisoners to come to terms with their period of incarceration and, as appropriate, to prepare for release. Further, the negative effects of institutionalisation upon prisoners serving long sentences will be less pronounced, and they will be better equipped for release, if they are able effectively to maintain contact with the outside world.

In this connection, the CPT wishes to stress that it can see no justification for keeping life sentenced prisoners apart from other prisoners serving lengthy sentences. In many jurisdictions, life sentenced prisoners are not viewed as necessarily more dangerous than other prisoners. Many of them have a long-term interest in a stable and conflict free environment. Risk/needs assessment of life sentenced prisoners, including those without parole, should therefore be made on a case by case basis.

The CPT recommends that the Bulgarian authorities take steps to develop the regulations applicable and regime offered to life sentenced prisoners, taking due account of the factors identified above. Further, the Committee recommends that prison staff be encouraged to communicate and develop positive relationships with this category of prisoner.

2. Torture and other forms of ill-treatment

93. The CPT's delegation did not receive any recent allegations of torture or other forms of physical ill-treatment of inmates by prison staff at Stara Zagora Prison. A few isolated allegations of physical ill-treatment which dated back to 1997 were heard; these allegations related in particular to prisoners being beaten with truncheons by prison officers in the admissions/isolation unit and in the area between the two grills at the entrance to the segregation unit ("2Г"). Such incidents apparently tended to happen at night, after the senior management had left the prison.

94. Many prisoners met by the CPT's delegation stressed that relations between staff and inmates had improved in recent years, and in particular since the appointment of the new prison director. However, the delegation's observations suggest that there remains room for improvement. The general atmosphere at the prison remained rather tense, with prison officers adopting a militaristic attitude and continuing to carry their truncheons in a visible manner in the detention areas.

On the latter point, the prison management argued that truncheons are standard auxiliary items which staff working in the detention areas should always carry when performing their duties, and that, given the truncheons' dimensions and purpose, it is neither possible nor necessary for them to be hidden from view. The CPT is not convinced by these arguments which appear to be essentially a reflection of long-standing - and outmoded - mentalities. In many countries visited by the Committee, prison staff having direct contact with categories of prisoners comparable to those held at Stara Zagora Prison satisfactorily carry out their duties without openly carrying truncheons (and often without carrying truncheons at all). Consequently, **the CPT must reiterate its recommendation that, if it is considered necessary for prison officers to carry truncheons, these should be hidden from view. If the dimensions of the truncheons currently used are such that this is not possible, then the truncheons should be replaced.**

The CPT is also struck by the fact that during the outdoor exercise, inmates walked in columns of two in a row, with their hands behind the back and talking only to their direct neighbour in a low voice. This is another example of the unnecessarily regimented approach adopted vis-à-vis prisoners. **The CPT recommends that this practice be discarded and, more generally, that efforts be made to improve the overall atmosphere in the prison, by encouraging the creation of positive relations between staff and inmates.**

95. At Burgas Prison, the delegation was inundated with allegations of various forms of ill-treatment of inmates by prison officers. These allegations involved physical and verbal abuse (the latter being directed in particular towards prisoners belonging to ethnic minorities and socially vulnerable groups). The physical abuse ranged from the random delivery of slaps, kicks and punches to severe beatings of inmates by groups of prison officers using truncheons, sticks or cudgels. Most of the latter alleged ill-treatment was said to have taken place in the establishment's disciplinary unit, the special segregation unit and the central area on the ground floor of the main accommodation building (generally referred to by prisoners as "under the clock", because of the large clock which hung on the wall).

In a certain number of cases, the delegation observed physical marks consistent with allegations made of ill-treatment dating back to several months before the CPT's visit. No medical evidence of fresh injuries was identified; the delegation was told that physical ill-treatment had essentially stopped in the month preceding its visit.

96. The allegations of ill-treatment heard by the CPT's delegation were of particular concern because of their widespread nature, the consistency in the details provided by prisoners who had had no opportunity to compare their accounts, and the description of a concerted pattern of behaviour by prison officers. It should also be noted that the general atmosphere at the establishment was very tense: prisoners moved silently along the corridors, with hands clasped behind their backs and heads bowed down, directed by occasional shouted orders from staff. The delegation had the distinct impression that the prison was run by fear, security depending largely on intimidation rather than positive relations between staff and prisoners.

97. In the light of the information gathered, the delegation asked the Director of Burgas Prison immediately to deliver to his staff the clear message that both physical ill-treatment and verbal abuse of inmates is totally unacceptable and will be dealt with severely. The delegation also made an immediate observation under Article 8, paragraph 5, of the Convention, and requested an independent inquiry into the treatment of prisoners at Burgas Prison.

By letter of 12 August 1999, the Bulgarian Deputy Minister for Justice and European Legal Integration informed the Committee of the measures taken in response to its immediate observation. As a first step, the Director of Burgas Prison and the Deputy Director in charge of social activities had been dismissed by Ministerial Orders of 12 and 18 May 1999. A new acting Director had been appointed, and Mrs Slavka Valeva, a prison service official said to possess "good theoretical knowledge, experience, a high degree of tolerance to prisoners and good communication skills", had been appointed Deputy Director in charge of social activities. Further, in accordance with a Ministerial Order of 29 June 1999, a Working Group comprising an academic expert and two representatives of NGOs had been set up with the task of "examining relations between prison staff and prisoners, the use of means of force and the infringements of human rights at Burgas Prison".

The inquiry conducted by the Working Group confirmed the findings of the CPT's delegation as regards "the disturbance of the psychological climate at the prison and the allegations of prisoners concerning severe beatings or degrading treatment by prison guards towards prisoners". However, the report by the Working Group states that staff-inmate relations have improved since the dismissal of the previous management, the military atmosphere and unjustified physical ill-treatment by prison officers have been largely overcome, and efforts to improve living conditions are being made. The Working Group also makes certain recommendations, in particular that the prison administration should pay special attention to signs of violence by prison officers and thoroughly investigate all such signs, and that efforts should be made to provide more work possibilities and improve activities for prisoners.

98. The CPT welcomes the measures taken by the Bulgarian authorities, and fully subscribes to the recommendations made by the Working Group. **The Committee trusts that the new prison management will make use of all means at its disposal to prevent ill-treatment and, more generally, decrease tension in the prison.** This will involve, in addition to investigating complaints made by prisoners, unannounced checks at all hours, regular presence of prison managers in the detention areas, their direct contact with prisoners, and the improvement of prison staff training.

3. Conditions of detention

a. Stara Zagora Prison

99. Stara Zagora Prison was first visited by the CPT in 1995 and was the subject of a number of recommendations and comments in the subsequent visit report (cf. paragraphs 120 et seq. of document CPT/Inf (97) 1). The present report considers the progress made in response to these recommendations and comments, and makes some proposals for further action.

100. At the time of the 1999 visit, Stara Zagora Prison¹⁰ was holding 1,270 male prisoners, the vast majority of whom (1,037) were sentenced. This represents a significant deterioration as compared to the situation observed in 1995, when the establishment was accommodating 915 prisoners for the same official capacity (i.e. 1,000 prisoners).

In addition to carrying out a follow-up visit to the main prison, the delegation paid a short visit to the establishment's closed-type labour and reformatory hostel "Cherna Gora", located some 50 km away from Stara Zagora, near the town of Chirpan. This facility, which specialised in the production of bricks, was accommodating 265 prisoners who were first offenders.

¹⁰ Stara Zagora Prison has three constituent parts: the main prison in the town of Stara Zagora, the semi-open labour and reformatory hostel "Stara Zagora", and the closed-type labour and reformatory hostel "Cherna Gora".

i) follow-up visit

101. At the outset of the visit, the Director of the establishment informed the delegation of the main changes which had taken place since the 1995 visit, as well as of plans for the future. Repair works had been carried out in the detention areas, the disciplinary cells and the bathroom. It was envisaged to proceed with the refurbishment of the sanitary facilities and the exterior of the prison building, as well as the equipment of the dormitories with tables, shelves and other items of furniture. The larger dormitories had been provided with a second bucket for satisfying the needs of nature, ready access to the toilet facilities during the day had been ensured, and all prisoners had been guaranteed at least one bath per week.

However, as regards the cell occupancy levels, the CPT's recommendation that the occupancy rate of the dormitories be reduced and no more than one prisoner be held in the establishment's 6 m² cells had not been implemented. This is hardly surprising, given that the number of prisoners held at the establishment had increased by 38 % since 1995.

Other changes had involved the construction of a new unit ("2Г") designed for life sentence prisoners and other categories of prisoners under segregation (cf. paragraph 123) and certain improvements to the disciplinary unit (cf. paragraphs 153 and 155).

102. Despite the above-mentioned efforts to improve the material environment for prisoners, as a result of the high occupancy levels, conditions were very cramped. In certain of the establishment's 6 m² cells, the delegation observed three, and in one particular case as many as four, prisoners. Dormitories measuring 14 m² were accommodating up to six prisoners, and those of 25 m², up to twelve prisoners.

Consequently, **the CPT must reiterate the recommendation made in 1995 that serious efforts be made to reduce as soon as possible the occupancy rate of the dormitories, and to hold no more than one prisoner in the establishment's 6 m² cells.**

103. As in 1995, there were no in-cell toilets, and prisoners had resort to buckets at night. During the day, they could use the common sanitary facilities available in each unit, which however left a lot to be desired: broken tiles, missing shower heads, peeling paint. On a more positive note, prisoners spoken to by the delegation reported that access to the toilets during the day was generally granted without delay.

The CPT recommends that vigorous steps be taken to improve the general state of repair of the sanitary facilities.

104. The delegation was informed that a total of 595 prisoners were employed at the time of the visit. Work was provided in the furniture workshop (69 prisoners), the welding and machine tools workshop (76 prisoners), the general prison maintenance service (75 prisoners), the prison farm (56 prisoners), the semi-open labour and reformatory hostel "Stara Zagora" (53 prisoners) and the closed-type hostel "Cherna Gora" (cf. paragraph 109). These figures suggest a certain growth in the amount of work places available, compared to 1995. However, taking into account the increased number of prisoners at the establishment, this meant that some 57% of the sentenced prisoners had work (as opposed to 75% in 1995). As in 1995, none of the remand prisoners had work.

A further 133 prisoners were attending the establishment's school, which in addition to general education classes, was providing vocational training courses in wood-processing and metal work. The prison management took special pride in a pilot project (the first in the Bulgarian prison system) intended to assist prisoners awaiting release to find work; 65 prisoners were attending this so-called "Club Work".

105. As regards other activities, in most of the cells prisoners had their own TV sets. As a result, the spacious common rooms in each unit, previously used as association rooms, were largely unused. In the CPT's opinion, this state of affairs is unfortunate, and represents a missed opportunity for organised activities which could enhance the limited regime.

Opportunities for physical exercise remained as limited as in 1995. There were no indoor sports facilities, and despite being spacious, the exercise yards did not appear to be used for organised sport games, such as football or volleyball. Further, a few allegations were heard to the effect that the daily outdoor exercise period sometimes lasted less than one hour, and could even be omitted altogether on certain days (e.g. weekends).

106. The CPT recommends that the Bulgarian authorities pursue efforts to develop the activity programmes at Stara Zagora Prison. The aim should be to ensure that all prisoners, including those on remand, are able to spend a reasonable part of the day (8 hours or more) outside their dormitories/cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association). In this connection, better use should be made of the establishment's association rooms.

The Committee also recommends that immediate steps be taken to ensure that all prisoners are guaranteed at least one hour of outdoor exercise every day.

ii) *the labour and reformatory hostel "Cherna Gora"*

107. The visit to the labour and reformatory hostel "Cherna Gora" was of a summary nature, the delegation being mostly concerned by the working conditions of prisoners there.

108. Material conditions in the accommodation units left a lot to be desired. The dormitories were cramped, poorly equipped, and often in a bad state of repair. On a positive note, natural light and ventilation were adequate. However, the quality and cleanliness of the bedding was problematic.

Prisoners who worked were allowed to have a bath/shower every day, whereas those out of work could do so once a week. The bathroom was found to be in a reasonable state of repair and cleanliness.

109. At the time of the visit, 163 of the 265 prisoners held at the hostel were working. The main production was bricks, the number of work places fluctuating according to the season and demand (up to 210 in the high season, as little as 30 in the low season). The delegation was very concerned to observe that although some of the prisoners were exposed to extreme heat and brick dust, none of them was wearing protective gear. Further, regardless of the intensity of the job, all prisoners worked the same number of hours per shift.

As for prisoners without work, apart from watching television or listening to the radio, there was nothing for them to do. They simply marked time, which they called "losing the crosses" - a reference to the failure to benefit from the system of earning remission through work.

110. **The CPT recommends that:**

- **material conditions in the dormitories be improved, in the light of the above remarks;**
- **working prisoners be supplied with appropriate clothes and protective gear;**
- **serious efforts be made to expand the activities offered to prisoners at the hostel. As regards work in particular, consideration should be given to developing other production activities, such as farming, as well as engaging prisoners in work designed to improve the physical environment at the hostel.**

The CPT would also like to receive copies of the safety regulations and regulations concerning working hours at the hostel.

b. Burgas Prison

111. Burgas Prison, which had been in service since 1932, is located in an industrial area on the outskirts of the city of Burgas. It is essentially a closed prison for male recidivists, though a small number of first-time offenders and remand prisoners are also accommodated. On 3 May 1999, the establishment was holding a total of 739 prisoners, of which 613 sentenced, 29 remand prisoners awaiting trial (“accused”) and 97 prisoners awaiting sentence (“defendants”). In addition to the closed prison, the establishment comprises an agricultural farm, an open-type labour and reformatory hostel “Stroitel” (93 prisoners) and, since 1996, a closed-type hostel “Orizare” (51 prisoners). The delegation visited only the closed prison.

i) *material conditions*

112. Prisoner accommodation in the closed prison is provided in a T-shaped building on six levels. At the time of the visit the building was in a poor general state of repair, though some of the dormitories and corridors had been freshly repainted as part of the on-going refurbishment programme which had been launched in the weeks preceding the CPT’s visit.

According to information provided by the prison management, the closed prison was accommodating some 560 prisoners in 72 dormitories, which corresponded to an occupancy level of 264%. The delegation observed for itself that the dormitories were overcrowded: ten prisoners in a dormitory measuring 20 m²; fourteen prisoners in a dormitory measuring 23 m²; eighteen prisoners in a dormitory measuring 40 m². In certain of the dormitories, the overcrowding reached even more serious proportions: for example, a dormitory measuring 28 m² was holding twenty-two prisoners. Prisoners who worked enjoyed slightly better conditions; in particular, their dormitories were somewhat less overcrowded (e.g. nine prisoners in a dormitory of 23 m²).

Most of the floor space in the dormitories was taken up by double and/or triple bunk beds and a few lockers. Further, as far as the triple bunk beds were concerned, the highest bunk was very close to the ceiling. Nevertheless, the dormitories had large windows which let in sufficient natural light and ventilation.

There were no sanitary facilities in any of the dormitories, and access to the common sanitary facilities was only allowed before meal times. At other times during the day as well as at night, prisoners had to resort to buckets for toilet purposes.

Many prisoners complained that access to the bath/showers could be as infrequent as once every 1-2 months, and all prisoners were unanimous about the lack of hot water in the summer months (i.e. when the heating was not running). The delegation observed for itself that the water coming from the showers was very cold.

Further, numerous complaints were heard about the lack of a continuous electricity supply. The delegation was told that there was electricity only for one hour in the morning, one hour at lunch and between 6 and 10 p.m. Staff confirmed that this was a problem, and indicated that the management was attempting in this manner to cut the costs of running the prison and reduce the debts to public utility companies.

113. Many inmates alleged that the prison food was insufficient in terms of both quantity and quality. The fact that inmates' weight was recorded neither on admission nor at regular intervals thereafter rendered it difficult to verify the allegations made by several prisoners that they had lost weight while in prison.

114. **The CPT recommends that:**

- **a high priority be given to the completion of the refurbishment programme at the closed section of Burgas Prison;**
- **serious efforts be made to reduce as soon as possible the occupancy rates of the dormitories;**
- **all prisoners are guaranteed at least one hot shower/bath per week;**
- **a continuous supply of electricity be ensured during the day;**
- **steps be taken to ensure that prisoners are provided with sufficient food, in terms of both quantity and quality.**

ii) activities

115. Only 104 of the inmates held in the closed prison had regular work. These were all sentenced prisoners, who were employed in the furniture workshop (25 prisoners), the machine tools workshop (18 prisoners), on maintenance and domestic duties (35 prisoners), and in two production facilities outside the prison (26 prisoners). At the time of the CPT's visit, the on-going refurbishment was apparently an occasional additional source of work.

There was also a shortage of educational or training activities. In 1998, vocational training courses for assistant chefs and electric technicians had been organised for a mere 43 prisoners. The delegation was told that a literacy course should start later in 1999. As for sports activities, they were limited to outdoor exercise; no indoor sports facilities were available.

The prison had a library with some 6,500 books (which depended almost exclusively on donations to replenish its stock), a cinema hall and a chapel. Further, there were a number of association rooms in the units; however, they were sparsely equipped and had a rather unused appearance.

116. To sum up, the regime at Burgas Prison was impoverished. It was commonplace for prisoners without work (i.e. 80% of the prison population in the closed prison) to spend the bulk of their day confined to their cells, in a state of idleness, their main distraction being watching television and listening to the radio (when there was electricity), and reading books and newspapers. Time spent outside the cells could be as little as 2 hours.

117. The CPT recommends that a thorough examination be made of the means of improving the activities offered to prisoners at Burgas Prison. Above all, more prisoners (including those on remand) must be provided with work, preferably of vocational value. Steps should also be taken to diversify out-of-cell activities for both sentenced and remand prisoners.

c. life sentenced prisoners and other prisoners placed in segregation

118. Both prisons were accommodating a certain number of prisoners placed under a special security regime on account of their sentences (life sentenced prisoners with or without parole), perceived dangerousness or troublesome behaviour. The CPT has serious concerns about the conditions in which these prisoners were being held.

119. At Stara Zagora Prison, a new unit ("2Г") had been in operation since 1996, designed to accommodate life sentenced prisoners as well as prisoners segregated on the basis of Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions¹¹ and Section 15 of the Order concerning the Status of Accused and Defendants¹². A total of 14 inmates were held in the unit at the time of the visit, of whom three prisoners serving life sentences without parole, three life sentenced prisoners with eligibility for parole review, five prisoners segregated under Section 56 and three under Section 15.

In terms of material conditions, the new unit represented an improvement compared to the unacceptable conditions in which prisoners sentenced to death had been held during the CPT's first visit to Stara Zagora Prison. Each cell was holding one or two prisoners. The cells measured some 6 m², had good access to natural light and adequate artificial lighting, and were well ventilated. Further, they were equipped in a satisfactory manner and generally clean.

¹¹ Sentenced prisoners isolated on the order of the prison director on the grounds of their perceived dangerousness or troublesome behaviour.

¹² Remand prisoners isolated on the orders of a judge or a public prosecutor in the interest of the criminal investigation.

120. However, as regards out-of-cell activities, hardly anything had changed. Life sentenced prisoners were offered one hour of outdoor exercise every day, which they took together. The only other time which they spent out of their cells consisted of three trips a day to the sanitary facilities and one visit per month. As in 1995, there were no possibilities for work. Inside their cells, prisoners had access to TV and/or radio, books and newspapers. For those who were alone in a cell, human contact was limited to communication with other prisoners during the outdoor exercise period, rare dealings with prison officers, and occasional visits from family members.

The CPT welcomes the improvements made to the material conditions of life sentenced prisoners at Stara Zagora Prison. **However, it recommends that a full review of their regime be carried out, taking into consideration the criteria outlined in paragraph 92.**

121. Life sentenced prisoners at Burgas Prison were accommodated in the high security Unit 2B. At the time of the visit, there were five prisoners serving a sentence of life imprisonment without parole and three remand prisoners appealing life sentences. Unit 2B was also accommodating three remand prisoners segregated under Section 15 of the Order concerning the Status of Accused and Defendants, and nine prisoners segregated under Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions.

The cells in the unit measured approximately 6 m² and were equipped with a bed or a double bunk bed, a locker and a stool. Access to natural light and ventilation was poor, the cell windows being obscured by metal plates fixed obliquely to the outside wall. Further, artificial light was very meagre (barely sufficient to read by in some of the cells), and was kept on 24 hours a day.

Prisoners complained that the cells tended to get very cold in the winter. Moreover, in many cells, the delegation saw wet clothing hanging on ropes; this, combined with the lack of space and ventilation in the cells, created a damp atmosphere.

122. The only time life sentenced prisoners spent out of their cells was one hour of outdoor exercise per day and short visits to the sanitary facilities. During the outdoor exercise, they were forbidden to communicate with other prisoners, and consequently walked in silence in a row with their hands behind their backs. Some prisoners had books, newspapers and radios in the cells; others had close to nothing.

123. The delegation had the opportunity to examine a new facility under construction designed to accommodate life sentenced and other categories of segregated prisoners. It was located in a former workshop adjacent to the main accommodation building, linked by a door to Unit 2B. The internal structure of the workshop had been demolished, and a plan for repartitioning the area had been drawn up. The plan showed six double-occupancy cells (some 12 m²) and one single cell (7 m²) for disciplinary isolation or control purposes. The cells would have high ceilings and windows situated high in the walls, currently covered by metal plates with small perforations. According to the plan, cell furnishings would comprise a bunk bed, a table, two stools and a twin locker. In-cell sanitation, appropriately partitioned off, was also to be provided. The plan also envisaged a room for visits, as well as access to an association room located in Unit 2B.

The CPT welcomes the plans to construct a new unit for life sentenced and other categories of segregated prisoners, **and would like to be informed of its expected date of entry into operation and the regime of activities envisaged in the unit. The Committee recommends that all metal plates covering the cell windows be removed, thereby facilitating access to natural light and ventilation.**

124. Pending the entry into operation of the new unit, the CPT recommends that:

- **the metal plates fixed to the windows in Unit 2B be removed;**
- **appropriate facilities for washing and drying prisoners' clothes be provided;**
- **urgent steps be taken to develop the regime of activities for life sentenced prisoners, taking into consideration the criteria outlined in paragraph 92. As a first step, these prisoners should be allowed to talk with each other during the outdoor exercise period;**
- **life sentenced prisoners have access to the prison library and are regularly supplied with newspapers.**

125. As regards prisoners segregated on the basis of Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions and Section 15 of the Order concerning the Status of Accused and Defendants, the CPT has already made a number of remarks and recommendations in the 1995 visit report. The delegation was pleased to learn that at both prisons these prisoners were being offered regular outdoor exercise (although some of them alleged that on occasion it could last less than an hour). However, as regards other aspects of their regime, it was as impoverished as the one already described in respect of life sentenced prisoners. In particular, prisoners placed in segregation were not entitled to go to the library, had no possibilities for work or education, and were allowed very little human contact.

The CPT recommends that the Bulgarian authorities take urgent steps to develop the regimes offered to prisoners placed in segregation.

126. The CPT understands that prisoners segregated under Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions are informed in writing of the reasons for the measure taken against them, and are able to contest the measure within 7 days before the Director of the Main Prison Directorate. **The CPT would like to be informed whether there also exist provisions for periodic review of the measure.**

However, the CPT's delegation was unable to establish whether prisoners segregated under Section 15 of the Order concerning the Status of Accused and Defendants benefit from the safeguards referred to above. Prisoners spoken to by the delegation affirmed that they had received no information of the reasons for being segregated or the expected length of the segregation, and were not aware of possibilities to have the measure appealed or reviewed. It is noteworthy that the recently adopted Ordinance No 2 of 19 April 1999 on the Status of Accused and Defendants Remanded in Custody (which has superseded the previous Order) details the cases in which remand prisoners may be segregated, but contains no procedural safeguards. **The CPT would like to receive clarification of the procedural safeguards for remand prisoners placed in segregation.**

4. Health-care services

a. introduction

127. As had been the case in 1995, health care in Bulgarian prisons is provided by the Ministry of Justice and European Legal Integration. Prison health-care staff are recruited by and administratively subordinated to the Main Prison Directorate, whose Medical Division is responsible for supervising their work. The prison health-care services apply general health guidelines and regulations issued by the Ministry of Health; further, arrangements can be made for hospitalising prisoners in need of urgent treatment in Ministry of Health establishments. However, it emerged that in the Ministry of Health's view, given the division of responsibilities, the issue of health care for prisoners lay outside its remit. Nevertheless, the Minister of Health informed the delegation that in recent years his Ministry had been increasingly involved in research projects, together with the Ministry of Justice, concerning the problems of tuberculosis, drugs, HIV and hepatitis B in prisons.

A similar situation is found in many other countries in Europe, where the provision of health care is the responsibility of the authority in charge of prison establishments. However, the CPT believes that a greater involvement of the Ministry of Health in the provision of health care in the prison system would help to ensure optimum health care for prisoners, as well as implementation of the principle of the equivalence of health care in prison with that in the outside community. In particular, the role of the Ministry of Health could be strengthened in such matters as hygiene control, transmissible diseases, the assessment of health care and the organisation of health care services in prisons. This approach is clearly reflected in Recommendation N° R (98) 7 concerning the ethical and organisational aspects of health care in prison, recently adopted by the Committee of Ministers of the Council of Europe.

The Committee would like to receive the views of the Bulgarian authorities as regards the possibility of giving increased responsibility to the Ministry of Health in the field of the provision of health care in the prison system, including as regards the recruitment of health-care staff and the supervision of their work.

Further, the CPT would like to be informed of the current mechanisms for recruiting prison health-care staff and controlling the quality and effectiveness of their work.

128. In its report on the 1995 visit, the CPT stressed that, in order to guarantee their professional independence and quality of medical work, it is important that prison health-care staff be aligned as closely as possible with the mainstream of health-care provision in the community at large. In their interim reply, the Bulgarian authorities indicated that “the administrative subordination of prison health-care services is subject to further discussion and there will be new legislation to regulate these matters”. **The CPT would like to receive updated information on developments in this area.**

The CPT also wishes to stress again that whatever institutional arrangements are made for the provision of health care in prisons, it is essential that prison doctors' clinical decisions should be governed only by medical criteria and that the quality and effectiveness of their work should be monitored by a qualified medical authority.

b. staff and facilities

129. At the outset of the visit, the Director of the Main Prison Directorate informed the delegation of certain improvements which had been made since 1995 as regards prison health-care services. Full-time doctors had been appointed, and posts for psychiatrists created, at all prisons, and steps were being taken to employ full-time trained nurses. Further, the shortage of medicines within the prison system had been overcome.

The CPT welcomes the steps taken by the Bulgarian authorities to reinforce the prison health-care services, and in particular the appointment of psychiatrists at all prison establishments. However, as the ensuing description of the health-care services at the two prisons visited will demonstrate, there remains room for improvement.

130. The health-care service at Stara Zagora Prison was staffed by a doctor, two feldshers (who in practice performed the same range of duties as the doctor) and a dentist, all working full-time, and one part-time psychiatrist. Two psychologists also took part in the work of the health-care service. These staffing levels are an improvement on the situation observed during the first CPT visit (though, as already noted, the prison population has also increased); however, as in 1995, there was no qualified nurse. On weekdays, health-care staff were present from 8 a.m. to 5 p.m., and could be called in at other times in case of need. Further, prisoners could be transferred for specialised examinations and treatment to Stara Zagora Regional Hospital, as well as to the prison hospitals in Sofia and Lovech.

As regards the labour and reformatory hostel “Cherna Gora”, it was attended three days a week by a doctor employed at the nearby municipal hospital. In case of need outside the doctor’s attendance hours, prisoners could be taken for examination to the hospital.

131. At Burgas Prison, the full-time health-care staff comprised a doctor, a feldsher and a dentist, who were present at the prison until 4.30 – 5 p.m. on weekdays. Further, a part-time psychiatrist attended the establishment. There were also two psychologists working full-time (who, however, were not considered as part of the health-care service). As at Stara Zagora, there was no qualified nurse. Health-care staff were assisted by a prisoner employed as an orderly who was responsible for cleaning the facility, providing basic first aid and distributing medicines to prisoners in the absence of the prison doctor. No qualified health-care staff were present in the prison at night and at weekends; however, the public emergency medical service could be called in in case of need, and urgent cases transferred to the municipal hospital. Prisoners in need of treatment were also transferred to the prison hospitals in Sofia and Lovech.

132. Clearly, health-care staffing levels still leave a great deal to be desired, in particular as regards qualified nurses. **The CPT recommends that, as a first priority, steps be taken to:**

- **appoint at least two qualified nurses at Stara Zagora Prison and at least one qualified nurse at Burgas Prison;**
- **ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the prisons’ premises, including at night and weekends.**

The CPT also stressed in the report on the 1995 visit that the employment of inmates as orderlies should be seen as a last resort, and that prisoners should under no circumstances be involved in the distribution of medicines. **The Committee therefore recommends that the position of the prisoner working as an orderly at Burgas Prison be reviewed.**

133. It should be noted that the delegation heard complaints from prisoners at both prisons about delays in gaining access to the doctor. Prisoners who wished to be medically examined announced that to the officer on duty during the morning roll-call. Such requests were meant to be entered in a special register kept on each unit and presented to the doctor every morning. Such a system is unexceptionable. However, **the CPT must stress that all requests to see a doctor should be brought to the attention of the prison doctor; it is not for prison officers to screen such requests.** The CPT would like to add that in addition to the standard procedure for gaining access to a doctor indicated above, prisoners should be able (if they so wish) to communicate with the health service confidentially, for example by means of a message in a sealed envelope.

134. At Burgas Prison, many prisoners complained about the quality of the treatment received and the system of distributing medicines. **The CPT would like to have the comments of the Bulgarian authorities on this matter.**

135. At Stara Zagora Prison, the health-care service premises were basically the same as those seen in 1995 (cf. paragraph 144 of document CPT/Inf (97) 1). Some of the rooms were in the process of being repainted at the time of the visit, and the rest of the facilities were reasonably well-equipped and clean.

The health-care premises at Burgas Prison comprised a variety of rooms, including two sick-rooms with a capacity of 12 beds (which were empty at the time of the visit). The facilities were modestly equipped but reasonably clean.

c. medical screening on admission

136. The importance of medical screening of newly arrived prisoners cannot be over-emphasised. Such screening is indispensable, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention, and ensuring the timely recording of injuries.

137. Since the CPT's first visit to Bulgaria, new instructions regarding medical screening of newly arrived prisoners have been issued. According to them, prison health-care services should perform hygiene screening and medical examination of all prisoners within 24 hours of their arrival at the establishment. This medical screening on admission can be undertaken either by a doctor or a feldsher.

The CPT welcomes the introduction of these instructions. However, the information gathered by the delegation indicates that compliance with the new instructions was not always guaranteed. For example, at Stara Zagora Prison, up to three days could elapse before a newly arrived prisoner was medically examined for the first time, the doctor in principle aiming to see such prisoners in time for the meetings of the distribution board which took place twice a week.

The CPT recommends that steps be taken to ensure that the rule that all prisoners must be medically screened within 24 hours of their arrival is strictly adhered to.

138. The situation as regards the recording of initial medical examinations and any injuries observed on arrival was also unsatisfactory. The results of the medical screening on admission were recorded in the doctor's register ("ambulatory journal"); in addition, for prisoners serving sentences longer than one year, they were documented in an individual medical file (cf. paragraph 140). At Stara Zagora, if injuries were observed on arrival, the doctor informed the prison director. However, it emerged that attention was paid only to serious injuries observed on newly arrived prisoners. Moreover, the delegation observed that the data recorded in such cases in both the doctor's register and the medical file was of a summary nature, and contained no indication of any allegations made by the prisoner and no medical conclusions.

As regards Burgas Prison, the extent of the allegations of physical ill-treatment heard by the delegation was in marked contrast with the absence of records of any injuries.

139. The CPT considers that the records drawn up after the examination of a newly arrived prisoner should contain:

- i) an account of the statements made by the person concerned which are relevant to the medical examination (including the description of his/her state of health and any allegations of ill-treatment);
- ii) a list of objective medical findings (i.e. the nature, location, size and specific characteristics of each injury) based on a thorough physical examination; if no signs of injury are found upon examination, this should be explicitly stated in writing by the doctor;
- iii) the doctor's conclusions in the light of i) and ii).

In addition, if the prisoner so requests, the doctor should provide him/her with a certificate describing any injuries found upon examination.

Consequently, the CPT recommends that the Bulgarian authorities develop this aspect of medical screening on admission, in the light of the above remarks. The same approach should also be followed whenever a prisoner is medically examined following a violent episode in prison.

Further, the CPT recommends that existing procedures be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record is systematically brought to the attention of the relevant prosecutor.

d. medical files and confidentiality

140. The CPT remains seriously concerned about the quality and confidentiality of medical documentation in Bulgarian prisons, a subject on which it made a recommendation in the 1995 visit report (cf. paragraph 151 of document CPT/Inf (97) 1).

As already indicated in 1995, a personal medical file is only opened in respect of prisoners with sentences of over one year. As for the remainder of the prison population, the results from the medical examination performed upon arrival at the prison as well as any subsequent examinations are recorded in the doctor's register ("ambulatory journal"). Further, as regards confidentiality, the delegation observed that at Burgas Prison the prisoner working as an orderly had access to both the medical files and the register.

The doctor also fills in for each newly arrived prisoner a standard medical form which comprises the following headings: information about previous illnesses; objective findings; tests performed; diagnosis; conclusion whether fit for work. This medical certificate is intended for the distribution board who assigns prisoners to different units and jobs, and is subsequently attached to the inmate's prison file (which can be accessed by various categories of non-medical staff).

In the light of the information gathered during the 1999 visit, **the CPT must reiterate its recommendation that a personal and confidential medical file be opened for each prisoner, regardless of the length of time he/she is likely to spend in prison, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of any special examinations he/she has undergone. In the event of transfer, the file should be forwarded to the doctors in the receiving establishment. Keeping prisoners' medical files should be the doctor's responsibility.**

The CPT also recommends that the practice of including confidential medical information in an inmate's main prison file be discontinued.

141. Moreover, the CPT was concerned to learn that at Burgas Prison, all medical examinations were carried out in the presence of a prison officer. As for Stara Zagora Prison, a prison officer was as a rule present in the doctor's office when newly arrived prisoners and inmates placed under a special regime (e.g. life sentenced, segregated) were medically examined.

The CPT must stress that all medical examinations of prisoners (whether on arrival or at a later stage) should be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers. **The Committee recommends that the Bulgarian authorities ensure that this is the case.**

e. tuberculosis

142. In recent years there has been an increase in the incidence of tuberculosis cases in the Bulgarian prison system. The Minister of Health informed the delegation that the resurgence of tuberculosis had led to a national programme for combating tuberculosis, in which a special place is reserved to prisoners (seen as a high-risk group). The Ministry of Health has purchased mobile chest radiological equipment. Further, according to the Minister, the WHO recommended strategy for tuberculosis control (known as DOTS, "Directly Observed Treatment, Short-course") has recently been introduced to the public health domain in several regions of the country, and it is envisaged to start applying the DOTS strategy in the prison system.

143. As regards the procedure for medical screening for tuberculosis, the delegation was told that prisoners underwent a chest radiological examination once a year. The DOTS strategy for tuberculosis control was not applied in either of the prisons visited, and the doctors spoken to by the delegation did not seem to be familiar with it.

It is currently widely acknowledged in international medical circles (cf. the Guidelines for the control of tuberculosis in prisons drawn up by the WHO and the ICRC in 1998) that in populations with a high tuberculosis prevalence, an X-ray examination cannot constitute in itself a satisfactory initial method for detecting infectious pulmonary tuberculosis cases. In such situations, it is first of all essential to assess the clinical symptoms of the disease during the initial medical screening – in particular, persistent cough, sputum production and weight loss – and then to proceed to sputum smear microscopy for pulmonary tuberculosis suspects (regardless of whether they have undergone an X-ray examination) in order to detect the infectious cases. If necessary, this first stage could be followed by another diagnostic test.

The importance of proper screening for tuberculosis upon admission to a prison is highlighted by the case of a 26-year old prisoner who died at Burgas Prison in November 1998. The medical report drawn up by the prison doctor following the person's death contains inter alia the following information: The medical screening upon admission revealed no signs of somatic or psychiatric illness. During the five months which the prisoner spent at Burgas Prison, he did not undergo any medical examinations. On 29 October 1998 the prisoner was brought to the prison's health-care service in a state of cardio-vascular collapse, and was placed in a sick-room where he received cardiotonic medicines and a special diet. On 1 November 1998, his state deteriorated again, and by 2 November 1998 he had died from double pulmonary tuberculosis at Burgas Pulmonary Hospital.

The CPT recommends that the Bulgarian authorities step up their efforts to introduce international standards in the field of the control of tuberculosis, as defined by the WHO and ICRC, throughout the prison system. In this connection, prison doctors should receive appropriate training and be provided with written instructions from the Ministry of Health concerning new approaches to tuberculosis control.

144. The CPT is also concerned about the treatment of prisoners suffering from tuberculosis at Burgas Prison. There were five such prisoners receiving treatment at the time of the visit. They were accommodated in two cells in the segregation unit on the second floor of wing B. Four of the prisoners in question were held together in a cell measuring some 5 m². The cell was so cramped that there was barely room to stand up between the two bunk beds. It was also dimly lit (the window being partially covered by a metal shutter) and poorly ventilated. The prisoners only left their cells for the daily outdoor exercise period of one hour.

It is clear that the conditions described above can only favour the spread of the tuberculosis infection, and consequently jeopardise the success of the treatment being provided. In this connection, it should be stressed that direct sunlight and good ventilation impede tuberculosis transmission indoors and therefore constitute an important part of prevention and therapy.

However, the CPT welcomes the fact that a pulmonary specialist from the municipal hospital was attending Burgas Prison twice a week, and could be called in at other times if necessary. In addition to ensuring that the medical care provided to prisoners suffering from tuberculosis is comparable to that enjoyed by patients in the outside community, such an arrangement increases the opportunities for prevention. Further, the delegation was told that there was no shortage of medicines for tuberculosis patients, and that they were receiving a better diet than other prisoners.

The CPT recommends that the Bulgarian authorities take the necessary measures to ensure material conditions for tuberculosis patients at Burgas Prison which are conducive to the improvement of their health. In particular, urgent measures are needed to substantially reduce the occupancy levels in the cells used to accommodate such prisoners and improve access to natural light and ventilation. Care should also be taken to ensure that the prisoners concerned are able to maintain a standard of personal hygiene consistent with the requirements of their state of health.

145. The delegation also paid a short visit to the Pulmonary Ward of Lovech Prison Hospital, the capacity of which had grown since 1995 from 40 to 120 beds. At the time of the visit, 98 male prisoners were receiving treatment at the ward, female prisoners in need of treatment being accommodated in civilian hospitals. The delegation was told that the DOTS strategy for tuberculosis control was applied at the ward; the course of treatment lasted 5-6 months, following which prisoners were transferred to their respective prisons where they continued to receive treatment for another 6 months.

The Director of the hospital informed the delegation that there was a waiting list of some 100 prisoners for admittance to the ward, and that prisoners with advanced tuberculosis could have their sentences suspended in order to be treated in civilian hospitals. To alleviate the situation, a proposal had been made to the Main Prison Directorate for the setting up of specialised pulmonary wards for prisoners in other parts of the country.

146. The CPT wishes to stress that the problem of tuberculosis can only be solved by the combined efforts of all relevant Ministries. Tuberculosis in prisons represents an important threat to public health in society at large. It is therefore imperative to introduce adequate methods of detection and prevention, to provide appropriate treatment and to ensure that treatment begun in prison continues after release.

At the end of the visit to Bulgaria, the CPT's delegation asked the Bulgarian authorities to provide within six months a report on the national strategy for tackling the problem of tuberculosis in prisons and investigation detention facilities.

By letter of 16 November 1999, the Bulgarian authorities provided the requested information. It is stated in the response that the Ministry of Justice and European Legal Integration, in co-operation with the Ministry of Health's Consultant on transmissible diseases, has drawn up a working programme for combating tuberculosis in the prison system. The programme involves the following steps:

1. Timely detection of tuberculosis cases, by means of: i) detecting the presence of TB bacilli; ii) determining chest X-ray findings; iii) identifying clinical symptoms. This involves stepping up of the "passive" detection of persons who already display clinical symptoms (i.e. diagnostic tests for bacilli presence and a subsequent chest X-ray as appropriate) and "active" screening of all persons deprived of their liberty through periodic chest X-rays;
2. Treatment of tuberculosis cases, in accordance with the chemotherapy methodology approved by the Ministry of Health: i) intensive treatment (2-3 months) at the specialised prison hospital in Lovech; ii) sustaining treatment (4-5 months) in ambulatory or in-patient conditions, provided by the health-care services of the individual prison establishments. In cases when tuberculosis is taking a particularly heavy course or there are concomitant diseases, the prison sentence may be suspended on health grounds in order for the person concerned to receive treatment at a specialised civilian hospital;
3. Preventive measures: i) each newly arrived prisoner to be tested using the Ziehl-Neelsen method; ii) Mantoux skin tests to be carried out, using 5 tuberculin units, and their results to be correspondingly monitored; iii) in case of a positive reaction, a chemoprophylactic course with remicid to be carried out.

It is also stated in the response that the above-mentioned working programme will be applied in its totality to persons held in investigation detention facilities. Further, provision has been made in the budgets for 1999 and 2000 to ensure sufficient supplies of anti-tuberculosis drugs and materials, as well as increased food rations in the course of the treatment.

The Bulgarian authorities also informed the CPT that a new draft "Ordinance on medical care in places of deprivation of liberty" has been drawn up by the Ministry of Justice, in close co-operation with the Ministry of Health. The draft Ordinance is said to devote special attention to transmissible diseases and tuberculosis.

The CPT is grateful for the information provided by the Bulgarian authorities. **As regards the treatment of tuberculosis cases, the Committee would like to be informed whether the distribution and taking of anti-tuberculosis drugs is the subject of on-going monitoring, as prescribed by the DOTS strategy for tuberculosis control.**

Further, the CPT would like to receive a copy of the above-mentioned draft Ordinance.

5. Other issues of relevance to the CPT's mandate

a. prison staff

147. The CPT wishes to emphasise once again the great importance it attaches to the adequate recruitment and training of prison staff. There is no better safeguard against ill-treatment than properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners. In this regard, developed inter-personal communication skills are an essential part of the make-up of such staff. Such skills will often enable them to diffuse situations which could otherwise turn into violence. More generally, they will help to reduce tensions and improve the quality of life in the prison concerned, to the benefit of all. Developing good relations between prison staff and prisoners will not only reduce the risk of ill-treatment but also enhance control and security. In turn, it will render the work of prison staff far more rewarding.

148. As already noted (cf. paragraphs 94 and 96), the delegation observed that prison staff at both prisons tended to adopt a regimented attitude towards prisoners and kept their direct contact with them to a minimum. In fact, the dialogue between staff and prisoners seemed to have been substituted by a system under which the "duty" prisoner appointed for each cell reported any problems to the staff. As a result, the staff's job was largely limited to opening and closing cell doors and monitoring the movement of prisoners. This is in part at least a result of the staff attendance system, under which the possibilities of direct contact with prisoners were not optimised; however, this is certainly not the only factor. The delegation was told that the job descriptions/instructions issued to staff (with the exception of the "inspectors for social activities" and the psychologists) precluded them from entering into direct contact with prisoners.

The CPT was pleased to note that in their interim reply to the report on the 1995 visit, the Bulgarian authorities indicated that "one of the priorities of the Guidelines for the Development of the Prison System which are to be approved is to devise special programmes for initial and in-service training of the prison staff in accordance with the specificities of the job and the recommendations included in the European Prison Rules". **The CPT recommends that in the course of such training, considerable emphasis be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation.**

b. contact with the outside world

149. The CPT stressed in its 1995 visit report the importance of prisoners being able to maintain reasonably good contact with the outside world, and made several recommendations designed to improve the visiting arrangements in Bulgarian prisons (cf. paragraphs 156 to 161 of document CPT/Inf (97) 1).

As regards remand prisoners, the CPT was pleased to note that under the new Ordinance No 2 on the status of Accused and Defendants, they are entitled to two visits per month with a duration of 45 minutes each.¹³

150. The room for visits at Burgas Prison comprised a long table divided into eleven compartments, with a metal netting running along the centre. Prisoners could sit down on stools during the visit; however, there were no seating arrangements for their visitors. The room was rather small and could undoubtedly become very noisy and overcrowded on the single day set aside for visits (Sunday).

The CPT recommends that the visiting facilities at Burgas Prison be reviewed; as a first step, visitors should be provided with seats. The Committee also recommends that the possibility be explored of allowing visits on more than one day during the week.

Further, the CPT invites the Bulgarian authorities to move towards more open visiting arrangements. The existing facilities are by their very nature not conducive to the maintenance of prisoners' relations with their families.

151. Since the 1995 visit, steps had been taken to provide inmates at Stara Zagora Prison with access to telephones. However, at Burgas Prison inmates had no possibility to make phone calls. As was pointed out in the report on the 1995 visit, such a situation is not acceptable, especially as regards inmates who do not receive regular visits because their families live a long way from the establishment. **The CPT recommends that the Bulgarian authorities take steps to provide inmates at Burgas Prison – and, as the case may be, at other prisons in Bulgaria - with access to a telephone, if necessary subject to appropriate supervision.**

c. discipline

152. The procedure for the imposition of disciplinary sanctions has already been described in the CPT's first visit report, and can be defined as on the whole satisfactory. Prisoners are given a hearing before the imposition of any sanction, and can appeal against the sanction to the Main Prison Directorate.

¹³ Cf. Section 24 (1) of the Ministry of Justice Ordinance No 2 of 19 April 1999.

153. Certain improvements had been made since 1995 to the disciplinary unit of Stara Zagora Prison: the cells had been equipped with mattresses and tables, and the dark cell withdrawn from service. However, by virtue of their extremely small size (scarcely 2 m²), the disciplinary cells remained unfit as detainee accommodation. **The CPT recommends that the enlargement of the cells in the disciplinary unit at Stara Zagora Prison - or, if this is not possible, the provision of other disciplinary facilities - be treated as a matter of priority.**

154. The disciplinary unit at Burgas Prison was located on the first floor of Block B and comprised a series of cells measuring some 5 m². The cells had windows; however, access to natural light was obstructed by metal plates fixed to them. Artificial lighting also tended to be weak. Each cell was equipped with a wooden plinth, and the delegation was told that mattresses and blankets were provided when the cells were in use. **The CPT recommends that:**

- **the lighting be improved in the disciplinary cells at Burgas Prison;**
- **the disciplinary cells be fitted with a table and chair, if necessary fixed to the floor.**

155. As regards the regime applied to prisoners placed in disciplinary cells, at Stara Zagora Prison they were entitled to one hour of outdoor exercise per day, and were allowed books and newspapers. The delegation was told that similar arrangements existed at Burgas Prison.

d. complaints and inspection procedures

156. In the report on its 1995 visit, the CPT stressed that effective complaints and inspection procedures are basic safeguards against ill-treatment in prisons, and made several recommendations in this area. The delegation's observations in the course of the 1999 visit suggest that there remains room for improvement.

157. At the outset of the visit, the delegation was informed by the Main Prison Directorate that a new system of complaints boxes had been introduced to provide prisoners with confidential access to senior officials at the Ministry of Justice. These boxes, located in each prison establishment, were only to be opened by a representative of that Ministry. However, during the visit to Burgas Prison, the delegation was told that in practice all complaints boxes, including those set aside for complaints to the Ministry of Justice, were opened by the prison management. Admittedly, it is hard to see how an efficient system might be devised whereby a representative of the Ministry could regularly travel from Sofia to open the boxes in all prisons throughout the country. **The CPT would like to receive the comments of the Bulgarian authorities on this issue.**

Further, the complaints boxes in both Stara Zagora and Burgas Prisons were located in full view of the staff office on the central landing; it was therefore impossible for a prisoner to put a complaint into the box without being observed by a member of staff. This is not conducive to confidential complaints. **The CPT recommends that the complaints boxes be relocated in areas where access is less conspicuous (e.g. in the exercise yards).**

158. As in 1995, the delegation heard a number of allegations that prisoners' complaints had been the subject of significant delays before being answered or had even not received a reply. Many prisoners interviewed by the delegation expressed scepticism about the complaints system. At Burgas Prison, the responsible public prosecutor informed the delegation that the most recent complaint received from a prisoner dated back to December 1998, i.e. five months previously. Such a situation should not necessarily be interpreted as an indication that there are no problems. On the contrary, a relatively high level of complaints indicates that prisoners have confidence in the complaints procedure and do not fear repercussions from having lodged complaints.

The CPT recommends that the Bulgarian authorities make further efforts to ensure that effective complaints procedures are put in force.

159. As regards inspections, both Burgas and Stara Zagora prisons were visited periodically by a regional public prosecutor, as part of the Prosecutor's Office obligation under Bulgarian law to supervise the execution of sentences. The delegation was told that during such inspections prosecutors examined all aspects of life in the prison (including material conditions, regime and the treatment of prisoners) and were empowered to issue binding written instructions to the prison management. Inspections may be carried out either on the prosecutor's initiative or as a result of complaints from prisoners, their relatives or information in the media.

In this context, **the CPT would like to emphasise the importance of inspecting authorities making themselves "visible" not only to prison management and staff, but also to prisoners themselves. More specifically, they should not limit their activities to seeing prisoners who have expressly requested to meet them, but should take the initiative by visiting detention areas and entering into contact with inmates.**

The CPT would also like to receive full details of the inspection arrangements developed within the Ministry of Justice itself.

D. Psychiatric establishments

1. Preliminary remarks

160. During its second periodic visit to Bulgaria, the CPT conducted two follow-up visits, respectively to the closed ward for the criminally irresponsible at Lovech Neuropsychiatric Hospital and to the psychiatric section of Lovech Prison Hospital, and visited for the first time the Social Welfare Home for male residents at Terter (Kubrat region).

The first two establishments fall under the joint responsibility of the Ministries of Health and Justice, while the latter establishment - as well as some hundred other social welfare homes of this type in Bulgaria - falls under the responsibility of the Ministry of Labour and Social Welfare.

The general description of the closed ward for the criminally irresponsible at Lovech Neuropsychiatric Hospital and of the psychiatric section of Lovech Prison Hospital, set out in the report on the 1995 visit, remains valid.

161. The Social Welfare Home for male residents at Terter is located in the countryside, in a remote area in the northeastern part of Bulgaria, not far from the Roumanian border. Originally built as a farm, it was converted to a social welfare home in 1971. The institution comprises several buildings dispersed over a rather large area, surrounded by a high metal fence topped with barbed wire.

With an official capacity of 170 residents, on the first day of the visit the Home was accommodating 143 residents, their ages ranging from 18 to 70 years. Most of the residents suffered from mental disorders and a number were mentally retarded. In addition, the Home accommodated 12 certified chronic alcoholics. The Home provides indefinite asylum ("*asylum terminus*") and almost all the residents spend the rest of their lives in the institution.

The Home had an official staff complement of seventy posts: two posts for psychiatrists, one post for a head nurse, eight posts for feldshers or nurses, forty posts for orderlies, and twenty more posts for the general services (administration, kitchen, garden, etc.). However, the two posts for psychiatrists had been vacant for a long time (though a medical doctor had recently attended the Home over a three months period).

2. Ill-treatment

162. The delegation received no allegations of ill-treatment of patients during its follow-up visits to the closed ward for the criminally irresponsible at Lovech Neuropsychiatric Hospital and to the psychiatric section of Lovech Prison Hospital.

163. By contrast, several allegations of ill-treatment were heard from residents at the Social Welfare Home in Terter. The allegations concerned more particularly the orderlies and related principally to verbal abuse and physical assault. Such acts could apparently occur in the event of disobedience or escape. No evidence of recent injuries was found to substantiate these allegations of physical ill-treatment. Nevertheless, the presence of a number of heavy cudgels and of a steel pipe in the orderlies' office in Block 3 - the latter object having been precisely described in one of the allegations received - tended to lend credibility to the allegations, the more so as an implausible explanation of their purpose ("elements of cleaning material") was given by the orderlies concerned. Moreover, the attitude displayed by the same orderlies of Block 3 during meal times was a matter of particular concern to the delegation. The delegation observed the orderlies herding the residents to the dining shed with the aid of wooden sticks. Such an attitude not only implies a threat of violence to the residents, but constitutes also an affront to their dignity.

The CPT recommends that a clear message be given by the Home's management to staff working there - and in particular the orderlies - that the physical or psychological ill-treatment of residents is not acceptable and will be dealt with severely.

164. Working with the mentally ill and mentally handicapped will always be a difficult task for all categories of staff involved and, in particular, for orderlies, as they work day by day in direct contact with the residents. Bearing in mind the challenging nature of their work, it is of crucial importance that they be carefully selected and receive both appropriate training before taking up their duties and in-service courses. Further, during the performance of their tasks, they should be closely supervised by - and be subject to the authority of - qualified health-care staff.

The CPT recommends that appropriate steps be taken to implement these principles at the Social Welfare Home in Terter (as well as in other social welfare homes in Bulgaria).

165. A certain number of allegations of ill-treatment between residents themselves were also heard (threats, violence and sexual exploitation) and the delegation itself observed, on two separate occasions, that the level of supervision by staff was inadequate, no action being taken when a fight broke out between residents. Such an attitude is not acceptable; it is essential that appropriate procedures be in place in order to protect more vulnerable residents from other residents who might cause them harm. This requires not only an adequate staff presence at all times, including at night and weekends, but also for the staff to be motivated to exercise their authority and have the necessary skills in this regard.

As regards the latter point, staff should receive training in both non-physical and manual control techniques vis-à-vis violent residents; the possession of such skills will enable staff to choose the most appropriate response when confronted by difficult situations, thereby significantly reducing the risk of injuries to residents and staff.

The CPT recommends that the Bulgarian authorities take the necessary measures in the light of the above remarks to ensure that staff protect residents from other residents who might cause them harm.

166. In order to enable the CPT to obtain a nationwide view of the situation, **it would like to receive, in respect of the years 1998-1999, the following information:**

- **the number of complaints of ill-treatment lodged against staff members in social welfare homes in Bulgaria;**
- **an account of sanctions imposed following complaints of ill-treatment by such staff members.**

3. Social Welfare Home for male residents at Terter

- a. living conditions and treatment of residents

167. Residents in the Home were accommodated in three residential blocks, depending on their mental health status: residents with a less serious condition were placed in Block 1, those with a more serious condition in Block 2, and the most disabled or disturbed oligophrenic and schizophrenic residents, likely to abscond or considered dangerous, were confined to Block 3. In view of the specificity of its population, Block 3 was surrounded by a second high metal fence topped with barbed wire and equipped with a locked gate.¹⁴

168. At the time of the visit, Blocks 1 and 2 each accommodated, on two floors, 48 residents. Even if not totally satisfactory (some 3.5 m² on average per resident), the occupancy rates in the dormitories could be considered as adequate, taking into account the fact that residents could circulate freely in the building and the institution's grounds during the day. The dormitories were equipped with beds and bedding (mattresses, blankets, pillows and sheets). However, the state of cleanliness of the latter left much to be desired. Further, the absence of other pieces of furniture, decoration or personal belongings in the dormitories created a highly impersonal atmosphere. Access to natural light and ventilation were satisfactory, but artificial lighting was dim. Sanitary facilities were limited to two floor-level toilets and two water taps for all the residents in each block. This is inadequate for the number of residents concerned; moreover, the cleanliness of the facilities left a great deal to be desired. Block 1 and 2 residents did have access, once a week, to collective bathing/shower facilities; however, they were of a very rudimentary character.

During the day, all residents of Blocks 1 and 2 had access to a recreation room, equipped with benches and a TV set, and a separate dining room, fitted with a table and chairs.

¹⁴ A third fence surrounded part of the courtyard of Block 3.

169. In Block 3, accommodating 47 residents, the dormitory occupancy rates were similar to those observed in the two other blocks. However, material conditions were far worse. For example, all the residents in one of the dormitories were sleeping on a wooden platform on which mattresses and blankets had been placed. Further, the state of hygiene and repair of the bathing and toilet facilities was execrable. The so-called “toilets” - four holes drilled in a concrete floor in a room almost entirely deprived of any light, be it natural or artificial – were totally unhygienic; they constituted a direct threat to the residents’ health.

During the day, residents could move freely within the perimeter of Block 3, and some of them were even allowed to leave the premises of Block 3. They could also make use of a dayroom; however, the latter was gloomy and contained nothing but a few benches. Meals were taken in several shifts, in a dining room devoid of any heating system. Some of the residents had to eat with their fingers, as not enough spoons were available, while others took their meals standing, because of the shortage of benches. In addition, the delegation observed that the food was served, and had to be consumed, in only a few minutes, for reasons which remained incomprehensible to the delegation.

170. Another matter of particular concern for the delegation was the use of coal stoves to heat the dormitories in the living blocks during the winter. In the delegation’s opinion – as well as that of the staff – these stoves present a high fire risk in the absence of adequate supervision, the floor in the dormitories being made of untreated wood.

171. Having encountered serious difficulties with the provision of food in previous years, the Home had recently received a shipment of canned food from the Ministry of Labour and Social Welfare, covering the residents’ needs for the whole year. Even if the quantity of the food available to the residents could be considered satisfactory¹⁵, it is regrettable that the institution was not making more use of the fresh produce available from the institution’s garden and farm.

Supervision over the distribution of food left something to be desired: as the delegation observed itself, the orderlies present in the blocks at meal times were not taking care of the most vulnerable and retarded residents.

¹⁵ The recipes were taken out of a “Unified compendium of food recipes in public catering establishments” and the daily calorie intake was scrupulously registered by an accountant and approved by the Head Nurse.

172. The majority of the residents were wearing poorly fitting old military clothing, which they had received at the Home and which was washed once a week. However, the delegation observed that a significant proportion of the residents was deprived of adequate clothing (no shoes, no socks, torn clothes). Similarly, they were not provided with basic hygiene items.

In addition, the Home's laundry was poorly equipped and lacked washing powder at the time of the visit; as a result, blankets, sheets and residents' clothes were washed using dishwashing liquid. The situation was particularly unsatisfactory as regards the clothes of the incontinent residents of Block 3, which were washed by hand using the water tap in the yard of that block.

173. The Home lacked facilities for occupational, recreational or leisure activities. Apart from meal times and the distribution of medicines, the overwhelming majority of the residents spent the day in total idleness, wandering around the institution's grounds or, for those accommodated in Block 3, in the block's courtyard.

174. Above all, the CPT is extremely concerned by the information received by its delegation concerning the sharp increase in the number of deaths observed at the Home during the first four months of 1999.¹⁶ Moreover, some of the deaths raised questions. The death register and the relevant death certificates revealed that, over the previous 12 months, two residents had died from cachexia (cause unspecified), two others had died from hypothermia, and two more from "asphyxiation: foreign body in the trachea during lunch".

175. To sum up, the conditions in which residents were being held in Block 3 could fairly be described as inhuman and degrading, and those of the great majority of the residents in Blocks 1 and 2 were unsatisfactory. The delegation made an immediate observation under Article 8, paragraph 5, of the Convention and requested the Bulgarian authorities to carry out a thorough inquiry into the situation observed at the Home and its functioning, and to remedy the various shortcomings observed. The first priority should be for a team from a nearby hospital to visit the Home and conduct an evaluation of the physical health status of all the residents, in order to prevent the high death rate from continuing. The delegation also asked the Bulgarian authorities to provide the residents accommodated in Block 3 with adequate sanitary facilities. The delegation requested that the results of the inquiry, as well as information on any measures taken in response, be provided to the CPT within three months.

¹⁶	<u>Year</u>	<u>Number of admissions</u>	<u>Number of deaths</u>
	1999*	16	19
	1998	42	20
	1997	25	35
	1996	23	33
	1995	78	38
	1994	28	26

* From 1 January 1999 to 4 May 1999.

176. In a letter dated 19 August 1999, the Bulgarian authorities informed the CPT of the following measures:

- “an evaluation of the physical state of all residents has been made and consultations with medical specialists are underway;
- the municipality of Kubrat is seeking the financial means necessary for the capital repair of the Home and, in particular, the roof;
- sufficient inventory necessary for normal living conditions for the residents has been provided and varied food guaranteed (meat, fruit and vegetables)”.

177. It goes without saying that the CPT welcomes these measures. However, given their general character, **the Committee would like to set out more precise recommendations that the Bulgarian authorities should implement without further delay:**

- **each resident should be provided with a bed and full bedding (mattress, blankets and sheets), the latter to be cleaned in an appropriate way at regular intervals;**
- **each resident should be provided with basic personal hygiene items (soap, toothpaste, towels, etc.);**
- **each resident should be able to take a hot shower at least once a week, in good conditions;**
- **each resident (and, in particular, residents who are destitute) should be provided with shoes, clothes and underclothes, appropriate for the season and the resident’s size;**
- **Block 3 residents should be given ready access to decent toilets and washing facilities; furthermore, toilets in Blocks 1 and 2 should be cleaned and maintained in a good state of repair;**
- **in addition to tables, all dining rooms at the Home should be equipped with chairs and/or benches in sufficient numbers, and each resident should be provided with appropriate eating utensils;**
- **residents should be allowed sufficient time to take their meals and staff should be instructed to ensure that the most vulnerable and retarded residents are able to take their meals under supervision and in decent conditions;**
- **residents should be provided with materials for recreational activities (writing materials, books, newspapers, board games, etc.).**

178. Given the conditions described above, it was hardly surprising that the only form of treatment at the Home consisted of the provision of medicines; no therapeutic activities whatsoever were organised for the residents. Further, the nurses working at the Home had not received psychiatric training, and the job descriptions of the Head Nurse and the orderlies made no reference to the need of providing the residents with such activities. Occupational therapy was virtually non-existent; only three of the fittest residents were allowed to work in the establishment's garden and farm. As regards the latter, the delegation was informed that rather than offering work to residents, an external workforce had been hired on a temporary basis to take care of the farm and the vegetable and fruit gardens. To sum up, the deplorable living conditions at the Home were compounded by a pattern of life characterised by monotony and passivity.

The CPT wishes to emphasise that in order to provide an acceptable quality of life for the residents, psychosocial and occupational therapeutic activities should form part of the care provided at the Home. Consequently, **it recommends that the Bulgarian authorities develop such activities for residents at the Social Welfare Home in Terter; an immediate measure could be to substantially increase the number of residents involved in farming, gardening and other available activities.**

179. As already indicated, the total staffing complement of the Home was 70. In the absence of psychiatrists, a feldsher had been appointed as Director of the establishment. Further, a Head Nurse had been appointed to the Home one month prior to the visit. The day shift comprised three feldshers/nurses and six orderlies (two for each block). At night, the staff was reduced to one nurse and three orderlies; such a level of presence is not satisfactory. The only staff in direct and continued contact with the residents during the day were the six orderlies.

The CPT recommends that immediate measures be taken to increase the number of feldshers, nurses and orderlies assigned to both the day and night shifts, so that more staff are involved in direct and continued contacts with the residents.

180. The CPT welcomes the decision taken by the Bulgarian authorities to appoint, as from 1 August 1999, a psychiatrist with a view to improving the care provided to residents (cf. the letter of the Bulgarian authorities of 19 August 1999). In the same letter, mention is also made of a "specialist in internal diseases".

The CPT would like to receive more details about these appointments and, in particular, the times of attendance of the doctors concerned at the Home.

In addition, the Bulgarian authorities indicate in their letter that the municipality of Kubrat has taken the necessary measures to provide the Home with "additional average level medical staff". **The CPT would like to receive more details about the staff involved (number, qualifications, working hours, etc.).**

b. health-care services

181. The CPT has already indicated its serious concern about the physical state of health of the residents at the Home. In response to the immediate observation from the CPT's delegation, the Bulgarian authorities have started to make an evaluation of the physical condition of all residents, and efforts have been made to provide the Home with additional medical staff (cf. paragraphs 176 and 180). However, unless they are accompanied by radical changes in the health-care service procedures at the Home, these measures will only produce limited changes. In this regard, the delegation observed that no systematic medical screening of residents, either on arrival or subsequently on a regular basis, was performed, and that the residents' clinical records were, with a few exceptions, poor. Further, medication (including some powerful neuroleptics) was administered - and sometimes even prescribed - to the residents by nursing staff without appropriate medical supervision and individual registration.

Consequently, **the CPT recommends that:**

- **each resident undergo on arrival a full medical examination;**
- **a personal and confidential file be opened for each resident, containing diagnostic information as well as an ongoing record of the patient's mental and somatic state of health and of his treatment;**
- **the prescription and administration of medication be in accordance with the rules set out by the competent medical authorities and the Ministry of Health.**

c. means of restraint and seclusion

182. In any establishment of the type of the Social Welfare Home in Terter, the restraint of agitated and/or violent residents may on occasion be necessary. This is an area of particular concern to the CPT, given the potential for abuse and ill-treatment.

In this regard, the CPT was pleased to note that according to the information gathered by its delegation, no resort was had at the Home to instruments of physical restraint. Further, staff indicated that the physical restraint of agitated or violent residents was limited to manual control and the use of medication.

However, the delegation was inundated with allegations concerning the use of barred cages situated in Block 3, for residents considered violent or unmanageable or for those who had escaped. Some residents alleged that they had been isolated in such cages for several days; others stated that they had been placed alone in a barred cage at night during much longer periods. When the delegation visited Block 3, it discovered several barred cages meeting the description contained in the above allegations. The use of such cages (and, in particular, the reasons for and duration of their use) was not recorded. However, staff did not contest that they were being used.

183. Given the dark, squalid and unhygienic conditions to which residents were subjected during their stay in the above-mentioned barred cages, the delegation made an immediate observation under Article 8, paragraph 5, of the Convention and requested the Bulgarian authorities to immediately take these cages out of service.

In their letter of 19 August 1999, the Bulgarian authorities informed the CPT that the metal cage in Block 3 had been removed and that instructions had been given to staff to the effect that “in case of psychomotor excitement and the psycho-symptomatics of a resident not been taken fast under control, he should be immediately sent to the Psychiatric Hospital in Biala for specialised medical intervention”. The CPT welcomes these measures. However, **it would like to receive confirmation that recourse is no longer had to seclusion at the Home vis-à-vis agitated or violent residents.**

184. The CPT would add that every instance of the physical restraint of a resident, including manual control, should be recorded in a specific register established for this purpose (as well as in the resident's file). The entry should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the doctor who ordered or approved it, and an account of any injuries sustained by residents or staff.

The CPT recommends that such a register be set up at the Home.

d. safeguards

185. The delegation also examined the legal framework applicable to the residents placed in the Social Welfare Home in Terter. In this respect, special provisions have recently entered into force (Social Welfare Act of 29 April 1999). This new legal act provides for a non-judicial procedure as concerns the admission of residents to the Home, the final decision being taken by the regional Social Welfare Department. Provision is also made for objective medical expertise, as well as guarantees of independence and impartiality.

However, a person involuntarily placed in an institution by a non-judicial authority must have the right to bring proceedings by which the lawfulness of his detention is speedily decided by a court. **The CPT would like to receive confirmation that such a right exists under Bulgarian law. Further, it would like to be informed of the possibilities for legal representation of residents during such proceedings.**

186. As regards safeguards during placement, on a number of points the situation is not satisfactory. In this regard, **the CPT recommends that:**

- **an introductory brochure setting out the establishment's routine and residents' rights be issued to each resident on admission, as well as to their families. Any resident unable to understand this brochure should receive appropriate assistance;**
- **specific arrangements be made enabling residents to lodge formal complaints with a clearly designated body and to communicate on a confidential basis with an appropriate authority outside the establishment;**
- **an independent outside body responsible for the inspection of patients' care visit the Home on a regular basis. This body should be authorised, in particular, to talk privately with residents, receive directly any complaints which they might have and make any necessary recommendations.**

187. Finally, the delegation was informed that placement in the Home was reviewed by an external medical commission every two years. However, an examination of some of the residents' files revealed that such a review was not performed in all cases. **The CPT would like to receive the comments of the Bulgarian authorities on this subject.**

4. Follow-up visits

188. Since the CPT's 1995 visit, Lovech Neuropsychiatric Hospital had undergone an accreditation procedure initiated by the Ministry of Health. As regards in particular the closed ward for the criminally irresponsible, the delegation was pleased to note some positive changes: the capacity of the ward had been reduced from 80 to 51 beds, outdoor exercise had been introduced for two-thirds of the patients, and a few patients were taking part in group therapy sessions. However, several problems persisted: most patients were still wearing pyjamas, the sanitary facilities remained in an unhygienic state, and one-third of the patients did not benefit from any form of outdoor exercise. **The CPT reiterates the recommendations made on these subjects in its previous report (CPT/Inf (97) 1, paragraph 203).**

189. Further, there had been no change in the conditions under which persons sent to the hospital for the purpose of determining whether they are criminally responsible were detained in the closed ward; as in 1995, they remained confined to their room for weeks on end. This is an unacceptable state of affairs. **The CPT recommends that the Bulgarian authorities take immediate steps to ensure that all patients held in the closed ward, including accused persons undergoing psychiatric observation, are offered at least one hour of outdoor exercise on a daily basis.**

190. At the psychiatric section of Lovech Prison Hospital, the problems relating to the provision of food and the supply of medication had been resolved. However, there remained considerable room for improvement in other respects: the sanitary facilities were still in a deplorable state, steel shutters continued to block access to natural light in some of the patients' dormitories and, as in 1995, no organised activities whatsoever were available, with the exception of one hour of outside exercise every day.

The CPT calls upon the Bulgarian authorities to fully implement its earlier recommendations on these points (cf. CPT/Inf (97) 1, paragraph 206). Further, it would like to be informed of the date of the planned entry into service of the new psychiatric ward (which has been under construction for many years).

191. Finally, the CPT's delegation requested that the two isolation cells situated on the ground floor of the ward be taken out of service. They were devoid of any heating, humid, with crumbling walls, and infested with rats. As such, these cells were unfit for human habitation. The above-mentioned request was confirmed by the Head of the CPT's delegation in a letter to the Bulgarian authorities dated 9 July 1999.

The CPT would like to receive confirmation that these isolation cells have been taken out of service.

E. Other establishments: Accommodation at Sofia Airport for passengers denied entry

192. The facility for foreign passengers denied entry to Bulgarian territory upon their arrival at Sofia Airport is located near the far end of the runways, and occupies the third floor of a large building. It is run by the Bulgarian Airlines Company “Balkan” (Directorate “Security and Defence”). At the time of the visit, two foreign nationals were accommodated there; both of them had arrived on the same day and were expected to spend a few days in the facility until the next outbound flight. An examination of the register of persons admitted to the facility revealed that in the great majority of cases the duration of stay varied between one and five days. However, the delegation was told that in rare cases foreign nationals could spend longer periods of time at the facility (e.g. up to 20 days) if there were complications concerning their documents (destroyed tickets and/or passports, etc.)

193. The facility comprised five dormitories, a dining room, a sanitary annexe and offices for the staff. Overall, the material conditions could be described as acceptable. The dormitories were spacious (20 – 25 m²), with high ceilings and large windows. The beds had mattresses, blankets and clean bedding. Persons accommodated in the facility had free access to the sanitary annexe and could take a shower whenever they wished.

The room doors were unlocked and foreign nationals could move freely within the facility and associate with other persons. However, there was no possibility for outdoor exercise. Staff spoke English and this enabled foreign nationals to communicate with them.

As regards access to medical care, a doctor from the nearby airport medical service could be called in case of need.

194. The CPT recommends that the Bulgarian authorities develop the activities available to persons accommodated in the facility at Sofia Airport for passengers denied entry, and in particular ensure that they are offered outdoor exercise on a daily basis.

Further, the CPT would like to receive information on the exact legal status of the facility and the legal safeguards applying to persons held there.

III. RECAPITULATION AND CONCLUSIONS

A. Police establishments

195. In the course of the second periodic visit to Bulgaria, the CPT's delegation received once again numerous allegations of ill-treatment by the police. The allegations related to both the time of apprehension and subsequent questioning by operational police officers. In contrast, no allegations were received of ill-treatment by police staff employed in the centres for temporary placement of adults and of minors visited by the delegation.

The ill-treatment alleged concerned, in the main, slaps, punches, kicks and blows with a truncheon. A certain number of allegations were received of blows with a truncheon or stick on the palms and the soles of the feet, slapping of both ears with flat hands, asphyxiation using a plastic bag, the infliction of electric shocks, and the beating of detained persons while handcuffed and suspended by the arms or maintained in a hyperextended position. The ill-treatment alleged was on occasion such that it could be considered as amounting to torture. Certain of the persons who made allegations of ill-treatment were found on examination by medical members of the delegation to display physical marks or conditions consistent with their allegations.

The delegation's discussions with public prosecutors and investigating magistrates confirmed that ill-treatment by the police was an on-going problem.

196. The information gathered during the second periodic visit indicates that the Bulgarian authorities must exercise continuing vigilance as regards the treatment of persons in police custody. The CPT has recommended that the Ministry of Internal Affairs remind police officers, through a formal statement, that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. In this statement, emphasis should be placed on the key role to be played by senior staff in managing and supervising police activities at all levels.

197. The delegation also received allegations from numerous persons who had been in police custody to the effect that they had spent several hours attached to a rail in a standing position, with one or both arms stretched above the head and handcuffed to the rail. Most of the police cells seen by the delegation were indeed equipped with metal rails, usually at a height of 180 cm or more.

In response to an immediate observation from the delegation requesting the removal of the rails, the Director of the National Police ordered that the rails be lowered to a height of 80 to 120 cm. The CPT has stressed that this must be seen only as a provisional solution. If it is found necessary to take special precautions vis-à-vis persons in custody who are drunk and/or violent, with a view to preventing them from harming themselves or others, the precautions should consist in placing any such person in a separate, appropriately equipped and closely supervised cell. Consequently, the Committee has recommended that police stations be equipped with such a facility as a matter of priority.

198. The CPT has stressed the importance of strict selection criteria at the time of recruitment of police officers and the provision of adequate professional training. As regards the latter, the Bulgarian authorities should seek to integrate human rights concepts into practical professional training for handling high-risk situations, such as the apprehension and interrogation of suspects.

Another effective means of preventing ill-treatment by the police lies in the diligent examination by public prosecutors and judges of all complaints of such treatment brought before them and, when appropriate, the imposition of a suitable penalty. In this context, the CPT has recommended that all persons in respect of whom the preventive measure of remand in custody is applied be physically brought before the public prosecutor/judge ordering the measure; this will provide a timely opportunity for a person who has been ill-treated to lodge a complaint. Further, whenever a person brought before a prosecutor/judge alleges ill-treatment by the police, or if there are other grounds to believe that he could have been ill-treated, the prosecutor/judge should immediately request a forensic medical examination.

199. Health-care services in investigation detention facilities can also make an important contribution to the prevention of ill-treatment by the police. The CPT has highlighted the need for health-care staff to systematically record in a detailed manner any injuries observed on persons admitted to such facilities. Further, the Committee has recommended that existing procedures be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a detained person, the record is systematically brought to the attention of the relevant prosecutor.

200. In the report drawn up after the first periodic visit to Bulgaria, the CPT made a number of recommendations designed to reinforce formal safeguards against ill-treatment by the police. The facts found during the second periodic visit demonstrate that, despite some measures adopted by the Bulgarian authorities, several of the Committee's recommendations in this area have yet to be fully implemented, in particular as regards the rights of notification of custody and access to a lawyer.

The CPT has therefore recommended once again that the Bulgarian authorities ensure that persons detained by the police have, from the moment they are obliged to remain with the police, the right to inform members of their family or a third person of their choice of their situation; any exceptions to this right, designed to protect the interests of justice, should be clearly circumscribed in law and made subject to appropriate safeguards. Similarly, the right of access to a lawyer should be guaranteed as from the very outset of the deprivation of liberty (and not only when a formal order of detention is issued). The Committee has also made recommendations concerning the right of persons in police custody to have access to a doctor and the need to inform such persons without delay of all their rights.

201. Turning to conditions of detention, hardly any improvements were observed in the police stations which had already been visited in 1995, and those seen for the first time in the course of the 1999 visit left a great deal to be desired. The Committee has recommended that conditions of detention in the police establishments visited - as well as in other Bulgarian police establishments - be reviewed, to ensure that all cells are equipped with a means of rest, all persons detained overnight are provided with clean mattresses and blankets, and cell lighting and ventilation is adequate. It has also stressed the need to allocate a specific food budget to police establishments, to cover the cost of providing food to persons detained who have no resources.

202. Some positive action had been undertaken at the Centre for the temporary placement of foreign nationals in “Drouzhba - 2”, Sofia which was first visited by the CPT in 1995. Nevertheless, there remained considerable room for improvement. The CPT has made several recommendations, in particular that the number of persons accommodated in each room be reduced, and that immediate steps be taken to ensure that persons detained at the Centre are guaranteed at least one hour of outdoor exercise per day.

B. Investigation detention facilities

203. As in 1995, scarcely any allegations were heard of ill-treatment by staff employed at investigation detention facilities. The few allegations received concerned the Plovdiv Regional Investigation detention facility; the CPT has recommended that custodial staff at that establishment be reminded that the use of ill-treatment is prohibited and will be severely punished.

204. The observations made by the CPT’s delegation in the course of the 1999 visit suggest that, with the noticeable exception of the new facilities at Blvd G.M.Dimitrov in Sofia, conditions of detention in investigation detention facilities remain on the whole unchanged and have even deteriorated in some of the facilities already visited in 1995. To mention only certain of the most important shortcomings, the facilities were overcrowded, poorly equipped and dirty, detainees’ access to toilet/shower facilities was problematic, there was insufficient food and drinking water, and a total absence of outdoor exercise and out-of-cell activities. Those conditions can fairly be described as inhuman and degrading.

205. The CPT is convinced that the recent transfer of responsibility for investigation detention facilities to the Ministry of Justice provides a unique opportunity for a fresh start. The introduction in April 1999 of new rules governing investigation detention facilities, setting standards which are mainly in line with the Committee’s previous recommendations, is one important step in the right direction. The CPT has recommended that the Bulgarian authorities take all necessary steps to implement these new rules.

The Committee has welcomed the decision of the Bulgarian authorities to close down a number of underground investigation detention facilities in Sofia. It has recommended that the remaining underground detention facilities in Sofia, as well as the detention facility in Razvigor Street, be closed down before the end of 1999, and detainees transferred to the Central Investigation detention facilities in Blvd G.M.Dimitrov. A number of specific measures have also been identified by the Committee concerning material conditions of detention, which should be implemented in investigation detention facilities without any further delay.

Further, the CPT has stressed the need for the Bulgarian authorities to develop a strategic plan for the implementation of regimes in investigation detention facilities. The aim should be to enable detainees undergoing prolonged preliminary investigation to spend a reasonable part of the day (8 hours or more) outside their cells engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association).

C. Prison establishments

206. The CPT's delegation did not receive any recent allegations of ill-treatment of inmates by prison staff at Stara Zagora Prison. Many prisoners stressed that relations between staff and inmates had improved in recent years. However, the delegation's observations suggest that there remains room for improvement. The CPT has recommended that efforts be made to improve the overall atmosphere in the establishment, by encouraging the creation of positive relations between staff and inmates.

207. At Burgas Prison, the delegation was inundated with allegations of various forms of ill-treatment of inmates by prison officers. These allegations involved physical and verbal abuse (the latter being directed in particular towards prisoners belonging to ethnic minorities and socially vulnerable groups). The physical abuse ranged from the random delivery of slaps, kicks and punches to severe beatings of inmates by groups of prison officers using truncheons, sticks or cudgels. The general atmosphere at the establishment was also very tense. The delegation had the distinct impression that the prison was run by fear, security depending largely on intimidation rather than positive relations between staff and prisoners.

The delegation made an immediate observation, requesting an independent inquiry into the treatment of prisoners at Burgas Prison. The Bulgarian authorities subsequently informed the Committee that the prison's management had been changed and an investigation carried out by a Working Group set up to examine staff-inmate relations, which had confirmed the delegation's findings. The CPT trusts that the new management will make use of all means at its disposal to prevent ill-treatment and decrease tension in the prison. This will involve, in addition to investigating complaints made by prisoners, unannounced checks at all hours, regular presence of prison managers in the detention areas, their direct contact with prisoners, and the improvement of prison staff training.

208. The CPT has noted the efforts made since its first visit to tackle the problem of overcrowding of Bulgarian prisons. Nevertheless, the problem of prison overcrowding remains acute. The CPT has recommended that the Bulgarian authorities pursue vigorously the application of all the different measures designed to combat prison overcrowding, including measures to limit the use of pre-trial custody and the time spent in detention awaiting trial.

The problem of overcrowding has a direct bearing on the issue of activities for prisoners. Despite the creation of some new work places, the employment situation in Bulgarian prisons continues to be unsatisfactory. The CPT has recommended the introduction of special measures with a view to ensuring that both sentenced and remand prisoners are provided with work.

209. Certain efforts have been made to improve the material environment for prisoners at Stara Zagora Prison; nevertheless, conditions remained very cramped. The CPT has reiterated its recommendation made in 1995 that serious efforts be made to reduce as soon as possible the dormitories' occupancy rate, and to hold no more than one prisoner in the establishment's 6 m² cells. The Committee has also recommended that the Bulgarian authorities pursue efforts to develop the activity programmes at the prison. Immediate steps should be taken to ensure that all prisoners are guaranteed at least one hour of outdoor exercise every day.

210. Conditions of detention at Burgas Prison displayed a number of shortcomings, as regards both material conditions and activities. The CPT has identified a number of steps designed to address this problem: reduction of the occupancy rates of the dormitories; ensuring a continuous supply of electricity during the day; providing prisoners with sufficient food; a thorough examination of the means of improving the activities offered to both sentenced and remand prisoners, etc.

211. Both prisons were accommodating a certain number of life sentenced prisoners and other prisoners placed in segregation. The CPT has expressed serious concerns about the conditions in which these prisoners were being held, and has made a number of recommendations designed to improve their situation. Particular mention should be made of the recommendation that the regimes offered to prisoners serving life sentences be developed, in the light of criteria identified in the report. The regimes applied should seek to compensate in a positive and proactive way for the desocialising effects of long-term imprisonment. The Committee has also recommended that prison staff be encouraged to communicate and develop positive relationships with this category of prisoner.

212. The CPT has welcomed the steps taken by the Bulgarian authorities since 1995 to reinforce prison health-care services. However, health-care staffing levels in the establishments visited still left a great deal to be desired, in particular as regards qualified nurses. Further, the Committee has stressed once again the importance of medical screening of new arrivals and the recording of injuries observed on admission or following a violent episode in prison. The quality and confidentiality of medical documentation also remains a subject of concern to the Committee.

The CPT has addressed in some detail the problems of tuberculosis in prisons (and investigation detention facilities) and in particular has recommended that the Bulgarian authorities step up their efforts to introduce internationally recognised standards in the field of the control of tuberculosis.

213. The CPT has made a number of recommendations and comments about a variety of other issues of relevance to the Committee's mandate (prison staff; contact with the outside world; discipline; and complaints and inspection procedures). In this connection, the CPT has emphasised once again the fundamental importance of well-qualified prison staff; the cornerstone of a humane prison system will always be properly recruited and trained prison officers who see their work more as a vocation than as a mere job.

D. Psychiatric establishments

214. The delegation received no allegations of ill-treatment of patients during its follow-up visits to the closed ward for the criminally irresponsible at Lovetch Neuropsychiatric Hospital and to the psychiatric section of Lovetch Prison Hospital.

By contrast, several allegations of ill-treatment were heard from residents at the Social Welfare Home in Terter; they concerned more particularly the orderlies, and related principally to verbal abuse and physical assault. The CPT has recommended that a clear message be given by the Home's management to staff working there – and in particular the orderlies - that the physical or psychological ill-treatment of residents is not acceptable and will be dealt with severely. A certain number of allegations of ill-treatment between residents themselves were also heard, and the delegation itself observed that the level of supervision by staff was inadequate. The CPT has recommended that measures be taken to ensure that staff protect residents from other residents who might cause them harm.

215. The material conditions in which residents were being held in Block 3 at the **Social Welfare Home in Terter** could fairly be described as inhuman and degrading, and those of the great majority of the residents in Blocks 1 and 2 were unsatisfactory. Further, the Home lacked facilities for occupational, recreational or leisure activities. Apart from meal times and the distribution of medicines, the overwhelming majority of the residents spent the day in total idleness. In addition, the CPT is extremely concerned by the information received by its delegation concerning the physical state of health of the residents at the Home and in particular the sharp increase in the number of deaths during the first four months of 1999.

The delegation requested the Bulgarian authorities to carry out a thorough inquiry into the situation observed at the Home and its functioning, and to remedy the various shortcomings. The Committee has welcomed the measures subsequently taken, which include an evaluation of the physical condition of all residents and efforts to employ more medical staff. However, it has stressed that unless they are accompanied by radical changes in the health-care service procedures, these measures will only produce limited changes. In this regard, the CPT has recommended that each resident undergo on arrival a full medical examination and that the prescription and administration of medication be in accordance with the rules set out by the competent medical authorities and the Ministry of Health.

The Committee has also made a number of specific recommendations concerning material conditions and recreational activities, to be implemented without further delay, and has stressed the need for the Bulgarian authorities to develop psychosocial and occupational therapeutic activities for residents; an immediate measure could be to substantially increase the number of residents involved in farming, gardening and other available activities. Further, the Committee has recommended that immediate measures be taken to increase the number of feldshers, nurses and orderlies assigned to both the day and the night shifts, so that more staff can be involved in direct and continued contacts with the residents.

216. The CPT was pleased to note that no resort was had at the Home to instruments of physical restraint. However, the delegation was inundated with allegations concerning the use of barred cages situated in Block 3, for residents considered violent or unmanageable or for those who had escaped. The delegation requested the Bulgarian authorities to immediately take these cages out of service, and the CPT has welcomed the information that this has been done.

217. The CPT has also made a number of recommendations concerning the safeguards applicable to residents. Particular mention should be made of the recommendations that an introductory brochure setting out the establishment's routine and residents' rights be issued to each resident on admission, as well as to their families, and that an independent outside body responsible for the inspection of patients' care visit the Home on a regular basis.

218. Some positive changes since the CPT's 1995 visit were noted in the closed ward for the criminally irresponsible at **Lovech Neuropsychiatric Hospital**. However, several problems persisted: most patients were still wearing pyjamas, the sanitary facilities remained in an unhygienic state, and one-third of the patients did not benefit from any form of outdoor exercise. Consequently, the CPT has reiterated the recommendations made on these subjects in its previous report. It has stressed that immediate steps must be taken in order to ensure that all patients held in the closed ward, including accused persons undergoing psychiatric observation, are offered at least one hour of outdoor exercise on a daily basis.

219. At the psychiatric section of **Lovetch Prison Hospital**, the problems observed in 1995 relating to the provision of food and the supply of medication had been resolved. However, there remained considerable room for improvement in other respects: the sanitary facilities were still in a deplorable state, steel shutters continued to block access to natural light in some of the patients' dormitories and, as in 1995, no organised activities whatsoever were available, with the exception of outside exercise for one hour a day. The CPT has called upon the Bulgarian authorities to fully implement its earlier recommendations on these points.

E. Action on the CPT's recommendations, comments and requests for information

220. The various recommendations, comments and requests for information formulated by the CPT are summarised in Appendix I.

221. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Bulgarian authorities:

- i. to provide within six months an **interim report** giving details of how it is intended to implement the CPT's recommendations and, as the case may be, providing an account of action already taken (N.B. the Committee has indicated the urgency of certain of its recommendations);
- ii. to provide within twelve months a **follow-up report** providing a full account of action taken to implement the CPT's recommendations.

The CPT trusts that it will also be possible for the Bulgarian authorities to provide in the above-mentioned interim report reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

APPENDIX I

SUMMARY OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Introduction

comments

- the contents of visit reports drawn up by the CPT should be drawn to the attention of all the relevant authorities and staff (paragraph 6);
- it would be desirable to make use of CPT visit reports in the training of staff working with persons deprived of their liberty (paragraph 6).

A. Police establishments

1. Preliminary remarks

requests for information

- clarification as regards the legal basis of the practice described in paragraph 11 and the status and rights of persons invited by the police for initial "talks" (paragraph 11);
- the Bulgarian authorities' comments on the practice of transferring persons from one police station to another for successive 24-hour periods (paragraph 12);
- possibilities under Bulgarian law to appeal against a decision to detain an illegal foreigner (paragraph 13).

2. Torture and other forms of physical ill-treatment

recommendations

- police stations to be equipped as a matter of priority with separate, appropriately equipped and closely supervised facilities for holding persons who are drunk and/or violent (paragraph 17);
- the Ministry of Internal Affairs to remind police officers, through a formal statement, that they should be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. In this statement, emphasis should be placed on the key role to be played by senior staff in managing and supervising police activities at all levels (paragraph 18);

- a very high priority to be given to professional training for police officers of all ranks and categories, taking into account the remarks made in paragraph 21. Experts not belonging to the police should be involved in this training (paragraph 21);
- an aptitude for interpersonal communication to be a major factor in the process of recruiting police officers and, during the training of such staff, considerable emphasis to be placed on acquiring and developing interpersonal communication skills (paragraph 21);
- appropriate steps to be taken to ensure that all persons in respect of whom the preventive measure of remand in custody is applied are physically brought before the public prosecutor/judge ordering the measure (paragraph 22);
- whenever a person brought before a prosecutor/judge alleges ill-treatment by the police, the prosecutor/judge to immediately request a forensic medical examination of the person concerned. This approach should be followed irrespective of whether the person concerned bears visible injuries (paragraph 22);
- even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment (paragraph 22);
- steps to be taken to ensure that health-care staff at investigation detention facilities always record in a detailed manner any injuries observed on persons admitted to such facilities (i.e. the nature, location, size and specific characteristics of each and every injury). It is important that the medical record drawn up includes, in addition to a description of the injuries observed, any relevant statements made by the person concerned (and in particular allegations of ill-treatment made by him) and the doctor's conclusions. In his conclusions, the doctor should indicate the degree of consistency between the allegations made and the objective medical findings. The same approach should be followed whenever a detained person is medically examined following a violent episode in the investigation detention facility (paragraph 23);
- existing procedures to be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a detained person, the record is systematically brought to the attention of the relevant prosecutor (paragraph 23);
- steps to be taken to ensure that:
 - State forensic services are authorised to accept requests for medical examinations presented to them directly by persons who allege ill-treatment, or by their doctor or lawyer;
 - forensic medical reports are always provided to the person concerned and his lawyer (paragraph 24);

- when hospitals of the Ministry of Internal Affairs are asked to provide medical reports in relation to injuries sustained by detained persons, a forensic medical expert from a University forensic medical department to be involved in the examination and the drawing up of such reports (paragraph 24).

requests for information

- copies of recent reports drawn up by the “Complaints” Office at the Ministry of Internal Affairs (paragraph 19);
- in respect of 1998 and 1999:
 - the number of complaints of ill-treatment made against police staff and the number of criminal/disciplinary proceedings which were instituted as a result;
 - an account of criminal/disciplinary sanctions imposed following complaints of ill-treatment by the police (paragraph 20);
- detailed information on complaints and disciplinary procedures in respect of the police, including the safeguards incorporated to ensure their objectivity, proper documentation, timely consideration and resolution (paragraph 20).

3. Safeguards against the ill-treatment of persons deprived of their liberty

recommendations

- the Bulgarian authorities to take the necessary steps to ensure that persons detained by the police have, from the moment they are obliged to remain with the police, the right to inform members of their family or a third person of their choice of their situation, and that this right is effectively guaranteed in practice. Any exceptions foreseen to this right, designed to protect the interests of justice, should be clearly circumscribed in law and made subject to appropriate safeguards (paragraph 31);
- the Bulgarian authorities to take steps to ensure that the right of access to a lawyer for persons in police custody applies as from the very outset of their deprivation of liberty (and not only when a formal order of detention is issued). Further, anyone who is under a legal obligation to attend a police establishment following an “invitation” to appear there, should have the right of access to a lawyer (paragraph 35);
- the Bulgarian authorities to make appropriate arrangements to ensure the confidentiality of discussions between persons in police custody and their lawyers (paragraph 36);

- persons deprived of their liberty by the police to be expressly guaranteed the right to have access to a doctor. Specific legal provisions should be adopted on the subject. Those provisions should stipulate inter alia that:
 - a person taken into police custody has the right to be examined, if he so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the police authorities (it being understood that the expense of such an additional examination might be borne by the detainee);
 - with a view to protecting medical confidentiality, all medical examinations of persons in custody are to be conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police officers;
 - the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, are to be recorded in writing by the doctor and made available to the person in custody and his lawyer;
 - the confidentiality of medical data is to be strictly observed (paragraph 39).
- a form setting out in a straightforward manner the rights of persons detained by the police to be given systematically to such persons (and, as appropriate, explained to them), at the very outset of their custody. The form should be available in different languages and the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 41);
- a code of conduct for interrogations to be drawn up for the Bulgarian police force (paragraph 42);
- steps to be taken to ensure that persons detained under the Aliens' legislation:
 - have access to a pay-phone;
 - are systematically provided with a document explaining the procedure applicable to them and setting out their rights. This document should be available in the languages most commonly spoken by those concerned and, if necessary, recourse should be had to the services of an interpreter (paragraph 45).

comments

- a single and comprehensive custody record should be kept for each person brought into a police station. This register should record all aspects of the custody and all the action taken in connection with it (time of and reason(s) for the arrival at the police station; time of issuing the order of detention; when informed of rights; signs of injury, mental disorder, etc.; contact with and/or visits by a relative, lawyer, doctor or consular officer; when offered food; when questioned; when released, etc.) (paragraph 43).

requests for information

- details on the system of legal aid for detained persons in Bulgaria (e.g. basis in law, financing mechanisms, appointment procedure, etc.) (paragraph 37);
- a detailed account of the precise practical steps taken by the Bulgarian authorities to ensure that persons are not returned to a country where there are substantial grounds for believing that they would run a risk of being subjected to torture or inhuman or degrading treatment or punishment (paragraph 46).

4. Conditions of detention

recommendations

- conditions of detention in the police establishments visited by the delegation to be reviewed in the light of the remarks made in paragraphs 48 to 50 and the general criteria in paragraph 47. In particular, steps should be taken to ensure that:
 - all cells are equipped with a means of rest;
 - all persons detained overnight are provided with clean mattresses and blankets;
 - cell lighting and ventilation is adequate (paragraph 51);
- efforts to be made to find alternative detention facilities at Burgas, Nessebur, Plevan and Stara Zagora Police Stations. Persons detained should not be kept in view of persons visiting the police station (paragraph 51);
- conditions of detention in all Bulgarian police establishments to be reviewed with a view to bringing them into conformity with the general criteria in paragraph 47 (paragraph 51);
- police establishments to be allocated a specific food budget to cover the cost of providing food to detained persons who have no resources (paragraph 51);
- steps to be taken at the Centre for the temporary placement of adults in “Drouzhba –2”, Sofia to reduce the number of persons accommodated in each room, by distributing detainees more evenly among all the available rooms (paragraph 55);
- detainees at the Centre to be provided with bed linen and blankets which are cleaned at regular intervals (paragraph 55);
- more attention to be accorded at the Centre to the regular supply of essential personal hygiene products (soap, toothpaste, sanitary materials for women’s monthly needs) (paragraph 55);

- immediate steps to be taken to ensure that persons detained at the Centre are guaranteed at least one hour of outdoor exercise per day (paragraph 56);
- a register recording disciplinary sanctions to be established at the Centre (paragraph 58);
- the new internal regulations of the Centre to be translated into an appropriate range of languages and supplied to detainees, accompanied by information on the Centre's daily routine and on how they can exercise their rights (paragraph 60);
- the Bulgarian authorities to take appropriate steps to ensure that all new arrivals at the Home for the temporary placement of minors in Plovdiv, as well as at other establishments for the temporary placement of minors, are medically screened. Provision should also be made for a regular attendance by a paediatrician (paragraph 63);
- immediate steps to be taken to improve conditions of detention at the Home for the temporary detention of adults in Plovdiv (paragraph 65).

comments

- the longer the period for which persons are detained at the Centre for the temporary placement of adults in “Drouzhba –2”, Sofia, the more developed should be the activities which are offered to them (paragraph 57);
- the CPT trusts that priority will be given to the completion of repair works at the Home for the temporary placement of minors in Plovdiv (paragraph 62).

requests for information

- confirmation that the new rules concerning clothing at the Centre for the temporary placement of adults in “Drouzhba –2”, Sofia are now in force (paragraph 54);
- whether the plans at the Centre to equip the dining room as a recreation area have now been implemented (paragraph 57);
- a copy of the new internal regulations of the Centre (paragraph 59).

B. Investigation detention facilities

1. Torture and other forms of physical ill-treatment

recommendations

- custodial staff at the Plovdiv Regional Investigation detention facility to be reminded that the use of ill-treatment is prohibited and will be severely punished (paragraph 68).

requests for information

- for 1998 and 1999:
 - the number of complaints of ill-treatment lodged against custodial staff working in investigation detention facilities;
 - an account of disciplinary and/or criminal sanctions imposed following such complaints (paragraph 69).

2. Conditions of detention

recommendations

- the Bulgarian authorities to take all necessary steps to implement the new rules governing investigation detention facilities in Bulgaria (paragraph 70);
- the Bulgarian authorities to take the necessary steps to close down, before the end of 1999, the remaining underground investigation detention facilities in Sofia, as well as the detention facility in Razvigor Street, and to transfer the detainees to the Central Investigation detention facilities in Blvd G.M.Dimitrov (which will imply bringing into service the already equipped cells located on the 3rd and 4th floors) (paragraph 77);
- each detainee to be offered sufficient food and drink, and supplied with appropriate eating utensils (paragraph 79);
- each detainee to be provided with a clean mattress and blankets, to be laundered regularly (paragraph 79);
- each detainee to be provided with personal hygiene products (soap, toothpaste, towels, sanitary towels for women's monthly needs, etc.) and allowed to take a hot shower at least once a week (paragraph 79);

- all detainees to have access to the necessary materials to maintain their cells in a clean and hygienic state (paragraph 79);
- custodial staff to be given clear instructions to the effect that a request made by a detainee during the day to be released from his cell for the purpose of using a toilet facility should be granted, unless overriding security considerations require otherwise (paragraph 79);
- the new regulation providing for one hour of outside exercise every day to be fully respected in practice (paragraph 79);
- access to natural light and artificial lighting in the cells, as well as cell ventilation, to be improved (paragraph 79);

requests for information

- confirmation that the Razvigor Street detention facility has been transferred to the Central Investigation detention facilities in Blvd G.M.Dimitrov (paragraph 78);
- details on the precise manner in which the Bulgarian authorities intend to implement the provisions of Ordinance N° 2 of 19 April 1999 concerning activities for persons held in investigation detention facilities (paragraph 81);

3. Health-care services

recommendations

- the Bulgarian authorities to take immediate steps to ensure that:
 - an individual and confidential medical file is opened for each detainee;
 - all medical examinations are conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of custodial staff (paragraph 85).

4. Other issues

recommendations

- the Bulgarian authorities to take all necessary steps to implement without delay the new rules of 19 April 1999 in all investigation detention facilities, in order to ensure that contact with the outside world is not being restricted unjustifiably (paragraph 86);
- an immediate end to be put to the practice of using handcuffs for disciplinary purposes in investigation detention facilities (paragraph 87).

C. Prison establishments

1. Preliminary remarks

recommendations

- the Bulgarian authorities to pursue vigorously the application of all the different measures designed to combat prison overcrowding, including measures to limit the use of pre-trial custody and the time spent in detention awaiting trial (paragraph 89);
- special measures to be introduced with a view to ensuring that both sentenced and remand prisoners are provided with work (paragraph 90);
- the Bulgarian authorities to take steps to develop the regulations applicable and regime offered to life sentenced prisoners, taking due account of the factors identified in paragraph 92 (paragraph 92);
- prison staff to be encouraged to communicate and develop positive relationships with life sentenced prisoners (paragraph 92);

comments

- the Bulgarian authorities are invited to consider reducing the minimum time necessary for prisoners to become eligible for transfer to half-way facilities and introducing a more individualised approach to such transfers, based on case by case risk/needs assessment (paragraph 89).

2. Torture and other forms of ill-treatment

recommendations

- if it is considered necessary for prison officers to carry truncheons, these should be hidden from view. If the dimensions of the truncheons currently used are such that this is not possible, then the truncheons should be replaced (paragraph 94);
- the practice concerning outdoor exercise referred to in paragraph 94 to be discarded and, more generally, efforts to be made to improve the overall atmosphere in Stara Zagora Prison, by encouraging the creation of positive relations between staff and inmates (paragraph 94).

comments

- the CPT trusts that the new prison management of Burgas Prison will make use of all means at its disposal to prevent ill-treatment and, more generally, decrease tension in the prison (paragraph 98).

3. Conditions of detention

recommendations

- serious efforts to be made at Stara Zagora Prison to reduce as soon as possible the occupancy rate of the dormitories, and to hold no more than one prisoner in the establishment's 6 m² cells (paragraph 102);
- vigorous steps to be taken to improve the general state of repair of the sanitary facilities at Stara Zagora Prison (paragraph 103);
- the Bulgarian authorities to pursue efforts to develop the activity programmes at Stara Zagora Prison. The aim should be to ensure that all prisoners, including those on remand, are able to spend a reasonable part of the day (8 hours or more) outside their dormitories/cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association). In this connection, better use should be made of the establishment's association rooms (paragraph 106);
- immediate steps to be taken to ensure that all prisoners at Stara Zagora Prison are guaranteed at least one hour of outdoor exercise every day (paragraph 106);

- material conditions in the dormitories at the Labour and reformatory hostel “Cherna Gora” to be improved (paragraph 110);
- working prisoners at the hostel to be supplied with appropriate clothes and protective gear (paragraph 110);
- serious efforts to be made to expand the activities offered to prisoners at the hostel. As regards work in particular, consideration should be given to developing other production activities, such as farming, as well as engaging prisoners in work designed to improve the physical environment at the hostel (paragraph 110);
- a high priority to be given to the completion of the refurbishment programme at the closed section of Burgas Prison (paragraph 114);
- serious efforts to be made to reduce as soon as possible the occupancy rates of the dormitories at Burgas Prison (paragraph 114);
- all prisoners at Burgas Prison to be guaranteed at least one hot shower/bath per week (paragraph 114);
- a continuous supply of electricity to be ensured during the day at Burgas Prison (paragraph 114);
- steps to be taken to ensure that prisoners at Burgas Prison are provided with sufficient food, in terms of both quantity and quality (paragraph 114);
- a thorough examination to be made of the means of improving the activities offered to prisoners at Burgas Prison. Above all, more prisoners (including those on remand) must be provided with work, preferably of vocational value. Steps should also be taken to diversify out-of-cell activities for both sentenced and remand prisoners (paragraph 117);
- a full review of the regime for life sentenced prisoners at Stara Zagora Prison to be carried out, taking into consideration the criteria outlined in paragraph 92 (paragraph 120);
- all metal plates covering the cell windows in the new unit for life sentenced and other categories of segregated prisoners at Burgas Prison to be removed, thereby facilitating access to natural light and ventilation (paragraph 123);

- pending the entry into operation of the new unit:
 - the metal plates fixed to the windows in Unit 2B at Burgas Prison to be removed;
 - appropriate facilities for washing and drying prisoners' clothes to be provided;
 - urgent steps to be taken to develop the regime of activities for life sentenced prisoners, taking into consideration the criteria outlined in paragraph 92. As a first step, these prisoners should be allowed to talk with each other during the outdoor exercise period;
 - life sentenced prisoners to have access to the prison library and to be regularly supplied with newspapers (paragraph 124);
- the Bulgarian authorities to take urgent steps to develop the regimes offered to prisoners placed in segregation (paragraph 125).

requests for information

- copies of the safety regulations and regulations concerning working hours at the Labour and reformatory hostel "Cherna Gora" (paragraph 110);
- the expected date of entry into operation of the new unit for life sentenced and other categories of segregated prisoners at Burgas Prison, and the regime of activities envisaged (paragraph 123);
- whether provisions exist for periodic review of the decision to segregate prisoners under Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions (paragraph 126);
- clarification of the procedural safeguards for remand prisoners placed in segregation (paragraph 126).

4. Health-care services

recommendations

- as a first priority, steps to be taken to:
 - appoint at least two qualified nurses at Stara Zagora Prison and at least one qualified nurse at Burgas Prison;
 - ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the prisons' premises, including at night and weekends (paragraph 132);

- the position of the prisoner working as an orderly at Burgas Prison to be reviewed (paragraph 132);
- steps to be taken to ensure that the rule that all prisoners must be medically screened within 24 hours of their arrival is strictly adhered to (paragraph 137);
- the Bulgarian authorities to develop the recording of information during medical screening on admission, in the light of the remarks made in paragraph 139. The same approach should also be followed whenever a prisoner is medically examined following a violent episode in prison (paragraph 139);
- existing procedures to be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner, the record is systematically brought to the attention of the relevant prosecutor (paragraph 139);
- a personal and confidential medical file to be opened for each prisoner, regardless of the length of time he/she is likely to spend in prison, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of any special examinations he/she has undergone. In the event of transfer, the file should be forwarded to the doctors in the receiving establishment. Keeping prisoners' medical files should be the doctor's responsibility (paragraph 140);
- the practice of including confidential medical information in an inmate's main prison file to be discontinued (paragraph 140);
- the Bulgarian authorities to ensure that all medical examinations of prisoners (whether on arrival or at a later stage) are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of prison officers (paragraph 141);
- the Bulgarian authorities to step up their efforts to introduce international standards in the field of the control of tuberculosis, as defined by the WHO and ICRC, throughout the prison system. In this connection, prison doctors should receive appropriate training and be provided with written instructions from the Ministry of Health concerning new approaches to tuberculosis control (paragraph 143);
- the Bulgarian authorities to take the necessary measures to ensure material conditions for tuberculosis patients at Burgas Prison which are conducive to the improvement of their health. In particular, urgent measures are needed to substantially reduce the occupancy levels in the cells used to accommodate such prisoners and improve access to natural light and ventilation. Care should also be taken to ensure that the prisoners concerned are able to maintain a standard of personal hygiene consistent with the requirements of their state of health (paragraph 144).

comments

- whatever institutional arrangements are made for the provision of health care in prisons, it is essential that prison doctors' clinical decisions should be governed only by medical criteria and that the quality and effectiveness of their work should be monitored by a qualified medical authority (paragraph 128);
- all requests to see a doctor should be brought to the attention of the prison doctor; it is not for prison officers to screen such requests (paragraph 133).

requests for information

- the views of the Bulgarian authorities as regards the possibility of giving increased responsibility to the Ministry of Health in the field of the provision of health care in the prison system, including as regards the recruitment of health-care staff and the supervision of their work (paragraph 127);
- current mechanisms for recruiting prison health-care staff and controlling the quality and effectiveness of their work (paragraph 127);
- updated information on the adoption of new legislation to regulate the administrative subordination of prison health-care services (paragraph 128);
- the comments of the Bulgarian authorities on the complaints received at Burgas Prison concerning the quality of medical treatment received and the system of distributing medicines (paragraph 134);
- whether the distribution and taking of anti-tuberculosis drugs is the subject of on-going monitoring, as prescribed by the DOTS strategy for tuberculosis control (paragraph 146);
- a copy of the draft "Ordinance on medical care in places of deprivation of liberty" (paragraph 146).

5. Other issues of relevance to the CPT's mandate

recommendations

- in the course of prison staff training, considerable emphasis to be placed on the acquisition and development of inter-personal communication skills. Building positive relations with prisoners should be recognised as a key feature of a prison officer's vocation (paragraph 148);
- the visiting facilities at Burgas Prison to be reviewed; as a first step, visitors should be provided with seats (paragraph 150);
- the possibility to be explored of allowing visits on more than one day during the week at Burgas Prison (paragraph 150);

- the Bulgarian authorities to take steps to provide inmates at Burgas Prison – and, as the case may be, at other prisons in Bulgaria - with access to a telephone, if necessary subject to appropriate supervision (paragraph 151);
- the enlargement of the cells in the disciplinary unit at Stara Zagora Prison - or, if this is not possible, the provision of other disciplinary facilities – to be treated as a matter of priority (paragraph 153);
- the lighting to be improved in the disciplinary cells at Burgas Prison (paragraph 154);
- the disciplinary cells at Burgas Prison to be fitted with a table and chair, if necessary fixed to the floor (paragraph 154);
- complaints boxes to be relocated in areas where access to them is less conspicuous (e.g. in the exercise yards) (paragraph 157);
- the Bulgarian authorities to make further efforts to ensure that effective complaints procedures are put in force (paragraph 158).

comments

- the Bulgarian authorities are invited to move towards more open visiting arrangements (paragraph 150);
- inspecting authorities should make themselves “visible” not only to prison management and staff, but also to prisoners themselves. More specifically, they should not limit their activities to seeing prisoners who have expressly requested to meet them, but should take the initiative by visiting detention areas and entering into contact with inmates (paragraph 159).

requests for information

- the comments of the Bulgarian authorities on the new system of complaints boxes (paragraph 157);
- full details of the inspection arrangements developed within the Ministry of Justice (paragraph 159).

D. Psychiatric establishments

1. Ill-treatment

recommendations

- a clear message to be given by the management of the Social Welfare Home in Terter to staff working there – and in particular the orderlies - that the physical or psychological ill-treatment of residents is not acceptable and will be dealt with severely (paragraph 163);
- appropriate steps to be taken to implement the principles concerning staff referred to in paragraph 164 at the Social Welfare Home in Terter (as well as in other social welfare homes in Bulgaria) (paragraph 164);
- the Bulgarian authorities to take the necessary measures in the light of the remarks made in paragraph 165 to ensure that staff protect residents from other residents who might cause them harm (paragraph 165).

requests for information

- in respect of the years 1998-1999:
 - the number of complaints of ill-treatment lodged against staff members in social welfare homes in Bulgaria;
 - an account of sanctions imposed following complaints of ill-treatment by such staff members (paragraph 166).

2. Social Welfare Home for male residents at Terter

recommendations

- the Bulgarian authorities to implement without further delay the following measures:
 - each resident to be provided with a bed and full bedding (mattress, blankets and sheets), the latter to be cleaned in an appropriate way at regular intervals;
 - each resident to be provided with basic personal hygiene items (soap, toothpaste, towels, etc.);

- each resident to be able to take a hot shower at least once a week, in good conditions;
 - each resident (and, in particular, residents who are destitute) to be provided with shoes, clothes and underclothes, appropriate for the season and the resident's size;
 - Block 3 residents to be given ready access to decent toilets and washing facilities; furthermore, toilets in Blocks 1 and 2 to be cleaned and maintained in a good state of repair;
 - in addition to tables, all dining rooms at the Home to be equipped with chairs and/or benches in sufficient numbers, and each resident to be provided with appropriate eating utensils;
 - residents to be allowed sufficient time to take their meals and staff to be instructed to ensure that the most vulnerable and retarded residents are able to take their meals under supervision and in decent conditions;
 - residents to be provided with materials for recreational activities (writing materials, books, newspapers, board games, etc.) (paragraph 177);
- the Bulgarian authorities to develop psychosocial and occupational therapeutic activities for residents at the Social Welfare Home in Terter; an immediate measure could be to substantially increase the number of residents involved in farming, gardening and other available activities (paragraph 178);
 - immediate measures to be taken to increase the number of fieldshers, nurses and orderlies assigned to both the day and night shifts, so that more staff are involved in direct and continued contacts with the residents (paragraph 179);
 - each resident to undergo on arrival a full medical examination (paragraph 181);
 - a personal and confidential file to be opened for each resident, containing diagnostic information as well as an ongoing record of the patient's mental and somatic state of health and of his treatment (paragraph 181);
 - the prescription and administration of medication to be in accordance with the rules set out by the competent medical authorities and the Ministry of Health (paragraph 181);
 - a register recording every instance of the physical restraint of a resident, including manual control, to be set up at the Home (paragraph 184);
 - an introductory brochure setting out the establishment's routine and residents' rights to be issued to each resident on admission, as well as to their families. Any resident unable to understand this brochure should receive appropriate assistance (paragraph 186);
 - specific arrangements to be made enabling residents to lodge formal complaints with a clearly designated body and to communicate on a confidential basis with an appropriate authority outside the establishment (paragraph 186);

- an independent outside body responsible for the inspection of patients' care to visit the Home on a regular basis. This body should be authorised, in particular, to talk privately with residents, receive directly any complaints which they might have and make any necessary recommendations (paragraph 186).

requests for information

- more details about the appointment of a psychiatrist and a specialist in internal diseases at the Home and, in particular, the times of attendance of the doctors concerned (paragraph 180);
- more details about the additional medical staff provided (number, qualifications, working hours, etc.) (paragraph 180);
- confirmation that recourse is no longer had to seclusion at the Home vis-à-vis agitated or violent residents (paragraph 183);
- confirmation that under Bulgarian law a person involuntarily placed in an institution by a non-judicial authority has the right to bring proceedings by which the lawfulness of his detention is decided speedily by a court, and the possibilities for legal representation of residents during such proceedings (paragraph 185);
- the comments of Bulgarian authorities on the periodic review procedure of placements at the Home (paragraph 187).

3. Follow-up visits

recommendations

- in respect of the closed ward for the criminally irresponsible at Lovech Neuropsychiatric Hospital, the CPT reiterates the recommendations concerning clothing, sanitary facilities and outdoor exercise made in its previous report (CPT/Inf (97) 1, paragraph 203) (paragraph 188);
- the Bulgarian authorities to take immediate steps in order to ensure that all patients held in the closed ward, including accused persons undergoing psychiatric observation, are offered at least one hour of outdoor exercise on a daily basis (paragraph 189);
- in respect of the psychiatric section of Lovech Prison Hospital, the Bulgarian authorities to fully implement the CPT's earlier recommendations (cf. CPT/Inf (97) 1, paragraph 206) (paragraph 190).

requests for information

- the date of the planned entry into service of the new psychiatric ward at Lovech Prison Hospital (paragraph 190);
- confirmation that the isolation cells situated on the ground floor of the psychiatric ward at Lovech Prison Hospital have been taken out of service (paragraph 191).

E. Other establishments: Accommodation at Sofia Airport for passengers denied entry

recommendations

- the Bulgarian authorities to develop the activities available to persons accommodated in the facility at Sofia Airport for passengers denied entry, and in particular to ensure that they are offered outdoor exercise on a daily basis (paragraph 194).

requests for information

- the exact legal status of the facility and the legal safeguards applying to persons held there (paragraph 194).

APPENDIX II

**LIST OF THE NATIONAL AUTHORITIES AND
NON-GOVERNMENTAL ORGANISATIONS WITH WHICH
THE CPT'S DELEGATION HELD CONSULTATIONS**

National authorities

Ministry of Justice and European Legal Integration

Mrs Zlatka RUSSEVA Deputy Minister of Justice and European Legal Integration

Main Directorate of Places of Deprivation of Liberty

Mr Zrdavko TRAIKOV Director
Mr Petar VASSILEV Head of the scientific and methodological centre
Mr Ane KOVACHEV Head of social work
Mr Valentin ZAHARIEV Head of regime and administration
Mr Plamen IVANOV Head of economic activities and prisoners' labour

Main Directorate of Investigation Detention Facilities

Mr Ognyan SIMEONOV Director
Mr Yordan GROZEV Deputy Director, "Security and Control"
Mr Yasen BRATOEV Deputy Director, "Financial and Economic Activities"

Ministry of Health

Mr Petar BOYADJIEV Minister of Health
Mr Ivan GERDJIKOV National Consultant on Psychiatry

Ministry of Internal Affairs

Mr Vassil VASSILEV Director of the National Police Department

Ministry of Education

Mrs MIHOVA Director of the General Education Department
Mrs KORKINOVA Head of the Special Schools Division

Chief Prosecutor's Office

Mr Dimitar DIMITROV

Mr Tzonyu TZONEV

Mr Ivan PETKOV

Mr Mityo MARKOV

Deputy Chief Prosecutor

Deputy Chief Prosecutor

Head of Division "Supervision over the legality of imprisonment"

Prosecutor, Head of the Administrative Department, Supreme Cassation Prosecutor's Office

Non-governmental organisations

Bulgarian Helsinki Committee

Bulgarian Lawyers for Human Rights

Bulgarian Psychiatric Association

Human Rights Project