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

**from 25 April to 7 May 1999**

The Bulgarian Government has agreed to the publication of the CPT's report on the visit to Bulgaria in April/May 1999 (see CPT/Inf (2002) 1) and of its responses.

Strasbourg, 28 January 2002



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## **Interim report of the Bulgarian Government**



**REPORT  
OF 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)**

**A. POLICE ESTABLISHMENTS**

In relation to the findings, made in the report of the Commission for the prevention of torture, the Director of the National Service "Police" (DNSP) has developed a complex of measures for the limitation and not-allowing of law infringements and police violence by officers of the National Service "Police".

The activity of the National service "Police" is organized and is implemented in accordance with the Law of the Ministry of Internal Affairs, in compliance with the Constitution, the laws and international contracts, the respecting of the rights and freedoms of the citizens, and the protection of their life.

The implementation of measures for the limitation of the performed infringements of law on behalf of the police officers and the non-allowing of police violence encompasses the entire process of selection, appointment, training, qualification and the professional preparation, the consolidation and the development of the staff potential. The specific measures are related to the building of a unified organization-administrative and control-methodological mechanism for the strict implementation of the legal authorities, the disciplinary responsibility in cases of infringements of law, the direct control /in this respect the civil one/ in the every day life service activity.

In the plans of all the police structures are set specific undertakings in implementation of the recommendations of the CPT. They include a complex of organization-administrative, control-methodological and preventive measures in the following directions:

**A.** In relation to item 195 and 196 of the report, concerning the claims for maltreatment by the police and the control in regard with the maltreatment of the persons, detained in the police arrests:

1. The providing of systematic methodological and the immediate control of the Directorate of the National Service "Police" regarding the management and the organization of the work of the territorial units for the timely removal of the existing faults and infringements, as a reason and a condition for the allowing of infringements of law and police violence.

2. From 01.02.2000 the DNSP exerts obligatory control under the form of monthly references for cases of police violence in the country, on the basis, on which the checking of the cases is performed. There have been gathered and summarized all the data for police violence for the entire country, for the period from 01.01.1999 – 01.01.2000, as follows:

- out of 35 claims for illegally used physical force or a beating, as reasonable have been accepted 6 claims. As a result of this, 1 sergeant was convicted by the military court, 3 officers have been punished pursuant to the disciplinary order and the materials from the service checks have been sent according to the competence to the respective military-county prosecution offices. An investigating action has been initiated against a sergeant. On 3 of the cases the claims were accepted as unreasonable, but the gathered materials have been submitted to the military county prosecution offices. For 2 of them there is the refusal for the starting of a preliminary proceedings, and on one of them there is no ruling yet.

- for illegal detention in the institutions of the Ministry of the Internal Affairs 6 claims have been submitted, which have been accepted as ungrounded after the performed check.

- for illegal detention in the units of the Ministry of the Internal Affairs 5 claims have been submitted. From the performed check has been established the grounds of 1 claim, for the imposed disciplinary punishment of 1 officer.

3. The creation of the necessary organization prerequisites by the administrations of the regional police structures, for the application of the different forms of civil control and the timely response to the petitions, claims and signals, as special attention is paid to those for illegal actions, corruption, violence from police officers.

4. The performance of checks in the police units, regarding the control for compliance to the service discipline and the performance of their direct obligations.

Upon proven cases of infringements of law and police violence with serious consequences and a negative public reflection, reports to the local police structures, analyzing the reasons and circumstances, leading to the arising of the illegal actions, the guilty officials, and the measures, undertaken in regard with them.

5. The creation of organization for the introduction of new insignia for the uniform officers, with a police number explicitly written on them, with the purpose of the taking out of “anonymity” and transparency in the everyday in the everyday police activity.

6. A project has been developed for the specialized training of an expert group on procedures for internal control and the prevention of police violence,

deposited to the Program of the Council of Europe for the intergovernmental activities.

**B.** Under item 197, concerning the necessity of the taking of special security measures for the detention of drunken and/or aggressive persons, as well as the equipment of cells, prepared for that purpose.

An assessment of the state of the premises for detained persons in the units of the Ministry of internal affairs is performed, and there is envisaged the elaboration of a program for its stage compliance to the norms, in accordance of the international requirements. Effective cooperation, technical and financial aid is still sought from the international organizations for legal help, performing systematic inspections in this direction.

**C.** Under item 198, concerning the performing of the proper professional training of police officers on the problems, regarding the human rights.

**1.** The obligatory study within the framework of the service academic year of the problems, related to the human rights and the police ethics.

Two materials have been submitted to the territorial units, elaborated by the Council of Europe: "The police practice and the human rights – European introduction"; "Visits of the Committee for the prevention of tortures – what is it about?" – 15 questions and responses, designated for the police.

**2.** The study within the framework of the service academic year of a material, named "The stress in police environment". There have been reviewed the specific features of stress in the context of police work, the factors, which cause stress and the possible measures, which the management staff will have to adopt in these situations. The problem of police violence is viewed in its relation with the topic of the professional stress with the officers.

**3.** The elaboration of a draft "Code for the conduct of the police officer".

**4.** Participation into a project of the World organization against torture – OMST, funded by the European commission.

The project encompasses the police services of a number of European states and envisages the carrying out of 6 one day training seminars for 180 police officers, within the framework of which will be discussed the European standards of human rights. After the training the officers will fill questionnaires for the evaluation of the external and internal relation between the police and the public, the violence from and against police officers and the procedures for submitting of claims.

**5.** Participation in a joint project with the Center for the support of people, survived torture – ASET, including a series of seminars for the training of police officers on the topics: "Human rights and the good police practice" and "Police investigation and human rights".

**6.** Participation in the program for the development and consolidation of the democratic stability – ADACS and the Program of the seminar of the Council of

Europe for the intergovernmental activities with the following projects, on which funding is expected for the year 2000:

- Seminar for officers of the National service "Police" within the frameworks of "the Week of Police and human rights" – 28.10. – 04.11.2000 for the presentation of the European convention of human rights and the practices of the European court on human rights;

- a two-week module for the preparation of tutors on the human rights; providing of literature and video films for the lecturers.

- specialized study on procedures for internal control and prevention of police violence;

7. With the expert assistance of the Council of Europe there has to be created a study center on the human rights at the DNSP.

D. Under item 200, concerning the formal guarantees against maltreatment by the police.

1. In the law for the Ministry of Internal Affairs, promulgated in State Gazette, in articles 70, 71 and 72 have been regulated the activities of the police in regard with the detention (the right of legal protection from the moment detention, the right of claiming before the court of the legality of the detention, the detention procedures), and in the next articles 73, 74 and 75 – upon a personal examination and the check of the personal belongings of the detained persons. The law envisages sufficient guarantees for the compliance with human rights upon the imposing of measures detention (guarded arrest), given the obligatory judiciary control for their implementation.

2. In the Regulations for the application of the Law of the Ministry of Internal affairs, promulgated in State Gazette, issue 113/98, in articles 53, 54 and 55 has been specified the order and the organization of work with the detained persons. Instruction for the usage of auxiliary measures by the police authorities has been elaborated, along with a project of an inter-institutional document for the "order of boarding, regimen, rights and obligations of the detained persons in the isolation premises of the Ministry of Internal Affairs, the health institutions, etc."

E. Under item 201, concerning the terms of detention in the police precincts the DNSP has many times ordered to its police units in the country to undertake measures for the improvement of the conditions in the places for preliminary detention.

1. By circular letters NoNo U-455/27.02.98, UT-205/29.03.99 and UT-837/08.07.99 specific directions have been given for the improvement of the activity, having its expression in:

- the adducing of the service documentation in compliance with the requirements of the internal and international legislation;

the respect of the rights of the detained persons, in regard with the registration, legal protection, information of their relatives, medical service, etc.;

- the detailed elaboration of the regulations for the internal order and its exhibiting in a place, which is evident and accessible for the detained persons;

- the places of detention of persons, in regard of which have been used handcuffs, not to cause discomfort and inhuman or humiliating behavior;

- improvement of the food of the detained persons.

The Ministry of the Internal Affairs and the Bulgarian government take into consideration the fact, that measures are necessary in this direction for the improvement of the material and social-domestic conditions in the detention places, the reconstruction and enlargement of the building fund in compliance with the requirements, the preparation and provision of staff officers, that will implement the servicing of the premises of the detained persons.

All these problems are put to the attention of the Bulgarian government and will be resolved in due time, in accordance with the possibilities of the budget.

## **B. PRISON ESTABLISHMENTS AND INVESTIGATION DETENTION FACILITIES**

The management of General Directorate "Central Prison Administration" acquainted itself with the report on the visit of the CPT to the Republic of Bulgaria in April 1999 and with the observations made on prisons and investigation detention facilities. The report was sent to all units for their managements to get acquainted and take a stand on the concrete findings.

In relation to the recommendations made in the report and the additional information required, we consider it necessary to state the following:

### **On Section B, point 2**

68. It was brought in writing to the notice of all regional units of investigation detentions that with the execution of the "detainment in custody" apprehension measure physical abuse, degrading treatment and moral torment are inadmissible in any form. It was ordered that whenever such cases are admitted, the blameful officers should be reported for being held personally responsible (in terms of disciplinary and penal responsibility).

69. During 1998 and 1999 two complaints of ill-treatment were lodged against custodial staff in the investigation detention facility in Kjustendil and First Territorial Investigation Unit in Sofia. After the thorough inquiries made

(including by the Prosecution) it was established that the complaints were unfounded.

### **Point 3**

70. The Ordinance on the Status of Accused and Defendants Remanded in Custody has been operating for one year now. During this period the texts regulating the status of persons detained in the investigation detention facilities have been subjected to particular attention and analysis. Practice has shown that the treatment of this category of detainees, with a view to the specificity of their legal status, needs particularization. For the purpose a working group of experts was formed at General Directorate "Central Prison Administration", with the task to make, together with the Prosecution suggestions for amendments aimed at the implementation of the new rules in compliance with the status of persons on remand and the presumption for their innocence.

71-79. With the transfer of the investigation detention facilities to the Ministry of Justice and the differentiation of specialized General Directorate "Central Prison Administration" prerequisites were created for the improvement of the material conditions of life of detainees. Precise estimates have been drawn which underlie the budget of the Ministry of Justice for 2000. In the main, the means have been allotted for increase of the daily food ration per detainee, for providing detainees with the necessary bedding inventory and sanitary and hygienic conditions in the cells and the rooms for common use. With the permission for receiving food parcels, clothes and articles for personal use, including ones for maintaining personal hygiene, the status of detainees in the investigation detention facilities has changed to the positive.

Practical measures were undertaken to ensure the implementation of the right to one-hour outdoor exercises. Together with the Ministry of the Interior, the opportunities for building such facilities in Pernik, Radomir, Provadija, Montana, Nova Zagora, Harmanli, Svilengrad, Gorna Oryahovitsa, Popovo, Pleven, Troyan, Byala, Sevlievo, Karlovo and Silistra, were coordinated. These facilities are to be built by the end of 2000, as the needed funds have been envisaged in the budget.

In execution of the programme for improvement of the material conditions of detention, besides the investigation detention facility in Razvigor str., till the end of 1999 five more investigation detention facilities were closed down: the investigation detention facility in 135 Rakovski str.- Sofia; in 141 Ivan Arabadjiyata str.- Sofia; in 4 Marin Drinov str.- Sofia; in 63 Sredets str., Asparouhovo quarter- Varna; in 16 Momchilets str.- Lukovit. Till the end of

March 2000, further two investigation detention facilities were closed down: in Botounets quarter- Sofia, and in Bazilika str.- Devnya. As for the remaining investigation detention facilities which are not up to the requirements, suitable premises are being searched to site them- state, municipal or closed by the Ministry of Defence, and their scheduled closure is by the end of 2001. For this purpose budgetary means in the amount of 3 714 000 levs have been envisaged for the year 2000.

80-81. Art.26 from Ordinance № 2 /99 regulates the opportunity for the accused and defendants to work in the places for imprisonment only (prisons, reformatory houses and prison hostels). Conditions have been provided there for putting in labour (workshops, shops, production sections, agricultural farms etc.). There are no opportunities of the kind in the investigation detention facilities- there detainment is in the form of protective custody. Besides, along with the apprehension measure, isolation is applied to them, which can be amended by the competent authority only- the prosecutor who realizes the guidance and supervision of pre-trial proceedings. In this connection forthcoming is the issuing of Internal Regulations for the Investigation Detention Facilities. Subject to regulation in it will also be the granting of opportunities to detained persons to be involved in activities aimed at the conservation of their mental and physical health.

#### **Point 4**

82-85. A new Regulation on the Medical Services to Detainees in Prisons and Investigation Detention Facilities was elaborated at the Ministry of Justice. The Regulation is in a process of coordination with the Ministry of Health and is to be adopt. Thus for the first time the issues relating to the health-care services at the investigation detention facilities will be normatively solved in keeping with the recommendations in the report.

#### **Point 5.**

86-87. Actually, the provisions of Ordinance № 2/99 have been operating since not long ago and practice in all investigation detention facilities has not been unified as yet. The regulation in the ordinance is general and views only the right of the detained person, without pointing how it will be used. The mentioned failings will be solved by the forthcoming amendment of Ordinance № 2 /99 and the issuing of Internal Regulations for the Investigation Detention Facilities by the Minister of Justice, where the order and conditions for the use of the rights will be regulated. As pointed above (Section B, p. 2), it was brought to the notice of all

managers of the regional facilities as well as to the custodial staff in the investigation detention facilities not to apply any disciplinary measures beyond the ones stipulated in the law, with the observation of all requirements.

### **Section B, point 1**

88-90. In the period following the visit of CPT's delegation there is a tendency of decrease in the total number of prisoners. Thus, the pointed 11 139 persons at the time of the visit have decreased to 9 915 on 01.04.2000. This decrease is on the account of persons without sentences, after the introduction of limited term of detainment when there is still, no bill of indictment.

The Ministry of Justice has been elaborating a draft of a new Law on the Implementation of Penal Sanctions with a working term till the end of May 2000. The term for accommodation in transitory hostels is to be reviewed, as the leading criterion will be not the formal juridical one but the psycho-pedagogical assessment by the prison administration.

The involvement of prisoners in labour activities is the leading principle in the work of the prison administration. The state of employment of prisoners is a reflection of the general economic situation in the country. In this connection along with the increase of the working places serious efforts are being put for the involvement of prisoners in useful activities. With means of the prison system and with means from outside sources training courses are being organized for acquirement of qualification. During 1999 10 courses with 160 prisoners were carried out, in which the participants were instructed in different specialities-cooks, construction workers, stokers, cabinet-makers, welders, tailors etc. 4 literacy courses with 70 prisoners have also been carried out. With the help of the Know-How Fund of Great Britain 5 "Work" Clubs were set up at the prisons in Stara Zagora, Sliven, Lovech, Pazardjik and Bobov Dol.

The principle of involvement of prisoners is only one (the existence of opportunities) and no difference is made between sentenced and remand prisoners.

The General Directorate "Central Prison Administration" accepts the recommendation under par. 92 from the Report of the CPT and undertakes to conduct workshops and seminars for supplementary, specialized training for work with life sentenced prisoners, with the aim to encourage communication and the development of positive relationships as well as the implementation of programmes designed to lend meaning to the time spent in prison.

Steps have been taken for the elaboration of methodological materials and the experimental introduction of individualized custody plans. Priority will be given to young prisoners and persons sentenced to long terms of imprisonment.

For the introduction of this programme the assistance of PRI was asked and exchange of experience was realized with the penitentiary systems of Great Britain, France and Belgium.

## **Point 2.**

The CPT's report in its section concerning the visits and observations at the prisons in Stara Zagora and Bourgas, was submitted to their governors. Concrete instructions were given for execution of the recommendations, as part of them have already been executed, and those of a long-term nature are being implemented on the base of elaborated schedules at satisfactory rates.

104. Repairs were made in the sanitary units and now they are in a good general state.

106. We accept the recommendations for the involvement of a bigger number of detainees, including persons remanded in custody, in literacy programmes, programmes for improvement of education and vocational qualification.

We accept the necessity of developing programmes for the optimum use of the available opportunities for the detainees to spend a reasonable part of the day outside their dormitories, engaged in purposeful activities of a varied nature.

The General Directorate "Central Prison Administration" considers it necessary to continue its joint work with the National Employment Service on the enrichment and improvement of the forms of activities for preparing the detainees for a free life, for opening new "Work" Clubs and realizing other suitable programmes together with other institutions and non-governmental organizations.

In execution of the recommendations made in para 110, realized was the following:

- In connection with the normative requirements on the accommodation of prisoners, the living space in the dormitories was expanded by 120 sq. m., granted for use to the differentiated Third Detachment at the labour and reformatory hostel. The living and communal premises underwent complete repairs- painting, glazing, repair of the electrical installation in the living premises.

Repair of the bathroom was done, as in the summer period other reserves are also used for providing hot water (summer bath). An extension was made of the toilet sector and submitted for use to Second Detachment. Particular attention is being paid to the sanitary requirements in the dormitories (chlorination of the living base- weekly, check of the bedding and removing of disorders in due time).

Removed are also the wrong things noted in the punishment cell. After the repairs done, the normative requirements for access to daylight and heat for prisoners put in isolation for having admitted violations, are being observed.

With a view to the fact that the age limit of the prisoners in the labour and reformatory hostel is between 25 and 30 years, they take an active part in sports events (football, volleyball, chess, tennis). The hostel has a sports area of 700 sq. m. (for volleyball and football), used for sports and games by 60 per cent of the prisoners.

The hostel disposes of 12 decares (1 decare = 1000 sq. m) of land under cultivation, where the following cultures are grown: tomatoes- 1 decare, peppers- 1 decare, cabbage- 3 decares, onions- 1 decare, cucumbers, pumpkins, carrots, melons, watermelons, parsley, mint, savory- 4 decares, broom- 1 decare, for satisfaction of the hostel's needs.

There are two main workers working in the garden all the year round and 30 other prisoners doing seasonal work.

The cultures pointed above are grown with the aim to improve the nutrition of prisoners in compliance with Instruction № 4020 of 12.07.1991 by the Ministry of Justice and the Central Prison Administration.

As for labour safety and the improvement of the working conditions, the following measures have been put into practice:

Holding instructions on safety, hygiene of labour and anti-fire precautions;

Providing instructions on safety work with the machines and equipment for the people working with them and putting written instructions in a visible place by each machine.

Providing free of charge protective food and drinks, additions to the basic salary depending on the category of workers after the working conditions, according to the measurements made by the Institute of Sanitation and Epidemiology- Stara Zagora, and the protocols approved by them and the prison governor;

Giving additional food to the people working in places with bigger physical loading;

Ensuring free of charge working clothes and protective gloves for all working places;

During the high season for the production of bricks, with the switching over to a two-shift regime of work, the length of the working day is decreased to 7 h 30 min;

The opportunities are explored to entrust the designing and find a way for the financing and building of a dust-cleaning installation in the brickworks.

114. The refurbishment programme at the closed section of Bourgas Prison was completed soon after the visit of CPT's delegation. Measures have also been taken for the fulfilment of the other recommendations for improvement of the living conditions of prisoners.

117. The problem of improvement of the activities offered to prisoners at Bourgas Prison is a problem for the whole system under General Directorate "Central

Prison Administration". It is being solved on a complex ground and is included in the general programme for implementation of CPT's recommendation.

123. The construction of new facility at Bourgas Prison for life sentenced and other categories of segregated prisoners is at the stage of design readiness. Means have been planned in budget 2000 for its realization and depending on the subsidy to be received it is to be completed by the end of 2000. The recommendation that all metal plates covering the cell windows be removed, has been implemented. With the building up of the new facility all the recommendations in par. 124 will be complied with.

126. The social worker in charge of the persons segregated under Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions makes periodically an assessment of the changes having taken place in the behaviour of prisoners and in case they are positive, he makes a suggestion for repeal of segregation. The administration admits to specify the criteria and procedure for imposition and revocation of the segregation under Section 56 of RELIPS.

Ordinance № 2 /99 contains three hypotheses for putting remand prisoners (accused and defendants) in segregation. In two of them, on points 2 and 3, segregation is imposed at the discretion of an authority (prosecutor, judge or prison governor) and prisoners are able to contest the measure. In the first case the act of the prosecutor or the judge can be appealed in the regular order of procedure before the higher instance. In the second case the procedure for sentenced prisoners is valid, as the order of the prison governor can be appealed before the Director General of General Directorate "Central Prison Administration". Besides, a copy of the order is officially sent to the prosecutor exercising supervision for legality. In the third case the segregation is applied on objective grounds (with a sentence still not enforced a punishment has been imposed- life imprisonment). This kind of segregation is connected with a high behavioral risk of the person concerned and with the need to exercise permanent supervision on his behavior with a view to not admitting suicides. Essentially this is not absolute segregation, for prisoners are able to communicate with each other within the bounds of the prison units detached for them. Segregation does not affect visits, correspondence, receiving of food parcels, the right to watch TV and video programmes and to listen to the radio.

#### **Point 4. Health-care services**

127-128. According to the new amendments in the legislation the health-care services under the Ministry of Justice remain to be state ones and are on budgetary support. Until the present moment there is no change in the subordination of the

health-care services at the prison establishments. The Minister of Justice exercises the general guidance and control, and the Minister of Health renders methodological aid to the health-care units and takes care that the health standards valid for the country, are applied to prisoners as well.

In the recruitment of health-care staff for prisons besides the specific requirements for the job the Ministry of Justice has also posed some medical criteria for their selection. The main principle is the having of speciality and the practical length of service of the applicants. The control on the quality and effectiveness in the work of the health-care staff is the responsibility of Division "Medical Services at Prisons and Investigation Detention Facilities". In their work the health-care staff, when making decisions regarding the treatment of prisoners, have full autonomy and independence from the penitentiary administration.

132. The issue of appointment of nurses at Bourgas and Stara Zagora prisons concerns the other units of General Directorate "Central Prison Administration" as well. The Ministry of Justice has a positive attitude (at the two prisons nurses have already been appointed) and according to the opportunities in the pay-roll the issue is also to be considered for the other units. Regarding the note in the report about the position of the prisoner employed as an orderly, it is an isolated case. On the ground of a finding in CPT's report of 1995 it was explicitly forbidden to orderlies employed from among the prisoners, to collect and distribute medicines.

134. In the course of the independent check of the treatment of prisoners at Bourgas Prison the commission was warned and heard complaints about the bad quality of the medical services provided to prisoners. On the ground of its findings the attention of the health-care staff was drawn and instructions were given towards improvements. At present the positive general changes at Bourgas Prison also include the quality of treatment and medical aid.

135-141. Once again, it was brought to the notice of all units of General Directorate "Central Prison Administration" to strictly observe the 24-hour term for the medical examination of the newly admitted prisoners together with the making up of the corresponding medical documentation. The recommendations in paragraphs 138-141 of the report have been brought to the knowledge of all medical units with the requirement for their strict implementation. They have been set as a fundamental issue in the departmental checks to be made.

144-145. After the visit of the delegation to Bourgas Prison a review was made of the state in the unit where prisoners suffering from tuberculosis have been accommodated. On the base of the recommendations made in the report concrete measures have been undertaken for improvement of the sanitary conditions in the dormitories and of the living conditions of prisoners.

In keeping with the working programme for combating tuberculosis in the prison system with the supporting therapy provided in the prison hospitals, the

requirement for the distribution and taking of anti-tuberculosis medicines takes place under the permanent supervision and control by a medical person.

**Point 5, letter “a”**

147-148. On the issues in these paragraphs of the report we have enclosed a detailed information on the treatment of staff in the places for imprisonment. It also refers to the issues which were a subject of discussion with the members of the CPT’s delegation in December 1999 at the Central Prison Administration.

**Letter “b”**

149-151. The recommendations in these paragraphs of the report are at the focus of attention of the penitentiary administration. Their solution is only possible in a legislative way. We have the honour to inform you that in the legislative programme of the Ministry of Justice the elaboration of a new Law on the Implementation Penal Sanctions has been drawn as a priority. It has been envisaged that the European Prison Rules underlie its elaboration as fundamental principles for the treatment of prisoners. The right to visits is also to receive a new regulation, as a differentiation will be introduced depending on the category and behaviour of the sentenced persons (alleviated or more restricted conditions). With a view to mitigating the isolation from the outside world, at the closed prisons the opportunity will be provided for the use of telephone, which has already been experimented at some prisons- Pazardjik, Plovdiv and others.

**Letter “c”**

152-155. As already pointed above particularly for Stara Zagora and Bourgas prisons, visited by the CPT’s delegation, in organizational aspect programmes have been worked out and are being realized for elimination of the failings and implementation of the recommendations in the report.

**Letter “d”**

156-159. The new arrangements for the sending of complaints by prisoners, introduced by the Ministry of Justice, created the guaranties that the complaints sent will reach their destination. The opening of the boxes is not done by the prison’s management but by an officer specially appointed by the Deputy Minister of Justice, which officer has the corresponding rights and responsibilities for the function assigned to him. An indication of responsible actions is the fact that about 600 applications and complaints are received annually at the Deputy Minister’s Office. At this Office there operates a special section for work with the complaints, as a check is appointed on each of them, an attitude is taken and

correspondingly a response given. At present the boxes have been put in places accessible to all prisoners. At the other prisons there are no problems similar to the ones pointed in the report. We accept the recommendation and a revision will be made with a view to achieving confidentiality of complaints.

The forms of inspection used by the Ministry are thematic and complex checks as well as checks on concrete complaints by prisoners and violations by staff. The thematic checks are carried out along the separate directions of activities: regime, social activities with prisoners, prison work etc. The complex check covers the entire activity of the prison and is performed by a commission of experts from all lines of work. Main principles of the checks are their "visibility" and "publicity" of the results of them. They are not limited within the concrete subject of the check only. Besides the visits among prisoners (dormitories, working places, rooms for common use etc.), reception hours are also appointed in the course of the check, which are announced before all prisoners. This approach is fundamental for collecting information, data and evidence, on the ground of which the inspecting persons realize their control functions. The results of the check that are indicative of certain general tendencies, are announced in the whole system of General Directorate "Central Prison Administration" with the corresponding instructions, recommendations and prescriptions.

### **Additional information for the training of personnel at the penitentiary institutions**

The training of the prison personnel is one of the main prerequisites for the humanizing of the treatment of the imprisoned persons and the performing of its compliance to the European standards. Three types of training of personnel are carried out at the penitentiary institutions – initial preparation, complementary qualification without absence from work and complementary qualification with absence from work.

#### **Initial preparation of the prison personnel**

In compliance with the requirements of art.63 of the European prison regulations, all the newly appointed employees pass through courses of initial preparation in prison affairs.

Courses for obtaining of qualification as "Warder in the imprisonment institutions". Duration – 90 days /45 of them consist in service at the unit, where the employee will work/. The course finishes with a theoretical-practical

examination and the issuing of a certificate. 200 people have been trained annually /1997 - 281; 1998 - 183; 1999 - 129/ or 593 for the last three years.

Courses for obtaining qualification as "Employee in punishment implementation" - officers, social workers, psychologists, high-ranking medical staff, etc. Duration - 3 months /half of that time consists in practical service at the unit, where the employee will work/. The course finishes with a theoretical-practical examination and the issuing of a certificate. 121 people have passed annually these courses of initial preparation/1997 - 28; 1998 - 47; 1999 - 46/ or 593 for the last three years.

For the year 2000 is envisaged the carrying out of three courses for newly employed warders in the prisons /some 130 people/, for initial preparation of newly appointed employees for punishment implementation /some 40 people/.

The training is carried out in accordance with affirmed study plans, elaborated by the Penitentiary center for scientific-research and study activity. They include preparation in general law, penalty-executive law, regimen-security activity, applied martial training, penitentiary pedagogy and penitentiary psychology. In the study programs have been provided classes for the acquaintance with the international legal acts, related to the treatment of detained persons - the European convention of human rights, the European convention for the prevention of tortures, humiliating treatment and attitude, the European prison regulations, the Minimal standards of the UNO for the treatment of detained persons, the international standards of medical service.

The program of penitentiary pedagogy includes topics and practical training in international standards of professional ethics, ethics of professional communication, and in the study program in penitentiary psychology is included the subject "Contacts with the imprisoned persons".

The study programs in the different subjects include lectures, seminars, practical training activities.

The courses are carried out at the Training center of the General Directorate of "General Administration of Penitentiary Institutions" in the city of Pleven. The activities are lead by three full-time lecturers at the Training center, by employees of the Penitentiary center for scientific-research and study activity /closed since 01.12.1999/ at the General Directorate of "General Administration of Penitentiary Institutions" and by practical employees. Three of the lecturers with permanent commitment to the training in the initial preparation are bestowed with the scientific and educational degree of doctor, and three are senior lecturers.

**In relation with the transfer of the investigation detention institutions to the General Directorate of "General Administration of Penitentiary Institutions",** and in accordance with the recommendations of the European commission for the prevention of torture, inhuman or humiliating treatment and attitude their

personnel has undergone an expert examination of the personal files /360 people/ and a psychological re-testing /98/.

A program was developed for the intensive re-training of the sergeant staff. The study plan includes activities related to the general and specialized legal subjects, regimen-security activity, international standards for the treatment of preliminarily detained persons, penitentiary psychology and martial-application techniques. The course finishes with an examination and the issuing of a certificate. The training is carried out at the Training center of the General Administration of Penitentiary Institutions in the city of Pleven. For the year 2000 is envisaged the implementation of 5 courses with 200 participants.

The material-technical basis as a level is commensurate to the level of conditions in the country. The study center disposes of conditions for the boarding of 40 people, it possesses three study halls and an open sports ground. By means of funds, provided by projects with non-governmental organizations have been purchased /or donated/ a computer, a printer, a copy machine and an audio set. The basis definitely needs repair and elaboration – the equipment of simulative cabinets, the renewal and enrichment of the technical means of teaching, an indoor sports gymnasium, etc.

### **Complementary qualification courses**

The courses for the increasing of qualification without absence from work are attended by the employees of the superintending-security activities and of direction “Social activities with the imprisoned persons”. Each year study plans are defined, which are affirmed at the “General Administration of Penitentiary Institutions”. They include topics in actual problems of treatment and in relation with changes in legislation. The activities are lead by managing employees who are assigned the practical training of personnel.

#### **Complementary qualification courses with absence from work.**

The organization and content of the permanent training of personnel until the end of 1999 was the main activity direction of the section “scientific-methodological and applied activity” at the Penitentiary center for scientific-research and study activity. Depending on the specific topics it is carried out with employees from a different activity direction – regimen-security, educative, medical service, production-economic, etc. In this case the objectives are related to

the updating and renewing of knowledge, the enrichment of practical skills in one's professional domain.

Complementary education is organized on subjects, whose purpose is to provide a unified approach of the penitentiary personnel upon treating the imprisoned persons, aiming at its humanizing and its performing in accordance with the European standards.

More considerable courses for additional qualification throughout the last three years:

- The courses of "Labor integration of persons with criminal records" /1997/, "Skills for maintaining the "Labor" club" /1999/, as well as the web visits in Great Britain "Social integration of the persons with criminal records" /1997/ and "Social integration of underaged and youth – lawbreakers" are organized as a joint project with the National service of employment and the British "KNOW-HOW" fund. Apart from the prisons employees, the courses are attended by officers of the employment services. The training is performed with the participation of lecturers from Great Britain.

- The course of "European penal philosophy" /1998/ include as well representatives of the prosecution, the courts of law, municipal surveillance committees and is funded by the "Hans Zeidel" Foundation . The training is lead by university lecturers and specialists the General Administration of Penitentiary Institutions and the prosecution.

- Training seminars "Female prison of the 21<sup>st</sup> century" /1998/ and "international standards for the treatment of imprisoned persons with non-Bulgarian ethnic self-consciousness" /1999/ are carried out with the participation of Bulgarian and international /PRI/ non-governmental organizations and a lecturer from the Southeastern university of the State of Missouri, specialized for the preparation of probation and penitentiary employees.

- The courses of "International standards of treatment of the imprisoned persons" /1999/ follow a project of the Penitentiary center for scientific-research and study activity at the General Administration of Penitentiary Institutions and the Association for re-socialization of the imprisoned persons, funded by the "Open society" foundation. The course includes subjects on the European convention of human rights, the European convention against torture, inhuman or humiliating treatment or attitude, the European regulations for prisons, the International standards for professional ethics, the International legal acts – regulator of the individual professional conduct /training/. University lecturers participate in the training. Lecturer for the course, carried out with the prison governors, was Yves Van der Berg, representative of the Central prison

administration of Belgium and member of a working group for the creation of a new law for punishment implementation.

With the financial support of the "KNOW-HOW" fund of Great Britain in the building of the General Directorate of "General Administration of Penitentiary Institutions" was created a study center for permanent training of prison personnel. The center disposes of a modern multimedia presentation technique, with technical capabilities for scientific-methodological information servicing and a bibliographers activity in the field of prison affairs, Internet services and distribution of methodological materials.

### **Future intentions and ideas**

- Organization and preparation of a study documentation /plans, programs, etc./ **for initial preparation of the employees at the investigation detention institutions.** In accordance with the requirements of the international standards for the treatment of preliminarily detained persons, such a training is needed by the entire personnel of the investigation detention institutions. This raises the question for the increasing of the full-time staff of the lecturers, included in the initial preparation of personnel.

- **The permanent training of the penitentiary personnel needs special attention.** There are needed both the development of programs for specialized education, in dependence from the qualification and activity direction /regimen-security, economic, educative, medical services, etc./ and specialized courses, whose attending should be compulsory upon the changing of ranks in the service hierarchy /course for unit commanders, course for chief warders, for head of group, for deputy governor of prison/. Every managing position requires specific knowledge and skills, which should not be underestimated or there cannot be counted on self-preparation only.

- The commitments in the training of personnel at the General Directorate of "General Administration of Penitentiary Institutions" have been assigned to employees from the direction "Educational activity at the penitentiary institutions", which enables the preservation of everything achieved up to the present moment. This requires the optimization of the work with the training and methodological elaboration of the problems of treatment of the convicts.

- Experts of the "Open society" foundation /Mr. Barkley/ assessed as being very effective the implemented project "international legal standards for the treatment of detained persons" and recommended the Foundation to support the continuation of the project. **We envisage the funding of courses for the training**

of the sergeant staff in the penitentiary institutions /1100/ people for the current year.

## C. PSYCHIATRIC ESTABLISHMENTS

### General features:

The male judiciary section is part of the structure of the SPH-Lovech with the capacity of 48 beds. As of 28.04.2000 it contains 33 patients from the whole country, who undergo mandatory treatment in accordance with the requirements of art.89, item "B" of the Penal Code /PC/.

### Clinical profile:

Continuous stationery anti-psychotic treatment and rehabilitation of patients in state of insanity due to a psychological disease have committed crime against the personality or its property (art.89, item "B" of the Penal Code).

Judiciary-psychiatric reassessment of the state of these patients on every six months (re-certification) until the falling off of the conditions pursuant to art.89, letter "C" of the Penalty code. After the falling off of the provisions of art.89, item "C" of the Penal Code, through definition of the court, the patients pass towards treatment after art.89, item "B" of the Penal Code and are directed towards the psychiatric services of residency for the completion of medical treatment and psychosocial rehabilitation.

At the section there is a detention room for surveillance and judiciary-psychiatric expertise of persons, detained after art.91, paragraph 2 of the Penal Code.

### Access to the services of the section:

The section is kept at a **closed doors regime** and under police security.

The admission to the section is performed by a team (a treating doctor or head of section, a hospital attendant, a medical auxiliary and a policeman) in view of:

The compliance between **the definition of the court or the appointing of a judiciary-psychiatric expertise from the investigation service** and the clinical profile of the section.

The availability of a vacant capacity at the section

### The necessity of security measures

The procedure of preparation and implementation of the admission has been elaborated and written into the operative regulations of the section. The improvement of the access to the services is a constant task of the section and is implemented by means of:

interaction with the general case sources (court of law, police, prosecution, investigation)

### Assessment of the case:

It is being performed by the treating doctor and the head of the section; in the cases of expert activity if formed a team of three experts (director, head of section and treating doctor). The assessment defines:

a psychiatric disturbance (after MKB-10)

mental disorders and social skills

psychological problems (personal and conflict diagnostics, performed by the clinic psychologist)

corporal health

incomes

current living conditions (primary group, home)

labor, educational and civil participation

necessity of presentation before the SPTELK for the assessment of the permanent disablement

### Assessment of the course of the case

It is performed periodically as a comparison between the envisaged and real development of psychosis. It gives reason for the updating and eventual re-formulating of the medical treatment plan for re-certification on every 6 months until the falling off of the conditions after art. 89, item "C" of the Penal Code.

### Assessment of emergency situations

Its purpose is to intervene in cases of acute affection, catatonic stupor, auto- or hetero-aggression, or urgent somatic state. An algorithm of this assessment and the interventions, evolving from it is being elaborated and updated by the section and is available at any time in writing. Every calendar year the average medical staff is trained after preliminarily planned thematic seminars by the senior nurse and the treating doctor under the supervision of the head of section. The training

purposes are: obtaining of communicative skills with psychotic patients and adequate approaches for dealing with the hetero- and auto-aggression behavior of psychotic patients. The hospital attendants and the medical auxiliaries receive clear instructions, that the physical and psychical maltreatment are regarded as unacceptable and are subject to strict sanctions /including as well disciplinary punishments after the Labor code/. They are trained to cope with aggressive patients with or with a minimally dosed force. The newly appointed hospital attendants, nurses and medical auxiliaries are carefully selected by means of an interview carried out by the head of section and the senior nurse, and in the course of their work they are constantly motivated within the team to exercise in a humane way their authority towards the patients.

Initially upon admission /and after that periodically/ every patient is acquainted with the right of deposing of a claim to the head of section or the director of the hospital for maltreating on behalf of any staff member or any other patient. A procedure is provided for the reviewing of the claim by a commission appointed by the director, and the eventual ordering of urgent measures for the overcoming of the conflict and the imposing of sanctions to the eventually guilty persons.

### **Therapeutical interventions:**

The interventions of the section are organized in programs. For the implementation of the programs in the section are elaborated protocols for the quality of work and the applied medical techniques. The maintenance of the good clinical practice and the quality of the expert activity is implemented by means of periodic discussion of the protocols of the main doctor's round, medical consultations, upon professional communication with teams from the Center of deontology and judiciary psychiatry in Sofia.

### **The main programs in the male judiciary section are:**

Program for the anti-psychotic medication treatment of acute, sub-acute and often recurring schizophrenic episodes.

A program for prophylaxis and rehabilitation of chronic schizophrenic courses /schizophrenic patients with psycho-social deficiencies/.

Hard therapeutic and culture therapeutic program.

Program for the prevention of socially dangerous actions against society.

### **Structuring of the medical cares and the patients' time schedule (daily regimen).**

The patients from the male judiciary section are provided with constant round-the-clock cares. The caring personnel works on a three-shift schedule. The hours of changing the personnel are respectively 7 – 13 – 19 – 7 h. The intensive doctors' and nurses' cares are from 7 to 13 h. From 13 to 19 h and from 19 to 7h is provided a doctor on night duty, who takes care of the patients in the entire hospital. There are constant round-the-clock nurses' cares. The hospital attendants have a one-hour-back working time – respectively 6 – 12 – 18 – 6 h, in order to assist adequately in the feeding and toilet of the patients. The patients from the male judiciary section may (upon their desire and at their expense) to dispose of personal clothes and bed sheets, as well as to receive additional food, cigarettes, toilet articles, etc.

**The time schedule of the hospitalized patients is structures in accordance with the way, widely adopted for the psychiatric hospitals within the country. The hours for feeding and taking of medicines are 7 – 12 – 19 h. The sleeping time is 22 - 06 h. from 8:30 to 12 h are performed intensive diagnostic and medical treatment and prophylaxis procedures. They include (in consecutive order): daily doctor's rounds, prescribing of medication, manipulations, presentation and discussion of cases, consulting and treatment in relation with adjoining corporal illnesses, individual psychotherapeutic interventions, group psychotherapeutic and ergotherapeutic activities (at least two walks daily in the park of the hospital, sports activities in the sports hall under the directions of a rehabilitator, offering of the literature, available in the library, daily presenting of television broadcastings and music, etc.) The patients (according to their state) are constantly available for contact with their relatives and the public (access to a telephone, providing of personal correspondence, parcels from relatives, encounters with acquaintances, etc.) One day a week is designated for family psychotherapeutic interventions. The patients are offered as well participation in the hygiene-domestic maintenance of the hospital. Since 1996 the labor-medical unit does not function and the persons under medical treatment are not offered activities related to labor therapy.**

In regard with the hygiene requirements in the premises of the section there is still a lot to be done, but the implementation of the current situation is the maximally attainable in view of the limited cash resources.

## D. HOME FOR ADULTS WITH MENTAL DISORDERS – TERTER

The Ministry of Labor and social policy expresses its disagreement with the qualifying of the Home for adults with mental disorders as a psychiatry institution and with the defining of the people lodged there as “patients”. This home is an institution for social services, which functions in accordance with art.16 of the Law for social relief and pursuant to the terms and order for the providing of social services in Ordinance No 4 of the Ministry of Labor and Social Policy as of 16.03.1999.

The state of the building fund of the home is not good and it needs fundamental repair. The municipality of Kubrat does not dispose of the necessary means of repair. Unsuccessful have turned as well the attempts for financial support on behalf of non-governmental organizations, sponsors and by means of participation in regional and national projects. The Ministry of Labor and Social policy has allocated 15 000 BGN in the budget for the year 2000 for the fundamental repair of the roof structures of the buildings.

In the course of 6 months has been performed the following alteration of the personnel in the home: total number – 55 people, including one doctor’s position, half of it is held by a doctor-internist and the other half – by a doctor-psychiatrist. By means of competition has been appointed a new director of the home, university graduate with Master’s degree in social pedagogy and with Minor in psychology. The medical staff includes a senior nurse, six medical auxiliaries /nurses/ and 25 hospital attendants. The administration, the specialized and service personnel consists of 20 people. The number of personnel has been complied with the normative acts, in force within the system of social relief.

After the signals for maltreatment of the lodged people on behalf of the staff, explanation in writing have been taken by all the hospital attendants. In their job position characteristics the demonstration of humane attitude towards the patients has been explicitly written as an obligation. They are envisaged to pass through a course of training, which will be performed by a doctor-psychiatrist for the specific way of treatment of excitable sick persons. After the closing of the cells for isolation of the sick persons with psychomotor excitement, a room has been equipped for their temporary lodging until their stationing at the Psychiatry hospital – the town of Byala. Intensive therapy is carried out in this premise, and upon necessity, after the explicit permission of the doctor, the lodged person may be fixed by means of belts.

The conditions of life and the work, performed with the lodged persons have been altered. By means of order of the Ministry of labor and social policy the capacity of the home has been reduced from 170 to 100 lodged people, with the purpose of closing the third block. 18 people from the third block have been

directed towards other institutions, corresponding to their diseases, and 12 people have been transferred towards the other two blocks, in co-ordination with the doctor-psychiatrist. The possibility for putting decoration in the rooms is under discussion, because it can be used for auto-aggressive and hetero-aggressive actions. The living room has been painted and additionally equipped with a tennis table. For the diversification of the everyday life of the lodged people has been provided the dining-room as well. It is used as a "reading room" and there is always up-to-date press in it. The bedrooms are heated by means of solid fuel stoves, which are the only possible solutions of the problem as of the moment. Around the stoves there are enclosures with metal grids with the purpose of preventing of fires. Since the beginning of the year 2000 a social worker has been appointed with the corresponding higher education, who elaborates plans for art therapy, music therapy, labor therapy and organizes their implementation. Both bathrooms function normally, they can be used simultaneously and every person, lodged in the home can bathe with hot water more than once a week. The lodged persons, who need help are bathed once a week by hospital attendants.

Throughout the winter the dining-room is heated with solid fuel stove. A sufficient number of kitchen utensils and chairs has been provided. During feeding, which continues from 30 to 50 minutes, medical staff members are present. The provision of the nourishment of the lodged people as of the moment is quite good. In the everyday menu there is meat meal every second day. The auxiliary economic unit provides sufficient milk, eggs, cheese, meat, vegetables and fruits. The clothing of the lodged persons is purchased by means of their personal funds or donations are used. Unfortunately, very often, only hours after the distribution of new clothes, the sick persons tear them and render them useless for usage. The recommendations under item 177 of the report have been performed, as every lodged person is provided with a bed, a complete set of bed sheets, personal hygiene articles, shoes, clothing and underwear, appropriate for the season.

With the appointment of a doctor-internist and a doctor-psychiatrist medical service and the leading of the medical documentation has considerably improved. An obligatory medical examination is performed to every newly lodged person. Upon the doctor's assessment consulting is performed with other specialists from the Regional hospital in Koubrat. A depot-neuroleptic therapy has been introduced, which is a substituting therapy with carbamazepin of the lodged persons with abstinence. Labor therapy was also adopted as a method of medication, as one forth of the lodged persons work in the auxiliary economic unit. The doctors keep as well the records for the noting of the isolated lodged persons /there are no such as of the moment/.

Regarding the legality of the procedure of lodging to the house there should be noted, that they all are admitted by their own will, and if placed under judicial disability – upon the request of their legal representative.

The management of the home and the Municipal service for social relief – the town of Kubrat will undertake the necessary steps for the issuing of a brochure, containing the internal order of the institution, along with the rights and obligations of the lodged persons.

The institution enables both every lodged person, and its legal attorney to raise claims in writing before all the superior bodies. Up to that moment at the Ministry of labor and social policy and the National service for social relief there has not been submitted any claim in writing regarding maltreatment on behalf of the personnel at the Home for adults with mental disorders.



## **Follow-up report of the Bulgarian Government**



**FOLLOW-UP REPORT  
OF 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 25.04. to 07.05.1999**

**PREFACE**

The present document is follow-up report of the Bulgarian Government on the measures taken in response to the CPT's recommendations, comments and requests for information after its visit to Bulgaria from 25.04 to 07.05.1999 and the meetings with its representatives held on 14.12.1999.

The report contains information presented by the following competent Bulgarian authorities: the Ministry of Interior, the General Directorate "Central Prison Administration" to the Ministry of Justice, the Ministry of Health and the Ministry of Labour and Social Policy. This report up-dates and supplements the interim report as well as the information contained in the replies to the additional questions and requests of the CPT.

The Bulgarian Government appreciates the constructive spirit of the recommendations and states once again its readiness to strictly observe its obligations resulting from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and to cooperate with CPT in future.

**A. POLICE ESTABLISHMENTS**

In response to the immediate observations of CPT with the order of Major-General V. Vassilev, Director of the National Police it has been ordered that by 31.08.1999 the rails to which detainees are handcuffed be moved to a height of 80 to 120 cm from the floor level, with the view of avoiding pain and discomfort of the detainees.

The policemen on duty and the pointsmen at the police stations are obliged to make regular checks of the physical state of the detainees on the spot every hour so as the normal circulation of the blood and avoidance of self-injuring be guaranteed.

The moving of the rails in question was linked to carrying out of building and repair works, amendments of the internal regulations and training of the police officers in such amendments. These measures have been already implemented successfully in all units of the Ministry of Interior.

In relation to the findings, made in the report of the Committee for the prevention of torture, the Director of the National Service "Police" (DNSP) has developed a complex of measures for the limitation and not-allowing of law infringements and police violence by officers of the National Service "Police".

The activity of the National service “Police” is organised and is carried out in accordance with the Law of the Ministry of Interior, in compliance with the Constitution, the laws and international contracts, the respecting of the rights and freedoms of the citizens, and the protection of their life.

The implementation of measures for the limitation of the infringements of law committed by the police officers and the non-allowing of police violence encompasses the entire process of selection, appointment, training, qualification and the professional preparation, the strengthening and the development of the staff potential. The specific measures are related to the building of a unified organisational-managerial and controlling-methodological mechanism for the strict implementation of the legal powers, the disciplinary responsibility in case of law infringement and the direct control (including the civil one) in the every day activity.

Specific undertakings for implementation of the CPT’s recommendations are set in the plans of all police structures. They include a complex of organisational-administrative, controlling-methodological and preventive measures in the following directions:

**Paragraphs 195 and 196** concerning the claims for maltreatment by the police and the control in regard with the maltreatment of the persons, detained in the police custody:

1. The providing of systematic methodological assistance and the immediate control of the Directorate of the National Service “Police” (DNSP) regarding the management and the organisation of the work of the territorial units for the timely removal of the existing faults and infringements, as a reason and a condition for the allowing of infringements of law and police violence.

2. From 01.01.2000 the DNSP exerts obligatory control under the form of monthly references for cases of police violence in the country, on the basis of which the checking is performed. There have been gathered and summarised all the data for police violence for the entire country, for the period from 01.01.1999 – 01.01.2000, as follows:

- out of 35 claims for illegally used physical force or a beating, as reasonable have been accepted 6 claims. As a result of this, 1 sergeant was convicted by the military court, 3 officers have been punished pursuant to the disciplinary order and the materials from the service checks have been sent according to the competence to the respective military-county prosecution offices. An investigating action has been initiated against a sergeant. On 3 of the cases the claims were rejected as groundless, but the gathered materials have been submitted to the military county prosecution offices. For 2 of them there is the refusal for the starting of a preliminary proceedings, and on one of them there is no ruling yet.

- for illegal detention in the institutions of the Ministry of the Internal Affairs 6 claims have been submitted, which have been accepted as ungrounded after the performed check.

- for illegal detention in the units of the Ministry of the Internal Affairs 5 claims have been submitted. From the performed check has been established the grounds of 1 claim, for the imposed disciplinary punishment of 1 officer.

3. The creation of the necessary organisation prerequisites by the administrations of the regional police structures, for the application of the different forms of civil control and the timely response to the petitions, claims and signals, as special attention is paid to those for illegal actions, corruption, violence from police officers.

4. The performance of checks in the police units, regarding the control for compliance to the service discipline and the performance of their direct obligations.

Upon proven cases of infringements of law and police violence with serious consequences and a negative public reflection, reports to the local police structures, analysing the reasons and circumstances, leading to the arising of the illegal actions, the guilty officials, and the measures, undertaken in regard with them.

5. The creation of organisation for the introduction of new insignia for the uniform officers, with a police number explicitly written on them, with the purpose of the taking out of “anonymity” and transparency in the everyday in the everyday police activity.

6. A project has been developed for the specialised training of an expert group on procedures for internal control and the prevention of police violence, deposited to the Program of the Council of Europe for the intergovernmental activities.

#### **Paragraph 18. Role of the police staff for the protection of the detainees’ rights**

Within the process of the reform of the national police and its conversion to a civil institution, the main task of which is to protect the rights and the legal interest of the citizens against criminal violations, the problem of observance of human rights stands steadily before the managing staff of the Ministry of Interior and the Directorate of the National Police Service. With an order of the Director of the National Police Service a Specialised Commission on Human Rights with the following functions was set up on 15.08.2000: analysis of the findings in the reports of CPT and the NGO's, implementing monitoring on the police activities; planning of undertakings to respond to the remarks and the recommendations made in them; updating the internal normative acts of the different public bodies to comply with the international legislation; methodological control in view of observance of the citizen's rights in the National Police Service; organization of training of the managing and the executive staff on issues of human rights and the international standards for the activities of the law enforcement bodies; establishing and maintaining of contacts with foreign organizations dealing with issues of human rights.

Within the Specialised Commission on Human Rights at the Directorate of the National Police Service a regional coordinator on human rights has been appointed in each regional unit.

#### **Paragraph 22. Control over police detention by public prosecutors and judges**

The recommendations made in paragraph 22 of the CPT's report have been satisfied with the amendments to the Penal Procedure Code of 1999. A system for judicial control on violations of the fundamental human rights during the pre-trial phase of the penal proceedings has been introduced.

The grounds, on the basis of which the legislator admits the application of detention in custody, are in conformity with the European Convention on Human Rights and the practice of the European Court. The seriousness of the committed crime is not a reason for detention in custody, as well as the detention measure itself is not a punishment. The detention in custody depends only on the behaviour of the accused. According to article 152, paragraph 1 of the Penal Procedure Code it is applied where there is a risk for the persons to abscond or to commit a new crime.

The preclusive time limits under art. 152, paragraph 4 of the Penal Procedure Code concerning the length of the detention in custody result in carrying out of the process in a "reasonable time" and motivate the investigation authority to carry out intensive actions of investigation.

With the last amendments to the Penal Procedure Code (State Gazette 70/1999) the legislator has provided for additional guarantees for the rights of liberty of the personality. The decision for detention in custody during the pre-trial proceedings is taken by the relevant first instance court on the request of the prosecutor or the investigation authority. The maximum period for detention of the accused person until he is brought before the court is 72 hours for the prosecution and 24 hours for the investigation authority taking into consideration that at the moment the European institutions accept that a period up to four days and nights is admissible and corresponds to the idea and the intention of the European Convention on Human Rights.

The prosecutor or the investigation authority that has made the request for detention has to secure immediately appearance of the accused person before the court, according to the requirements of the European Convention on Human Rights for timely bringing the person before a judge. The judge has to have his personal impression of the accused. He is able to ascertain in person that no physical force has been used in respect of the accused and to hear him before taking decision that could limit dramatically his fundamental right to liberty. The detention measure taken against him can be appealed before the appealing instance.

The law guarantees the right of personal liberty not only as far as the detention in custody is concerned, but also for all encroachments in the penal process as well as out of the process where public bodies have undertaken actions against this right.

### **Paragraph 23. Health-care services**

The statute of accused persons and persons under trial detained in custody is regulated by Regulation No 2 dated 19.04.1999 of the Minister of Justice. Under art. 7, section two of the Regulation every newly admitted person undergoes immediately a thorough medical examination. Under art. 21, section four, the accused persons and persons under trial are seen by a doctor once a week. In emergency cases immediate medical assistance is secured and where necessary the detainee is brought to a specialised health care establishment. The prescriptions of the doctors are obligatory for the guards and the administration staff of the prison, of the reformatories and the investigation detention places.

In the police departments the persons detained for up to 24 hours in virtue of art. 70 of the Law on the Ministry of Interior are placed in premises that, in most of the cases, need additional reconstruction and equipment.

There is no explicit provision in the Law on the Ministry of Interior providing for obligatory medical examination of all persons detained under art. 70. Compulsory examination is carried out in the Regional Police Units only in case where there are visible marks of violence and injuries. According to instructions to the regional units of the Police it is ordered that the results of the examination should be reflected in the approved blank form of order for detention. The detainee can refuse the examination by signing a written document for refusal and declaring that he/she is in good state of health.

Where the detainee has complaints, access to a doctor is secured to him. Such medical examinations are carried out in health care establishments on the territory of the relevant Regional Police Unit, after which a written documents for the health status of the detainee is drawn up. The requirements to keep registers at the police units have not been implemented so far due to lack of a regular medical staff.

#### **Paragraph 24. Medical examination and forensic medical reports**

Special consulting room for medical examination of detainees and prisoners has been set up at the Central Hospital - the Scientific and Applied Activities Institute to the Ministry of Interior. The planned forensic examinations are carried out on the basis of prosecutor's authorisations. No prosecutor's authorisation is required in emergency cases.

Where forensic experts' reports are required in case of illness, a special commission of at least three leading experts from the Central Hospital - the Scientific and Applied Activities Institute to the Ministry of Interior is appointed. Leading experts from other health care establishments are involved, where appropriate. The Central Hospital - the Scientific and Applied Activities Institute to the Ministry of Interior accepts the CPT's recommendation where it is necessary to draw up medical reports in relation to injuries to be involved a forensic medical expert from the University forensic medical department - Sofia or from the Forensic medical department of the Bulgarian Army.

#### **Paragraph 31. Right of the detainee to inform immediately his family and his relatives about his/her detention in custody and guarantees for exercising such a right**

In accordance with the amendments of the Penal Procedure Code and Regulation No 2 of 19.04.1999 of the Minister of Justice, Section II, art. 8, paragraph 2, each detainee has the right to inform immediately his family and his relatives about his/her detention in custody or in prison. If the person does not wish to do so, this fact is certified by a written declaration and the administration cannot inform them on its own initiative.

The issue of informing the family and the relatives of the persons detained by the police on the basis of art. 70 of the Law on the Ministry of Interior is not regulated by a normative act.

### **Paragraph 35. Right to access to a defence counsel**

With the amendments of the Penal Procedure Code of 1999 police proceedings as a form of investigation in the pre-trial phase of the process have been introduced. Under art. 409, paragraph 3 of the Penal Procedure Code the inquest officers are obliged to make it clear to the detained person of what he/she has been incriminated, the responsibility specified by the law, his/her right to refuse to give explanations, as well as to provide him/her with an opportunity to contact a defence counsel. They may not conduct any investigative actions prior to the fulfilment of this obligation.

Under art. 410 of the Penal Procedure Code the penal prosecution against the incriminated person is regarded as commenced after the person has been questioned in that capacity or measures of procedural coercion, physical examination, search or seizing have been taken with respect to him/her. In case the incriminated person is not in a position to pay the remuneration of the defence counsel he still shall be entitled to defence and the relevant authority shall be obliged to appoint a lawyer to defend him.

On the basis of art. 70, paragraph 1, item 1 to 5 of the Law on the Ministry of Interior subject to detention are: persons who have committed crime; persons who, after due warning, prevent consciously the police to fulfil their duty; persons who show grave mental deviation and by their behaviour disturb the public order and expose their life to a certain danger; juvenile offenders who have left their homes, guardians, trustees of public establishments where they had been placed; persons whose identity cannot be established in the cases and in the ways specified in art. 68 of the Law on the Ministry of Interior.

In art. 70, paragraph 4 of the Law on the Ministry of Interior it is expressly specified that from the moment of detention the detained persons have the right to a lawyer's defence. The lawfulness of the detention can be contested before the court.

### **Paragraph 36. Facilities for meetings with lawyers and arrangements to ensure the confidentiality of discussions**

Under the Penal Procedure Code and Regulation No 2 of 19.04.1999 of the Minister of Justice, detainees have the right to meet the counsel or lawyer chosen by them in police custody. The meetings are held during working hours. Unfortunately, in most of the regional police units, due to insufficient premises, there are no special facilities that are safe and specially designed for that purpose.

### **Paragraph 39. Access to a doctor**

In the regional police units the detainees have the right to additional medical examination by a doctor of their own choice, the expenses being born by the detainees. The results of the examination are at the disposal of the detainee as well as of his/her lawyer, the confidentiality being guaranteed. The examinations are carried out of the sight of the police officer except in cases where the doctor concerned expressly requests otherwise. This procedure is not regulated by a normative act, but it is applied by virtue of the provision of art. 71 of the Law on the Ministry of Interior, according to which no restriction can be applied concerning other rights except the right of free movement to the persons detained under the conditions of art. 70, paragraph 1, items 1-5 of the Law on the Ministry of Interior.

**Paragraph 41. Ensuring that persons detained by police are informed of their rights**

The Directorate of the National Police Service has elaborated a document specifying expressly the rights of the persons detained under the conditions of art. 70 of the Law on the Ministry of Interior and it has been translated into English, French, German, Spanish, Arab, Russian, Chinese, Italian, Albanian, Romanian, Serbian, Macedonian, Greek and Turkish languages. The blank forms and instructions for their application have been forwarded to all territorial units.

**Paragraph 45. Access to a pay phone. Written information on the legal situation of the persons detained in the Centre**

Pay-phones have been installed in the centres for temporary placement of adults and, if need be, possibility is given to the foreign nationals placed in them to call to their relatives or to representatives of governmental or non-governmental organizations. Measures to install Mobicom or Bulfon sets operating with phone cards have been taken that shall solve the problem of communications of the foreign nationals to a greater extent.

Medical examination and registration is carried out at the time of accepting the persons at the centres for temporary placement of adults and they are made aware, in a language that is familiar to them, of their rights and obligations during their stay at such centres. A draft leaflet informing the foreign nationals placed at such centres about their rights and obligations has been elaborated and it will be soon placed at the disposal of the centres for temporary placement of adults.

**Paragraph 51. Equipment of the rooms**

At the Centre for temporary placement of adults - Sofia all rooms (called "cells" in the report) have been equipped with beds for rest, with clean mattresses and coverings. There are two chambermaids taking care of the order and the cleanness. The lighting and ventilation are adequate.

**Paragraph 55. Reduction of the number of persons accommodated in each room. Ensuring the cleaning of bed linen.**

The number of foreign nationals accommodated in each room is in conformity with the sanitary and hygienic conditions provided for by the Hygienic and Epidemiological Institute for placement of this category of persons. Three or four persons are placed in each room depending on its surface.

The distribution in the rooms is made taking into consideration their age, sex, religion and other characteristics, in view of conflict-free co-existence between the persons placed in them.

The bed linen is changed regularly according to the internal regulations. The bathrooms and the sanitary units are cleaned regularly and are supplied with the necessary materials.

### **Paragraph 56. Ensuring books or newspapers and outdoor exercise**

Taking into account that the maintenance of the Centre for temporary placement of adults - Sofia is born by the budget of the Municipality of Sofia, the issue of providing the Centre with books, newspapers and TV sets cannot be solved at this stage due to insufficient financial resources.

As for outdoor exercise, such possibility is given to all foreign nationals and they are lead by groups to the Centre's grounds according to a specified schedule.

### **Paragraph 58. Segregation in a separate room**

The recommendation in this paragraph has been implemented and, where necessary, certain foreign nationals are placed in a separate room. In fact this is the expression of the disciplinary isolation.

### **Paragraph 60. Internal Rules for the Centre**

New draft of Internal Rules for the Centre have been elaborated. They have been presented to the managing staff of Sofia Directorate of Internal Affairs for their approval and translation. Regardless of that even now normal procedure for placement and stay of foreign nationals is established on the basis of the existing Internal Rules.

### **Paragraph 63. Health care and medical screening**

There are five homes for temporary placement of minors in the Republic of Bulgaria within the structure of the national police. They are situated in Sofia, Plovdiv, Varna, Burgas and Gorna Oriahovitsa. Their setting up, their activities and the appointment of officers working in them have been regulated by the Law on Prevention of Anti-Social Acts of Minors, the Law on the Ministry of Interior and the Rules for Organisation and Activities of the Homes for Temporary Placement of Minors.

The Ministry of Interior shares the CPT's opinion that the systematic medical screening of children placed at such Homes is of essential importance both for certifying the state of the children's health upon admission and the identification of diseases and injuries that have been incurred during their stay at the Homes.

Taking this into account, in four of the five homes in the country, permanent paid medical staff has been appointed to carry out permanent control and health care for the children. At the Homes of Sofia, Varna and Gorna Oriahovitsa these persons are doctors while at the Home of Burgas that is a medical auxiliary.

At present only at the Home of Plovdiv there is no medical person available. Regardless of that medical assistance has been organised using the services of the medical establishment of the Regional Directorate of Internal Affairs - Plovdiv and in cases of emergency - the First Aid Service. The Home possesses a car, so if need may be fast transportation of children in need to the appropriate health care establishment is secured.

The Ministry of Interior takes the necessary measures to provide for a regularly working officer with medical qualification also in this Home.

#### **Paragraph 65. Material conditions at the Home**

The material conditions at the Home have been improved and efforts are made to comply with the CPT's recommendations but, to our regret, additional funds are required.

#### **Paragraph 197, concerning the necessity of the taking of special security measures for the detention of drunken and/or aggressive persons, as well as the equipment of cells prepared for that purpose**

An assessment of the state of the premises for detained persons in the units of the Ministry of Interior is performed, and the elaboration of a programme for its stage compliance to the norms, in accordance of international requirements is envisaged. Effective cooperation, technical and financial aid is still sought from the international organisations for legal help, performing systematic inspections in this direction.

#### **Paragraph 198, concerning the performing of proper professional training of police officers on issues concerning human rights**

1. Obligatory study within the framework of the service academic year of problems related to human rights and police ethics.

Two materials elaborated by the Council of Europe have been submitted to the territorial units: "Police practice and human rights – European introduction" and "Visits by the Committee for the prevention of tortures – what is it about? 15 questions and responses for the police".

2. Study within the framework of the service academic year of a material entitled "The stress in a police environment". In it, the specific features of stress in the context of police work have been reviewed, as well as the factors which cause stress and the possible measures which the management should adopt in such situations. The problem of police violence is viewed in its relation with the topic of professional stress.
3. The elaboration of a draft "Code for conduct of the police officer".
4. Participation in a project of the World organization against torture (OMCT), funded by the European Commission.

The project encompasses the police services of a number of European States and envisages the carrying out of 6 one-day training seminars for 180 police officers, within the framework of which will be discussed European standards of human rights. After the training, the officers will fill questionnaires for the evaluation of the external and internal relation between the police and the public, the violence from and against police officers and the procedures for submitting of claims.

5. Participation in a joint project with the Centre for the support of survivors of torture (ASET), including a series of seminars for the training of police officers on the topics “Human rights and the good police practice” and “Police investigation and human rights”.
6. Participation in the Programme for the development and consolidation of democratic stability (ADACS) and the Programme of the Council of Europe for intergovernmental activities with the following projects on which funding is expected for the year 2000:
  - a seminar for officers of the National service “Police” within the framework of “The Week of Police and human rights” (28.10. – 04.11.2000) for the presentation of the European Convention of Human Rights and the practices of the European Court on Human Rights;
  - a two-week module for the preparation of tutors on human rights and the provision of literature and video films for the lecturers.
  - specialised study on procedures for internal control and prevention of police violence.
7. With the expert assistance of the Council of Europe there has to be created a study centre on human rights at the DNSP.

**Paragraph 200, concerning the formal guarantees against maltreatment by the police.**

1. In the Law on the Ministry of Interior, promulgated in State Gazette, articles 70, 71 and 72, the activities of the police in regard with the detention are regulated (the right of legal protection from the moment of detention, the right of claiming before the court of the legality of the detention, detention procedures), and in the next articles 73, 74 and 75 – upon a personal examination and the check of the personal belongings of the detained persons. The Law envisages sufficient guarantees for the compliance with human rights upon the imposing of measures detention (“guarded arrest”), given the obligatory judiciary control for their implementation.
2. In the Regulations for the application of the Law on the Ministry of Interior, promulgated in State Gazette, issue 113/98, articles 53, 54 and 55, have been specified the order and the organisation of work with detained persons. Instruction for the use of auxiliary measures by the police authorities has been elaborated, along with a project of an inter-institutional document for the “Order of boarding, regimen, rights and obligations of the detained persons in the isolation premises of the Ministry of Interior, the health institutions, etc.”

**Paragraph 201, concerning the terms of detention in the police precincts**

The DNSP has many times ordered to its police units in the country to undertake measures for the improvement of the conditions in the places for preliminary detention.

By circular letters Nos Y-455/27.02.98, YT-205/29.03.99 and YT-837/08.07.99 specific directions have been given for the improvement of the activity, having its expression in:

- the adducing of the service documentation in compliance with the requirements of the internal and international legislation;
- the respect of the rights of detained persons, in regard with the registration, legal protection, information to their relatives, medical service, etc.;
- the detailed elaboration of regulations for the internal order and its exhibiting in a place which is evident and accessible for the detained persons;
- the places of detention of persons, in regard of which have been used handcuffs, not to cause discomfort and inhuman or humiliating behaviour;
- improvement of the food of the detained persons.

The Ministry of the Internal Affairs and the Bulgarian Government take into consideration the fact that measures are necessary in this direction for the improvement of the material conditions in places of detention, the reconstruction and enlargement of the building fund in compliance with the requirements, the preparation and provision of staff officers, that will implement the servicing of the premises of the detained persons.

All these problems are put to the attention of the Bulgarian Government and will be resolved in due time, in accordance with the possibilities of the budget.

## **B. INVESTIGATION DETENTION FACILITIES**

### **1. Preliminary remarks**

The management of General Directorate “Central Prison Administration” acquainted itself with the report on the visit of the CPT to the Republic of Bulgaria in April - May 1999 and with the observations made on prisons and investigation detention facilities. The report was sent to all units to be acquainted with it and take a stand on the concrete findings.

The Bulgarian Government is treating with great concern the critical notes of the CPT’s delegation on the investigation detention facilities. Their present state is a result, to a great extent, of the inherited old attitude of the administration and society to detention facilities and the persons placed there. The total number of investigation detention facilities is 96. Such deconcentration, the permanent fluctuation of accused persons and persons on trial and the overpopulation of some investigation detention facilities hinder the control over the work of the officers, the maintenance reaction to conflicts and extraordinary situations that have arisen.

In relation to the recommendations made in the report and the additional information required, we consider it necessary to state the following:

## **2. Torture and other forms of physical ill-treatment**

### **Paragraph 68. Ill-treatment of the detainees by investigation facilities staff**

It was brought in writing to the notice of all regional units of investigation detention facilities, including the one in Plovdiv, that during the application of the measure of procedural restraint “remand in custody” physical abuse, degrading treatment and moral torment are inadmissible in any form. It was ordered that whenever such cases are admitted, the guilty officers should be reported for being held personally responsible (in terms of disciplinary and penal responsibility).

### **Paragraph 69. Complaints of ill-treatment lodged against custodial staff and an account of disciplinary and penal sanctions**

During 1998 and 1999, two complaints of ill-treatment were lodged against custodial staff in the investigation detention facility in Kyustendil and the 1<sup>st</sup> Territorial Investigation Unit in Sofia. After the thorough inquiries made (including by the Prosecution), it was established that the complaints were unfounded.

No claims alleging similar ill-treatment were lodged in 2000.

## **3. Conditions of detention**

### **Paragraph 70. New rules governing the investigation detention facilities**

The Ministry of Justice envisages the elaboration in the near future of secondary legislation governing the rights and obligations both of detainees and staff. With Ordinance No 2 on the Status of Accused and Defendants Remanded in Custody of the Minister of Justice, the previous ordinance has been repealed and additional guarantees for the observance of detainees’ rights created. The effective Ordinance regulates the powers of the officers in a way that aims at prevention of torture and other forms of ill-treatment and degrading treatment or punishment. It regulates the statute of persons held in the investigation detention facilities by creating normative guarantees for non-admission of restrictions in relation to: visits of family members, relatives and others, correspondence, use of funds for personal needs, out-door exercises etc. Practice has shown that the treatment of this category of detainees, with a view to the specificity of their legal status, needs particularization. For the purpose a working group of experts was formed at General Directorate “Central Prison Administration”, with the task to make together with the Prosecutor’s Office suggestions for amendments aimed at the implementation of the new rules in compliance with the status of persons on remand and the presumption of their innocence.

### **Paragraphs 71-79. Material conditions for the detainees**

After the investigation detention facilities passed under the authority of the Ministry of Justice and the setting up of a specialised Directorate General “General Prison Administration”, the improvement of living conditions and guaranteeing the rights of accused persons and persons on trial are among its priority tasks. The Ministry of Justice started immediately organisational undertakings in view of strengthening the control over the observance of the rights of the detainees, improvement of the functioning of the security services and exploring of the possibilities to improve the material and living conditions. Exact accounts have been made that entered into the budget.

The means have been allotted mainly for increase of the daily food ration per detainee, for providing detainees with the necessary bedding inventory and sanitary and hygienic conditions in the cells and the rooms for common use. With the permission for receiving food parcels, clothes and articles for personal use, including ones for maintaining personal hygiene, the state of the detainees in the investigation detention facilities has changed to the positive.

Practical measures have been undertaken to ensure the implementation of the right to one-hour outdoor exercise and the needed funds for the building of suitable facilities have been envisaged in the budget. Fifteen such facilities are to be built by the end of 2001.

In execution of the programme for the improvement of material conditions of detention, besides the investigation detention facility in Razvigor Str., till the end of 1999 five more facilities were closed down: the investigation detention facility in 135 Rakovski str.- Sofia; in 141 Ivan Arabadjiyata str.- Sofia; in 4 Marin Drinov str.- Sofia; in 63 Sredets str., Asparouhovo quarter- Varna; in 16 Momchilets str.- Lukovit. In 2000, two more investigation detention facilities were closed down: in Botounets quarter- Sofia, and in Bazilika str.- Devnya.

As for the remaining investigation detention facilities which are not up to the requirements, suitable premises– state, municipal or formerly belonging to the Ministry of Defence - are being sought to locate them. The closure of all underground investigation detention facilities is scheduled by the end of 2001, and all other detention facilities should be put in compliance with the CPT’s requirements.

### **Paragraphs 80-81. Activities for persons held in investigation detention facilities**

Art. 26 of Ordinance No 2/99, referred to in the Report, regulates the opportunity for accused and defendants to work in places for imprisonment only (prisons, reformatory houses and prison hostels). Conditions have been provided there for employment (workshops, shops, production sections, agricultural farms, etc.). There are no opportunities of this kind in the investigation detention facilities – detention there is in the form of protective custody. Besides, along with the apprehension measure, isolation is applied to them, which can be amended by the competent authority only - the prosecutor responsible for the guidance and supervision of pre-trial proceedings.

The Minister of Justice issued Regulations for the organisation of security measures and the rights and obligations of supervising and security staff in investigation detention facilities (State Gazette No 101/2000). Draft Internal Regulations for the Investigation Detention Facilities have also been elaborated in which the granting of opportunities to detained persons to be involved in activities aimed at preserving their mental and physical health has been regulated.

#### **4. Health care services**

##### **Paragraphs 82-85. Health care in the investigation detention facilities**

An ordinance regulating the health-care services for detainees in prisons and investigation detention facilities has also been elaborated by the Ministry of Justice. For the first time the issues relating to health-care services at investigation detention facilities will be normatively solved in keeping with the recommendations in the report. Because of the reform currently underway in the health-care system and the re-structuring of medical establishments, the co-ordinating of the Ordinance with the Ministry of Health has been delayed, but we expect its adoption very soon.

#### **5. Other issues**

##### **Paragraphs 86-87. Contact with the outside world. Use of handcuffs as a disciplinary sanction**

The provisions of Ordinance No 2/99 have been in force since not long ago and practice in all investigation detention facilities has not been unified. The regulation in the ordinance is general and sets only the right of the detained person, without pointing how it will be exercised. The mentioned failings will be solved by the forthcoming amendment of Ordinance No 2/99 and the issuing of Internal Regulations for the Investigation Detention Facilities by the Minister of Justice, where the order and conditions for the exercise of rights will be precisely regulated.

As pointed above (Section B, p. 2), it was brought to the notice of all managers of the regional facilities as well as to the custodial staff in the investigation detention facilities not to apply any disciplinary measures beyond the ones stipulated in the law, with the observation of all requirements. In article 80 of the Regulations for the organisation of the security measures and the rights and obligations of the supervising and security staff in investigation detention facilities it has been noted that “no measures can be applied to the persons detained in custody that are aimed at causing physical pain or humiliates the human dignity”.

## C. PRISON ESTABLISHMENTS

### 1. Preliminary remarks

#### **Paragraphs 88-90. Overcrowding in the prisons**

In the period following the visit of CPT's delegation there is a tendency of decrease in the total number of prisoners. Thus, the pointed 11 139 persons at the time of the visit have decreased to 9 915 on 01.04.2000. This decrease is on the account of persons without sentences, after the introduction of limited term of detention when there is still no bill of indictment. This decrease has reflected indirectly on the overcrowding in the prisons.

The Ministry of Justice elaborated a draft of a new Law on the Implementation of Penal Sanctions. The term for accommodation in transitory hostels is to be reviewed, as the leading criterion will be not the formal juridical one but the psycho-pedagogical assessment by the prison administration.

The involvement of prisoners in labour activities is the leading principle in the work of the prison administration. The state of employment of prisoners is a reflection of the general economic situation in the country. In this connection along with the increase of the working places serious efforts are being put for the involvement of prisoners in useful activities. With funds of the prison system and funds from outside sources training courses are being organised for acquirement of qualifications. During 1999 ten courses with 160 prisoners were carried out, in which the participants were instructed in different specialities - cooks, construction workers, stokers, cabinet-makers, welders, tailors, etc. Four literacy courses with 70 prisoners have also been carried out. With the help of the Know-How Fund of Great Britain five "Work" Clubs were set up at the prisons in Stara Zagora, Sliven, Lovech, Pazardjik and Bobov Dol.

The principle of involvement of prisoners is only one (the existence of opportunities) and no difference is made between sentenced and remand prisoners.

The General Directorate "Central Prison Administration" accepts the recommendations under **paragraph 92** of the CPT's Report and undertakes to conduct workshops and seminars for supplementary specialised training for work with life sentenced prisoners with the aim to encourage communication and the development of positive relationships as well as the implementation of programmes designed to lend meaning to the time spent in prison.

Steps have been taken for the elaboration of methodological materials and the experimental introduction of individualized custody plans. Priority will be given to young prisoners and persons sentenced to long terms of imprisonment.

For the introduction of this programme the assistance of PRI was asked and exchange of experience was realised with the penitentiary systems of Great Britain, France and Belgium.

## **2. Torture and other forms of ill-treatment**

The CPT's report in its section concerning the visits and observations at the prisons in Stara Zagora and Burgas was submitted to their governors. Concrete instructions were given for execution of the recommendations, as part of them have already been executed, and those of a long-term nature are being implemented on the base of elaborated schedules at satisfactory rates.

### **Paragraph 97. Independent study of the treatment of the detainees at Burgas Prison**

With the order of the Minister of Justice a Working group comprising an academic expert and representatives from the NGO's has been set up to examine the interrelations between the prison staff and the prisoners at Burgas Prison. The report with the findings of the inquiry made by them has been forwarded to the CPT.

### **Paragraph 98. The new management of Burgas Prison**

The Ministry of Justice appreciates the changes of certain management staff members of the Prison as positive. They contributed to eliminate the tension between the prisoners and the prison administration and to improve the psychological climate.

### **Stara Zagora Prison**

#### **Paragraph 103. Sanitary facilities**

Repairs were made in the sanitary units and now they are in a good general state.

#### **Paragraph 106. Activity programmes for the prisoners**

We accept the CPT's recommendations for the involvement of a bigger number of detainees, including persons remanded in custody, in literacy programmes, programmes for improvement of education and vocational qualification.

We accept the necessity of developing programmes for the optimum use of the available opportunities for the detainees to spend a reasonable part of the day outside their dormitories, engaged in purposeful activities of a varied nature.

The General Directorate "Central Prison Administration" considers it necessary to continue its joint work with the National Employment Service on the enrichment and improvement of the forms of activities for preparing the detainees for a free life, for opening new "Work" Clubs and realising other suitable programmes together with other institutions and non-governmental organisations.

In execution of the recommendations made in **paragraph 110**, concerning the labour and reformatory hostel "Cherna Gora", realised was the following:

- In connection with the normative requirements on the accommodation of prisoners, the living space in the dormitories was expanded by 120 sq. m., granted for use to the differentiated Third Detachment at the labour and reformatory hostel. The living and communal premises underwent complete repairs - painting, glazing, repair of the electrical installation in the living premises.
- Repair of the bathroom was done, as in the summer period other reserves are also used for providing hot water (summer bath). An extension was made of the toilet sector and submitted for use to Second Detachment. Particular attention is being paid to the sanitary requirements in the dormitories (chlorination of the living base - weekly, check of the bedding and removing of disorders in due time).
- Removed are also the wrong things noted in the punishment cell. After the repairs done, the normative requirements for access to daylight and heat for prisoners put in isolation for having admitted violations are being observed.
- With a view to the fact that the age limit of the prisoners in the labour and reformatory hostel is between 25 and 30 years, they take an active part in sports events (football, volleyball, chess, tennis). The hostel has a sports area of 700 sq. m. (for volleyball and football), used for sports and games by 60 per cent of the prisoners.

The hostel disposes of 12 decares (1 decare = 1000 sq. m) of land under cultivation, where the following cultures are grown: tomatoes - 1 decare, peppers - 1 decare, cabbage - 3 decares, onions - 1 decare, cucumbers, pumpkins, carrots, melons, watermelons, parsley, mint, savory - 4 decares, broom - 1 decare, for satisfaction of the hostel's needs.

There are two workers working in the garden all the year round and 30 other prisoners doing seasonal work.

The cultures mentioned above are grown with the aim to improve the nutrition of prisoners in compliance with Instruction No 4020 of 12.07.1991 by the Ministry of Justice and the Central Prison Administration.

As for labour safety and the improvement of working conditions, the following measures have been put into practice:

- Holding instructions on safety, hygiene of labour and anti-fire precautions;
- Providing instructions on safety work with the machines and equipment for the people working with them and putting written instructions in a visible place by each machine;
- Providing free of charge protective food and drinks, additions to the basic salary depending on the category of workers after the working conditions, according to the measurements made by the Institute of Sanitation and Epidemiology - Stara Zagora, and the protocols approved by them and the prison governor;
- Giving additional food to the people working in places with bigger physical loading;
- Ensuring free of charge working clothes and protective gloves for all working places;
- During the high season for the production of bricks, with the switching over to a two-shift regime of work, the length of the working day is decreased to 7 h 30 min;
- The opportunities are explored to entrust the designing and find a way for the financing and building of a dust-cleaning installation in the brickworks.

## **Burgas Prison**

### **Paragraph 114. Repair in the Burgas Prison**

The refurbishment programme at the closed section of Burgas Prison was completed soon after the visit of CPT's delegation. Measures have also been taken for the fulfilment of the other recommendations for improvement of the living conditions of prisoners.

### **Paragraph 117. Providing with work and other activities.**

The problem of improvement of the activities offered to prisoners at Burgas Prison is a problem for the whole system under General Directorate "Central Prison Administration". It is being solved on a complex ground and is included in the general programme for implementation of CPT's recommendation.

### **Paragraph 123. Construction of a new facility at Burgas Prison**

The construction of a new facility at Burgas Prison for life sentenced and other categories of segregated prisoners is at the stage of design readiness. The recommendation that all metal plates covering the cell windows be removed has been implemented. With the building up of the new facility all the recommendations in **paragraph 124** will be complied with.

#### **Paragraph 126. Procedural safeguards for remand prisoners placed in segregation**

The social worker in charge of the persons segregated under Section 56 of the Regulations for the Execution of the Law on the Implementation of Penal Sanctions makes periodically an assessment of the changes having taken place in the behaviour of prisoners and in case they are positive, he makes a suggestion for repeal of segregation. The administration agrees to specify the criteria and procedure for imposition and revocation of the segregation under Section 56 of RELIPS.

Ordinance No 2 /99 contains three hypotheses for putting remand prisoners (accused and defendants) in segregation. In two of them, on points 2 and 3, segregation is imposed at the discretion of the competent authority (prosecutor, judge or prison governor) and prisoners are able to contest the measure. In the first case, the act of the prosecutor or the judge can be appealed in the regular order of procedure before the higher instance. In the second case, the procedure for sentenced prisoners is valid, as the order of the prison governor can be appealed before the Director General of General Directorate “Central Prison Administration”. Besides, a copy of the order is officially sent to the prosecutor exercising supervision for legality. In the third case, the segregation is applied on objective grounds (with the punishment is life imprisonment but the sentence has still not been enforced). This kind of segregation is connected with a high behavioural risk of the person concerned and with the need to exercise permanent supervision on his behaviour with a view to not permitting suicides. Essentially this is not absolute segregation, for prisoners are able to communicate with each other within the bounds of the prison units designated for them. Segregation does not affect visits, correspondence, receiving of food parcels, the right to watch TV and video programmes and to listen to the radio.

#### **4. Health-care services**

##### **Paragraphs 127-128. Health-care staff**

According to the new amendments in the legislation, the health-care services under the Ministry of Justice remain to be state ones and are on budgetary support. Until the present moment there is no change in the subordination of the health-care services at the prison establishments. The Minister of Justice exercises the general guidance and control, and the Minister of Health renders methodological aid to the health-care units and takes care that the health standards valid for the country are applied to prisoners as well.

In the recruitment of health-care staff for prisons besides the specific requirements for the job, the Ministry of Justice has also posed some medical criteria for their selection. The main principle is the having of speciality and the practical length of service of the applicants. The control on the quality and effectiveness in the work of the health-care staff is the responsibility of Division “Medical Services at Prisons and Investigation Detention Facilities”. In their work the health-care staff have full autonomy and independence from the penitentiary administration when making decisions regarding the treatment of prisoners.

### **Paragraph 132. Appointment of nurses at the prisons**

The issue of the appointment of nurses at Burgas and Stara Zagora prisons concerns the other units of General Directorate "Central Prison Administration" as well. The Ministry of Justice has a positive attitude (at the two prisons nurses have already been appointed) and according to the opportunities in the pay roll the issue is also to be considered for the other units. Regarding the note in the report about the position of the prisoner employed as an orderly, it is an isolated case. On the ground of a finding in CPT's report of 1995 it was explicitly forbidden to orderlies employed from among the prisoners, to collect and distribute medicines.

### **Paragraph 134. Quality of medical services**

In the course of the independent check of the treatment of prisoners at Burgas Prison the commission was warned and heard complaints about the bad quality of the medical services provided to prisoners. On the ground of its findings the attention of the health-care staff was drawn and instructions were given towards improvements. At present the positive general changes at Burgas Prison also include the quality of treatment and medical aid.

### **Paragraph 135-141. Medical screening on admission**

Once again, it was brought to the notice of all units of the General Directorate "Central Prison Administration" to strictly observe the 24-hour term for the medical examination of the newly admitted prisoners together with the making up of the corresponding medical documentation. The recommendations in **paragraphs 138-141** of the report have been brought to the knowledge of all medical units with the requirement for their strict implementation. They have been set as a fundamental issue in the departmental checks to be made.

### **Paragraphs 142-143. Tuberculosis**

The great increase in the incidence of tuberculosis in the Republic of Bulgaria during the last years has its impact also in the prison system. Data of 1997 showed a sharp increase in the number of prisoners suffering from tuberculosis: 362 sick persons per 10 000 prisoners.

This fact imposed an extreme mobilisation of the efforts of all health-care services in the prison system. The main purpose of the short-term programme was to prevent infection in the prisons and limitation of the tuberculosis epidemic.

The following measures have been taken:

1. Yearly fluorography examinations continue to be carried out for all prisoners and prison staff in all prisons.
2. Maximum early diagnosis of tuberculosis in the prisons and immediate treatment with adequate chemotherapy in the specialised hospital of Lovech Prison have been ensured.

3. The capacity of the specialised pneumo-phtysiatic ward in the specialised hospital of Lovech Prison has been extended (since July 1997) and the quality of the work in it improved. The number of beds has been increased from 46 to 75 after reorganisation of the structural units within the section.
4. Financing has been ensured for accelerated completion of the polyclinic block with new radiological equipment in the specialised hospital of Lovech Prison that made it possible to increase, since April 1999, the number of beds to 120. This helped to prevent multiplication of the infection by removing, at the specialised unit, the bacilli of all newly identified sick persons in the prisons.
5. The practice of carrying out the second phase of the chemotherapy under control at the existing prison health-care services (strategy DOTS recommended by the World Health Organisation) under the methodological guidance and observation of the specialised pneumo-phtysiatic unit has successfully started applying and strengthened.
6. Since April 1999 three new staff positions for medical experts have been provided in the specialised pneumo-phtysiatic unit in the hospital of Lovech Prison.
7. In October 1999 in accordance with the "National Programme for Prevention, Diagnostics and Treatment of Tuberculosis in the Republic of Bulgaria" for the period 2000-2003 and with the cooperation of the Republican consultant on infectious diseases Prof. M. Miltchev an updated "Programme to Combat Tuberculosis in the Prisons of the Republic of Bulgaria."(applicable also at present) was elaborated.
8. In September 2000 funds amounting to 180 thousands Levs have been provided and construction and assembly works are underway to complete the 1<sup>st</sup> block at the hospital of Lovech Prison. All these steps resulted. in a decrease of tuberculosis rate -from 345 sick persons per 10 000 prisoners in 1998 to 209 sick persons per 10 000 prisoners in 1999, i.e. a 40% reduction. In its future work the prisons health-care services should be more active in the following directions:
  - To ensure conditions after the start-up in 2001 of the new block in the hospital for active treatment in Lovech Prison, for all-round treatment of the persons suffering from tuberculosis in the prisons and to improve the conditions for safety of the medical experts working there.
  - To ensure in all prisons conducting out of direct bacterioscopia covering all new by admitted prisoners.
  - Use of the mantoux skin tests using tuberculin units at the health-care services of all prisons and organising chemoprophylactic courses of treatment for those who need it.
  - Ensuring funds required for food in all prisons so that the prisoners under treatment during the second phase of the disease could receive daily ration covering the energy needs of the persons suffering from tuberculosis.

- Extension of the training of the prison health-care services staff on problems of the tuberculosis, particularly on the problem of "resistance against medicines".
- Improvement of interaction among the prison's health-care medical staff and the experts who are directly involved in the epidemiological control over tuberculosis disease in the country.

**Paragraphs 144-145. Prisoners suffering from tuberculosis at Burgas Prison and their medical treatment**

After the visit of the delegation to Burgas Prison a review was made of the state of the unit where prisoners suffering from tuberculosis have been accommodated. On the basis of the recommendations made in the report concrete measures have been taken for improvement of the sanitary conditions in the dormitories and of the living conditions of prisoners.

In keeping with the working programme for combating tuberculosis in the prison system with the supporting therapy provided in the prison hospitals, the requirement for the distribution and taking of anti-tuberculosis medicines takes place under the permanent supervision and control by a medical person.

**5. Other issues**

**Letter "a" – Prison staff**

**Paragraphs 147-148.** On the issues in these paragraphs of the report we give detailed replies in **paragraph 213**.

**Letter "b" – Contact with the outside world**

**Paragraphs 149-151. Visiting arrangements and use of telephones by the prisoners**

The recommendations in these paragraphs of the report are at the focus of attention of the penitentiary administration. Their solution is only possible in a legislative way. We have the honour to inform you that in the legislative programme of the Ministry of Justice the elaboration of a new Law on the Implementation of Penal Sanctions has been drawn as a priority. It has been envisaged that the European Prison Rules underlie its elaboration as fundamental principles for the treatment of prisoners. The right to visits is also to receive a new regulation, as a differentiation will be introduced depending on the category and behaviour of the sentenced persons (alleviated or more restricted conditions). With a view to mitigating the isolation from the outside world, at the closed prisons the opportunity will be provided for the use of telephone, which has already been experimented at some prisons - Pazardjik, Plovdiv and others.

## **Letter “c”- Discipline**

### **Paragraphs 152-155. Imposition of sanctions and disciplinary cells**

As already pointed above particularly for Stara Zagora and Burgas prisons, visited by the CPT’s delegation, in organisational aspect programmes have been worked out and are being realized for elimination of the failings and implementation of the recommendations in the report.

## **Letter “d” – Complaints and inspection procedures**

### **Paragraphs 156-159. System for lodging complaints and way of inspection**

The new arrangements for the sending of complaints by prisoners, introduced by the Ministry of Justice, created the guarantees that the complaints sent will reach their destination. The opening of the boxes is not done by the prison’s management but by an officer specially appointed by the Deputy Minister of Justice, which officer has the corresponding rights and responsibilities for the function assigned to him.

At the Deputy Minister’s Office operates a special unit for work with the complaints, as a check is appointed on each of them, an attitude is taken and correspondingly a response given. At present the boxes have been put in places accessible to all prisoners. At the other prisons there are no problems similar to the ones pointed in the report. We accept the recommendation and a revision will be made with a view to achieving confidentiality of complaints.

The forms of inspection used by the Ministry are thematic and comprehensive checks as well as checks on concrete complaints by prisoners and violations by staff. The thematic checks are carried out along the separate directions of activities: regime, social activities with prisoners, prison work etc. The comprehensive check covers the entire activity of the prison and is performed by a commission of experts from all lines of work. Main principles of the checks are their “visibility” and “publicity” of the results of them. They are not limited within the concrete subject of the check only. Besides the visits among prisoners (dormitories, working places, rooms for common use etc.), reception hours are also appointed in the course of the check, which are announced beforehand to all prisoners. This approach is fundamental for collecting information, data and evidence, on the ground of which the inspecting persons realise their control functions. The results of the check that are indicative of certain general tendencies are announced in the whole system of General Directorate “Central Prison Administration” with the corresponding instructions, recommendations and prescriptions.

### **Paragraph 213. Fundamental importance of well-qualified prison staff**

The training of the prison personnel is one of the main prerequisites for the humanising of the treatment of the imprisoned persons and the performing of its compliance to the European standards. Three types of training of personnel are carried out at the penitentiary institutions – initial preparation, complementary qualification without absence from work and complementary qualification with absence from work.

## **I. Initial preparation of the prison personnel**

In compliance with the requirements of art.63 of the European Prison Rules, all newly appointed employees pass through courses of initial preparation in prison affairs.

1. Courses for obtaining of qualification as “Warder in the imprisonment institutions”. Duration – 90 days (45 of them consist in service at the unit, where the employee will work). The course finishes with a theoretical and practical examination and the issuing of a certificate. 200 people have been trained annually (1997 - 281; 1998 – 183; 1999 – 129) or 593 for the last three years.
2. Courses for obtaining qualification as “Employee in punishment implementation” - officers, social workers, psychologists, high-ranking medical staff, etc. Duration – 3 months (half of that time consists in practical service at the unit, where the employee will work). The course finishes with a theoretical and practical examination and the issuing of a certificate. 121 people have passed annually these courses of initial preparation (1997 - 28; 1998 – 47; 1999 – 46) or 593 for the last three years.

The training is carried out in accordance with approved study plans elaborated by the Penitentiary centre for scientific research and study activity. They include preparation in general law, execution of penalties law, regimen and security activity, applied martial training, penitentiary pedagogy and penitentiary psychology. In the study programmes have been provided classes for acquaintance with international legal acts related to the treatment of detained persons: the European convention of human rights, the European convention for the prevention of torture, inhuman or degrading treatment or punishment, the European Prison Rules, the UN Minimal standards for the treatment of detained persons, international standards of medical service.

The programme of penitentiary pedagogy includes topics and practical training in international standards of professional ethics, ethics of professional communication, and in the study program in penitentiary psychology is included the subject “Contacts with the imprisoned persons”.

The study programmes in the different subjects include lectures, seminars and practical training activities.

The courses are carried out at the Training centre of the General Directorate of “General Administration of Penitentiary Institutions” in the city of Pleven. The activities are led by three full-time lecturers at the Training centre, employees of the Penitentiary centre for scientific research and study activity (closed since 01.12.1999) at the General Directorate of “General Administration of Penitentiary Institutions” and practical employees. Three of the lecturers with permanent commitment to the training in the initial preparation are bestowed with the scientific and educational degree of doctor, and three are senior lecturers.

In relation to the transfer of the investigation detention institutions to the General Directorate of “General Administration of Penitentiary Institutions” and in accordance with the recommendations of the CPT their personnel has undergone an expert examination of the personal files (360 people) and a psychological re-testing (98).

A programme was developed for the intensive re-training of the sergeant staff. The study plan includes activities related to the general and specialised legal subjects, regimen-security activity, international standards for the treatment of preliminarily detained persons, penitentiary psychology and martial-application techniques. The course finishes with an examination and the issuing of a certificate. The training is carried out at the Training centre of the General Administration of Penitentiary Institutions in the city of Pleven.

The Centre's material and technical basis as a level is commensurate to the level of conditions in the country. The study centre has conditions for accommodating 40 people, possesses three study halls and an open sports ground. By means of funds provided by projects with non-governmental organisations have been purchased (or donated) a computer, a printer, a copy machine and an audio set. The basis definitely needs repair and elaboration – the equipment of simulative cabinets, the renewal and enrichment of the technical means of teaching, an indoor sports gymnasium, etc.

## **II. Complementary qualification courses**

1. The courses for the increasing of qualification without absence from work are attended by the employees of the superintending-security activities and of direction "Social activities with the imprisoned persons". Each year study plans are defined, which are approved by the "General Administration of Penitentiary Institutions". They include topics in actual problems of treatment and in relation with changes in legislation. The activities are lead by managing employees who are assigned the practical training of personnel.

2. Complementary qualification courses with absence from work. The organisation and content of the permanent training of personnel until the end of 1999 was the main activity direction of the section "Scientific-methodological and applied activity" at the Penitentiary centre for scientific research and study activity. Depending on the specific topics it is carried out with employees from a different activity direction – regimen-security, educative, medical service, production-economic, etc. In this case the objectives are related to the updating and renewing of knowledge, the enrichment of practical skills in one's professional domain.

Complementary education is organised on subjects whose purpose is to provide a unified approach of the penitentiary personnel upon treating the imprisoned persons, aiming at its humanising and its performing in accordance with the European standards.

More considerable courses for additional qualification throughout the last three years:

- Courses on "Labour integration of persons with criminal records" (1997), "Skills for maintaining the "Work" club" (1999), as well as the web visits in Great Britain "Social integration of the persons with criminal records" (1997) and "Social integration of under-aged and juvenile offenders" are organised as a joint project with the National service of employment and the British "KNOW-HOW" fund. Apart from the prisons employees, the courses are attended by officers of the employment services. The training is performed with the participation of lecturers from Great Britain.

- A course on “European penal philosophy” (1998) includes as well representatives of the prosecution, the courts of law, municipal surveillance committees and is funded by the “Hans Zeidel” Foundation. The training is lead by university lecturers and specialists the General Administration of Penitentiary Institutions and the prosecution.
- Training seminars “The female prison of the 21<sup>st</sup> century” (1998) and “International standards for the treatment of imprisoned persons with non-Bulgarian ethnic self-consciousness” (1999) are carried out with the participation of Bulgarian and international non-governmental organisations (PRI) and a lecturer from the South-Eastern University of the State of Missouri specialised in the preparation of probation and penitentiary employees.
- The courses of “International standards of treatment of the imprisoned persons” (1999) follow a project of the Penitentiary centre for scientific research and study activity at the General Administration of Penitentiary Institutions and the Association for re-socialisation of imprisoned persons, funded by the “Open Society” foundation. The course includes subjects on the European Convention of human rights, the European Convention for the prevention of against torture, inhuman or degrading treatment or punishment, the European Prison Rules, the International standards for professional ethics, the International legal acts – regulator of the individual professional conduct /training/. University lecturers participate in the training. Lecturer for the course carried out with the prison governors was Yves Van der Berg, representative of the Central Prison Administration of Belgium and member of a working group for the creation of a new law for punishment implementation.

With the financial support of the “KNOW-HOW” fund of Great Britain a study centre for permanent training of prison personnel was set up in the building of the General Directorate of “General Administration of Penitentiary Institutions”. The centre possesses modern multimedia presentation technique with technical capabilities for scientific-methodological information servicing and a bibliographer’s activity in the field of prison affairs, Internet services and distribution of methodological materials.

### **III. Future intentions and ideas**

1. Organisation and preparation of a study documentation (plans, programs, etc.) for initial preparation of the employees at the investigation detention institutions. In accordance with the requirements of the international standards for the treatment of preliminarily detained persons, such a training is needed by the entire personnel of the investigation detention institutions. This raises the question for the increasing of the full-time staff of the lecturers, included in the initial preparation of personnel.

2. The permanent training of the penitentiary personnel needs special attention. There are needed both the development of programmes for specialised education, in dependence from the qualification and activity direction (regimen-security, economic, educative, medical services, etc.) and specialised courses, whose attending should be compulsory upon the changing of ranks in the service hierarchy (course for unit commanders, course for chief warders, for head of group, for deputy governor of prison). Every managing position requires specific knowledge and skills, which should not be underestimated or there cannot be counted on self-preparation only.

3. The commitments in the training of personnel at the General Directorate of “General Administration of Penitentiary Institutions” have been assigned to employees from the direction “Educational activity at the penitentiary institutions” which enables the preservation of everything achieved up to the present moment. This requires the optimisation of the work with the training and methodological elaboration of the problems of treatment of the convicts.

4. Experts of the “Open Society” foundation (Mr. Barkley) assessed as being very effective the implemented project “International legal standards for the treatment of detained persons” and recommended the Foundation to support the continuation of the project.

We expect funding for courses for the training of the sergeant staff in the penitentiary institutions for the current year.

## **D. PSYCHIATRIC ESTABLISHMENTS**

### **1. Lovech Neuropsychiatric Hospital**

#### **General features:**

The male judiciary section is part of the structure of the SPH-Lovech with the capacity of 48 beds. As of 28.04.2000 it contains 33 patients from the whole country, who undergo mandatory treatment in accordance with the requirements of art.89, item “B” of the Penal Code (PC).

#### **Clinical profile:**

1. Continuous stationery anti-psychotic treatment and rehabilitation of patients in state of insanity due to a psychological disease have committed crime against the personality or its property (art.89, item “B” of the Penal Code).
2. Judiciary-psychiatric reassessment of the state of these patients on every six months (re-certification) until the falling off of the conditions pursuant to art.89, letter “C” of the Penalty code. After the falling off of the provisions of art.89, item “C” of the Penal Code, through definition of the court, the patients pass towards treatment after art.89, item “B” of the Penal Code and are directed towards the psychiatric services of residency for the completion of medical treatment and psychosocial rehabilitation.
3. At the section there is a detention room for surveillance and judiciary-psychiatric expertise of persons, detained after art.91, paragraph 2 of the Penal Code.

### **Access to the services of the section:**

The section is kept at a **closed doors regime** and under police security.

The admission to the section is performed by a team (a treating doctor or head of section, a hospital attendant, a medical auxiliary and a policeman) in view of:

- The compliance between the definition of the court or the appointing of a judiciary-psychiatric expertise from the investigation service and the clinical profile of the section;
- The availability of a vacant capacity at the section;
- The necessity of security measures.

The procedure of preparation and implementation of the admission has been elaborated and written into the operative regulations of the section. The improvement of the access to the services is a constant task of the section and is implemented by means of:

- interaction with the general case sources (court of law, police, prosecution, investigation)

### **Assessment of the case:**

It is being performed by the treating doctor and the head of the section; in the cases of expert activity is formed a team of three experts (director, head of section and treating doctor). The assessment defines:

- a psychiatric disturbance (after MKB-10)
- mental disorders and social skills
- psychological problems (personal and conflict diagnostics, performed by the clinic psychologist)
- corporal health
- incomes
- current living conditions (primary group, home)
- labour, educational and civil participation
- necessity of presentation before the SPTTELK for the assessment of the permanent disability.

### **Assessment of the course of the case:**

It is performed periodically as a comparison between the envisaged and real development of psychosis. It gives reason for the updating and eventual re-formulating of the medical treatment plan for re-certification on every 6 months until the falling off of the conditions after art. 89, item "C" of the Penal Code.

### **Assessment of emergency situations:**

Its purpose is to intervene in cases of acute affection, catatonic stupor, auto- or hetero-aggression, or urgent somatic state. An algorithm of this assessment and the interventions, evolving from it is being elaborated and updated by the section and is available at any time in writing. Every calendar year the average medical staff is trained after preliminarily planned thematic seminars by the senior nurse and the treating doctor under the supervision of the head of section. The training purposes are: obtaining of communicative skills with psychotic patients and adequate approaches for dealing with the hetero- and auto-aggression behaviour of psychotic patients. The hospital attendants and the medical auxiliaries receive clear instructions, that the physical and psychical maltreatment are regarded as unacceptable and are subject to strict sanctions (including as well disciplinary punishments after the Labour Code). They are trained to cope with aggressive patients with or with a minimally dosed force. The newly appointed hospital attendants, nurses and medical auxiliaries are carefully selected by means of an interview carried out by the head of section and the senior nurse, and in the course of their work they are constantly motivated within the team to exercise in a humane way their authority towards the patients.

Initially upon admission (and after that periodically) every patient is acquainted with the right of deposing of a claim to the head of section or the director of the hospital for maltreating on behalf of any staff member or any other patient. A procedure is provided for the reviewing of the claim by a commission appointed by the director, and the eventual ordering of urgent measures for the overcoming of the conflict and the imposing of sanctions to the eventually guilty persons.

### **Therapeutical interventions:**

The interventions of the section are organised in programmes. For the implementation of the programmes in the section are elaborated protocols for the quality of work and the applied medical techniques. The maintenance of the good clinical practice and the quality of the expert activity is implemented by means of periodic discussion of the protocols of the main doctor's round, medical consultations, upon professional communication with teams from the Centre of deontology and judiciary psychiatry in Sofia.

### **The main programmes in the male judiciary section are:**

- Programme for the anti-psychotic medication treatment of acute, sub-acute and often recurring schizophrenic episodes
- Programme for prophylaxis and rehabilitation of chronic schizophrenic courses /schizophrenic patients with psycho-social deficiencies/
- Hard therapeutic and culture therapeutic programme
- Programme for the prevention of socially dangerous actions against society.

### **Structuring of the medical cares and the patients' time schedule (daily regimen):**

The patients from the male judiciary section are provided with constant round-the-clock cares. The caring personnel works on a three-shift schedule. The hours of changing the personnel are respectively 7 – 13 – 19 – 7 h. The intensive doctors' and nurses' cares are from 7 to 13 h. From 13 to 19 h and from 19 to 7h is provided a doctor on night duty, who takes care of the patients in the entire hospital. There are constant round-the-clock nurses' cares. The hospital attendants have a one-hour-back working time – respectively 6 – 12 – 18 – 6 h, in order to assist adequately in the feeding and toilet of the patients. The patients from the male judiciary section may (upon their desire and at their expense) to dispose of personal clothes and bed sheets, as well as to receive additional food, cigarettes, toilet articles, etc.

The time schedule of the hospitalised patients is structured in accordance with the way, widely adopted for the psychiatric hospitals within the country. The hours for feeding and taking of medicines are 7 – 12 – 19 h. The sleeping time is 22 - 06 h. From 8:30 to 12 h are performed intensive diagnostic and medical treatment and prophylaxis procedures. They include (in consecutive order): daily doctor's rounds, prescribing of medication, manipulations, presentation and discussion of cases, consulting and treatment in relation with adjoining corporal illnesses, individual psychotherapeutic interventions, group psychotherapeutic and ergotherapeutic activities (at least two walks daily in the park of the hospital), sports activities in the sports hall under the directions of a rehabilitator, offering of literature available in the library, daily presenting of television broadcastings and music, etc.) The patients (according to their state) are constantly available for contact with their relatives and the public (access to a telephone, providing of personal correspondence, parcels from relatives, encounters with acquaintances, etc.) One day a week is designated for family psychotherapeutic interventions. Patients are offered as well participation in the hygiene-domestic maintenance of the hospital. Since 1996 the labour-medical unit does not function and persons under medical treatment are not offered activities related to labour therapy.

In regard with the hygiene requirements in the premises of the section there is still a lot to be done, but the implementation of the current situation is the maximally attainable in view of the limited cash resources.

## **2. HOME FOR ADULTS WITH MENTAL DISORDERS – TERTER**

The Ministry of Labour and Social Policy expresses its disagreement with the qualifying of the Home for adults with mental disorders as a psychiatry institution and with the defining of the people lodged there as "patients". This home was an institution for social services, which functioned in accordance with art.16 of the Law for social relief and pursuant to the terms and order for the providing of social services in Ordinance No 4 of the Ministry of Labour and Social Policy as of 16.03.1999.

#### **Paragraph 184. Registering of every instance of physical restraint of a resident**

The experts from the social assistance system who visited the establishment on 26 July 1999 found out from the available medical documentation for the preceding months that the cases of temporary isolation and fixing of the residents are exceptions. The introduction of a special book where every incident and aggression of a resident toward another resident or toward the staff of the establishment should be registered regardless of the fact that such cases are entered also in the everyday reports at the time of shifts changing. This will make more objective the reasons for taking restrictive measures in every particular case. Instructions were given to the staff that in case of psychomotor excitement and the psychosymptomatics of a resident not been taken fast under control, he/she should be immediately sent to the Psychiatric Hospital in the town of Biala for specialised medical intervention. Evaluation of the physical state of all residents has been made and at present consultations with experts are going.

The diseases of the residents are chronic and necessitate permanent medical therapy. During different periods of time aggravation with psycho-symptomatics are registered, accompanied sometimes by psychomotor excitation and self- or hyper aggressive actions. Time is required to overcome the symptomatics. Because of these reasons and in view of preventing serious self- and hyper aggressions sometimes it becomes necessary that the residents stay temporary in isolation or fixed. That is why the so-called "cages" that impressed the delegation were built. In fulfilment of the CPT's recommendation the "metal cage" in Block 3 mentioned in the Statement has been removed.

#### **Paragraph 185. Legal framework applied to the residents, right of judicial proceedings in case of objection for his/her placement in the Home**

Under the effective Law on Social Aid the social care establishments in the Republic of Bulgaria are state, municipal, private and with joint participation. The admission in such establishments is made only and solely on the grounds of a request of the person in need lodged personally to the municipal social aid service in the area of residence. Conclusion by the health care bodies about the mental and general state of health of the person concerned as well as a copy of the decision of the Court for his/her placement under complete or limited judicial disability /if any/ are enclosed to the request.

The final decision for admission to the municipal social care establishments (most of these establishments in Bulgaria are with the municipalities) is taken by the head of the municipal social aid service. Taking such decision however is a purely administrative act issued on the basis of the documentation made available.

In case where a person that needs to be admitted to a social care establishment is placed under complete or limited judicial disability, the request is lodged by his/her legitimate representative - a guardian, a trustee or a parent.

Bulgarian legislation does not allow for admission to a social care establishment without the consent of the persons or their legitimate representatives and guarantees their right to legal defence if their personal rights are in some way violated or restricted. In a possible trial the interests of such persons are defended by their legitimate representatives.

### **Paragraph 186. Guarantees during placement and stay in the Home**

The fundamental law of the State guarantees the right of all nationals to defend themselves if their rights or legitimate interests are violated or threatened. In state establishments such persons may have their own legal counsel (art. 56 of the Constitution of the Republic of Bulgaria).

There are no legal obstacles for the persons placed in social care establishments to lay official complaints to different instances as well as to establish personal contacts with institutions of their own choice. They may do so also through their legitimate representatives.

Regional services to the National Service for Social Aid have been established to carry out methodological guidance and control over the activities of the municipal services for social aid within the structure of which are the social care establishments.

The heads of such regional services for social aid, when implementing their main functions specified in the Law on Social Aid (art. 8 of the law), maintain permanent direct contacts with the directors of the social care establishments, visits them on a regular basis and enter into direct contacts with the residents of the establishment. They have the possibility to talk privately with them, to accept their written and oral complaints, etc.

Each social care establishment has its own internal rules and a member of the administration staff makes compulsorily the residents familiar with them. As for the homes for persons with mental deviations, the rules are brought also to the knowledge of their legitimate representatives. We agree with the CPT' s recommendation to issue an introductory brochure setting out the establishment's routine and the residents' rights.

### **Paragraph 187. Examination of the residents by a medical commission**

The Home in the village of Terter, Municipality of Kubrat was intended for persons with mental deviations. The residents are placed under judicial disability and they have their legitimate representatives. All of them have also a document issued by the Territorial Medical Experts Commissions, in which was specified the percentage of their working capacity, the date of declaring of their disability, the period of their disability, the causal nexus and the labour readjustment.

The period of disability is from one to three years depending on the nature of the harm, the dynamics of its development and the chances for restoration of the working capacity of each person. After expiration of this period they are presented to the medical bodies for re- examination. Where from the examination it becomes clear that there is no chance for the person's working capacity to be restored completely or partially, lifetime disability is declared. In each social care establishment the every day medical service is ensured by a doctor chosen under the procedure specified in the Law on Health Insurance.

The following alteration of the personnel has been performed in the home: total number – 55 people, including one doctor's position, half of it was held by a doctor-internist and the other half – by a doctor-psychiatrist. By means of competition has been appointed a new director of the home, university graduate with Master's degree in social pedagogy and with Minor in psychology. The medical staff included a senior nurse, six medical auxiliaries (nurses) and 25 hospital attendants; the administration, the specialised and service personnel- 20 people. The number of personnel has been complied with the normative acts, in force within the system of social relief.

The Director of the establishment has been instructed to prepare new job descriptions of the staff in compliance with the requirements of Order No 5/16.02.1999 of the Deputy Minister of Labour and Social Policy for adoption of legislative acts concerning the servicing and the number of the personnel within the system of social assistance, qualification requirements for holding posts within the system of social assistance and model job descriptions.

With the appointment of a doctor-internist and a doctor-psychiatrist medical service and the leading of the medical documentation has considerably improved. An obligatory medical examination was performed on every newly lodged person. Upon the doctor's assessment consulting is performed with other specialists from the Regional hospital in Kubrat. A depot-neuroleptic therapy has been introduced, which is a substituting therapy with carbamazepin of the lodged persons with abstinence. Labour therapy was also adopted as a method of medication, as one forth of the lodged persons work in the auxiliary economic unit. The doctors keep as well the records for the noting of the isolated lodged persons.

To improve the servicing of the residents a doctor psychiatrist was appointed as of 1 August 1999. Both the specialist in internal diseases and the psychiatrist had to identify the residents who need additional consultations with other specialists in connection with health problems. The municipality service for social assistance in the town of Kubrat under the direct authority of which is the Social Welfare Home for Male Residents - Terter has undertaken the necessary measures to provide additional average level medical staff.

After the signals for maltreatment of the lodged people on behalf of the staff, explanation in writing have been taken by all the hospital attendants. In their job position characteristics the demonstration of humane attitude towards the patients has been explicitly written as an obligation. They are envisaged to pass through a course of training, which will be performed by a doctor-psychiatrist for the specific way of treatment of excitable sick persons. After the closing of the cells for isolation of the sick persons with psychomotor excitement, a room has been equipped for their temporary lodging until their stationing at the Psychiatric hospital in the town of Byala and intensive therapy, and upon necessity, after the explicit permission of the doctor, the lodged person may be fixed by means of belts.

During the visit of the experts to the establishment in July no cases of violence or sexual abuse of the residents were established. Up to that moment no written complain for ill-treatment by the staff of the Home at Terter has been lodged with the Ministry of Labour and Social Policy – National Service for Social Relief. Taking into consideration their mental health, not all their allegations in this respect should be accepted without reserve.

The conditions of life and the work with the residents have been altered. By means of order of the Ministry of Labour and Social Policy the capacity of the home has been reduced from 170 to 100 lodged people, with the purpose of closing the third block. 18 people from the third block have been directed towards other institutions, corresponding to their diseases, and 12 people have been transferred towards the other two blocks, in co-ordination with the doctor-psychiatrist. The possibility for putting decoration in the rooms is under discussion, because it can be used for auto-aggressive and hetero-aggressive actions. The living room has been painted and additionally equipped with a tennis table. For the diversification of the everyday life of the lodged people has been provided the dining-room as well as a “reading room”.

Since the beginning of the year 2000, a social worker with the corresponding higher education has been appointed, who elaborates plans for art therapy, music therapy, labour therapy and organizes their implementation.

Both bathrooms function normally, they can be used simultaneously and every person, lodged in the home can bathe with hot water more than once a week. The lodged persons, who need help are bathed once a week by hospital attendants.

A sufficient number of kitchen utensils and chairs have been provided. During feeding, (from 30 to 50 minutes), medical staff members were present obligatory. The provision of the nourishment of the residents has been improved, in the everyday menu there is meat meal every second day. The auxiliary economic unit provides sufficient milk, eggs, cheese, meat, vegetables and fruits.

The clothing of the lodged persons was purchased by means of their personal funds or donations were used. Unfortunately, very often, only hours after the distribution of new clothes, the sick persons torn them and rendered them useless for usage. The recommendations under **paragraph 177** of the report have been performed, as every lodged person was provided with a bed, a complete set of bed sheets, personal hygiene articles, shoes, clothing and underwear, appropriate for the season.

The state of the building fund of the home was not good and it needed fundamental repair. The Ministry of Labour and Social Policy has allocated 15 000 BGN in the budget for the year 2000 for the fundamental repair of the roof structures of the buildings. Unsuccessful have turned as well the attempts for financial support on behalf of non-governmental organizations, sponsors and by means of participation in regional and national projects. Consequently, it was considered that by financial reasons it was not possible to make repair of the Home.

The municipality of Kubrat did not succeed in assuring 70 000 Levs that were needed and as a result with Order No 54/05.12.2000 of the head of the National Service for Social Assistance, on the grounds of art. 6, paragraph 1, point 4 of the Law on Social Relief and in connection with Order No 71/17.02.2000 of the Mayor of the municipality of Kubrat, the Home for adults with mental deviations in the village of Terter, municipality of Kubrat was closed as of 15.12.2000. The persons placed at that Home were transferred to the Home for adults with mental deviation in the village of Pravda, the municipality of Dulovo where there are better living and hygienic conditions.

Regardless of the fact that the Home does not exist any more, it should be noted that the visit of the CPT's representatives and the remarks and recommendations made by them, played a positive role and contributed to the improvement of the conditions and services for the residents in the period preceding its closure. They shall be taken into consideration by the Ministry of Labour and Social Policy in its future work with such establishments for social services.

## CONCLUSION

The efforts of the Government of the Republic of Bulgaria are directed to the elimination of the objective prerequisites that allow for ill-treatment or torture. The necessary legislative and other measures in compliance with the CPT's recommendation have been undertaken.

Among the priority tasks of the Bulgarian party as a candidate for membership in the European Union is the harmonisation of the internal legislation with the law of the member-States. All new laws and secondary legislation, the amendments of the existing normative acts, as well as the drafts that were elaborated and presented for adoption are directed to the observance of the human rights and are in compliance with the requirements of the European Convention for the Protection of Human Rights, including those of art. 3: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." In this way has been created a legal guarantee for prevention of such breaches.

At the same time the efforts of the competent authorities are directed to secure sufficient and highly qualified staff for the police establishments, the homes for temporary placement, the psychiatric establishments, the investigation detention facilities and the prisons. These officers are required to have responsible, humane and lawful relation to the detainees (residents) and in case of breaches they are held responsible. Control over their activity is exercised by the relevant ministries and the Prosecutor's office, as well as by NGO's.

We take into account also the importance of the material conditions in these establishments and regardless of the objective difficulties and the limited budget, we take all necessary measures to improve them.