

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 4 to 10 May 2012

The Bulgarian Government has requested the publication of this response. The report of the CPT on its May 2012 visit to Bulgaria is set out in document CPT/Inf (2012) 32.

Strasbourg, 4 December 2012

Note:

In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

**MINISTRY OF JUSTICE
EXECUTION OF PENALTIES DIRECTORATE GENERAL (EPDG)
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O B S E R V A T I O N S

Re: The findings and recommendations contained in the Report of the Committee for the Prevention of Torture following its visit to the Republic of Bulgaria in the period 4-10 May 2012.

Adherence to the principle of cooperation and confidentiality of the interviews with the prisoners.

EPDG is again the host of a regular visit of the CPT and the EPDG territorial structures, which comprise, inter alia, the prisons, adhere to the principle of cooperation and confidentiality of the interviews with the prisoners. The officers of the penitentiary facilities are familiar with the confidentiality of the work with the delegation; in this respect they also know that the inspectors do not provide information about the interviewees and no liability should be sought from the persons deprived of liberty for the statements made and the complaints brought before representatives of the CPT.

Overpopulation Issue in the Prisons

A major problem in the penitentiary facilities are the overpopulation and the material and living conditions faced by sentenced persons or persons detained in a certain procedural capacity who are accommodated there. By the adoption of the Execution of Penalties and Detention in Custody Act a legal framework was set up for improvement of the material conditions in the Bulgarian prisons and setting thereof in conformity with the minimum international standards.

In this respect, the Council of Ministers at a session held on 08 February 2010 adopted by a Resolution an "Agenda for Improvement of the Conditions in the Penitentiary Facilities in the Period 2011-2013". The development of this agenda was demanded by the provision of Art. 43, para. 3 of the Execution of Penalties and Detention in Custody Act and its aim is to mitigate the overpopulation in the penitentiary facilities and to ensure personal vital space for those who are deprived of liberty, in accordance with the European standards. Pursuant to the recommended European requirements for affording normal conditions for daily activities and life in the penitentiary facilities, the minimum living area for every person deprived of liberty should be 4 m².

The agenda reflects the government's intention to pursue a consistent and comprehensive policy in the field of execution of penalties, as the attention and efforts of the executive branch shall be focused on the improvement of the conditions for daily activities and life in the Bulgarian penitentiary facilities and their setting in conformity with the international standards adopted for the penitentiary facilities and the European Prison Rules of the Council of Europe.

The overpopulation problem of those deprived of liberty is a problem that the system is aware of and is subject of comments in the public domain for years but the problem is unfortunately still topical, especially in the prison buildings. Therefore this problem is set as a priority No. 2 by the agenda. The issue has been subject of many discussions, plans and projects but due to the lack of financial resources it is in fact still waiting for its solution.

In order to mitigate the overpopulation issue in the Bulgarian prisons the managements of the Ministry of Justice and the Execution of Penalties Directorate General took the following measures in this respect:

- *A procedure started for the transformation of the “Vit” open-type prison hostel at the Pleven prison into a closed-type prison hostel.*

The necessary financial resources have also been ensured from the budget to renovate it and set it in conformity with the measures related to the increased degree of security. The said hostel is intended to be put into operation by the end of October 2012. It will reduce the overpopulation in the building of the Pleven prison.

- *Construction of a new closed-type prison hostel capable to accommodate 450 persons deprived of liberty in the village of Debelt to the Burgas prison.*

The Burgas prison is known as the penitentiary facility with the highest overpopulation level – about 1.6 m² residential area per a person deprived of liberty. This gives rise to high tension and aggression among the legal offenders. Given capacity of the building for 371 persons, more than 900 persons deprived of liberty are accommodated there. There is a real chance to take out of the building of the prison up to 450 persons deprived of liberty by the reorganization of the existing stock of buildings for the needs of the closed-type prison hostel. New power supply of the site is created, which is a prerequisite to shorten the terms for reorganization of the hostel. The restructuring of the existing stock of buildings into a new prison hostel will result in improved conditions for daily activities and life and in ensuring minimum residential area of 4 m² per one person deprived of liberty in the prison building and in the new penitentiary facility.

- *Overhaul and reconstruction of a prison hostel in the village of Razdelna at the Varna prison.*

High overpopulation level is observed also in the building of the Varna Prison. The capacity is for accommodation of up to 320 persons deprived of liberty while the accommodated persons are more than 600. The need of construction of a closed-type ward for 100 persons deprived of liberty in the Razdelna prison hostel is more than perceptible. Such an alternative option exists – the reconstruction of a floor of a ward of the building of the open-type prison hostel in “Razdelna”.

The creation of a close-type ward in the “Razdelna” prison hostel will results in serious mitigation of the current overpopulation and it will enable performing repair-and-recovery works in premises of the prison building.

The financial resources for the two prison hostels in the village of Debelt and the village of Razdelna are provided by European projects / Norwegian Financial Mechanism (the deadline for their opening and functioning is presently defined for 2013).

Fighting the “Corruption” Phenomenon

The results achieved in the prevention of corruption practices become an important indicator of our successful integration in the EU and of the introduction of modern standards for construction of the penitentiary institution of democracy.

Normal life in a country with a working judicial system is expressed in the voluntary compliance with the legal provisions, where any recourse to legal sanctions is an exception. When the ratio of voluntary observance of the legal provisions falls under the minimum level, there may be no denying that the system needs reforms.

It is important to point out that the Bulgarian penitentiary system has long traditions and professionally competent staff. In this aspect, the repression addressing such type of offences could hardly be successful, unless the intervention is linked to the deep reasons giving rise to and maintaining these violations. It would rather harden the convincingness of the delusion about the ancient rule for the reciprocal and continuous evaluation of the “arm and armour”.

It would be more useful to try the opposite approach – a direct intervention with the basis allowing the corruption in the system to grow. In other words, the implementation of comprehensive corruption prevention requires the use of complex corruption counteraction packages. Such interconnected measures have been developed and are in place in numerous countries and private organizations in Europe and all over the world.

The risks of corruption practices among the employees of the penitentiary systems are high because they are in permanent contact with a negatively disposed, hostile environment. Today we have more and more people deprived of liberty who are connected to the organized and economic criminal world and they subject the employees of the penitentiary facilities to intensive and large-scale influences aimed to involve them in corruption schemes and actions. This requires from the anticorruption preventive work in the system to include in its scope changes affecting the staff, starting from the selection, training, stimulation and sanctioning of the employees and reaching as far as the organization, management and control of their conduct while on duty:

- Higher criteria based on the required qualities and constant control over the employee selection process;
 - Precise definition of the ineligibility factors for the relevant position;
 - Additional restrictions regarding any possible external employment or compensating professional activity;
 - Professional training aimed at achievement of high moral while on duty;
 - Introduction of anti-corruption training for the employees at the various levels in the structural units;
 - Making the advancement of the employees dependent on the quality of performance of their direct duties;
 - Change in the payment system in order to attract and keep quality employees;
 - Material incentives for achieving high professional results;
 - Diversity of moral incentives for proactivity in the commitment to highly responsible activities;
 - Adequacy and gradation of the disciplinary sanctions where connection or collaboration is identified on the part of the employees with criminal groups and organizations;
- Others:
- Creation of effective self-control mechanisms in the penitentiary system for fight against the corruption practices;
 - Building-up of a mechanism for information exchange with other state institutions;
 - Initiation of amendments to the Criminal Code intended to criminalize the trade in influence and cooperation of employees with members of the organized crime.

It is hard to determine how successful each specific corruption prevention and control strategy would be in the future. What is most important is to apply all affirmed strategies with constant commitment and common sense.

In this respect the Ministry of Justice and in particular the Execution of Penalties Directorate General took vigorous measures for prevention and counteraction of corruption in the Bulgarian penitentiary facilities. A Strategy for Prevention of Counteraction of Corruption in the EPDG and its territorial offices was also developed and approved by the Minister of Justice. The training programmes for the prison and detention facilities staff cover topics related to corruption practices.

Where a case of corruption behaviour on the part of employees of the prison system is identified the management of the Execution of Penalties Directorate General shall carry out the relevant action. Disciplinary liability has been sought from employees indisputably and firmly proven to have participated in certain corruptions schemes and the materials gathered within the disciplinary proceedings have been delivered to the relevant prosecutor's office for seeking criminal liability.

In particular, in the Burgas prison three cases of improper relations were established, concerning commitments of employees to persons deprived of liberty, and in two of the cases the initiated disciplinary procedures ended up with the imposition of a disciplinary punishment “dismissal from office”. In the third case the disciplinary investigative authority is still working as the relevant measures will be implemented in due time.

Regardless of the administrative sanctions undertaken in each of the cases containing data for the presence of crime, a report has been filed to the competent authorities for the purpose of initiation of a pre-court procedure.

III-treatment of the persons deprived of liberty.

The hypotheses, in which the employees belonging to the supervisory-and-security staff can use physical force and aids, are legally regulated in section III of the Execution of Penalties and Detention in Custody Act.

The strict observance of the legal provisions in cases of use of physical force and aids against persons deprived of liberty is a major priority of the prison administration, as efforts are made constantly to restrict such incidents.

It is exactly in this aspect that decreased use of physical force and aids against the persons deprived of liberty by the supervisory-and-security staff is observed.

This is a result from the efforts of the management of penitentiary facilities to achieve minimum use thereof.

As evident from the analysis of the incoming data, their use represents isolated cases rather than an established practice. At the same time, in the recent years the number of cases of use of physical force goes down.

In order to restrict the cases of use of aids, handcuffs against persons deprived of liberty, EPDG issued an order that was forwarded to the territorial offices by letter No. 5339/ 15 May 2012. Instructions were given that the use of aids (handcuffs, restraining belts, truncheons and others) by the supervisory-and-security staff should be based on specific facts and circumstances and only take place strictly in accordance with the specific individual cases according to the provisions of Art. 115 of the Execution of Penalties and Detention in Custody Act.

It is an established practice in the work with the SSS (supervisory-and-security staff) to instruct the employees on a monthly basis in respect of taking out and walking round, check of guards and other cases, to remind them to strictly adhere to the legally regulated conditions for use of physical force and aids, reminding them also the liability that will be sought from them in case of proven illegal use. Art. Art. 113, 114 and 115 of the Execution of Penalties and Detention in Custody Act regulate the grounds and cases when physical force and aids may be used.

Pursuant to the requirements of Art. 118, para. 2 of the Execution of Penalties and Detention in Custody Act any such case shall also be reported in writing to the respective supervising prosecutor’s office for the purpose of exercising of additional control over the lawfulness of the actions of the prison administration.

In case it is necessary to use aids – handcuffs, against persons deprived of liberty for longer periods of time on specific occasions, an order is made to prepare an individual motivated order conformed to the specific circumstances, the nature of the offence and the offender’s personality.

In case unlawful use of physical force and aids by the prison staff is identified the management of the respective penitentiary facility takes the relevant measures against the guilty employee in order to seek his disciplinary liability.

The questions related to this matter are covered by the training programme for supervisory-and-security staff employees. The following section is particularly highlighted: the conditions under which physical force, aids or arms are used; how to use them; in what situations and to what extent they should be used.

As regards the recommendations of the CPT in relation to the received reports and allegations for physical ill-treatment of prisoners in the Varna prison on the part of employees (punches, kicks, blows with truncheons) and for verbal insults on the part of the staff, the Varna prison management took the necessary measures. An order was made to instruct every day the supervisory-and-security staff not to exceed their powers and not to resort to unnecessary physical violence and verbal insults against persons deprived of liberty. They are regularly reminded that physical force and truncheons may only be used when, and to such an extent as, it is necessary to maintain the security and good order, and never as a form of punishment. Besides, a register is created in the prison on-duty room, which reflects all cases of use of aids and immobilization (fixation) of a person deprived of liberty.

The video surveillance systems in the penitentiary facilities are used to ensure control and non-admission of violations both by the persons deprived of liberty and on the part of the employees from the supervisory-and-security staff.

Upon the occurrence of accidents of any nature, including in the course of use of physical force and aids, the records made by the surveillance cameras are watched to reveal the facts. The presently existing video-information recording devices allow keeping it for up to one month and after this period expires the system automatically deletes the oldest record. When necessary, this video information is transferred and stored on another carrier (DVD-disk) for subsequent acts in case of accidents or unlawful use of physical force or aids, etc.

In relation to findings of the CPT concerning disciplinary violations on the part of the management of the Burgas prison, relevant measures were taken. The head of the Burgas prison was dismissed from the position he held under a disciplinary procedure.

In case of identified unlawful use of physical force and aids by the prison staff the management of the respective penitentiary facility takes respective measures against the guilty employee for pursuing of disciplinary liability.

A disciplinary procedure was initiated for unlawful use of physical force and aids by police officer X – a supervisor in the Burgas prison by Order No. JI-3483/09 May 2012 of the EPDG. By a specific order police officer X was removed from the position held until the end of the inspection. Subsequently the gravest disciplinary punishment was imposed on the police officer – “Dismissal”.

Violence between persons deprived of liberty truly happens in the penitentiary facilities but one could not say that this is a large-scale and daily event. In most accidents the staff responds promptly and takes adequate measures for restricting the harmful consequences including for rendering medical aid, where necessary.

The impossibility to restrict these violations is largely due to the inadequate residential capacity and the accommodation of ten and more persons deprived of liberty in a single premise. Most violations of such type happen after the end of the curfew and the locking of the prisoners in the bedrooms. For this reason the employees from the supervisory-and-security staff are given instructions on a daily basis to be more vigilant in the dark part of the day and take necessary adequate measures when violence is identified.

Upon registration of any forms of violence, physical or psychic torment, a report is to be made to the chief of the prison and measures are to be taken for identification of the guilty persons and for their disciplinary sanctioning. In the cases of Art. 100, para. 3 of the Execution of Penalties and Detention in Custody Act the respective supervisory prosecutor's officer shall also be immediately notified. Indeed, although seldom, there are also cases of physical violence (without serious traumatic injuries) between persons deprived of liberty.

Disciplinary files are initiated in respect of all identified cases, the necessary inspections are made and disciplinary and organizational measures are taken.

The findings of fixation with handcuffs of persons deprived of liberty in the prison in Varna are related to suicidal attempts and this fixation was aimed to protect the relevant persons' life and health. The immobilization was implemented as an interim measure that was discontinued immediately when the need was no longer present. In order to prevent excessive use of aids measures have been undertaken to accommodate persons threatening to commit a suicide in premises with other prisoners assisting the prison administration in the monitoring of their behaviour, non-admission and prevention of self-injuries.

Indeed the use of aids in such cases was not the most adequate decision, but the administration aimed to protect what was most valuable and namely the prisoner's life.

In the Varna prison, whenever it is necessary to apply an immobilization measure, every Social Activity and Educative Work inspector and every inspector-psychologist must draw up a detailed and accurate report on the reasons imposing the application "Fixation with handcuffs" to the specific person deprived of liberty. Measures are taken to comply with the principle that this measure should only be used as a last resort for prevention of the risk of damages in respect of the person deprived of liberty or the other prisoners and only when all other acceptable opportunities fail to result in a satisfactory overcoming of risks. The mental and physical condition of the immobilized person should be thoroughly and directly observed all the time by an officer of the supervisory-and-security staff, a Social Activity and Educative Work inspector, an inspector-psychologist and a medical worker. He must be provided with a direct contact with another person, which is to reduce his anxiety with individual and quick reactions. Every individual observation by each member must be carried out inside the premise, and if the person deprived of liberty desires so – very near the door (within the hearing range and so as to be able to immediately establish personal contact). Every monitoring employee must keep an on-going written report.

Conditions of detention

The UN standards for the material conditions of execution of the deprivation of liberty punishment contain the principle "each prisoner shall occupy a cell or room by himself". The European Prison Rules mitigate this requirement and they allow joint accommodation in view of the communication advantages.

The material conditions in the Bulgarian prisons are hard and far from the European standards. These living conditions strongly obstruct the effective corrective effect of the punishment, the ensuring of sensible occupation, educational activities and corrective programmes.

The present condition of the facilities of the prisons and penitentiary facilities is characterized by an inadequate stock of buildings, high levels of overpopulation and aggravated material conditions that endanger the physical and mental health of the sentenced and detained persons and do not allow the implementation of effective corrective effect on them in accordance with the fundamental principles underlying the recommendations of the Committee of Ministers of the Council of Europe and the Minimum International Standards adopted for the detention facilities. The conditions of daily activities and life in the penitentiary facilities remain subject of critics and just reproach on the part of international and domestic human right prevention bodies and organizations because they are not compliant with the requirements of the European standards for treatment of legal offenders. They underlie the judgments of the European Court of Human Rights against the Republic of Bulgaria. Recommendations for improvement of the material conditions in the penitentiary facilities, as an indispensable prerequisite for human treatment of legal offenders and a guarantee for observation of the human rights, are also contained in the reports of the European Experts under chapter 24 "Justice and Internal Affairs" and come from the inspections of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) conducted in the recent years.

The minimum residential area of 4 to 6 m² per one person deprived of liberty recommended by the Council of Directors of the European Prison Administrations is not ensured in the prisons and closed-type prison hostels in our country.

The material difficulties of the penitentiary system, and in particular of the closed-type facilities mean that top priority should be given to the need of restructuring, reconstruction and modernization of the existing material basis of the prisons and detention facilities and the setting thereof in conformity with the international standards about the detention facilities and the European Prison Rules. In 2010 the Government of the Republic of Bulgaria reported the objective state of the material conditions in the penitentiary facilities and made decisive steps towards their gradual setting in conformity with the European requirements. The Council of Ministers adopted by a resolution at its session held on 08 September 2010, an Agenda for Improvement of the Conditions in the Penitentiary Facilities in the Period 2011-2013 and an Action Plan for Implementation of the Agenda. The total amount set aside for the implementation of the goals of the agenda is BGN 20,400,000 (euro 10,200,000).

The achievement of the goals and priorities set in the agenda requires considerable financial resources while it is in effect. The hard economic and financial crisis in the last two years forced the Bulgarian government to take strict restrictive measures. As a result from the restrictive measures the budgetary funds for capital expenses were drastically reduced. Presently the Agenda is not financially secured and it cast doubts on the achievement of its goals and of the commitments adopted by the Execution of Penalties and Detention in Custody Act, which are related to the improvement of the material conditions in the penitentiary facilities. The shortage, for the time being, of target investments for the penitentiary system require the seeking and attracting of additional sources of financial resources through European programmes. In this context, the Norwegian financial mechanism creates exceptionally favourable prerequisites to implement considerable progress in the expansion, restructuring and modernization of the equipment in the penitentiary facilities and of the detention facilities.

In relation to the report of the CPT and the recommendations made to take immediate measures for improvement of the facilities in the Bulgarian prisons and in particular, the prisons in the cities of Varna and Burgas the managements of the two penitentiary facilities undertook respective measures in this respect:

The Varna prison

- organization has been set up and presently every prison is provided with a bed with a clean mattress, blankets and bed linen. Regular washing is possible;
- efforts are made to ensure round-the-clock access of the prisoners to toilets and discontinuation of the use of buckets;
- stage-by-stage repairs of the common sanitary premises are made with own efforts;
- toilets are currently built up in the high security area. Plans are made to build step-by-step toilets in the building of the Varna prison;
- requests are made for design and financing of an overhaul of the prison bathrooms and expansion of the sanitary premises in the Varna prison;
- sanitary-and-hygiene materials are regularly supplied within the restricted financial opportunities;
- authorized medical companies are hired to disinfect the bedroom premises and the common areas.

Feeding.

As regards the recommendation to move the kitchen outside the basement and to make an overhaul, we should note that presently a repair can be performed. The movement of the kitchen and the overhaul require considerable financial resources.

The food is supplied in accordance with the procedure set forth in the law in such quantity and with such calories value as set forth in the tables approved by the Ministry of Justice and the Ministry of Health.

Material conditions in the lifers ward

- currently a repair is being carried out in the ward – plastering and painting;
- sanitary units are being constructed in each bedroom;
- it is presently technically impossible to expand and restructure the cells for purely architectural and engineering reasons;
- the artificial lighting in the Varna prison is turned off for the night;
- the access to daylight is improved by removal of obsolete physical security facilities;
- the amateur team of the prison society gives away on a monthly basis hygiene preparations and detergents. In addition, the health officer of the prison receives preparations for maintenance of the prison kitchen, the common areas and the prison hostel. Access is provided to laundry washing and drying room.

The window bars are replaced in the cells of the lifers in the Varna prison. More daylight is thus ensured. Repairs are currently being carried out in their cells, as a wash-basin and toilet with constant running water are being installed in every room.

The Burgas Prison

In the recent years the persons deprived of liberty have sharply increased in number in the Burgas prison. The capacity of the prison building has been exceeded more than twice. This, as well as the poor financial condition does not allow implementation of the CPT's recommendations. Thorough reorganization and repair of the building may be implemented after the construction of the Debelt prison hostel and a part of the persons deprived of liberty may be moved there. Thus, the hygiene conditions in the building shall also be improved. Presently, the persons deprived of liberty are provided with beds, mattresses, blankets and bed linen, which is washed in accordance with a schedule. As far as financially feasible, the water-supply pipes and subsequently the sewerage pipes will be replaced. BGN 480,000 will be necessary for the equipment of the toilets and bathrooms with metal anti-vandal systems in accordance with the requirements. Where a need occurs, disinfection is carried out and the hygiene in the corridors and bedrooms is maintained by the very persons deprived of liberty. They are supplied with detergents and disinfection preparations. The prison kitchen is located in the basement. Its thorough repair, equipment with the necessary technique and setting in conformity with the legislation requires about BGN 550,000.

In relation to the CPT's recommendations for further development of the programmes for labour, educative and professional activities with the persons deprived of liberty the Managements of the Burgas and Varna prisons have taken steps in this aspect, and namely:

In the Burgas prison

- The number of elementary classes is increased from 6 to 8.

With the support of the Execution of Penalties Directorate General, including financial support, a repair was made of two more rooms in the "Training Centre" on the 5th floor in the building of the Burgas prison. The result is the inclusion of about 40 more persons deprived of liberty in the school process.

- The persons deprived of liberty are motivated to increase their educational level in the schools within the penitentiary system. 30 persons deprived of liberty filed applications this year. The prison administration assisted them in the preparation of the documents, including for the submission of a document from the school where they last studied.

- The specialized programmes were increased and more persons deprived of liberty were included in the training group for development of social skills. Seven such programmes function for the time being. About 200 persons deprived of liberty visit them for one year. These programmes include charged and accused persons, as well as lifers. Every inspector conducts the programme they are in charge of two times in the year, i.e. one per six months.

- English and German courses have been initiated on the basis of the principle of mutual training. Teachers are persons deprived of liberty who graduated English high school or who spent long period of time in the respective countries. For the period 2009 – 2012 these courses were visited by 67 persons deprived of liberty.

- Conduction of more sport events. 6 sport tournaments are conducted every year. The teams from both hostels take active part in the finalization of the competition.

- The number of interest clubs has been increased by one.

5 interest clubs functioned formerly: the “Music” club, the “Folk Dances” club, the “Art – Academy” club, the “Amateur Creative Works” club, the “Colourful Art” club. After the recommendations of the CPT one more club was set up – “Ship Modelling”, in respect of which persons deprived of liberty expressed a desire to participate. The interest clubs are totally 6 and 30 persons deprived of liberty participate in them.

- More persons deprived of liberty were involved in voluntary labour as an alternative to the absent employment.

The persons deprived of liberty sanitize the premises and when materials are ensured, they paint them and refresh them. Unfortunately, the lack of means for repair activities is an obstacle to the more systematic application of voluntary labour among the persons deprived of liberty.

- Expansion of the general penitentiary activities, involvement of NGOs in educational and instructive activities. The “Doza Obich” association has been working for 7 years now with persons deprived of liberty and increase their health culture. In the last 3 years lecture courses were organized with the doctors from the Regional Inspectorate for Protection and Control of Public Health, which were visited by all prisoners. In 2011 the Prevention of Sexual Violence was piloted for 4 months jointly with NGO “IGA” and the Execution of Penalties Directorate General.

- The number and diversity of general penitentiary activities were increased.

- Conduction of various vocational courses organized by the Execution of Penalties Directorate General in 2012 and 2013. The goal is to award a professional qualification to about 800 persons deprived of liberty.

In the Varna prison

Every social activity and educational work inspector enriched the activities in his group for sensible engagement of the spare time of the persons deprived of liberty –motivating the persons deprived of liberty to continue their educational degree by visiting school classes or joining educational programmes for illiterates, educational talks, participation in professional courses when such are organized in the prison. An account is taken of the specific needs of the various groups of the prison population.

- A lifer accommodated in the common areas will continue his education in a school. A lifer accommodated in the common areas is appointed as a construction worker under the staff-table.

- Measures are undertaken to ensure additional time in accordance with a schedule for sport events in the open.

- Teamwork is done for adaptation of newly admitted persons. All newly admitted persons deprived of liberty go through it.

- “Preparation for freedom” group work is conducted. It is visited by all persons deprived of liberty whose release from the prison is forthcoming.

- A short-term programme is conducted for treatment of drug-addicts with the participation of 15 persons deprived of liberty.

- Anger mastering teamwork is conducted with the participation of 8 persons deprived of liberty – lifers and a group of 12 persons deprived of liberty – sentenced.

As regards lifers, the social-and-educative activities performed in respect of them are conducted on the basis of the provisions of the Execution of Penalties and Detention in Custody Act and the Rules Implementing the Execution of Penalties and Detention in Custody Act, as well as in compliance with the national standards for treatment of lifers.

As of 01 September 2012 167 persons serve life imprisonment punishment in the penitentiary facilities, 59 of them without parole and 108 – with parole.

Considerable efforts were made in the last years to improve the conditions of daily activities in the high security areas. The goal is to achieve treatment of the lifers that is closer to the European standards.

The improvement of their quality of life is precondition for a decrease of the number of appeals to various institutions, claims and demands to the state. This allows the employees to seek for new opportunities to give meaning to their stay, as well as opportunities for more purposeful individual and educative work with them. There is a striving to stimulate the proper behaviour, preservation of their psychological status and revealing before them of prospects of change in the legal status. The successful integration of lifers with the other persons deprived of liberty is not only an “experiment” but it is an affirmed practice in the prisons and is a part of the management of this category of legal offenders.

In 2011 8 lifers were accommodated under the general procedure or twice as many compared to 2010. This positive trend, except for effective corrective activity, is also indicative of a considerable change in the attitude towards this category of sentenced persons on the part of the relevant prison administration.

Important progress in the social-and-educative work with lifers is reported towards activation in the implementation of the group forms of work with them in the high security areas. In addition, psychological consultations are deployed and diagnostic activities with respect of the current psychological status of this category of sentenced persons. Thereby, forecasts are made at an earlier stage for conditions of higher anxiety, depressive conditions and suicidal risks.

Lifers are included in the school-and-educative process through an individual form of training at the schools in the respective prisons.

All teams implementing specialized group programmes with lifers report high effectiveness towards restriction of the personal regress from the continuous isolation, improvement of the interrelations between the prison administration and the lifers and development of social skills necessary in their accommodation under the general procedure.

Considerable difficulties in the social-and-educative work are reported in respect of lifers with personal disorders, whose number is constantly increasing. High risk is identified about these persons of causing serious damages to the surrounding people and it remains relatively constant despite the interventions applied.

Activities concerning the supervisory-and-security staff, guards and security in the penitentiary facilities

The Execution of Penalties Directorate General understands and shares the concerns of the CPT about the insufficient number of guard staff. Indeed, we can confirm that such a finding was also made in former visits of the CPT, but no measures have been presently implemented for increasing of the number of employees due to the lack of budgetary funds.

As a positive aspect in this relation we can point out the fact that purposeful steps are undertaken as regards the announcement of competitions and the utilization of the free staff positions in the supervisory-and-security division; the procedures for recruitment and appointment of supervisors are intended to be accelerated as much as possible.

Due to the unattractive labour and the impossibility to secure adequate payment (the staff salaries have not been increased for years. This happened for the last time on 01 January 2009 – 5 % increase.), which is not a sufficient motive for candidates for work in the Bulgarian penitentiary facilities.

Likewise, the constantly changing labour, social and social insurance legislation that affects the status of the employees from the penalty execution system has a negative impact on them and therefore there is a certain periodical floating of employees of the penitentiary facilities who leave the system.

The annual reduction of the number of state employees in the budget sphere has an immediate effect on the human resources of the penitentiary system as well. The position of EPDG, upon every request for a decrease of the staff is that this will result in serious problems in the guarding organization and in the treatment of the persons deprived of liberty.

As regards the carrying of truncheons by the employees of the supervisory-and-security staff a note should be made that this accessory is a part of the aids intended to facilitate the performance of the duties of office of the supervisory-and-security staff and are a compulsory element of the supervisors' equipment. Their use is regulated in the Execution of Penalties and Detention in Custody Act. In relation to previous recommendations of the CPT the question was discussed at official consultations with the prison heads in the country and a practice was established not to allow unnecessary ostentation and showiness in the carrying of truncheons during a sentry duty. Furthermore, truncheons usually remain in the respective sentry rooms and are more rarely worn on the waist.

It should be taken into consideration that a truncheon is the only tool to repulse assaults against the employees or against other persons deprived of liberty and it does have a dissuasive effect on delirious and aggressive prisoners. Last, but not least, one should not forget also the objective truth that in the Bulgarian prisons while on duty a supervisor communicates with 40 – 50 persons deprived of liberty as a part of them are unpredictable in terms of behaviour and expression, especially in the psychiatric ward. The question about the wearing of aids has also many times caused the sharp reactions of the trade union of prison officers in Bulgaria.

Health service

The health service in both prisons is very problematic due to the exceptional shortage of staff and resources. The delegation was buried with complaints concerning obstructed access to the prison medical staff, inadequate quality of the cares (including dental cares), problematic access to external specialists/hospitals (especially for health insurance reasons) and delays in cases of movement to external hospitals.

In the Varna prison the medical staff comprised one general practitioner who had quite recently resumed practicing this profession after a long sickness leave – and a medical auxiliary – both of them full-time. The doctor from the near prison hostel “Razdelna” provided medical cares in the absence of the medical auxiliary. The position of a psychiatrist is vacant since January 2011. A full-time dentist is on-site two hours five days a week. The facility did not have a qualified nurse. In summary, since January 2011 the needs of the facilities medical cares have been in essence ensured by a medical auxiliary. The delegation was impressed by her professionalism and commitment. This was also recognized by the prisoners. Nevertheless it is unacceptable that for at least 18 months no solution has been found to make up for the absence of a general practitioner.

A dentist, a medical auxiliary and a dental nurse work in the Burgas prison – they are all full-time. There are two vacant jobs: for a general practitioner and a psychiatrist. A general practitioner is appointed under a civil contract. He visits the prison for two hours a day (Monday through Friday), but he only serves prisoners with health insurances. In this case it is generally accepted that this staff is quite insufficient for satisfactory servicing of more than 1,000 prisoners.

The above status of the staff largely impedes the provision of healthcare that is worthy to be referred to as healthcare in the visited facilities. Furthermore, the expectations from the medical auxiliaries are too high and it makes them practice beyond their competence.

There are 6 (six) staff positions opened in the medical centre at the Varna prison. The following positions are currently occupied: a director of the medical centre, an intern in the Razdelna prison hostel, a medical auxiliary, a dentist under a civil contract. The vacant positions are for a physician-psychiatrist, a dentist and a nurse. The director of the medical centre, Dr. Y is on a long sickness leave. Currently Dr. Y is under an active treatment in the Gabrovo “Specialized Lung Disease Active Treatment Hospital” with the following diagnosis: “Multi-drug resistant tuberculosis”. The hospital treatment will continue 6 (six) months, and then there will be at least 18 (eighteen) months of home treatment. In relation to the long sickness leave, by a letter reg. No. 1290/28 May 2012 of the Varna prison the medical documents were sent for certification by the Central Expert Labour Medical Commission of the Medical Institute of the Ministry of Interior, Sofia. The answer of the Central Expert Labour Medical Commission of the Medical Institute of the Ministry of Interior, reg. No. 1089/ 25 June 2012 is that in this case an aggravated chronic disease is concerned, with a long course and the expert examination of the capacity to work will be carried out after the end of the hospital treatment. This situation objectively brings about big obstacles in the provision of medical cares for the persons deprived of liberty in the Varna prison. For this reason, by a letter reg. No. 1571/02 July 2012 of the Varna prison, the medical documents were sent to the Varna lung diseases Expert Labour Medical Commission for the purpose of labour readjustment. The answer is still anticipated.

The Execution of Penalties Directorate General understands the difficulties in the appointment of qualified personnel in the prisons and therefore by a letter reg. No. 5541/04 July 2011 of the Execution of Penalties Directorate General it was permitted to enter into civil contracts with a general practitioner, a doctor-psychiatrist and a dentist in the Varna prison.

There are 6 (six) staff positions opened in the medical centre at the Burgas prison. The following positions are currently occupied: two medical auxiliaries, a dentist, a nurse. The position of a doctor-psychiatrist is vacant. Due to the removal from office of the director of the medical centre, Dr. Z, from the beginning of 2012 the Execution of Penalties Directorate General allowed the conclusion of a civil contract with one general practitioner until the appointment of a principal holder of the vacant job “Director of a medical centre”, which was carried out by the Burgas prison administration. A proposal was promptly initiated to the Ministry of Justice for the announcement of a competition for the vacant job. By order No. ЧП – 05 – 22/ 19 June 2012 of the Minister of Justice, the competition for the position of a “Director of a medical centre” in the Burgas prison was announced.

By the measures undertaken, the management of the Execution of Penalties Directorate General anticipates the fastest possible resolution of the problem with the number of the staff in the prisons in Varna and Burgas.

The recommendations of the CPT to appoint additional medical staff of five nurses for the two prisons will be considered and taken into account by the management of the Execution of Penalties Directorate General in the preparation of the staff tables, in accordance with the number of staff of the directorate.

Special efforts are being made by EPDG for the appointment of a physician-psychiatrist in the two prisons. A competition was announced many times for the vacant positions but there are no applicants for them. The reasons are complex: shortage of physicians with a "Psychiatry" specialty on a national level; unattractive conditions of work; low remuneration that does not correspond to the physicians' qualification.

The existing organization of the medical aid in the deprivation facilities corresponds to the capacities of EPDG in every aspect and to a great extent ensures the necessary medical aid, guaranteeing the physical and psychic health of the detained persons and of the persons deprived of liberty. Immediate medical aid is provided by the staff employees in the system in their working hours, and if necessary – the prison administration provides the services of the emergency centres for urgent servicing if needed. Great difficulties are encountered in the provision of health services in the territorial units with a decreased medical human resource due to the lack of candidates with the necessary education and qualification for the announced vacant jobs. One competition has to be announced several times due to the lack of candidates. The accommodation in the penitentiary facilities is rather equivalent to a place to live rather than to a hospice. On holidays and during nights the services of Emergency Centres or of prison medical staff are used.

Persons deprived of liberty that need specification of their diagnosis and treatment are hospitalized in the two specialized active treatment hospitals for persons deprived of liberty (SBALLS – Sofia and SBALLS – Lovech). Persons suffering serious diseases and disabled persons are immediately transported with a specialized medical transport and an accompanying medical worker. The prison administration ensures the escorting and transportation of the persons deprived of liberty for the conduction of tests, consultations with a physician-specialist in medical facilities outside the penitentiary facilities. If the specialist decides and prescribes so, patients who need hospitalization are hospitalized in the respective medical facility for in-hospital aid. The decision to conduct diagnostic procedures or hospitalization is taken in the interest of the health and life of the patients in need only, with their informed consent.

The admission medical examination in the Burgas prison is performed immediately after the admission. In contrast, delays were observed in the Varna prison, some of them amounting to seven days. The medical examination in both facilities is superficial and is simply an interview with the prisoner for former diseases and measurement of his heart rate and blood pressure.

As regards the screening for infectious diseases, the two facilities are visited twice a month by a NGO, on a voluntary basis, for HIV, syphilis, hepatitis B and C tests. Furthermore, every person newly admitted to the Burgas prison fills up a questionnaire for screening of tuberculosis and suspected cases are subjected to Mantoux and thorax X-ray. In both prisons the results are only delivered to the respective prisoners, but not to the prison medical staff. Only positive blood tests are recorded in the Burgas prison, and all negative results are immediately destroyed without preservation of any documentation.

The penitentiary facilities are covered by the activities of the National Programme for prevention and control of HIV/AIDS in the Republic of Bulgaria and the National Programme "Strengthening of the tuberculosis control in the Republic of Bulgaria", activity "Decreasing Tuberculosis Transmission in Prisons". With the financial support of the Global Fund to Fight AIDS, Tuberculosis and Malaria under the programme "Improvement of the Control over Tuberculosis in Bulgaria" mass screening is performed on an annual basis in the prisons upon observance of the principles of voluntariness, anonymity and confidentiality.

On the grounds of a joint order of the Minister of Health and the Minister of Justice, prisons are visited in accordance with an approved schedule by an anonymous and free HIV/AIDS consultation and test office (AFACTO). In 2011 prophylaxis examinations were performed: for HIV/AIDS – 3,986, for syphilis – 4,309. The test is offered to every person deprived of liberty and is provided on a voluntary and anonymous basis with a pre- and post-test consultation of the client, in the absence of prison administration staff.

Financing has been ensured from the Global Fund to Fight AIDS, Tuberculosis and Malaria under the Programme “Improvement of the Control over Tuberculosis in Bulgaria” in the amount of euro 35,000 for mass tuberculosis screening through fluorography examinations of 7,000 persons deprived of liberty. Upon admission of persons deprived of liberty to the prisons, tuberculosis screening was conducted in respect of 7589 person; of them through a questionnaire – of 6,149, fluorography examination or X-ray – 2,977, Mantoux tuberculin skin test – 1,311, in respect of 1,083 persons an expectoral material was taken for microscopic examination and culture. The screening results were verified by experts from the Ministry of Health and representatives of KPMJ in Bulgaria.

In the context of the above the CPT reiterates its recommendation to take steps to guarantee thorough screening of the newly admitted prisoners for bodily injuries. In this context, the report filled in by the physician must contain, in addition to a detailed description of the established injuries, the possible accusations of the affected prisoner and the conclusions of the physician in respect of the correspondence of these accusations with the objective medical findings. Further on, upon documentation of injuries corresponding to ill-treatment alleged by the prisoner (or even in the absence of allegations, if they indicate ill-treatment) the report must be handed over under the proper procedure to the relevant prosecutor. Furthermore, the results from every examination, including the above statements and the conclusions of the physician must be handed over to the prisoner and to his lawyer.

Every person deprived of liberty goes immediately after his admission to a prison, reformatory or detention facility through a primary medical examination for evaluation of his overall health status and sanitary manipulation. If traces of violence are identified the person is certified and measures are taken to render medical aid, as the respective chief must be immediately notified.

We accept the findings in the report as regards the keeping of the medical documentation. EPDG on periodic and regular basis reminds the employees to strictly comply with the legal provisions. By a circular letter with reg. No. 5536/19 June 2006 instructions were given for strict keeping of the medical documentation and storage thereof in locked cabinets. In relation to the present recommendations a circular letter was sent again with reg. No. 58213/28 May 2012 of the Director General of the Execution of Penalties Directorate General to all prisons, containing instructions for improvement of the quality of the primary and specialized out-of-hospital and in-hospital aid rendered to the persons deprived of liberty. Full and well-structured medical file with legibly filled-in documents must be prepared for every patient. They must contain all the clinical information that the medical facility has for this patient. The file must by all means contain records for every visit, for conducted consultations, for a conducted treatment and all clinical-and-laboratory, instrumental and image tests. This information is to be on hard copies as computer files may also be created. The medical files of the patients may also be accompanied by documents received from consultants and hospital medical facilities. The medical specialists must periodically add to the medical files of patients with chronic disease stage epicrises for their progress and evaluation drawn up in the prison medical centre. Special card-index must be created in the medical facilities for storage of the medical files and must only be accessible to personnel authorized for the purpose. A system must be created for storage, selection and search of medical files of patients not worked with, and free room must be ensured for the storage thereof. The medical records, administrative and other official document letterheads that may be subject of abuses must be kept at locations with restricted access of external parties. A system is being created for storage, selection and search of medical files of patients not worked with, and free room is ensured for the storage thereof. The medical records, administrative and other official document letterheads that may be subject of abuses are kept at locations with restricted access of external parties.

The procedure for distribution of medicines to the persons deprived of liberty is governed by Ordinance No. 2 of 22 March 2010. The persons deprived of liberty are supplied with the necessary drugs in the medical centre ambulatory. Their receipt is certified by a signature of the person deprived of liberty in the ambulatory book. EPDG on a periodical and regular basis reminds the employees to strictly comply with the legal provisions. Circular letter reg. No. 5536/19.06.2006 contains detailed instructions for strict compliance with the good medical practice rules for receipt, storage in locked cabinets and distribution of medicines and medicinal drugs to the persons deprived of liberty. In relation to the present recommendations a circular letter was sent again to them with reg. No. 58213/28 May 2012 of the Directorate General of the “Execution of Penalties Directorate General” to all prisons. The letter aforementioned contains instructions for improvement of the quality of the primary out-of-hospital and in-hospital aid rendered to the persons deprived of liberty. In relation to this particular recommendation of the CPT the following instruction is given in the letter: “The clinical decisions and other evaluations of the health status of every person deprived of liberty must only be guided by medical criteria, and their volume must be determined by the prison physician. The medical decision shall only be taken in the interest of the health of the persons deprived of liberty.

Persons deprived of liberty who are appointed as auxiliary staff (sanitary) in the Medical Centre should not be allowed to participate in diagnostic, treatment and rehabilitation procedures, as well as procedures related to taking care of the diseased, which require a contact with the sick person’s body, except for procedures related to palliative cares for terminally sick patients.

The EPDG management fully shares the need of confidentiality in the conduction of medical examinations and the patient’s right to secret. The attendance of an officer from the supervisory-and-security staff in the medical centre is to be decided on a case-by-case basis for each particular case only if needed (Ordinance No. 2 of 22 March 2010). Such practice is only admissible if verbal or physical aggression is manifested by the patient. The standards for quality of the individual work of medical officials and of the conditions for performance thereof, as well as observance of the human rights are complied with in the medical facilities of the penitentiary facilities. This means that disclosure of the examinations made by a medical specialist is not allowed.

We accept the findings contained in the report in respect of the keeping of the medical documentation. Unfortunately, the established practices of incomplete keeping of the medical documentation in both prisons can only be explained by the lack of sufficient number of medical staff and the large workload in the ambulatory. EPDG reminds its employees periodically and regularly to strictly comply with the legal provisions. The following instructions have been drawn up in this respect:

The following must be compulsorily carried out in respect of every person deprived of liberty (patient):

- Primary, basic medical examination with overall assessment of the health status and sanitary manipulation. If traces of violence are found the person is to be certified and measures are to be taken for rendering of medical aid, as the respective chief is to be immediately notified;
- A complete and well-structured medical file must be drawn up with legibly filled in documents. It must contain all the clinical information that the medical facility has for this patient;
- The medical file must include records for every visit, consultations made, conducted treatment and all clinical-and-laboratory, instrumental and image tests (the information must be on hard copies as computer files may also be created);
- The patients’ medical files must also include documents received from consultants and hospital medical facilities. The medical specialists must periodically add to the medical files of patients with chronic disease stage epicrises for their progress and evaluation drawn up in the prison medical centre.”

On a request of the director of the medical centre, the persons deprived of liberty can be appointed as an auxiliary staff at the medical facilities (Ordinance No. 2 of 22 March 2010). All persons deprived of liberty who are appointed to work undergo an expert psychological examination and a risk assessment is made by a social worker and a psychologist in order to establish qualities sought for the performance of certain activity. The employment of the persons deprived of liberty has a favourable effect on the re-socialization of the persons deprived of liberty. EPDG explicitly shares the view that the auxiliary staff does not have the right to perform activities other than sanitation of the premises. The instructions periodically sent by EPDG to the chiefs of all prisons are firm in their prescriptions. An order is issued not to allow the persons deprived of liberty appointed as auxiliary staff (sanitary) in the medical centre to take part in diagnostic, medical treatment and rehabilitation procedures, as well as in procedures related to taking care of diseased persons.

14 programmes for substituting and supporting methadone treatment are in place in the penitentiary facilities. In order to introduce a uniform procedure and order in the supply of methadone for treatment in the penitentiary facilities, a uniform document to comply with the compulsory instructions has been drawn up and sent on 07 December 2011, jointly with the Drug Substances directorate at the Ministry of Health, the National Drug Addiction Centre (NDAC) and EPDG, to the managers of Programmes for substituting and supporting methadone treatment and the heads of all prisons. The programme managers should every month provide the patients who serve a deprivation of liberty punishment and are included in the substituting and supporting treatment programme managed by them with: Individual consultation from a physician-psychiatrist; Urine testing; Psychological consultation.

The medical cares provided to the detainees and the persons deprived of liberty are the same as these provided to the free citizens in the Republic of Bulgaria. Difficulties arise due to the large number of persons deprived of liberty with suspended social insurance rights even before their admission to the penitentiary facilities. More than 85% of the persons deprived of liberty enter the prison with suspended health-insurance rights. Pursuant to Art. 40, para. 3, item 6 of the Health Insurance Act, detainees and persons deprived of liberty are insured on account of the national budget. The special Execution of Penalties and Detention in Custody Act – Art. 128, para. 2 and Art. 84, para. 2, item 4 regulates the obligation of the state in the person of the Ministry of Justice to pay to the account of the national budget health insurance contributions for all persons deprived of liberty from the moment of their deprivation. We would like to inform the delegation that it is about persons with suspended health-insurance rights from before their admission to the penitentiary facilities, when they were free citizens. Pursuant to Art. 109, para. 1 of the Health Insurance Act (HIA) a person is bound to pay for the medical aid rendered if he/she has not made more than three monthly contributions due for a period of 36 months until the beginning of the month preceding the month of medical aid rendered. EPDG does not have a legal ground to reimburse for a past period the unpaid insurance contributions of the persons deprived of liberty.

The persons deprived of liberty with suspended health insurance rights cannot use the services of the National Health Insurance Fund – hospitalization under a clinical path in an external medical facility. The opinion of the experts from the Ministry of Health is that there is no mechanism to force the medical facilities to treat “free of charge” persons without health insurance, whether free citizens or persons deprived of liberty. Due to the low social and financial status of some patients, the budget of the Execution of Penalties Directorate General pays for services for treatment in external medical facilities, although the legislator has not provided for a legal ground, on which EPDG is to pay for the medical treatment of persons without health insurance. This puts the persons deprived of liberty in a privileged position compared to free citizens. Free citizens also pay for medical consumables on their own account at prices determined by the medical facilities. The Constitution of the Republic of Bulgaria declares in Art. 6, para. 2 the principle of equality of all citizens before the law and of no restrictions of their rights or privileges on different grounds.

As regards each particular case of a disease where a need has arisen to conduct highly specialized diagnostic procedures or to purchase expensive medicaments, EPDG approves the granting of additional financial resource. The Execution of Penalties Directorate General understands how exceptionally serious the problem is in legal and financial terms. In order to guarantee the access to “free” health services to the persons deprived of liberty in the medical facilities, a proposal is made to amend and supplement the Execution of Penalties and Detention in Custody Act, No. 201 – 02 – 25 put forward before the Council of Ministers on 23 April 2012, adopted in first reading on 11 July 2012.

For supply of medicaments and medical consumables for the needs of the 13 prisons and a detention facility in the city of Sofia, on the grounds of a contract concluded between the Ministry of Justice and a pharmaceutical company, the necessary medicaments are ensured in accordance with specifications drawn up in advance on the basis of an updated spending rate for the past year.

In the other detention facilities the necessary medicinal products, respectively authorized for use in the country, are supplied in due time when necessary, on the grounds of prescriptions issued by physicians, dentists and medical auxiliaries. There is not a specific requirement for an annual plan for drugs and a limit of financial resources for medicaments. It is substantiated again on the principle of equality of the medical service provided to the detainees with the one provided to free citizens.

Pursuant to the Execution of Penalties and Detention in Custody Act the persons deprived of liberty may receive drugs from outside with the knowledge of the physician of the respective medical facility and under his control.

The Ministry of Justice and the Ministry of Health traditionally work in close cooperation and interaction. All legal documents regulating the medical care in the penitentiary facilities are coordinated and affirmed by the ministers of the two departments.

In the conditions of economic crisis in the state and radical reforms in the national health system, the existing organization of the medical aid in the penitentiary facilities best suites the capacities of EPDG.

The recommendations of the CPT referring to changes in the legal status of the persons deprived of liberty are related to legislative changes that will be subjected to a thorough consideration.

Presently a draft Act Amending and Supplementing the Execution of Penalties and Detention in Custody Act is moved to the National Assembly of the Republic of Bulgaria. It will be discussed in adopted.

This draft act provides for changes related to the status of the persons serving a “deprivation of liberty” that are in line with a more human treatment that complies with the established standards.

As regards the comment made by the CPT for a legislative change in view of the implementation of the institute of conditional early release in respect of all lifers, this is a highly controversial issue requiring a thorough analysis and evaluation, in order to make the relevant changes in the penalty execution regulations.

External supervision

External supervisions were carried out in both prisons by the Varna District Prosecutor's Office, the Appellate Prosecutor's Office and the Burgas District Prosecutor's Office. Complex inspections were also made by employees of the Execution of Penalties Directorate General. Inspections will also be made by the Ombudsman of the Republic of Bulgaria. Pursuant to Art. 19, para. 2 of the Ombudsman Act the Ombudsman performs the functions of a National Preventive Mechanism within the meaning of and in accordance with the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 18 December 2002.

The inspection made on 08 November 2011 in the Varna prison by prosecutor A from the Varna District Prosecutor's Office did not establish violations on the part of the prison administration. At meetings with persons deprived of liberty there were discussions about issues concerning disciplinary punishments imposed by the chief of the prison and disagreement with total punishments determined by the judicial authorities.

The inspection made on 06 March 2012 in the Varna prison by prosecutor A from the Varna District Prosecutor's Office collected complaints from persons deprived of liberty, lifers and persons sentenced to life without parole, persons who committed a criminal offence punishable by the law by the most severe punishment and persons who were punished by an order of the prison chief by the disciplinary punishment "isolation in a lock-up cell for up to 14 days". As regards the inquiries and complaints, the Varna District Prosecutor's Office gave 10 days to the prison administration to make an investigation and to inform the persons and the prosecutor's office in writing. The prescriptions issued by the supervising prosecutor exerting supervision over the compliance with legality in the execution of the punishments were complied with.

In the course of an inspection made on 17 January 2012 in the "Razdelna" open prison hostel at the Varna prison on the part of the Varna Appellate Prosecutor's Office and with the participation of the supervising prosecutor A a discussion was held about the poor hygiene conditions. It was established that the repaired kitchen block met the contemporary norms and a public procurement would be announced for the performance of the necessary repair in the prison hostel. In this relation we would like note that funds have been set aside for repair and reconstruction of the prison hostel along the lines of the NORWEGIAN FINANCIAL MECHANISM. What comes next is the selection of a contractor (contractors) for the construction-and-repair works and supply of equipment until the end of the budgetary 2012 the approximate term of completion being the middle of 2013. As regards the problem concerning failure to provide dental care, it was established that for the time being this problem cannot be resolved due to the lack of candidates for the job.

During an inspection made on 12 July 2012 in the Varna prison on the part of the Varna Appellate Prosecutor's Office and with the participation of the supervising prosecutor, questions were raised in respect of the conditional-early release from serving of the remaining part of the penalty, replacement of the regime of service of the punishment for a lighter one, movement to a prison establishment of a lighter type, suspension of the execution of the punishment, wrongly determined total punishments, wrong application of Art. 24 of the Criminal Code, unreasonable refusal to take into account preliminary detention, failure to take out to work, deliberate retention and destruction by social activity and educational work inspectors of petitions of the persons deprived of liberty that contain also a request for a meeting with the prison chief. Most of these complaints have been investigated many times and do not correspond to the objective truth. There was also a discussion dedicated to the use of force, intensified precautions, means of restraint and arms, as well as the medical cares. It was established that the prison administration delayed the sending of notices of the commencement of the serving of the deprivation of liberty punishment.

It was ordered to immediately send information for the commencement of the punishments to the prosecutor's office, which enforces the verdicts issued by the court.

During an inspection made on 13 September 2012 in the Burgas prison by prosecutor B and prosecutor C from the Burgas District Prosecutor's Office a discussion was held on the questions concerning the application of intensified precautions, use of force, means of restraint and arms, the imposition of disciplinary punishments and encouragement of the persons deprived of liberty. The inspection covered the period 01 January 2012 – 30 June 2012. An inspection was made of the reward and punishment registers. It was established that whenever physical force and means of restraint had been used against the persons deprived of liberty, the public prosecutor exercising supervision over the legality had been notified. In this relation there are no violations. It was established that there were cases when imposition of the disciplinary punishments resulted in a violation of Art. 104, para.1 of the Execution of Punishments and Detention in Custody Act. These cases were not repeated after an inspection made by employees of the Execution of Penalties Directorate General in the Burgas prison in July 2012.

Inspections in both prisons were also made by Mrs. Diana Kovacheva – Minister of Justice and by Mr. Plamen Georgiev – Deputy Minister of Justice.