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

from 17 to 26 April 2002

The Bulgarian Government has requested the publication of the CPT's report on the visit to Bulgaria from 17 to 26 April 2002 (see CPT/Inf (2004) 21) and of its response. The response of the Bulgarian Government is set out in this document.

Strasbourg, 24 June 2004

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I. INTRODUCTION

The Government herewith submits its observations on the recommendations, comments and requests for information embodied in the report of the Committee on its visit from 17 to 26, April 2002.

From 17 to 26, April 2002 a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Republic of Bulgaria. The visit was part of the Committee's programme of periodical visits for the year 2002. It was the third periodical visit by the CPT to Bulgaria.

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

The Committee's report was adopted on 8 November 2002 and forwarded to the Republic of Bulgaria on 6 December 2002.

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

II. RESPONSE OF THE BULGARIAN GOVERNMENT TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) ON ITS VISIT TO BULGARIA FROM 17 TO 26 APRIL 2002

A. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF INTERNAL AFFAIRS

In implementation of the requirements of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the decisions of the European Court of Human Rights, the improvement of the practice related to observance of human rights in the police work is a part of the overall concept of the reform of the police structures in Bulgaria. With a view of the complete harmonization of the police praxis with European standards on human rights, as stipulated in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and other relevant international acts, the Ministry of the Interior of the Republic of Bulgaria and the police services, in particular, undertake measures, aimed at adopting positive and legally correct models of work of the police officers, related to the observance of human rights.

With regard to Paragraph 11

Clarification concerning the maximum duration of time for which persons may be detained before facing trial.

Remanding in custody, as a legal measure in the pre-trial procedure, is ordered by the relevant first-instance court upon the request of the prosecutor.

If the prosecutor does not comply with the proposal of the relevant investigating authority for making a request, the investigating authority itself may make the request before the court.

The appearance of the defendant before the court is secured immediately by the relevant authority responsible for the pre-trial procedure, which has made the request. If necessary, the relevant authority may issue an order for the detention of the defendant until facing the trial. The detention may not last longer than 72 hours if it has been ordered by the prosecutor, or 24 hours, if it has been ordered by the investigating authority.

Whenever the investigating authority issues an order for detention, it immediately informs the prosecutor thereof.

With regard to Paragraph 13

Clarification concerning the legal basis for exercising the practice of “fetched” persons for up to 3 hours before the issuance of a detention order and the rights of such persons for this period of time.

According to the Ministry of Interior Act, there is no such term or category as “fetched persons”. There are no norms or regulations stipulating the stay for up to 3 hours of persons within the structural units of the Ministry of the Interior without issuing a detention order for this period. Pursuant to the Ministry of Interior Act and the Regulation for its implementation, and also Decree No. 463 of 13.3.2002 of the Director of the National Police Service, the detention order is issued from the moment of the actual capture of the person; his or her rights, including the right of access to a lawyer, medical services and the right to inform his/her relatives or a third party about the detention, are in force from the moment of the detention.

With regard to Paragraph 20

Measures taken by the management of the Metropolitan Directorate of the Interior in order to eliminate the weaknesses identified at District Police Station No. 3 :

On the basis of the recommendations made during the visit to District Police Station No. 3, the management of the Metropolitan Directorate of the Interior has undertaken the following organizational and managerial measures:

- Under Ordinance No. 6333 of 16.8.2002, issued by the Director of the Metropolitan Directorate of the Interior, disciplinary punishments were imposed to the Chief and the Deputy Chief of District Police Station No. 3;
- Under Ordinance No. 6439 of 23.8.2002, issued by the Deputy Director of the Metropolitan Directorate of the Interior, a check-up was undertaken of the existing organization of the work with detained persons and the documentation prepared in such cases at the District Police Stations in the territory of the Metropolitan Directorate of the Interior. All nine District Police Stations in the territory of the Metropolitan Directorate of the Interior were visited in the framework of the check-up;
- A documentation file was registered at Sofia District Military Prosecutor’s Office on 11.5.2002, related to the order issued by the Cassation Military Prosecutor’s Office in connection with the check-up of District Police Station No. 3, which is still not completed.

With regard to Paragraph 20

Results of the check-ups undertaken at the other Regional Directorates of the Interior and the subsequent measures, which were undertaken.

In implementation of the proposals adopted by the Minister of the Interior, targeted check-ups related to the above issues were undertaken at all the Regional Directorates of the Interior. The check-ups were undertaken locally at the Regional Directorates of the Interior, by inspectors from the Management Control Department with the Inspectorate Directorate of the Ministry of the Interior in September 2002. The scope of the check-up included the conditions in the premises for detention of persons under Article 53 of the Ministry of the Interior Act, under the provisions of Article 70, Paragraph 1 of the Ministry of the Interior Act, and also the implementation of Decree No. UM-463/2002 of the National Police Service with the Ministry of the Interior. The following conclusions were made:

- With some minor exceptions, the premises and the detention cells do not meet the necessary requirements for long-term (24-hour) stay of the detained persons. The design of the buildings of the District Police Stations does not make it possible to set up any separate premises, in order to meet the general requirements envisaged by the European Committee for the Prevention of Torture. In many of the District Police Stations, the cells and the detention premises are situated in places where there is no direct visibility and it is not possible for the policemen on duty to control the behavior of the detained persons;
- The shortages of buildings and space is the reason why in some of the District Police Stations there are no separate premises for detention of minors and juveniles; therefore, they have to be transported to places, which are far away. This is a serious problem, especially for the Regional Directorates, near which there are no Centers for temporary accommodation of minors and juveniles;
- In the implementation of item 7 of Decree No. UM-463/2002 regarding the organization of the strict implementation of Article 71 of the Ministry of Interior Act, and also Article 53, Paragraphs 1 and 2, and Article 54 of the Regulation on the Implementation of the Ministry of Interior Act, a number of gaps and weaknesses has been identified.

In letter No. 1033/3.10.2002 to the Director of the National Police Service, the report was sent to the attention of the Director in order to implement the recommendations of the report, and also to eliminate the identified weaknesses and cases of non-compliance with the existing norms and regulations.

In letter No. Ut –2075/29.10.2002, circulated to the Directors of Metropolitan Directorate of the Interior and the Regional Directorates of the Interior, connected with the targeted check-ups performed by the Inspectorate Directorate with the Ministry of the Interior, aimed at implementing the proposals adopted by the Deputy Minister of the Interior Mr. Boyko Kotzev, it was ordered that the management of the Metropolitan Directorate of the Interior and the Regional Directorates of the Interior must undertake organizational and managerial measures, in order to achieve the following:

- Elimination of the offences connected with the elaboration of the documentation on detained persons;
- Overcoming the weaknesses in the in-service training of the staff of the Regional Directorates of the Interior who implement Article 70, Paragraph 1 of the Ministry of the Interior Act;
- Organizing more efficient control of the work of the staff regarding the observance of the rights of detained persons;
- Strict observance of the requirements under Decree No. UT-463/13.2.2002, issued by the Directorate of the National Police Service, related to the content of items 2 and 3 of the Declaration – Annex 1 – on the health condition of the detained persons and the provision, if necessary, of medical examinations;
- Training of the staff on human rights issues in the framework of the annual in-service training curriculum.

With regard to Paragraph 23

Detailed information on the regulations and by-laws, stipulating the procedures of the internal accountability at the Ministry of the Interior:

The basic regulations, stipulating the way of handling proposals, signals, complaints and requests in the structure of the Ministry of the Interior, are the following:

- The Act on Proposals, Signals, Complaints and Request, promulgated in the State Gazette, issue 52/4.7.1980, amended and supplemented in issue 68/2.9.1988 and issue 55/7.7.2000;
- Instruction No. I-261/2.7.1983 on handling proposals, signals, complaints and requests in the system of the Ministry of the Interior;
- Instruction No. I-181/18.10.1999 for amending and supplementing Instruction No. I-261/1983, in which a proposal related to Article 15 regarding a sample register for the proposals, signals, complaints and requests, and also a list of the contents of the received proposals, signals, complaints and requests, was adopted.

For the purposes of the registration and accountability of the complaints and signals received from citizens regarding unlawful activities perpetrated by servants of the Ministry of the Interior, the Coordination, Information and Analysis Directorate of the Ministry of the Interior circulated letters No.I-909/8.2.1999 and I-1649/1.3.1999, which contain an order to complete a registration card upon receiving individual signals against servants of the Ministry of the Interior, whose names are specified; after the finalization of the check-up, a reporting card must be completed.

In cases of finalized check-ups following complaints or signals, when the perpetration of the offence by the respective police servant is proven (disciplinary offences), the complaint or signal is accepted as justified, and a copy of the report on the case is sent to the respective Regional Directorate of the Interior for undertaking disciplinary measures.

If during a check-up, enough data has been collected for initiating a preliminary investigation procedure against the police servant, subject to the check-up following a complaint against him, the materials are sent to the respective District Military Prosecutor's Office for taking a competent decision.

With regard to Paragraph 24

Statistical information about complaints, disciplinary measures and punishments of police servants in 2002:

Below is the statistical information about received signals, disciplinary measures and punishments of police servants, who have perpetrated unlawful actions against citizens in 2002:

146 cases of exerted police violence in 24 units of the Ministry of the Interior were received and registered in the above period.

The received signals were checked and the following facts were identified:

- In 24 of the cases the complaints filed against 3 officers and 27 sergeants were accepted as grounded;
- In 122 of the cases the signals were not confirmed.

Different punishments were imposed on 21 officials, 8 of them were dismissed in accordance with the disciplinary procedures.

The materials related to 12 of the grounded cases were submitted to the Military Prosecutor's Office being the competent body.

With regard to Paragraph 41

Clarification of the issue about the accommodation of persons, detained by the Border Police at the Regional Border Sector /RBS/ – Petrich, when the detention period is prolonged.

In the territory of the RBS-Petrich the places for temporary detention are separated in an isolated building, comprising four separate premises. Lavatories, washbasins, a bathroom and a canteen are provided and their conditions are improved. The sanitary and hygienic requirements are observed. There is a room especially equipped with fixed benches and places to put handcuffs on detained persons who are searched or have risk behaviour. The accommodation is divided according to sex and age. The detained persons are accommodated on the basis of a written order that is filed in a special register. Every person detained for 24 hours under the Ministry of Interior Act is registered in a Book of the Detained Persons.

Every foreigner with an imposed forcible administrative measure /under the Rules Implementing the Foreign Nationals Act/ goes to special premises and is registered in a separate book.

The detained persons are informed about their rights and they sign a declaration. They have the right of a legal counsel, medical service and the right to have their family members informed of the detention.

Interpreters are provided to foreigners with imposed forcible administrative measures by orders issued under Articles 41 and 42 of the Foreign Nationals Act (namely, the “forcible taking to the border” and “expulsion”) and their rights are explained to them. When obstacles arise with respect to the immediate implementation of the respective order, the foreigner is placed inside the special premises in accordance with Article 44, Paragraph 6 of the Foreign Nationals Act, until the obstacles to implementing the forcible administrative measure are removed. With the assistance of an interpreter, the foreigner is informed about the violation of the Foreign Nationals Act, the imposed forcible administrative measure and the procedure for his/her expulsion. Both the interpreter and the foreigner sign the order, the latter declares that he/she is acquainted with its content in a language he knows. The reasons for his stay in the territory of the Regional Border Sector are clarified – for example, waiting until the respective embassy issues a laissez-passer, providing financial funds for purchasing a ticket, escorting persons, etc.

Before leaving the territory of the RBS the foreigner is provided with the opportunity to state in a special declaration whether he has any claims regarding the border police officials.

With regard to Paragraphs 20, 28, 29, 30, 31, 33 and 43

Information about the methodology concerning the work of duty stations, officers on duty, operational officers and personnel who make check-ups with regard to detention of persons, and the efficiency of the control over the legality of police activities, exercised by the managing staff, as well as additional information.

In view of the efficient elimination of the problems in the work of the police, which constitute a prerequisite for violation of human rights, and the negative conclusions about the police, drawn in the framework of the regular visits of the European Committee for the Prevention of Torture, a permanent Working Group on Human Rights has been functioning in the Ministry of Interior since July 2002. It is chaired by the Deputy Minister of the Interior Mr. Boyko Kotzev and includes representatives of the central administration and the Ministry of Interior services. Its aim is to undertake measures to improve police activities with regard to human rights and the recommendations made by the Committee for the Prevention of Torture, as well as to ensure that the rights of the detained persons are observed in every police service.

The Working Group adopted an Action Plan No I-133255 of 12 November 2002, whose aim is to overcome objective prerequisites for violations of human rights within the Ministry of the Interior. The plan includes concrete tasks; formulated mainly on the basis of existing problems, related to human rights in different services of the Ministry of the Interior, concrete deadlines and responsible persons. Activities are envisaged in the following fields:

- Review of the legislation and making proposals for legislative changes in compliance with European standards in the field of human rights, including amendment to the Ministry of Interior Act, the Foreign Nationals Act, etc. The deadline specified in the Plan for this issue is March 2003;
- Preparation of a methodology for the application of the procedures regulating detention of persons within the structural units of the Ministry of Interior (the terms and condition for actions of servants of the Ministry of the Interior, control of the legality of their actions exercised by the managing staff). This methodology is to be elaborated by April 2003;
- Examining the minimum European standards and identifying generally accepted criteria about the material conditions related to detention;
- The elaboration of a draft decision on the conditions in the detention premises at the structural units of the Ministry of the Interior, including rooms for meeting with a lawyer, interrogation and visits, by specifying the obligatory requirements (square meters, separation, furniture, types of facilities, etc.) is planned until the end of May 2003;
- Regulating the rules related to nutrition, medical service, and provision of medical help, interpreters, and the right of the detained to make telephone calls. In this respect, the following measures are envisaged until October 2003;
- To set up an interdepartmental working group and to elaborate a joint Regulation of the Ministry of Interior, Ministry of Health, Ministry of Justice and the National Health Insurance Fund, stipulating the permission of medical examinations and their financing in view of persons, detained under Article 70 of the Ministry of Interior Act;
- To set up an interdepartmental working group and to elaborate a joint document of the Ministry of the Interior and the Ministry of Justice, stipulating the provisions of lawyers' protection (official protection) and its financing in view of persons, detained under Article 70 of the Ministry of Interior Act;
- To make a proposal for provision of interpreters, and the right of the detained persons to make telephone calls and related financing in view of persons, detained under Article 70 of the Ministry of Interior Act.

ADDITIONAL INFORMATION

With regard to Paragraph 39

By a circular letter No. I-1645 of 6 February 2003 of the Chief Secretary of the Ministry of the Interior, all national services of the Ministry of the Interior with police powers have been ordered to undertake the following:

- discontinue the practice of fixing detained persons to tubes (rails, rings) with the handcuffs;
- dismantle all such iron tubes, rails, rings, etc;
- install immovable seats (benches), fixed to the floor, to which the handcuffs can be fastened;
- discontinue the practice of keeping detained persons cuffed to the benches for an indefinite time during the procedures;
- check the handcuffs put on the detained persons so as to ensure normal blood circulation.

With regard to Paragraph 31

Taking into account the recommendation of the Committee for the Prevention of Torture to adopt legal provisions and/or instructions guaranteeing the right of the detained person to undergo medical examinations immediately after their detention, a proposal has been put forward by a working group, specially set up to implement this recommendation, that such examinations should be made by the physicians working at the medical establishments of the Ministry of the Interior (directorates and services) within their office hours. The physicians may decide on the need to consult medical specialists from the clinics or the public hospitals.

Before or after the office hours, the medical attendance should be provided by the first aid centers or by the first aid units with the clinics. Hospitalization takes place at the Multi-profile Hospitals for Active Treatment with the regional centers, the University Hospitals, the Medical Academy of the Ministry of Defense and the Ministry of Interior and its subdivisions, and also the Central Hospital of the Medical Institute of the Ministry of the Interior.

The recommendations concerning the confidentiality of the medical examinations and their recording in writing with a view to providing the documentation to the detained persons and their lawyers require that the interdepartmental working group should agree upon the format of the respective forms for such reports.

The interdepartmental working group should also address the important issue related to the financing of the medical treatment of the detained persons. Until then an urgent temporary solution should be found to that problem through financing by the Ministry of Finance, which requires that a letter be prepared by the Permanent Working Group on Human Rights, on behalf of the Minister of Interior to the Minister of Finance.

According to the action plan of the Permanent Working Group on Human Rights, the section on medical treatment, provision of legal defense, interpreting and the right to make phone calls of the persons detained at the detention centers of the Ministry of the Interior, there is an ongoing review of the regulations on medical treatment which should be completed by the end of March 2003. The elaboration of a joint legal instrument by the interdepartmental working group of the Ministry of the Interior, Ministry of Health, Ministry of Justice and the National Health Insurance Fund, regulating the implementation and the financing of the medical examinations, should be finalized in October 2003.

With regard to Paragraph 20

In view of continuing the practice of admitting NGOs to the check-ups at the police divisions, an agreement has been concluded on the implementation of independent monitoring on the performance of the Bulgarian police with regard to the protection of civil right and freedoms. The agreement has been concluded between the National Police Service, the Bulgarian Helsinki Committee and the Open Society Foundation on the basis of a joint project.

The implementation of the project by the Bulgarian Helsinki Committee will include monitoring of the structural units of the National Police Service by way of visits, replying to questionnaires and the preparation of reports. In the implementation of the project the Bulgarian Helsinki Committee will make recommendations on improving the performance of police servants with regard to the respect of human rights.

Within its capacity, the National Police Service Directorate will take part together with the representatives of the Bulgarian Helsinki Committee in some of the visits to the structural units of the National Police Service in the country in view of exercising preventive control on the police practice related to the protection of human rights.

With regard to Paragraph 21

The protection of human rights is an important issue in the training of police servants. It is a priority in the implementation of in-service training intended for police servants in the country. The police and human rights issue is widely integrated into the training programs and curricula of the Ministry of the Interior, the Metropolitan Directorate of the Interior, the Regional Directorates of the Interior and the Academy of the Ministry of the Interior, in compliance with the philosophy and the strategy approved by the Minister of Interior, aimed at building a new image of the police as a service "close to society". Further to that, by circular letters the National Police Service Directorate has ordered that the instructions given to police servants on the performance of their daily duties should include a case study, related among others, to the protection of human rights in the everyday police work. The case study is led by instructing officers responsible for the elaboration of instruction plans and written reports on a daily basis.

Since the beginning of 2003 at the Academy of the Ministry of the Interior there have been 6 seminars attended by 150 police servants from the District Police Stations in the country. During the seminars, the standards in the human rights area were introduced in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the police manual on human rights issued by the Danish Human Rights Center and the Rule of Law Institute in Sofia. The training has continued in February and March this year.

In 2003 there will be a follow-up to the joint project of the National Police Service Directorate and the Assistance Centre for Torture Survivors (ACET). The follow-up will include additional train-the-trainers modules on human rights, intended for the Metropolitan Directorate of the Interior and the Regional Directorates of the Interior, as well as the lecturers at the police schools in the country. The aim of the seminars is to enhance human rights training at a local level by investing in the training of police officers designated to train their colleagues at the National Police Service divisions. The selected trainers have already undergone two training modules, which introduced them to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and other international legal instruments of the Council of Europe which are relevant for the activity of the police.

With regard to Paragraph 34

An important aspect of the comprehensive policy of the Ministry of the Interior related to the protection of human rights and the formation of a police culture corresponding to the European standards is the elaboration and the adoption of a Code of Ethics of the police servants. The police Code of Ethics is a necessary instrument in a state governed by the rule of law, and guarantees the performance of police duties with due respect to the human rights and the democratic values. To date, a working group has been set up responsible for the elaboration of a Bulgarian police Code of Ethics by June 2003, in compliance with Recommendation 2001 (10) of the Council of Europe Ministerial Committee (European Police Code of Ethics).

B. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE

Measures undertaken by “Execution of penalties” Head Department (“EP” HD) concerning the conclusions in the report of the ECPT.

The management of "EP" HD got acquainted with the report for the inspection in the Republic of Bulgaria of the delegation of the ECPT in April 2002 and the conclusions and recommendations made for the prisons and the places of investigative custody. The report was sent to all sections of the Head Department so that they could explore it, decide what their attitude is and outline measures.

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

With regard to Paragraph 47

In June 2002 the Amendment and Complement Law of the Execution of Penalties Law became effective (Official Gazette, issue 62/25.06.2002), which provides for the condition of the accused and the defendants in the places of imprisonment. Regulation No 2 dated 19 April 1999 was cancelled by this Law.

In this new law as well as in the cancelled regulation the separate accommodation of juvenile offenders from the adults is regulated peremptorily. There exists law injunction for the combined accommodation of those two categories arrested persons in the places of investigative custody, prisons and reformatories.

We accept the conclusion of the ECPT under § 47 of the report as necessity for strengthening the control for observance of the requirements of the law.

With regard to Paragraph 48

Written attention is pointed in all the places of investigative custody the security staff to carry truncheons in the cases when the specific situation requires it only, in accordance with the provisions of Chapter seven of the Amendment and Complement Law of the Execution of Penalties Law (Strengthened preventive measures. Use of physical strength, assisting means and weapons).

With regard to Paragraphs 49-62

For the period 2002-2004 serious actions have been undertaken for the further improvement of the conditions for detention in the places of investigative custody. The existing problems are to be solved through closing the inappropriate places of investigative custody, redecoration and reconstruction and construction of new ones.

In the period after the inspection Arrest of investigation – Byala Slatina (§ 52) was closed as well as the one in "Maria Louisa" Street in the city of Sofia (§ 56).

The construction of new places of investigative custody in the towns of Targovishte and Razgrad was finished and in 2003 they will be put into operation.

A long-term programme has been developed for the redecoration, reconstruction and construction of new places of investigative custody. In it priority is given to the construction of new places of investigative custody in the towns of Shumen, Dobrich, Gabrovo, Svilengrad, Petrich, Elhovo and Plovdiv. In the programme have been affected the recommendations for improvement of the material conditions of life in all the places of investigative custody given in paragraph 62 of the delegation of the ECPT. The actions undertaken in the programme are to the amount of about BGL 3,570,000 and its realization will start after it is provided for financially.

In relation to the term of stay of the arrested persons in the places of investigative custody, the Head Department only has signal functions. A routine has been established, at which lists are to be sent monthly to the Supreme Cassation Prosecution Office of the names of all the arrested for a term of over six months.

With regard to Paragraphs 63-64; 100-107

The Head Department accepts the conclusions and recommendation in relation to the medical service in the places of imprisonment. In 2000 in Bulgaria the realization of a health reform was started, which aims to introduce the European standards for medical service of the civil population. In March 2003 Ordinance for the setting the medical service in the places of imprisonment in accordance with the altered standards for the civil population was entered for consideration in the Council of Ministers. After the adoption of the mentioned Ordinance specific internal rules are to be developed for the medical centers in the places of imprisonment, in which the recommendations made by the ECPT for improvement of the medical service will be particularly provided for.

With regard to Paragraph 103

The imprisoned are treated in outside medical centers in the same conditions as the other citizens of Bulgaria, and they are equally insured by the National health insurance fund. Basically the treatment is realized in the hospitals in the places of imprisonment and in case it is impossible to be realized there, they are sent to outside medical centers. The complaints mainly refer to the unwillingness of the imprisoned to be treated in the medical centers of the system and their wish to be taken out of the prison and particularly by persons without sentence (accused and defendants). The administration of the prisons, in the cases of impossibility to realize the treatment, helps with the termination of the execution of the penalty of the sentenced and their accommodation in an outside medical centre.

With regard to Paragraph 107

Execution of Penalties" Head Department accepts the conclusion of the ECPT in relation to the faults made in the keeping of the medical documentation, particularly in the cases of treatment of the sick with tuberculosis. Those issues are in a process of solving with the adoption of the specific internal rules for the operation of the medical centers.

With regard to Paragraphs 65-67

"Execution of Penalties" Head Department confirms the information under paragraph The specially equipped premises for realization of visits in the arrest of investigation in "Major Vekilski" Street have been functioning since May 2002. The arrested persons are provided the chance to realize their right of contacts (visits) given to them by the Law within the working hours of the administration.

With the Amendment and Complement Law of the Execution of Penalties Law becoming effective from June 2002 in accordance with the provision of art. 128 the arrested persons in the places of investigative custody have the right of the procedure under art. 37 of the Execution of Penalties Law to file requests and complaints that are not subject to inspection by the administration. The necessary measures have been taken for the effective exercise of this right.

With regard to Paragraphs 68-70

The issues about the decrease of the overpopulation in the buildings of the prisons and the labour engagement of the imprisoned have positive development after the Amendment and Complement Law of the Execution of Penalties Law became effective in 2002. After the formal criteria have been cancelled the number of the sentenced persons who have been taken out of the buildings of the prisons and who have been accommodated in transitory prison hostels has increased dramatically. Their number has increased from 353 (before the adoption of the Amendment and Complement Law of the Execution of Penalties Law) to 900 as of 01.03.2003 and they are about 15% of all the sentenced persons. They all have been provided work and the chance was created to engage in labour activity the rest of the sentenced in the buildings of the prisons. In 2002 about 30% of the imprisoned were engaged in labor activity, and other 20% were included in comprehensive training in the schools of the places of imprisonment, courses for literacy and courses for acquiring labour qualification.

In the execution of the decisions of the Ministry of Justice the following changes occurred in the material conditions and the conditions of life in the prisons and the prison hostels. In respect of the new construction in 2002 new prison hostels were constructed - "Stroitel" hostel of the prison in the town of Burgas with capacity up to 80 imprisoned persons, "Kremikovtsi" prison hostel of the prison of the city of Sofia – up to 300 imprisoned persons, "Pleven" prison hostel of the prison of the town of Pleven – up to 100 imprisoned persons, "Samoranovo" prison hostel of the prison of the town of Bobov dol – up to 80 imprisoned persons. Entirely redecorated are "Kazichene" prison hostel of the prison of the city of Sofia, "Poligona" prison hostel of the prison of the town of Lovech and "Sliven" prison hostel of the prison of the town of Sliven. New sections of acceptance were constructed in all the prisons for the newly coming sentenced persons, which meet the requirements for treatment of that category imprisoned persons.

In September 2002 together with the amendments and complements of the Penal Code the penalty "probation" was introduced. Decrease in the number of the sentenced entering the prisons is expected with its application from 01.01.2004.

With regard to Paragraphs 71-75

"Execution of Penalties" Head Department and the management of the prisons and the places of investigative custody take constant care about improvement of the atmosphere in the places of imprisonment and for decreasing the cases of physical or verbal violence.

We accept with satisfaction the positive changes in that respect concluded in the report. Our further efforts will be expressed in:

- due reaction and seeking responsibility from officers who have caused wrongful physical violation or verbal violence over arrested persons;
- programmes have been developed for team work with the imprisoned persons for the control of anger, verbal aggression, skills of solution of conflicts, etc. Those programmes were developed by "Social and Educative Work" Department by "Execution of Penalties" Head Department and since the beginning of 2003 they have been applied in all the prisons;
- with the assistance of "Execution of Penalties" Head Department, the Bulgarian Helsinki Committee realized a two-year project for the period 2003/2004, financed by the EU. The project deals with the issues of the disciplinary practice in the places of imprisonment and the relationship staff-imprisoned persons.
- training of the penitentiary staff for mediation in the settlement of questions of argue, etc. In interaction with non-government organizations in 2002 courses of additional qualification have been carried out with the officers of the various scopes of activity. With the assistance of the Association for Assistance and Resocialization of the imprisoned a total of five course have been carried out, of which two with officers of the security staff with 90 participants on the subject "The Amendments of the Execution of Penalties Law, the European Standards and the Security in Prisons"; two with the deputy chiefs of prisons on the social activity and social workers with 61 participants on the project "The Reform in the Policy of Social Work" and one with the inspectors on the preparation for life in freedom with 20 participants on the subject "Improvement of the Interaction with the Non-government Organizations". With the assistance of the Open Society Foundation, courses in seven modules have been carried out, through which 235 officers of all scopes of activity have passed. Together with "Hans Seidel" Foundation a seminar has been organized with the directors of prisons in relation to the amendments of the Execution of Penalties Law.

With regard to Paragraphs 76-91

The report of the ECPT in its part concerning the prisons in the towns of Burgas and Plevan has been given to their directors. Specific measures have been undertaken for the execution of the recommendations.

After the adoption of the Amendment and Complement Law of the Execution of Penalties Law there exists a trend towards a decrease of the overpopulation in the building of the prison in the town of Pleven. In September "Vit" prison hostel of transitory type was constructed, as the numbers of the imprisoned that have been taken out of the building of the prison and accommodated in the prison hostel is about 90 people. Special programme has been developed in accordance with the recommendations for an increase of the employment in the region of the prison.

The officers of the prison of the town of Pleven were instructed that the physical and verbal violence is unallowable and the whole staff has the information that in case of such cases they will be severely punished. In the allocation of the imprisoned persons in groups and dormitories the psychic compatibility of the imprisoned is to be estimated with the aim of not allowing internal prison violence. If necessary after the evening check-up the possibility has been provided for the imprisoned to have admission to the toilets and not to use buckets. The imprisoned are provided monthly with basic sanitary products such as soap and washing powder. There are not cases found and there do not exist conditions the staff of the prison of the town of Pleven to benefit at the expense of the imprisoned. The prizes "home leave" are estimated impartially and in an unbiased way by a committee. The possibility each visitor to the prison of the town of Pleven to meet any imprisoned person has been provided. Measures have been taken the inspectors "Social activity and educative work" to be engaged more notably in training, educative and other programmes, as the basic needs of the various groups of prisoners are taken into consideration.

With regard to Paragraphs 92-96

In the prison of the town of Pleven efforts are made to solve in a practical way the issue of transfer of the sentenced to life imprisonment in shared premises. Cares are taken for providing a better admission of sunlight and for the improvement of the ventilation in the premises where the prisoners with life sentences are accommodated. They have the possibility to go out together to stay outdoors and to take part in sporting games.

In accordance with the Amendment and Complement Law of the Execution of Penalties Law specialized programmes have been developed for work with the sentenced to life imprisonment. Programme for teamwork with the sentenced to life imprisonment is being tested, which is realized by a multi-disciplinary team. Other programmes are being developed as well for involving the sentenced to life imprisonment in joint activities for decreasing the solitary confinement away from the rest, which is established by the Law.

The introduction by the Amendment and Complement Law of the Execution of Penalties Law of the possibility the sentenced to life imprisonment to be accommodated in shared premises with the rest is estimated as extremely effective for the integration of that category of sentenced persons. After the adoption of the amendments and the complements 10 persons sentenced to life imprisonment are in a process of active supervision (of the total of 85 in the system), for which making of a decision is pending under art. 1276, para. 4 of the Execution of Penalties Law.

With regard to Paragraphs 97-99

On 09.09.2002 a new reception section in the prison of the city of Sofia was opened and it has functioned since then. The accommodation premises for the new arrivals were equipped in accordance with the European standards with the necessary space, air, lighting, and toilet and bathroom. A separate place was built for staying in the open with a sport playground (football, basketball, etc.). The term of stay of the newly admitted inmates is from 14 days to one month.

All the accommodated in the reception section have been included in information and adaptation programmes. Through those programmes the offenders get acquainted with the normative provisions – the rights and obligations in the different penitentiaries; the possibilities of work, training, labour qualification, participation in specialized programmes; adaptation to the conditions of servicing the penalties; creation of adjustment for communication and skills for personal preservation.

A main task during the stay of the imprisoned in the reception section is the assessment of risk and anticriminogenic needs of the sentenced. In that way the initial information is gathered, analyzed and summed up for all the factors referring to assessing the criminal risk and the needs of the offenders. Those data are used in the main stage of servicing the sentence, for planning the work with each imprisoned.

With regard to Paragraphs 108-111

"Execution of Penalties" Head Department exercises constant control over the situation of staff at places of imprisonment. In that relation in 2002 attestation of all the officials was carried out for assessing their vocational training and suitability for working at places of imprisonment. A total of 4,368 of 4,607 officials were attested. Of them, 2,983 were attested in the prisons, including 127 officers, 1,727 sergeants, and in the places of investigative custody 1,385 were attested, including 12 officers and 1,292 sergeants.

According to the established degree of applicability of the attested, the following recommendations were made: 39.06% of officers should undergo partial training, 8.72% overall training and 0.94% should be redeployed to another office. As regards management staff, a 6-month trial period was applied to two prison directors, the same measure was applied to one deputy prison director, and another deputy prison director was reduced in status.

With regard to Paragraphs 112-115

By the Amendment and Complement Law of the Execution of Penalties Law in relation to contacts with the outer world the accent was put on the institute of home leave. In contrast to interruption of the execution of the penalty, which is to be decided by a judicial authority, the solution of urgent family, material and other issues of the sentenced is within the competence of the administration, which is directly acquainted with them. The extension of the field of application of the home leave after the amendments and complements of the Execution of Penalties Law proves its effectiveness in practice. In 2002, a total of 3,678 sentenced persons were allowed to use home leave, and only 21 (0.6%) delayed their return, or returned after the expiry of the term.

Presently Regulations for the application of the Execution of Penalties Law has been developed and it is to be adopted soon. Basically this is an entirely new codifying enactment, in which a differential approach to visits has been introduced, not so much on the basis of the category of the sentenced, but on their conduct in the course of the execution of the penalty.

With regard to Paragraphs 116-117

The Amendment and Complement Law of the Execution of Penalties Law introduced a new system of the disciplinary penalties. The penalties leading to strengthening the isolation of the sentenced such as the deprivation of the right of correspondence, parcels, visits, etc. were dropped out. By art. 78 "6" of the Amendment and Complement Law of the Execution of Penalties Law was introduced appeal before Court of the disciplinary penalty "solitary confinement". Court procedure of appeal is provided also for the isolation under art. 85a of the Execution of Penalties Law (placing in constantly locked premises at increased supervision and security).

In the solitary confinement cells in the prison of Burgas immediately after the visit of the delegation of the ECPT cupboards, tables and chairs were put fixed immovably to the floor.

With regard to Paragraph 119

"Execution of Penalties" Head Department considers that the work connected with the requests and complaint of the imprisoned is basically realized in accordance with the enactments providing that activity. At the Head Department and its subdivisions were created the necessary organization and control of registration, transfer, consideration and decision of the filed requests and complaints.

In 2002 at the "Execution of Penalties" Head Department 1,269 requests were filed connected with the lawful status of the imprisoned. The prevailing number of requests by the sentenced is for transfer from one prison to another – 1,109, then come the request for job provision – 37, for meetings with representatives of the managements of the Ministry of Justice and the "Execution of Penalties" Head Department – 35, for issue of certificates to imprisoned persons of already serviced sentences – 18, for realization of visits between imprisoned persons – 14, and the rest contain requests of various matters. The comparative analysis to 2001 shows that the requests by the imprisoned persons relatively keep their number.

The filed requests were considered and decided upon, with a few exceptions, within the provided time frame, and the persons who had lodged the requests were duly informed.

For the same period 144 complaints by imprisoned persons were filed. According to the nature of the problems described in the complaints they may be classified as follows:

- Connected with the social conditions of life in the places of imprisonment and transfer to another prison – 16.
- Against orders of imposed disciplinary penalties – 21.

- Connected with the keeping and using of different belongings and objects and violated rights of visits, parcels, etc. – 79.
- Connected with the conditions of boarding and medical service – 9.
- Against officials of the administration of the prison – 12.
- Connected with beating of prisoners – 7.

Detailed inspections were carried out under those complaints, and it was found out that 128 were groundless, 4 were accepted for founded, 5 were forwarded to the competent bodies, and on 8 of them inspections are being made.

All the complaining prisoners were informed about the results of the inspections made. Due decision was made on the founded complaints and the violations were eliminated.

Particularly in the prison of the town of Pleven, 4,304 requests by imprisoned persons to different institutions were registered in 2002, as 2,355 of them were filed and sent according to their belonging under art. 37, para. 2 of the Execution of Penalties Law in a sealed envelope. 68 complaints were also filed, of which 6 were founded: for rough actions of other imprisoned persons – 3, for rough actions of the administration – 1, against the medical service – 1, and 1 for judicial mistake. In the same period the prison director received and heard a total of 142 imprisoned persons. A great part of the requests inside the prison filed to the attention of a prison director relate to issues falling under the competence of other official persons. Such requests are solved in an operative way, which gives the impression to the imprisoned that they did not reach the prison director. Actually there are cases, such as were concluded, concerning the internal administration control when filed requests and complaints were not forwarded or were left without consequence. The Head Department placed emphasis on that to all directors of prisons and places of investigative custody.

C. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF PUBLIC HEALTH

Measures taken by the Ministry of Health with respect to the State Psychiatric Hospital in Karloukovo in response to comments made in the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

In connection with the visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 17 - 26 April 2002, and the commitments undertaken on our part to indicate within a period of six months the actions undertaken by us in response to the cited report, we are submitting to your attention a report by the Ministry of Health.

With regard to Paragraphs 121-159

In the period following the CPT visit, the Ministry of Health prepared the draft of a new law: the Public Health Act. A number of provisions in the chapter on Mental Health have been drafted taking into account the recommendations of the CPT and of Amnesty International. In its report presented in Sofia in October 2002, Amnesty International has comments and recommendations concerning three psychiatric hospitals, including the State Psychiatric Hospital in Karloukovo. In this sense, the working groups that drafted the chapter on Mental Health included representatives of the Bulgarian Helsinki Committee as well. This draft legislation is to be passed and promulgated soon.

The Ministry of Health also made amendments and additions to Instruction No. 5 (to the Public Health Act) concerning electroconvulsive therapy, for which it is mandatory to be applied with a modified method with anaesthesia given by a specialist anaesthesiologist (promulgated in the *State Gazette* on 29 April 2002).

According to the National Programme *Medical Standards in the Republic of Bulgaria* (2001-2007), endorsed with Decision of the Council of Ministers No. 602 of 20 August 2001, work is in progress for drafting the medical standards for Psychiatry, which will be submitted for discussion by the Council on the Standards for Quality and Effectiveness of the Diagnostic and Therapeutic Activities with the Ministry of Health before 30 June 2003. The structure of the standards on a clinical specialised discipline comprises: definition of the specialised discipline, standards for the structure of the units providing medical care, structure of the premises, personnel, organisation of the work, standards for the volume of the diagnostic potential, standards for interdisciplinary consultations and activities, standard for the volume of the therapeutic activities in the specialised discipline, standards for training of the specialists, standards for working conditions and professional protection of the personnel, specific rights of the patient.

With respect to the measures for physical restraint, the cited draft legislation comprises provisions regulating the type of measures adopted for physical restraint, the reasons necessitating this, the maximum duration of their application and the name of the physician who has ordered them. These data are entered in a special register in the health care institution and in the patient's case history. These are the CPT recommendations to the State Psychiatric Hospital in Karloukovo as well. With the promulgation of the law, this will become mandatory for all medical institutions in which mental patients are being treated. At present, physical restraining at the State Psychiatric Hospital in Karloukovo is done by means of non-traumatic belts. It is applied on specific instructions by the attending physician and is recorded in a special register for fixed and isolated patients, indicating obligatorily the duration of the restrain, which should not exceed two hours. During the period of physical restraint the patient is under observation by the nurse on duty. The isolating of aggressive patients in specially equipped rooms for that purpose is also done on the discretion of the physician on duty and is recorded in a special register. After the major reconstruction and refurbishing of the hospital, it is planned to reconstruct the room for temporary isolation with doors without bars and with special resistant window panes.

The draft legislation also comprises extensive texts regulating the compulsory institutionalisation and treatment, in full compliance with the EU legislation and also fully respecting the rights of the mental patients. In 2002, a total of 135 patients were placed for mandatory treatment at the State Psychiatric Hospital in Karloukovo under Article 36 of the Public Health Act and subject to a decision by a District Court. Eighteen patients have been institutionalised with a court decision since the beginning of 2003.

In the past 2002, a total of BGN 161,000 were secured as capital costs and until this moment the hospital pharmacy and the room for visits to the patients have been refurbished. The admissions office is currently being repaired, with an additional toilet facility to be built and a room for sanitary processing of the patients to be admitted for treatment. In implementation of the plan for the activities of the State Psychiatric Hospital in Karloukovo and in connection with the comments made by the CPT in terms of the available premises, preliminary designs have been prepared and a working project for the repairs has been completed. In this connection, there are plans for total replacement of the water supply and sewage system and a steam installation, as well as plans for reconstruction of the hospital rooms by adding toilet facilities for each of them, as well as for reconstruction of the dining rooms and for differentiating various premises. So far the external steam pipeline has been totally replaced, the steam boiler and the building of the boiler-room have been repaired. The repairs completed so far have improved substantially the supply of steam and the heating of the hospital rooms. Around BGN 400,000 have been envisaged for capital outlay for the hospital in Karloukovo. The money is to be spent on repairs and equipment of the hospital. A part of the funds allocated for capital outlay (BGN 100,000) will be used for replacement of the internal steam installation, which will start after the end of the heating season. For the one-year period, the State Psychiatric Hospital in Karloukovo has bought clothes, bed linen, blankets and mattresses for a total of BGN 9,361, out of the budget or from donations, which considerably improved the living conditions. Soaps and detergents were bought for the individual hygiene of the patients. The toilet facilities will be upgraded gradually, parallel with the ongoing major refurbishing of the respective building and in compliance with the sanitary norms. All patients in the State Psychiatric Hospital in Karloukovo receive three meals per day. Additional food is provided at 10 a.m. and 3 p.m. to physically exhausted persons. The patients with concomitant somatic diseases receive diet food in accordance with the concrete disease. All nutrients included in the patient's diet are with good quality and prior to the expiry of their shelf life. After the CPT report, concrete actions were taken to guarantee adequate nutrition. In October 2002, the State Psychiatric Hospital in Karloukovo received additional financing for food from the Ministry of Health. By 31 December 2002, the hospital received food subsidies from the Ministry of Health amounting to BGN 93,629. After April 2002, there has been a permanent increase of the food budget: from BGN 0.77 for food per day in April 2002 the daily ration rose to BGN 1.70 in December. Although these costs are not comparable to the costs for food for the patients on the territory of the EU, it is necessary to take into account the positive tendency of the more than double increase of the money spent on food per day within eight months. All the more that this increase was made under the conditions of a very restricted budget for state psychiatric hospitals. Under the 2003 State Budget Act, the average amount planned for the food of one patient for one day is BGN 1.03. For the State Psychiatric Hospital in Karloukovo that amount is BGN 1.10 per patient per day. On account of the increased allocations for food, there is also a positive change in the quality and diversity of the food. Thus, with 2,663 kg meat and meat products used for the entire year 2002, just for January 2003 the menu of the patients had 630 kg meat and meat products. There is a similar tendency to increase the fruits and vegetables: the patients received 1,000 kg fruits just in January 2003, compared to 6,777 kg for the entire 2002. The average daily costs for medication per psychiatric patient is BGN 1.55 under the 2003 State Budget Act. The average value of the daily medication per patient at the State Psychiatric Hospital in Karloukovo is BGN 1.59.

Under the 2003 State Budget Act, an increase of 114.56% is planned for the maintenance of the State Psychiatric Hospital in Karloukovo, compared to the endorsed plan until 30 June 2003, whereas the average growth rate in the maintenance of psychiatric hospitals is 112.54% for 2003.

In connection with the activities of the State Psychiatric Hospital in Karloukovo, it is necessary to point out the decrease in the average duration of the hospitalisation per patient for 2002 to 41.47 and of the lethality in the hospital from 5.33 for 2001 to 1.4 for 2002. The patients for whom somatic diseases have been diagnosed are subjected to treatment by a full-time specialist in internal diseases at the hospital, and whenever necessary, consultations are made with specialists from the Multifunctional Hospital for Active Therapy in the town of Loukovit. Upon admission, the body weight and height of every patient are registered in their individual case history and are monitored throughout the entire treatment of the patients on the discretion of the attending physician.

The complaints for the past period at the State Psychiatric Hospital in Karloukovo are connected predominantly with the coercive hospitalisation, lack of visits and involvement on the part of relatives and the lack of personal finances.

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

With regard to Paragraphs 160-181

The report has emphasised on the situation in the Home for women with mental disorders in the village of Razdol, Strumyani municipality, district Blagoevgrad.

We are gratified that our efforts to improvement of the living conditions of the people with mental disorders have been noticed, as we are aware that the completed work is still at its initial stage.

Meanwhile we have to state, that for the last 5 - 6 years albeit slowly we are developing alternatives of the specialised establishments for social services, mainly with the active support by non-government organisations (NGOs). These include day centres, resources centres, rehabilitation and integration centres, consulting centres and all of them are dedicated to help the process of integration of the individuals in their own community. The number of such centres is 28.

The most significant change i.e. the transition from the institutionalised cares to provision of services in the community has just started.

The process of improvement of the conditions in the establishments has commenced just now.

The three most important factors in that process are as follows:

- Appropriate legislative frame;
- Resources;
- Capacity (professional, administrative and institutional).

The improvement of the quality of life of persons with disorders is a priority in the Government Programme for the period 2001 - 2005. National Strategy for Equal Chances of Peoples with Disorders for the period 2003 - 2005 has been set up to facilitate the implementation of the Government Programme. The principles of equal chances of peoples with disorders and prohibition and prevention of any form of discrimination on the grounds of disorders are laid in, and followed by in the Strategy.

One of the objectives of the National Strategy is the priority development of social services with active character and the alternative forms of those services of peoples with disorders. The idea is to de-institutionalise and to improve the living conditions of the residents in the specialised establishments. The Council of Ministers is on the way to adopt the National Strategy for Equal Chances of Peoples with Disorders soon.

What is the situation and what is doing now and what should be done in the nearest future to improve **the situation of the specialised social welfare establishments for persons with mental disorders?**

The number of the specialised social welfare establishments for persons with mental disorders is 114 including 59 establishments for adults with capacity for 4761 persons and 55 establishments for children with capacity for 4013 persons.

The structure of the staff according to the current standards of the Ministry of Labour and Social Policy is as follows:

- the ratio of staff to attendants is 0,4 : 1;
- the number of the staff in the specialised establishments is about 3,500 employees including 12% of them with completed higher education, 18% - with completed college and secondary education and 70% with primary education.

Within six months will be approved Rules for Educational and Qualifications Requirements to the Staff.

Since 01.01.2003 the Government has acknowledged the governmental responsibility of the specialised establishments i.e. they will be on state budgetary support, according to the specified state standards (Decision No.612 of the Council of Ministers from 12.09.2002).

Since 01.01.2003 the specialised establishments will be administrated by the mayors or by other legal entities (NGOs), but the state will provide funding, pursuant to the amendments to the Social Relief Act. So certain conditions are created for decentralisation of financing and management of social servicing.

The government took in its hands funding according to specified standards set up by it, in order to provide equality in the servicing of all persons in the specialised establishments.

In the late 2001 the Ministry of Labour and Social Policy and the municipalities have drawn up an assessment of the conditions of the housings, equipment and facilities in the establishments for persons with disorders.

The major conclusions concerning the establishments for persons with mental disorders are as follows:

- 50 establishments need overhaul repair;
- 43 establishments need current repair;
- 21 establishments have to be closed.

(Enclosure No.1 - List of the establishments for persons with mental disorders, which have to be closed)

The state budget has provided 2 million leva in the budget of the Ministry of Labour and Social Policy in 2002 for construction and reconstruction of welfare establishments. These funds have been invested in repairing works in 14 social welfare establishments and in commencing of building of 3 new establishments.

In result of the negotiations with the National Insurance Institute six homes (former rest homes) have been provided in order to be reconstructed into establishments for persons with disorders. Most of them are in good condition and need only small repair works and equipment and facilities.

Welfare Investment Fund has been established in the Ministry of Labour and Social Policy, pursuant to a law. In 2003 13 million leva from that fund will be given to be invested in social infrastructure, mainly in building and repair of welfare establishments. The mayors and their business partners may apply for funding.

Some additional problems occur in result of the relations of the municipal administrations and the inhabitants to the establishments for persons with mental disorders. The mayors and the municipal councils are not fond to take decisions on closure of the establishments in the most critical condition. They consider these establishments as employers of their residents and consumers of goods and services on their territories. Meanwhile they are not initiating undertakings to improve the conditions of living there. From the other side the majors in the municipalities, which have convenient buildings and conditions to host the neediest establishments do not agree to accept persons with mental disorders. That the Inspectorate with the Agency for Social Relief with the Ministry of Labour and Social Policy and the State Hygiene and Epidemiological Inspection will undertake actions to close the establishments at the most miserable condition and to shift them to better buildings and we consider this will be a successful measure. The Agency will be directly in charge of financing and management of the new social welfare establishments.

The amendments to the Social Relief Act from 01.01.2003 have created conditions for settlement of one very important problem i.e. the control of the state over keeping the state criteria and standards. The process of regulation and sanctions will be conducted mainly by economic measures.

The Regulations for Implementation of the Social Relief Act, which are underway have created mandatory criteria and standards of the quality of providing social services in the specialised establishments. The procedures of lodging to the specialised establishments for persons with mental disorders will be strictly regulated and will be specified the assessment and the diagnosis of all the persons, lodged in these establishments.

The amendments to the Social Relief Act have created conditions for the NGOs to take part in the process of decentralisation of the social services and to develop new alternative services in accordance with their capacities and possibilities. The options for financing are two:

- the mayors of the municipalities may assign NGOs management of specialised establishments and day-centres, which will be funded by finances from the state budget;
- the funding will be provided from the finances from the Social Relief Fund in the Ministry of Labour and Social Policy, and this fund will raise 30% of the fees, paid for living in the social welfare establishments in the country.

These funds will be used for financing of projects and programmes run by the NGOs for development of alternative services.

The Ministry of Labour and Social Policy, the Ministry of Education and Science and the Ministry of Health have drew up a joint project for improvement of the quality of life of persons with mental disorders, which will be presented to the PHARE Programme in 2003.

The situation and the conditions of the persons with mental disorders in Bulgaria are at a stage, which urges simultaneous urgent legislative measures and practical actions. The need of simultaneity of those two processes causes additional difficulties, having in mind the problems of overcoming the traditions, relations and raising additional finance means.

We have informed you on the specific undertaken measures in the home for adults with mental disorders in the village of Razdol, Strumyani municipality, district Blagoevgrad.

The constructive and repair works for improving of the housings are going on by stages. One new bathroom with four showers has been built up and a permanent supply of hot tap water has been provided. A quantitative and costs calculation of the necessary means has been prepared and the repair works of the sanitary facilities are forthcoming.

New windows have been installed in the dormitories, the walls and the floors have been newly painted, new beds with mattresses, pillows, blankets have been delivered, and each woman has been given two sets bedclothes. The dining room has been repaired and equipped with new chairs, tables, cloths, curtains and individual eating utensils for each woman.

It has been set up and installed a shop for cookery, where the women will have the possibility alone with the help of a labour therapist to cook sandwiches, coffee and tea.

The donated washing machines, dryer and ironing board have been installed in the laundry.

The heating of the rooms in the establishment is provided mainly woods and house coals. Electric heaters will heat the smaller rooms. Suitable garments and shoes for the winter season have been provided by donations and individual hygiene items have been bought.

The activities in the establishment in the village of Razdol are pointed to enhancement of organisation and the management of the human resources by means of carrying out training seminars within the Programme for qualification and re-qualification of the staff, run by the English organisation "VSO". The nurses, orderlies and social workers have attended seminars with the objective to achieve better services of the women. Together with the English consultants they have visited the Communal Centre for Mental Health in Macedonia, which best practice is implemented in the establishment.

The social integration of the residing women is realised by means of organisation of excursions, birthday parties, visits of churches and daily access to the newly set up library.

A special programme for shifting of women, who do not fit to the profile of the establishment, will be drawn up until 30.06.2003 and they will be transferred to other specialised establishments in accordance with their health status, with the purpose to be utilised the specified means for maintenance, according to the Decision No.612 of the Council of Ministers, concerning the maintenance standards.

The progress of the implementation of the amended legislative frame and the new policies will be seen in the second half of 2003.

E. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF EDUCATION

In relation to the third visit of representatives of the European Committee for the Prevention of Torture and Inhuman or Humiliating Treatment or Penalties in the Republic of Bulgaria and the report prepared by them, we would like to inform you about the following:

With regard to Paragraphs 182-190

The recommendations made by the Committee about Educational Boarding School (EBS) in the village of Yagoda, the municipality of Muglitzh, the district of Stara Zagora, have been sent to the Regional Inspectorate of Education – the town of Stara Zagora, and to EBS in the village of Yagoda.

The status of this school will be discussed by the end of June 2003 by the Committee for Updating the School Network of the Ministry of Education and Science. A decision will be made about the probable transfer of the minor children from the EBS in the village of Yagoda to another EBS with better equipment and conditions for vocational training, with the possibility to include the children into various activities according to their interests and inclinations.

F. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF DEFENCE

In connection with the third visit of the representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in April 2002 in Bulgaria, please be informed that concerning the military correctional detention facilities of the Ministry of Defence the following measures have been undertaken:

With regard to Paragraphs 191-201

- Ordinances have been given to be drawn up the necessary amendments to the Military Service Regulations of the Armed Forces of the Republic of Bulgaria in order to be adapted to the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- Ordinance have been given to the Head of the General Staff of the Bulgarian Army to undertake all needed measures to adapt the premises in the military correctional detention facilities in accordance with the recommendations, given in the report.
- Ordinance has been given to the Inspectorate with the Ministry of Defence to carry out an enhance inspection of the conditions in the military correctional detention facilities.

