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Report

to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

from 24 March to 3 April 2014

The Bulgarian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2015) 13.

Strasbourg, 29 January 2015

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Copy of the letter transmitting the CPT's report

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Strasbourg, 17 July 2014

Dear Ms Doycheva,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Bulgarian Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Bulgaria from 24 March to 3 April 2014. The report was adopted by the CPT at its 84th meeting, held from 7 to 11 July 2014.

The various recommendations, comments and requests for information formulated by the CPT are highlighted in bold in the body of the report. As regards more particularly the Committee's recommendations, having regard to Article 10 of the Convention, the CPT requests the Bulgarian authorities to provide **within six months** a response giving a full account of action taken to implement them. Concerning paragraph 57 of the report, the Committee requests the Bulgarian authorities to provide, **within one month**, a copy of the autopsy report (including photographs and results of the laboratory tests performed) as well as a copy of the report drawn up by the Prosecutor's Office following the death of a prisoner, "A", in his cell at Sofia Central Prison on 25 July 2013. Further, as regards paragraph 53, the CPT would like to receive information on the outcome of the inquiry into the manner Boychinovtsi Correctional Home operates, and information on subsequent action taken, **within three months**.

The Committee trusts that it will also be possible for the Bulgarian authorities to provide, in the above-mentioned response, reactions to the comments formulated in this report as well as replies to the requests for information made. The CPT would ask, in the event of the response being forwarded in the Bulgarian language, that it be accompanied by an English or French translation.

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

Yours sincerely,

Lətif Hüseynov
President of the European Committee for the Prevention
of Torture and Inhuman or Degrading Treatment or Punishment

cc: Ms Krassimira Beshkova, Ambassador, Permanent Representative of Bulgaria
to the Council of Europe

Ms Mariela Yaneva, Senior Expert, Ministry of Justice, Sofia

EXECUTIVE SUMMARY

The CPT's ninth visit to Bulgaria provided an opportunity to review the implementation of recommendations made after the Committee's previous visits. Particular attention was paid to the treatment of persons in police custody and of juveniles in penitentiary establishments as well as of the conditions of detention and the provision of healthcare in prisons. The cooperation received by the Bulgarian authorities in the course of the visit was generally good. However, the principle of cooperation also requires that decisive action be taken to improve the situation in the light of the CPT's key recommendations, and the CPT is seriously concerned by the fact that the vast majority of the Committee's long-standing recommendations, some of them dating back to the very first periodic visit to Bulgaria in 1995, remain unimplemented. These include recommendations on ill-treatment (both in the police and prison context), inter-prisoner violence, prison overcrowding, material conditions of detention in investigation detention facilities (IDFs) and prisons, prison health-care, staffing levels, as well as discipline, segregation and contact with the outside world. In some cases, the situation has deteriorated since the 2010 and 2012 visits. The CPT is of the view that the time for words is over and that urgent and effective action must now be taken to address all these concerns. Consequently, in the light of the inaction to date, the CPT has decided to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.

Policing

The delegation received many allegations of deliberate physical ill-treatment of persons detained by the police (including juveniles and women), both at the time of apprehension and during questioning, consisting of slaps, punches, kicks and truncheon blows. In some isolated cases, it heard allegations of ill-treatment of such a severity that it would amount to torture, such as truncheon blows on the soles of the feet, blows with truncheons inflicted to a person attached with handcuffs to hooks fixed to a door frame (and thus immobilised in a hyperextended position) and the infliction of electric shocks using an electrical discharge weapon. In several cases, the delegation found medical evidence supporting the allegations of ill-treatment.

Despite the existence of legal regulations for the recording of injuries found on persons admitted to IDFs, it remained the case that injuries were almost never mentioned, and any description of injuries was extremely cursory. Further, medical examinations of newly-arrived detainees at the IDFs were still, as a rule, conducted in the presence of non-medical staff.

There has also been no improvement in the practical implementation of safeguards against police ill-treatment. Persons in police custody are rarely put in a position to *notify promptly their next-of-kin of their detention*. It was also still very rare for them to benefit from the *presence and the services of a lawyer* during the initial period of 24 hours of police custody. *Access to a doctor* in emergency situations did not seem to pose a problem but there seemed to be no uniform procedure or practice for non-urgent medical care. In addition, the CPT expresses serious misgivings about the practice whereby persons detained in Sofia, were taken to the Ministry of Interior Hospital, prior to their transfer to an IDF, in order to be seen by a doctor and to be provided with a certificate confirming that they were "fit for placement" in an investigation detention facility.

Material conditions had improved in some police establishments visited. That said, in other police establishments (e.g. in Burgas and Sofia), the conditions were inadequate as regards access to natural light, or cell size. The CPT's delegation made an immediate observation, in pursuance of Article 8, paragraph 5, of the Convention, concerning two particularly inadequate cells found at 1st and 4th District Police Directorates in Sofia, requesting that they be either enlarged or taken out of service. The Bulgarian authorities later confirmed that this had indeed happened.

Prisons

The CPT welcomes the drop in the prison population over the past two years but notes that overcrowding remains an issue of concern, with more than half of Bulgaria's prisons operating above their official capacity. The 2014 visit also confirmed that the problem of corruption in the Bulgarian prison system is endemic. At Burgas Prison, corruption now formed an important element of the management of the establishment, involving all categories of staff up to the most senior level, and the CPT is very concerned that the Bulgarian authorities seem not to have fully realised the extreme gravity of the situation in this prison.

No allegations of deliberate physical ill-treatment by prison officers were received at Vratsa Prison. However, at Belene Prison, several credible allegations of physical ill-treatment of prisoners by prison officers (consisting essentially of slaps, punches and kicks) were received. The situation was markedly worse at Burgas and Sofia prisons, where the delegation received a significant number of allegations of deliberate physical ill-treatment of prisoners by staff. At Burgas Prison, the CPT's delegation had the clear impression that, the intensity of ill-treatment had somewhat diminished following the dismissal of the director and his deputy in charge of security although the frequency of such treatment had not decreased. Further, the CPT was particularly struck by the situation at Boychinovtsi Correctional Home, where the vast majority of the interviewed juvenile inmates complained of being regularly beaten by custodial staff.

At Belene and Vratsa prisons, as well as at Boychinovtsi Correctional Home, the delegation heard some allegations of inter-prisoner violence. However, it was much more widespread at Sofia Prison, and literally omnipresent at Burgas Prison. The CPT is very concerned that no measures have been taken to combat the phenomenon of inter-prisoner violence in Bulgaria's prisons.

Material conditions in IDFs varied from one facility to another. In Sofia IDF on Dimitrov Boulevard, the ongoing thorough refurbishment had much improved the conditions as compared with the 2010 visit, although the new cells still displayed some major deficiencies. By contrast, the conditions in Burgas and Vratsa IDFs were inadequate for prolonged stays: cells of 5 to 6 m² for two persons, no direct access to natural light, inadequate artificial lighting and ventilation. Further, Burgas IDF still did not possess an outdoor exercise area. The absence of any organised activities in IDFs remained another issue of serious concern, given that many persons spend lengthy periods (months, and occasionally over a year) there.

All prisons visited, with the notable exception of Vratsa Prison, were characterised by a state of dilapidation, which was particularly advanced at Belene and Burgas prisons. Further, Sofia and Burgas prisons were grossly overcrowded and the CPT's delegation found that, at Burgas Prison not all inmates had their own bed. Despite ongoing efforts to offer work and (in some of the establishments visited) education or vocational training to sentenced prisoners, at least two-third of sentenced prisoners and almost all of remand prisoners) had no access to organised out-of-cell activities and were left in a state of idleness for most of the day.

The review of the situation of life-sentenced prisoners demonstrated that little had been done to improve their conditions in the light of the CPT's long-standing recommendations. In addition, no progress had been made as regards the removal from the Criminal Code of the sentence of "life imprisonment without the right to substitution". In the prisons visited, only a very small proportion of lifers were allowed to associate with other sentenced prisoners. The material conditions of high-security units were particularly poor and inadequate, as was the regime of activities.

The severe shortage in health-care staffing levels observed in all prisons visited rendered extremely difficult the provision of health care worthy of the name. Unsurprisingly the CPT's delegation was overwhelmed with complaints from inmates regarding difficulties and delays in having access to medical care and inadequate quality of care. The premises and equipment of health-care units, as well as the rooms used to accommodate sick inmates, were invariably of a low standard and in a poor state of repair and cleanliness. At Belene Prison, the delegation made an immediate observation concerning the extremely dilapidated and insalubrious medical isolation room, which was unfit for accommodation. The Bulgarian authorities later informed the CPT that this room had indeed been taken out of service. In all the penitentiary establishments visited, newly-arrived prisoners were in principle seen by health-care staff within 24 hours from their arrival. However, in most of the establishments the medical screening process was superficial, if not a mere formality. Moreover, medical confidentiality was still not respected as non-medical custodial staff were usually present during inmates' medical examinations (and systematically in the case of prisoners from high-security units). Life-sentenced prisoners were, in addition, usually handcuffed during such examinations.

Inadequate staffing levels were evident in all prisons visited, with the exception of Boychinovtsi Correctional Home. The lack of staff, combined with prison overcrowding and the application of a system requiring custodial staff to work for 24 hours at a time, increases the risk of violence and intimidation between prisoners, as well as tension between prison staff and prisoners, and undermines the quality and level of the activities offered to the inmates. The CPT calls upon the Bulgarian authorities to take urgent steps to increase custodial staffing levels.

As regards contacts with the outside world, the main issue of concern was the system of granting prolonged visits. It became apparent that this form of reward for good behaviour was very rare and, moreover, was the subject of institutionalised corrupt practices at both Burgas and Sofia prisons. At Boychinovtsi Correctional Home and at Belene Prison, the delegation received many complaints from inmates concerning the apparent difficulties that their families experienced because of the relative geographical and logistical isolation of the two establishments.

Resort to disciplinary measure of solitary confinement was rather infrequent at Vratsa Prison, where the disciplinary procedure seemed to be applied properly, and at the other prisons visited it was generally not excessive. As regards juveniles, the CPT was concerned to note that disciplinary isolation was resorted to frequently at Boychinovtsi Correctional Home and that the material conditions in the disciplinary unit were very poor; furthermore, successive placements of five days (with only a 24-hour interruption) were not uncommon. The CPT is again critical of the fact that prison doctors are still required to certify prisoners' fitness for placement in disciplinary isolation (prior to the start of the measure).

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Bulgaria from 24 March to 3 April 2014. The visit formed part of the Committee's programme of periodic visits for 2014 and was the CPT's ninth visit to Bulgaria[1].

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

- Mykola GNATOVSKYY, 2nd Vice-President of the CPT (Head of delegation)
- Djordje ALEMPIJEVIĆ
- Dan DERMENGIU
- Haritini DIPLA
- Alfred KOÇOBASHI
- George TUGUSHI.

They were supported by Borys WÓDZ, Head of Division, and Isabelle SERVOZ-GALLUCCI of the CPT's Secretariat, and assisted by:

- Elena ALEXEIVA (interpreter)
- Iliana ATANASSOVA (interpreter)
- Vera GEORGIEVA (interpreter)
- David IEROHAM (interpreter)
- Stanimir STANCHEV (interpreter).

[1] The CPT has previously carried out five periodic visits (in 1995, 1999, 2002, 2006 and 2010) and three ad hoc visits (in 2003, 2008 and 2012) to Bulgaria. The reports on these visits and the responses of the Bulgarian authorities have all been made public upon request by the authorities, and are available on the Committee's website (http://www.cpt.coe.int).

B. Establishments visited

3. The delegation visited the following places of deprivation of liberty:

Establishments under the authority of the Ministry of Interior

- Belene District Police Directorate
- Byala Slatina District Police Directorate
- 1st District Police Directorate, Burgas
- 4th District Police Directorate, Burgas
- 5th District Police Directorate, Burgas
- Dolni Dabnik District Police Directorate
- Pavlikeni District Police Directorate
- 1st District Police Directorate, Sofia
- 2nd District Police Directorate, Sofia
- 4th District Police Directorate, Sofia
- 5th District Police Directorate, Sofia
- 7th District Police Directorate, Sofia
- Svishtov District Police Directorate
- Vratsa District Police Directorate

Establishments under the authority of the Ministry of Justice

Investigation detention facilities at:

- 42, Dimitrov Boulevard, Sofia
- Burgas
- Vratsa

Prisons:

- Belene Prison
- Burgas Prison
- Sofia Central Prison
- Vratsa Prison

Boychinovtsi Correctional Home.

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

4. In the course of the visit, the CPT's delegation held consultations with Plamen ANGELOV, Deputy Minister of Interior, Ilia ANGELOV, Deputy Minister of Justice, Mitko DIMITROV, General Director of the General Directorate of Execution of Sanctions, Milcho ENEV, Deputy Director of the National Police General Directorate, Asya PETROVA, Deputy Prosecutor General, as well as other senior officials from the Ministries of Interior, Justice and Health, and from the Prosecutor's Office.

The delegation also had meetings with Konstantin PENCHEV, Ombudsman, and Lyubomir KRILCHEV, acting director of the National Preventive Mechanism, as well as representatives of the Bulgarian Helsinki Committee.

5. The CPT wishes to express its appreciation of the efficient assistance provided to its delegation before, during and after the visit, by the liaison officer appointed by the Bulgarian authorities, Elena DOYCHEVA from the Ministry of Justice.

6. As on previous occasions, the overall level of co-operation received in the course of the visit from the national authorities and from staff at the establishments visited was good. In particular, the delegation enjoyed immediate access to all the places visited (including ones not notified in advance), was able to speak in private with persons deprived of their liberty and was provided with all the information necessary for the carrying out of its task.

That said, several inmates interviewed at Burgas and Sofia Prisons, as well as at Boychinovtsi Correctional Home, were clearly afraid to speak with the delegation, and some of them stated that they feared possible repercussions for having done so[2]. In this regard, the Committee wishes to stress once again that any retaliatory measures taken against persons as a result of their contacts with a CPT's delegation would be a violation of the Convention and therefore illegal.

7. As stated by the CPT in the past, the principle of co-operation set out in Article 3 of the Convention is not limited to steps taken to facilitate the task of visiting delegations. It also requires that decisive action be taken in response to the Committee's recommendations.

In this respect, the CPT is seriously concerned by the fact that the vast majority of the Committee's long-standing recommendations, some of them dating back to the very first periodic visit to Bulgaria in 1995, remain unimplemented (or only partially implemented). This includes *inter alia* recommendations on issues such as ill-treatment (both in the police and prison context); inter-prisoner violence; prison overcrowding; material conditions of detention in investigation detention facilities and prisons; prison health-care services; custodial staffing levels, as well as discipline, segregation and contact with the outside world. Indeed, in some cases, due to the lack of decisive action and the reduction of resources made available, the CPT's delegation has observed signs of deterioration in the situation, as compared with the 2010 periodic visit (and the 2012 ad hoc visit, with respect to prisons).

In the report on its 2012 ad hoc visit, the Committee has already expressed its extreme concern with the lack of progress observed in the Bulgarian prison system (and at Burgas Prison in particular)[3], and stressed that this could oblige the CPT to consider having recourse to Article 10, paragraph 2, of the Convention[4].

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2 See also paragraph 51 below.

3 See paragraph 7 of CPT/Inf (2012) 32.

4 "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

The findings made by the Committee's delegation during its follow-up visit to Burgas Prison in April 2014 visit are, in many respects, of even more concern than in 2012.

It is the CPT's firm view that the time for words is over – now is the time for urgent and effective action to address all the above-mentioned concerns. Obviously, the Committee stands (as it has always done so far) ready to assist the Bulgarian authorities in addressing this situation, through advice and – if the authorities so wish – alerting the relevant stakeholders, including at the European level.

Meanwhile, however, and also in the light of what has already been said in the reports on the 2010 and 2012 visits[5], the CPT has decided, in the course of its 84th plenary meeting in July 2014, to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention. A separate letter on this subject will be sent to the Bulgarian authorities shortly.

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

8. At the end of the visit, the CPT's delegation met senior Government officials in order to acquaint them with the main facts found during the visit. On that occasion, the delegation made two immediate observations, in pursuance of Article 8, paragraph 5, of the Convention, on certain particularly urgent matters.

As regards the first immediate observation, the Bulgarian authorities were requested to confirm within one month that:

- given the limited size (some 5 m²), the lack of access to natural light and the inadequate ventilation of the cell for "aggressive detainees" at the 4th District Police Directorate in Sofia, the cell in question has been taken out of service;

- the cell seen by the delegation at the 1st District Police Directorate in Sofia, which was likewise too small for its intended use (measuring some 5 m²), deprived of access to natural light and fresh air, has been either enlarged and provided with adequate access to natural light and proper ventilation, or taken out of service.

The second immediate observation was made in respect of the medical isolation room located in the health-care unit of Belene Prison. The delegation asked the Bulgarian authorities to confirm, within one month, that the above-mentioned room, which was extremely dilapidated, dirty and therefore unfit for human accommodation, has been taken out of service.

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5 See paragraph 7 of CPT/Inf (2012) 9, and paragraph 7 of CPT/Inf (2012) 32.

9. In addition, the delegation requested the Bulgarian authorities to provide, within one month, the following information as regards the death of a prisoner, "A", in his cell at Sofia Central Prison on 25 July 2013:

- a copy of the report drawn up by the Prosecutor's Office following A's death, as well as information on the results of the investigation and on any subsequent action taken, and

- a copy of the autopsy report including photographs and results of the laboratory tests performed.

10. The above-mentioned immediate observations and requests were subsequently confirmed in a letter of 10 April 2014 from the President of the CPT.

By letter dated 29 April 2014 (received by the CPT on 23 May 2014), the Bulgarian authorities informed the Committee of the measures taken. Those measures will be assessed later in the report.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Establishments under the authority of the Ministry of Interior

1. Preliminary remarks

11. The legal framework governing police custody has remained basically unchanged since the CPT's previous visit. In particular, pursuant to the Law on the Ministry of Internal Affairs (LMIA), persons (including criminal suspects) may be detained by the police on their own authority for a maximum of 24 hours[6]. Further, as before, Section 64 (2) of the Code of Criminal Procedure (CCP) stipulates that a prosecutor may order the detention for up to 72 hours of an accused person with a view to bringing him/her before the court competent to remand persons in custody[7].

In the reports on its previous visits[8], the Committee has repeatedly pointed out that the above-mentioned provisions could be (and indeed frequently were) interpreted so as to allow to deprive persons of their liberty – prior to them being brought before a judge – for up to 96 hours, a period that was clearly too long and contrary to the jurisprudence of the European Court of Human Rights (ECtHR)[9].

12. At the outset of the 2014 visit, the delegation was informed by senior officials of the Ministry of Interior and by senior prosecutors that, following the aforementioned judgment by the ECtHR, instructions had been issued to all police officers and prosecutors in order to make clear that: the time of police custody (and of remand in custody) is to be counted as from the very moment of the *de facto* apprehension; and that whenever the measure foreseen in Section 64 (2) of the CCP is applied by decision of the prosecutor, the initial period of police custody is to be systematically included into the 72-hour period. In other words, no one should be deprived of his/her liberty – prior to being brought before a judge – for longer than 72 hours.

These instructions appeared to have been implemented in practice in respect of the majority of the persons held in police establishments and investigation detention facilities visited.

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6 According to Section 63 (1) of the LMIA, the police may detain a person: 1) for whom there is information that he/she has committed a crime; 2) who, after due warning, deliberately obstructs the police from fulfilling their duties; 3) who demonstrates serious psychic disorder and, by his/her behaviour, violates public order or exposes his/her life or the life of others to obvious danger; 4) who is an underage offender who has left his/her home, guardian, trustee or specialised institution where he/she has been accommodated; 5) if it is impossible to establish his/her identity in the cases and manner provided for in Section 61 (2); 6) who has evaded prison sentence or escaped from a place where he/she was detained as an accused under the authority of the police or the judiciary; 7) in respect of whom there is an international search warrant in connection with his/her extradition or in fulfilment of the European arrest warrant; 8) in other cases determined by law.

7 During this 72-hour period, detained persons should in principle be accommodated in investigation detention facilities run by the Ministry of Justice (see paragraphs 58 to 64).

8 See paragraphs 9 to 11 of the report on the 2006 periodic visit (CPT/Inf (2008) 11), paragraph 8 of the report on the 2008 ad hoc visit (CPT/Inf (2010) 29) and paragraph 10 of the report on the 2010 periodic visit (CPT/Inf (2012) 9).

9 E.g. in *Zvezdev v. Bulgaria.* Judgment of 7 January 2010 concerning the application No. 47719/07.

That said, similar to the situation described in the report on the 2010 visit[10], exceptions to this rule were found, in particular in Sofia. For example, the delegation found cases where the 72 hours were counted after the initial police custody period, or where persons had been held in several district police directorates for successive 24-hour periods prior to being detained by a prosecutor's order. The delegation also came across a few isolated cases in which there was apparently a gap of several hours between the time of apprehension and the time indicated in the order of detention, as well as between the end of the 72-hour period and the presentation before the judge. Consequently, **the CPT recommends that further steps be taken by the Bulgarian authorities to ensure correct interpretation and implementation of the relevant provisions of the LMI and of the CCP (as well as of the instructions referred to above) throughout the country.**

2. Ill-treatment

13. The CPT's delegation received many allegations of deliberate physical ill-treatment of persons detained by the police (including juveniles and women), both at the time of apprehension and during questioning (the latter with a view to extracting confessions or obtaining information). The alleged ill-treatment generally consisted of slaps, punches, kicks and truncheon blows. In some isolated cases, the delegation heard allegations of ill-treatment of such a severity that it would amount to torture, such as truncheon blows on the soles of the feet, blows with truncheons inflicted to a person attached with handcuffs to hooks fixed to a door frame (and thus immobilised in a hyperextended position)[11] and the infliction of electric shocks using an electrical discharge weapon (taser). A few detained persons interviewed at the Investigation Detention Facility (IDF) on Dimitrov Boulevard in Sofia also alleged that old car tyres had been placed around their heads and shoulders, and that they had either been struck or forced to squat up and down subsequently.

Further, a number of detained persons gave accounts of psychological pressure put on them in order to make them confess to a crime, in the form of verbal abuse, threats of being physically ill-treated, or of possible repercussions for family members.

14. The examination of medical records at the IDFs and prisons visited (especially in Burgas and Sofia) revealed several cases of newly-admitted persons who had borne injuries upon arrival which were consistent with allegations made by them of ill-treatment by the police.

The following case may be mentioned here as an example: "B"[*], seen by the delegation at Sofia IDF, alleged that, in the afternoon of 6 February 2014, while being interviewed at the 2nd District Police Directorate in Sofia, he had been punched, kicked and struck with a truncheon by three police officers. Reportedly, he had sustained a jaw fracture and a leg injury during the interrogation. He was subsequently returned to the detention cell where he complained to the duty officer, who then called an ambulance. His medical record contained *inter alia* the following entry made after his admission to the Ministry of Interior Hospital in Sofia (in the evening of 6 February 2014): "Fracture of the left angle of mandible without displacement". He was then transferred to the Medical Academy Hospital (also in Sofia) where a maxillofacial examination was recommended. Following his examination, he was transferred to the IDF on Dimitrov Boulevard in Sofia.

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10 See paragraph 11 of CPT/Inf (2012) 9.

11 The delegation saw such hooks in the police establishment which was referred to in the allegation concerned.

* 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.

Upon request by health-care staff from the above-mentioned IDF (addressed to the competent prosecutor on 11 February 2014), he was sent (on 17 February 2014) to the Maxillofacial Surgery Clinic, where surgical immobilisation was applied to him. The medical discharge letter from the Clinic mentioned that the "fracture was caused by a blow"; it is noteworthy that this information was not mentioned in the medical records of the IDF or Sofia Prison Hospital.

On 19 February 2014, B was transferred to Sofia Prison Hospital where he remained until 7 March 2014. He reportedly sent a formal complaint to the Ministry of Justice. **The CPT would like to be informed about the outcome of this complaint.**

15. Further, in some cases, the delegation itself gathered directly-observed medical evidence which was consistent with allegations of physical ill-treatment received. For example:

- a person interviewed at the IDF on Dimitrov Boulevard in Sofia alleged that he had been ill-treated (punched, kicked, struck with a wooden stick and compressed with hands) during questioning at the 9th District Police Directorate in Sofia, which had taken place around mid-March 2014. Upon examination by a medical member of the delegation, the person concerned was found to display: on the medial part of his right forearm, multiple round or oval shaped red-yellow bruises, ranging in size from 1/0.3 to 1.5/2 cm; on the medial part of his left forearm, six round or oval shaped red-yellow bruises, ranging in size from 0.5/0.3 to 1/0.7 cm; on the cubital margin of the upper third of his right forearm, an abrasion area (9/5 cm) partially covered with dark red crusts; on the left posterior aspect of the thorax, a 5 cm long linear abrasion, partially covered with dark red crusts (black dots); on the left flank parallel to the last rib, an oblong bruise (10/1.5 cm, centred by a 6 cm linear abrasion). Further, his right ankle was swollen, particularly on the lateral side, and a 2/1.2 cm dark red bruise was visible on his right external malleola. It should be added that the relevant entry in the register of medical examinations on admission to the IDF (dated 26 March 2014) merely referred to "haematomas and bruises of both arms" and a "swollen ankle", without any mention of the circumstances in which the above-mentioned injuries had been sustained[12];

- a person interviewed by the delegation at Sofia Prison alleged that, in the course of his custody at the 7th District Police Directorate in Sofia some ten days earlier, he had been repeatedly punched and struck with a truncheon, and an electrical discharge weapon (taser) had been applied to him. Upon examination by a medical member of the CPT's delegation, the person concerned was found to display: a large bruised area (10/12 cm) over the lateral aspect of his right knee, motley coloured (dark red-yellow-pale green); a large bruised area (9/6 cm) over the lateral aspect of the distal third of the left thigh, motley coloured (yellow-pale green); linear lacerated wound (2 cm long) lateral to the left patella, partially covered with red-brown crusts. It is noteworthy that the above-mentioned injuries were not recorded upon his admission to Sofia Prison[13].

[12] See paragraph 21.
[13] *Ibid*.

16. At the outset of the 2014 visit, the delegation was informed by the Bulgarian authorities of the steps taken to combat ill-treatment by the police, in the light of the recommendations made in the report on the CPT's 2010 visit. These steps included improved police training (both initial and ongoing), with new curricula and manuals elaborated in part thanks to foreign assistance[14]; intensified courses on practical aspects of police ethics[15], and the carrying out of specialised courses on investigating hate crimes (under the auspices of the OSCE). Senior officials from the Ministry of Interior assured the delegation that a "zero tolerance" policy with respect to ill-treatment by all law enforcement agencies was already in force in Bulgaria.

The same message was reiterated by the Bulgarian authorities in their letter of 29 April 2014, where reference was also made to instructions issued by the senior management of the Ministry of Interior to all police officers, requiring them *inter alia* to acquaint themselves once again with the provisions of the Code of Police Ethics and the Ordinance and Methodological Instructions on the Procedure for Application of Auxiliary Means by Police Authorities.

Whilst the Committee takes due note of these different measures, its delegation's findings during the 2014 visit clearly indicate that persons taken into police custody in Bulgaria still run a considerable risk of being ill-treated. Consequently, **the CPT calls upon the Bulgarian authorities to pursue rigorously their efforts to combat ill-treatment by police officers. This should include the firm message of "zero tolerance" of ill-treatment to be delivered publicly, repeatedly and in person by the Minister of Interior, and to be backed by intensified and ongoing training activities. Police officers throughout the country should receive a stern reminder that all forms of ill-treatment (including verbal abuse) of persons deprived of their liberty are unlawful and will be punished accordingly.**

17. During the initial meeting at the Ministry of Interior, the CPT's delegation was also informed that the legal framework for the use of "auxiliary means" by the police (including, in particular, the electrical discharge weapons – tasers) had been recently improved, with more strict and clear criteria for their application. For example, each use of a taser now required an express authorisation by a senior police official, and it was strictly prohibited to apply tasers vis-à-vis certain categories of person (juveniles, pregnant women, etc.). The new regulations were accompanied by improved training and reporting procedures.

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[14] Among others, mention was made of the new Human Rights training manual (drafted with the assistance of experts from Norway).

[15] In the framework of a Dutch-financed project.

While welcoming these steps, and having in mind the allegations and medical evidence referred to in paragraphs 13 to 15, the Committee must reiterate its comments made in the report on the 2010 visit[16] and – more generally – in the 20th General Report on the CPT's activities[17], which spells out the general principles to which the use of electrical discharge weapons should be subject[18].

The CPT reiterates its recommendation that the Bulgarian authorities ensure that these principles are complied with when police officers or other law enforcement officials are issued with electrical discharge weapons.

18. In the Committee's view, it is also essential to promote a police culture where it is regarded as unprofessional to work and associate with colleagues who resort to ill-treatment. More precisely, proper conduct by police staff vis-à-vis detained persons must be fostered, in particular by doing more to encourage police officers to prevent colleagues from ill-treating detained persons and to report, through appropriate channels, all cases of ill-treatment by colleagues. There must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring/has occurred and fails to act to prevent or report it. This implies the development of a clear reporting line to a distinct authority outside of the police unit concerned as well as a framework for the legal protection of individuals who disclose information on ill-treatment and other malpractice. **The CPT recommends the adoption of such "whistle-blower" protective measures by the Bulgarian authorities.**

19. In the report on the 2010 visit[19], the CPT invited the Bulgarian authorities to introduce a uniform nationwide system for the compilation of statistical information on complaints and disciplinary and criminal proceedings and sanctions against police officers related to ill-treatment.

Unfortunately, such a uniform nationwide system has still not been put in place, as a result of which the statistical data provided to the delegation during the 2014 visit (by the Ministry of Interior and the Supreme Cassation Prosecutor's Office) is not entirely compatible and therefore fails to enable the CPT to obtain a clear picture of the situation in the country. Consequently, **the Committee recommends that such a system be introduced as a matter of priority.** Once operational, it will be of help for the Bulgarian authorities to assess the existing trends and assist in the taking of policy decisions.

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16 See paragraph 19 of CPT/Inf (2012) 9.

17 See CPT/Inf (2010) 28, http://www.cpt.coe.int/en/docsannual.htm

18 "In the Committee's view, the use of electrical discharge weapons should be limited to situations where there is a real and immediate threat to life or risk of serious injury. It is inadmissible to use them solely with the purpose of ensuring compliance with an order. Furthermore, their use should only be authorised when less coercive methods - such as negotiation and persuasion or manual control techniques - have failed or are impracticable and when it is the only alternative to other methods presenting greater risk of death or injury. Police officers to whom electrical discharge weapons are to be issued should be specifically selected and suitably trained, and they should receive detailed instructions concerning the use of these weapons.
The CPT has also stressed that before such weapons are made available, they should go through a technical authorisation procedure and that they should be equipped with memory chips which can record information on their use, enabling supervision by the competent authorities."

19 See paragraph 16 of CPT/Inf (2012) 9.

Further, once the new system is up and running, **the Committee would like to receive the following information, in respect of the first year of the new system's operation:**

- **the number of complaints of ill-treatment made against police officers and the number of criminal/disciplinary proceedings which have been instituted as a result;**

- **an account of criminal/disciplinary sanctions imposed following such complaints.**

20. As already stressed by the CPT in the report on its 2010 visit[20], the existence of effective procedures for examining complaints and other relevant information regarding alleged ill-treatment by the police is an important safeguard against ill-treatment of persons deprived of their liberty.

In this context, the delegation was informed at the outset of the 2014 visit that, following the reorganisation of the Bulgarian prosecution service in 2013, the former specialised unit[21] whose role had been to supervise criminal procedures relating to offences committed by or against police officers, prison officers and the military personnel had been abolished and, instead, a special division had been set up at the Supreme Cassation Prosecutor's Office, tasked mainly with the prosecution of corruption-related cases among civil servants but also with the investigation of cases of alleged ill-treatment by law enforcement officials[22]. The delegation was interested to note that prosecutors employed in the above-mentioned division reportedly had at their disposal their own team of investigators, who did not work for the Ministry of Interior. The delegation was assured that police investigators would never be involved in the investigation of cases of alleged ill-treatment by other police officers[23].

The CPT welcomes the new system, which – provided it is adequately resourced – has indeed the potential to guarantee the independence and impartiality of criminal investigations into cases of ill-treatment by police officers (and other law enforcement officials). It is clear that the Committee will pay close attention to the performance of this system in the course of the CPT's future visits to Bulgaria. Meanwhile, **the Committee would like to receive more detailed information about the structure, composition, available resources and practical operation of the above-mentioned special division.**

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20 See paragraph 17 of CPT/Inf (2012) 9.

21 Comprising prosecutors from the Prosecutor General's Office.

22 It is to be recalled here that, pursuant to the CCP, only the Prosecutor's Office is authorised to carry out investigations into such cases. The police may carry out initial urgent actions (for example, if a complaint against ill-treatment is submitted to the police, rather than directly to the prosecutor) but, in any event, the police must inform the prosecutor within 24 hours from the receipt of the complaint (see Section 194, read in conjunction with Section 205 (2) of the CCP). If a disciplinary offence committed by a police officer also appears to constitute a criminal offence, the evidence collected in the context of the disciplinary procedure is to be sent without delay to the prosecution authorities.

23 Save, perhaps, at the very initial stage referred to in the footnote above.

21. The role to be played by health-care staff (and, in particular, medical doctors) in the prevention of ill-treatment has been repeatedly emphasised by the CPT in the past.

The Committee already positively commented on the existing regulations for the recording of injuries found on persons admitted to IDFs and prisons in the report on its 2010 visit[24]. Unfortunately, similar to the observations made during that visit, the practice seen in the IDFs and prisons visited in 2014 was generally far from the requirements set out in the above-mentioned regulations.

For example, the relevant records at the IDF on Dimitrov Boulevard in Sofia (and, to a lesser extent, in the other IDFs visited) almost never mentioned the circumstances in which injuries had been inflicted, and the descriptions of injuries were at the very least superficial. As regards the requirement that all relevant cases be forwarded to the supervising prosecutor, the doctor working at the Sofia IDF told the delegation that "there is no [such] formal obligation". The situation was not better in the prisons visited, where injuries observed on newly-arrived inmates were not systematically recorded, the descriptions (if at all made) were extremely superficial and the reporting system not fully operational[25].

In the light of the above, **the CPT calls upon the Bulgarian authorities to take urgent steps to ensure adequate implementation of the Order № L-6399 of 26 July 2010 and Regulation № 2 of 22 March 2010 in all the IDFs and prisons throughout the country.**

22. It should also be noted that medical examinations of newly-arrived detainees at the IDFs (and newly-arrived inmates in prisons) were still, as a rule, conducted in the presence of non-medical staff (police or prison officers). As already stressed in the past, such practices represent a flagrant violation of the principle of medical confidentiality and could clearly inhibit the persons concerned from making truthful statements about what had happened to them.

The CPT calls upon the Bulgarian authorities to ensure that all medical examinations of persons on arrival at IDFs and prisons are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of police and prison officers.

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[24] See paragraph 18 of CPT/Inf (2012) 9. To recall, pursuant to the Order № L-6399 of 26 July 2010 issued by the Minister of Justice, medical staff at IDFs performing the examination of newly-arrived detainees should draw up a certificate which specifies in detail the characteristics, position and size of each injury, the statements made by the detainee, and the medical conclusion. The case should be immediately reported to the management, who should inform the supervising prosecutor and the General Directorate for the Execution of Punishments. Similar instructions are contained in Regulation № 2 of 22 March 2010 "On the terms and conditions for medical care in places of deprivation of liberty", issued by the Minister of Health and the Minister of Justice and concerning medical examinations in prisons.

[25] The mechanism of reporting about traumatic injuries was very complex, with many actors involved and an unclear division of tasks amongst them; the responsibility for taking action upon receipt of such information appeared to be frequently shifted between civil and military prosecutors. Further, there seemed to be no unified system in place in the different prisons visited.

23. More generally, the Committee is of the view that it is important to make a clear distinction between, on the one hand, the administrative procedures followed when detained persons are handed over to the custody of an IDF or a prison and, on the other hand, the thorough medical examinations which should follow. It is essential that, during the above-mentioned administrative procedures, health-care staff are as a rule not directly involved in the initial procedure of handover of custody and that detained persons found to display injuries on admission are not questioned about the origin of those injuries in the presence of staff with no health-care duties.

The CPT recommends that the regulations referred to in paragraph 21 above be amended and completed so as to ensure that:

- **health-care professionals are as a rule not directly involved in the administrative procedure of handover of custody of detained persons to an IDF or to a prison;**[26]

- **persons found to display injuries upon admission are not questioned by anyone about the origin of those injuries during the above-mentioned handover procedure;**

- **any record made, and any photographs taken, of injuries during the handover-of-custody procedures are forwarded without delay to IDF or prison health-care professionals;**

- **all persons admitted to IDFs and prisons are properly interviewed and thoroughly examined by qualified health-care staff as soon as possible, and no later than 24 hours after their admission; the same approach should be adopted each time a person returns to an IDF or prison after having been taken back to the custody of another structure for investigative or other purposes;**

- **health-care staff may inform custodial officers on a need-to-know basis about the state of health of a detained person/prisoner; however, the information provided should be limited to that necessary to prevent a serious risk for the detained person/prisoner or other persons, unless the detained person/prisoner consents to additional information being given**;

- **health-care professionals advise the detained persons/prisoners concerned of the existence of the reporting obligation, explaining that the writing of such a report falls within the framework of a system for preventing ill-treatment and that the forwarding of the report to the relevant authority is not a substitute for the lodging of a complaint in a proper form;**

- **detained persons/prisoners and, upon their request, their lawyers are fully entitled to receive a copy of the medical records. When possible, photographs of injuries should be made and appended to the medical records;**

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[26] Naturally, a health-care staff member should be consulted immediately whenever a newly-arrived detained person/inmate requires urgent medical assistance or if there are doubts as to whether the state of health of the person concerned is compatible with admission to an IDF or prison.

- **whenever a report on injuries is notified to the Prosecution Service, a forensic medical opinion is sought without delay and the detained person/prisoner is examined promptly, physically, thoroughly and in private by a forensic doctor.**

The CPT further recommends that special training be offered to health-care professionals working in IDFs and prisons. In addition to developing the necessary competence in the documentation and interpretation of injuries as well as ensuring full knowledge of reporting obligations and procedures, this training should cover the technique of interviewing persons who may have been ill-treated.

3. Safeguards against ill-treatment

24. As already mentioned in the report on the 2010 visit[27], the legal framework concerning fundamental safeguards against ill-treatment of persons deprived of their liberty by the police in Bulgaria (including the rights of notification of custody, access to a lawyer and access to a doctor from the very outset of deprivation of liberty) is generally adequate[28].

At the outset of the 2014 visit, the delegation was informed that the Minister of Interior had recently reminded all police officers of their duty to respect the above-mentioned legislation. Nevertheless, the delegation's findings during the visit suggest that further efforts are necessary given that the practical implementation of these provisions had not really improved (and, in some respects, even deteriorated) since 2010.

25. In particular, as regards notification of custody, the delegation received numerous allegations from persons who were – or had recently been – in police custody, according to which they had not been put in a position to notify promptly their next-of-kin of their detention. Many persons stated that their relatives had only been informed after they had been brought to an IDF (i.e. after up to 24 hours from the moment of apprehension), or after they had met their lawyer (which often happened later than 24 hours after apprehension, see paragraph 26)[29]. In a few cases, allegations were even heard according to which notification of custody had been refused altogether prior to the person's first court hearing (in the course of which he/she had been remanded in custody). In this context, the CPT welcomes the information provided by the Bulgarian authorities in their letter dated 29 April 2014, according to which senior management of the Ministry of Interior had once again instructed all police staff to ensure that persons in police custody are in a position to notify their next-of-kin of their detention in a timely manner. **The Committee recommends that continuous vigilance be exercised in this respect by the Ministry of Interior's leadership.**

Several detained persons who had sought to make use of their right of notification of custody complained that they did not know whether notification had actually been given. Consequently, **the CPT reiterates its recommendation that the Bulgarian authorities take steps to ensure that persons detained by the police are systematically given feedback as to whether the notification of their custody has been performed.**

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27 See paragraph 20 of CPT/Inf (2012) 9.

28 Relevant provisions can be found in the Bulgarian Constitution, the CCP and the LMI. In addition, the Ministry of Interior Instruction No. Iz-1711 of 15 September 2009 ("On the equipment of police detention facilities and the rules applicable to them") reiterates the duty of police officers to inform detained persons of the previously mentioned rights immediately after their detention.

29 In those cases, the notification had reportedly been performed by the lawyer.

26. As for access to a lawyer, there again no progress has been observed since the 2010 visit. The delegation found that it was still very rare (and even exceptional) for detained persons to benefit from the presence and the services of a lawyer at the very outset of their deprivation of liberty by the police and in general during the initial period of 24 hours of police custody[30]; moreover, some persons alleged that they had only been in a position to meet their lawyer during the first court hearing (when the issue of possible imposition of a preventive measure was being considered).

It also became clear (after consultation of relevant registers and case files) that, even when the (usually *ex officio*) lawyer was requested by the police to come, this almost invariably happened at the very end of the 24-hour period of custody, thus generally after the detained person had already been interviewed and after his/her confession or statement had already been drafted by the police. The impression was therefore that the lawyer's presence was of a purely formal nature, aimed at ensuring that the detention protocol is "duly" filled in and contains the lawyer's signature.

Furthermore, the delegation received several complaints according to which the police had actively discouraged persons in their custody from exercising their right to have a lawyer present and assisting them, by either stating that they "did not need a lawyer" at this stage of the procedure or by claiming that the lawyer (in particular, when the person requested that his/her own lawyer be contacted) "could not be reached" or "was not willing" to come to the police establishment.

In the light of the above, **the CPT once again calls upon the Bulgarian authorities to take immediate and effective steps to ensure that the right of access to a lawyer for persons deprived of their liberty applies as from the very outset of deprivation of liberty by the police. The Committee also recommends that all police officers be reminded that any attempts to persuade detained persons to renounce their right to a lawyer are illegal.**

27. The CPT's delegation again heard many allegations according to which, even in those rare cases when the detained persons did meet their lawyers while in police custody, such meetings systematically took place in the presence of police officers. This is totally unacceptable.

The right of access to a lawyer must include the right to meet him/her in private. Seen as a safeguard against ill-treatment (as distinct from a means of ensuring a fair trial), it is clearly essential for the lawyer to be in the direct physical presence of the detained person. This is the only way of being able to make an accurate assessment of the physical and psychological state of the person concerned. If the meeting with the lawyer is not in private, the detained person may well not feel free to disclose the manner in which he/she is being treated.

Consequently, **the CPT calls upon the Bulgarian authorities to ensure that persons detained by the police have in all cases the right to talk to a lawyer in private.**

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[30] I.e., as again confirmed by the delegation's findings described in paragraphs 13 to 15 above, the period when persons detained faced the highest risk of being ill-treated.

28. As on previous visits, several detained persons who had benefited from the services of *ex officio* lawyers complained about the quality of their work; in particular, *ex officio* lawyers reportedly frequently advised their clients not to make complaints about their alleged ill-treatment and/or failed to bring the attention of the relevant authorities to the alleged ill-treatment. In the light of these allegations, **the CPT recommends that a review of the system of *ex officio* legal assistance be carried out, in co-operation with the Supreme Bar Council. In particular, *ex officio* lawyers should be reminded, through the appropriate channels, of the importance of their role in preventing and, if necessary, reporting ill-treatment by the police.**

29. Concerning access to a doctor, the information gathered by the delegation indicated that the police generally did not hesitate to call an ambulance if a person in their custody appeared to require medical assistance. For other (apparently non-urgent) medical care, there seemed to be no uniform procedure and practice: while in some district police directorates (e.g. in Belene) all persons detained were systematically seen by a doctor on arrival (unless they refused to be examined)[31], in some others (e.g. in Byala Slatina) this procedure only applied to detained juveniles, while such a systematic medical examination was not practised at all in the majority of the police establishments visited. **The CPT would welcome the observations of the Bulgarian authorities on this subject.**

30. Much more problematic was the situation observed by the delegation in Sofia, where the procedure was that, prior to their transfer to an IDF, detained persons were taken to the Ministry of Interior Hospital in order to be seen by a doctor and obtain a certificate confirming that they were "fit for placement" in an investigation detention facility[32]. From the delegation's observations, it is clear that this procedure did not in practice serve to prevent police ill-treatment, quite to the contrary: the medical examinations were very cursory (detained persons often being seen by a doctor for a very short time, frequently in the corridor), with the persons concerned being systematically handcuffed and always accompanied by their police escort[33]; further, even obvious visible injuries were usually not properly described and recorded by doctors from the Ministry of Interior Hospital, who moreover appeared not to systematically report even the recorded injuries to the relevant authorities. The situation was compounded by the fact that, as a rule, health-care staff employed in the IDF[34] did not question or verify the observations and conclusions by the doctors from the above-mentioned hospital.

In the light of the above, **the CPT refers to the recommendations already set out in paragraphs 21 to 23 above and calls upon the Bulgarian authorities to review the system in operation in Sofia in the light of these recommendations**. **Preferably, detained persons should (prior to their transfer to an IDF) be taken to establishments under the authority of the Ministry of Health.**

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31 Or even twice, both on arrival and upon release or transfer (e.g. in Pavlikeni).

32 In other regions visited, in particular in Burgas, detained persons were brought for this purpose to civilian hospitals.

33 It is noteworthy that the confidentiality of medical examinations was also not systematically ensured in the other police establishments visited. For example, the register of medical examinations at the 5th District Police Directorate in Burgas contained an entry called "Police officer present during the medical examination", which was always filled in and signed. The practice of police officers systematically being present during medical examinations of persons detained was also expressly acknowledged by staff of the District Police Directorate in Svishtov.

34 At least the one IDF visited in Sofia, namely that located on Dimitrov Boulevard.

More generally, **the Committee recommends that effective steps be taken to ensure full implementation, in all police establishments throughout Bulgaria, of the provisions of Instruction No. Iz-1711 of 15 September 2009 of the Ministry of the Interior concerning access to a doctor[35].**

31. Regarding, in particular, the confidentiality of medical examinations of persons in police custody, the CPT is pleased to note that (as announced to the Committee by the Bulgarian authorities in their letter of 29 April 2014) senior management of the Ministry of Interior have recently reminded police officers that they may only be present during such examinations at the express insistence of the doctor. **The Committee very much hopes that the effective implementation of these instructions will be systematically monitored by the Bulgarian authorities.**

32. In the CPT's view, the securing in good time of forensic medical evidence will often be crucial for the effectiveness of investigations into allegations of ill-treatment.

From the information gathered during the visit, it is clear that forensic medical examinations of persons who alleged ill-treatment were not always performed promptly, if they were performed at all. By means of an example, the delegation came across a case in which a person who alleged ill-treatment by police officers in November 2013 was only examined by a forensic medical expert in March 2014. The delegation was informed by senior prosecutors met at the outset of the visit that private individuals (provided they were not deprived of their liberty) were able to obtain, on their own initiative and on a fee basis, a medical examination by a forensic doctor. However, the forensic examination of persons deprived of their liberty had to be authorised by an investigator, a prosecutor or a judge in charge of the case.

The Committee recommends that the Bulgarian authorities ensure that in all cases where there are grounds to believe that a detained person may have been ill-treated, forensic medical expertise is both requested and provided in good time. In this connection, persons who allege ill-treatment by the police should be able to be examined by a forensic doctor at their own initiative, without prior authorisation from an investigator, a prosecutor or a judge, and regardless of whether they are deprived of their liberty. If necessary, the relevant legislation should be amended.

33. As for information on rights, similar to the situation observed in 2010[36], the individual case files consulted by the delegation in the police establishments and IDFs visited generally contained copies of forms ("declarations of rights") referring to detained persons' rights of access to a lawyer (including *ex officio*), access to a doctor and notification of custody (and, in the case of foreign nationals, to contact a consular office). Those forms were as a rule signed by the detained persons (in most cases no later than 1.5 hours after the recorded time of apprehension[37]).

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35 According to those provisions, detained persons can be medically examined at their own request. In addition, a medical examination by a doctor of the detainee's own choice can be carried out upon the person's request, and at his/her expense. A copy of the medical certificate drawn up after each examination is to be given to the detainee or his lawyer. Further, the results of the medical examination and any prescriptions should be entered in a special register, and signed by the doctor. The presence of a police officer during the examination is possible only at the request of the doctor.

36 See paragraph 24 of CPT/Inf (2012) 9.

37 Although in some rare cases, delays of up to 4 hours were observed, e.g. in Pavlikeni. These delays were

That said, on a few occasions the delegation heard allegations from detained persons that they had not been informed of their rights – a situation that can probably be at least partially explained by the fact (*nota bene*, contrary to the regulations in force) that a copy of the above-mentioned "declaration of rights" was usually not given to the persons concerned (unless they expressly requested otherwise). **The CPT therefore reiterates its recommendation that information on rights be given systematically to all persons apprehended by the police, first verbally at the very outset of their *de facto* deprivation of liberty and, subsequently, in a written form as soon as they are brought into a police establishment.**

Steps should be taken to ensure that detained persons are always given a copy of the "declaration of rights" (and allowed to keep it in the cell).

Further, despite earlier CPT's recommendations (and assurances by the Bulgarian authorities given in their response to the report on the 2010 visit and again at the outset of the 2014 visit), the forms available in the police establishments visited were still only in Bulgarian. Consequently, **the Committee reiterates its recommendation that the form on rights be made available in an appropriate range of languages.**

34. Turning to custody records, those consulted by the delegation in the police directorates visited were (again) often poorly kept, with numerous errors, corrections and omissions (e.g. missing times of arrival, transfer or release). Furthermore, there were obvious inconsistencies between the data concerning the same persons entered in different registers[38]. **The CPT reiterates its recommendation that the Bulgarian authorities take effective steps to ensure that custody registers are properly maintained, accurately record the times of actual apprehension, admission, placement in a cell, release or transfer, and reflect all other aspects of custody (precise location where a detained person is being held; visits by a lawyer, relative, doctor or consular officer; taking out of cell for questioning; any incidents related to a detained person, etc.).**

35. At Vratsa Police Directorate, the delegation was informed that custody records would only contain the data concerning persons who had physically been placed in one of the detention cells; no record would be made of persons who were brought to the establishment for interview (but not placed in a cell). **The Committee would like to be informed whether this is a general practice.**

Were it indeed to be the case, **the Committee recommends that this *lacuna* of the recording system be eliminated without delay; whenever a person is present in a police establishment for investigative purposes (including for interviews), this should always be duly recorded.** In addition to facilitating control over the observance of the legal provisions concerning police custody, such recording can protect police officers by countering false allegations made against them.

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explained by police officers by necessary transfer arrangements.

[38] For example, in Pavlikeni the delegation found a case where a person had supposedly arrived at the establishment two days after his release, and in Vratsa a detained person was, according to the records, seen by a doctor the day after he had left the Police Directorate.

36. The delegation received some allegations from detained juveniles[39], according to which they had been questioned and made to sign documents (confessions or other statements) without the presence of a lawyer and/or another trusted person. At Byala Slatina District Police Directorate, the delegation spoke with a juvenile who had been "offered" the possibility of having a lawyer present during the police interview but who had "declined" this "right"; obviously, this represented a violation of the provisions of the CCP concerning the obligatory participation of a lawyer in the criminal procedure in the case when a juvenile is detained and interviewed by the police[40].

The CPT recommends that the Bulgarian authorities take steps to ensure that detained juveniles are not questioned, do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer and, in principle, of another trusted adult being present and assisting the juvenile.

The Committee also recommends that a specific information form, setting out the particular position of detained juveniles and including a reference to the presence of a lawyer/another trusted adult, be developed and given to all such persons taken into custody. Special care should be taken to explain the information carefully to ensure comprehension.

37. Turning to independent monitoring of police establishments, the CPT notes that the project "Civil Monitoring of the Police", described in the report on the 2010 visit[41], has been discontinued due to lack of funding. Presently, the only independent outside monitoring body empowered to carry out visits to police establishments[42] is the National Preventive Mechanism (NPM) which, as the delegation was informed at the outset of the visit, faces serious financial and human resources related problems. In the light of the delegation's findings during the 2014 visit (see paragraphs 13 to 15), the Committee considers this to be a very regrettable state of affairs.

Consequently, **the CPT recommends that the Bulgarian NPM be reinforced so as to enable it to carry out frequent and unannounced monitoring visits to police detention facilities throughout the country.** Further, **consideration should be given to reactivating the above-mentioned project.**

4. Conditions of detention

38. It is to be recalled that, pursuant to Instruction No. Iz-1711 of 15 September 2009 ("On the equipment of police detention facilities and the rules applicable to them"), police cells should measure at least 7 m² and, in multiple occupancy cells, there should be at least 4 m² per person. The cells should be equipped with a means of rest and persons held overnight should be provided with blankets. Further, it is forbidden to have metal rails for handcuffing detainees.

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39 I.e. persons under 18 years of age.
40 Section 94 (1).
41 See paragraph 26 of CPT/Inf (2012) 9.
42 Apart from supervising prosecutors.

In order to ensure the fulfilment of the above requirements, a vast EU-funded programme of modernisation and reconstruction of police detention facilities[43] had been initiated in 2010 and was still ongoing in the course of the 2014 visit. According to the Deputy Minister of Interior, approximately a third of all police detention areas had been refurbished so far. Further, substandard detention areas in numerous establishments had been taken out of service, in some cases temporarily (pending their upgrade and refurbishment)[44].

39. Indeed, the results of the above-mentioned modernisation and reconstruction programme could be observed by the delegation in some of the district police directorates visited (e.g. in Belene, Byala Slatina, Dolni Dabnik, Pavlikeni, the 2nd and 7th District Police Directorates in Sofia, and in Vratsa), where the detention conditions could be considered as on the whole adequate (with the recently refurbished cells that were sufficiently large for their intended capacity[45], well lit and ventilated, and suitably equipped with beds, tables and stools, as well as with decent communal toilets and washrooms). That said, the lack of proper cleaning arrangements for the cells and communal toilets was beginning to show its consequences in most of these establishments; further, the overall condition of the building in Pavlikeni (which was severely affected by the humidity problem) was such that the newly-refurbished cells were already in a poor state of repair.

The situation was worse in the other police establishments visited in Burgas and Sofia. In particular, the delegation was concerned to note that the recently completed refurbishment at the 5th District Police Directorate in Burgas (the only operational police detention facility in town, see below), had been carried out without paying due attention to the accommodation standards referred to in paragraph 38, especially as regards access to natural light (which was inadequate in all the cells, due to the fact that the whole detention area was located in the basement). Access to natural light was also a problem in the cells at the 4th and 5th District Police Directorates in Sofia; indeed, cells located in the latter establishment had no access to natural light at all. That very same District Police Directorate also had cells that were too small (measuring less than 5 m²)[46]. Cells measuring barely 5 m² were found at the 1st District Police Directorate in Sofia, as well.

The CPT recommends that the Bulgarian authorities pursue energetically their programme for the modernisation and reconstruction of police detention facilities, and ensure that all the cells actually used by the police fully meet the criteria established in the Instruction No. Iz-1711. More particularly, **steps should be taken to remedy the deficiencies identified by the Committee in the above-mentioned district police directorates.**

40. In all the police establishments visited that had operational cells, the delegation noted with concern that persons detained overnight were not provided with a mattress and (except for Belene, Byala Slatina and Dolni Dabnik) a blanket. Further, despite the requirement set out in Section 43 of Instruction No. Iz-1711 (that persons in police custody be offered three meals per day), none of the establishments had in place reliable and properly budgeted arrangements for the provision of food.

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43 "Modernising Bulgarian police and enhancing its efficiency".

44 Among the establishments visited by the delegation in 2014, cell areas had been taken out of service in three district police directorates in Burgas (1st, 2nd and 4th) as well as in Svishtov.

45 E.g. a single cell measuring 8 m² and a double cell measuring 12 m² in Dolni Dabnik; a single cell measuring 7 m² and a double cell measuring 10 m² in Vratsa.

46 Moreover, the consultation of custody records suggested that, on occasion, such cells could each accommodate up to five detained persons overnight.

In this context, it is noteworthy that, in their letter dated 29 April 2014, the Bulgarian authorities informed the CPT that mattresses, pillows and bed sheets would be issued to all police establishments (where persons may be held overnight) by 30 April 2014 at the latest. The Committee welcomes this decision and **would like to receive confirmation that this has indeed happened**. Further, **the CPT recommends that steps be taken to ensure the full implementation of Section 43 of the Instruction No. Iz-1711, concerning the provision of food to persons in police custody.**

41. As already mentioned in paragraph 8 above, at the end of the visit the delegation invoked article 8, paragraph 5, of the Convention and made an immediate observation in respect of two cells: the so-called cell for "aggressive detainees" at the 4th District Police Directorate in Sofia (a bar-fronted cell which measured some 5 m² and was dark, unventilated and filthy) and a similar (though even slightly smaller) cell at the 1st District Police Directorate, also in Sofia. Both these cells were clearly unfit for human accommodation but, in addition, persons held in the first of the cells were permanently exposed to the odour emanating from the adjoining floor-level toilet, which was extremely dirty.

In the above-referred letter, the Bulgarian authorities informed the CPT that both of the above-mentioned cells had been taken out of service and that, more generally, a decision had been taken no longer to accommodate persons overnight at the 1st and 4th District Police Directorates in Sofia. The Committee welcomes this quick and positive response to its immediate observation.

42. Despite the clear prohibition set out in Instruction No. Iz-1711 (see paragraph 38), the delegation observed that persons detained by the police could still spend periods ranging from a few to 24 hours, sitting on benches located in corridors or in other premises and attached with handcuffs to metal rails. This was mainly the case in the establishments without operational cells (e.g. at the 4th District Police Directorate in Burgas and in Svishtov) but also in some of those which did possess functioning detention areas, such as the 1st and 5th District Police Directorates in Sofia. **The CPT calls upon the Bulgarian authorities to ensure full implementation of the aforementioned Instruction and to cease <u>immediately</u> the practice of using metal rails for handcuffing detainees in police establishments.**

B. Establishments under the authority of the Ministry of Justice

1. Preliminary remarks

43. The delegation visited three investigation detention facilities (IDFs)[47] and five prisons in different parts of Bulgaria. As regards the IDFs, it carried out follow-up visits in Sofia (the facility located on Dimitrov Boulevard – hereafter referred to as "Sofia IDF"), Burgas and Vratsa[48].

As for the prisons, the delegation visited for the first time Belene Prison, Vratsa Prison and the country's only Correctional Home for (male) juveniles located in Boychinovtsi (hereafter "Boychinovtsi Correctional Home"). It also carried out follow-up visits to Burgas Prison and to Sofia Central Prison (hereafter "Sofia Prison").

44. Overcrowding remains a problem in Bulgaria's penitentiary system, with more than half of the prisons operating above their official capacity, and four of the five establishments visited offering far less than 4 m² of living space per person in multi-occupancy cells[49]. Having said that, there had been a visible drop in the prison population, which stood at 8,721 at the time of the visit[50] (as compared with 9,788 during the 2012 visit), reportedly due to an increased resort to probation, alternative sanctions and early release[51]. The CPT welcomes this positive trend.

As for the prison estate, the delegation was informed that, due to budgetary reasons, no progress had been made in the planned construction of a new prison in Sofia, as well as concerning the extension of Burgas and Varna prisons[52]. In the light of the observations made by its delegation in the course of the 2014 visit (as regards Sofia and Burgas prisons), **the Committee recommends that the implementation of these plans be given the highest priority[53].**

More generally, **the CPT calls upon the Bulgarian authorities to redouble their efforts to develop the policy to emphasise the resort to non-custodial measures and to alternatives to custodial sentences**. **Appropriate action should also continue to be taken *vis-à-vis* the prosecutorial and judicial authorities with a view to eliminating unnecessary recourse to pre-trial custody and modifying the sentencing practices.**

Further, **measures should be taken to continue to develop a policy to facilitate the reintegration into society of persons who have been deprived of their liberty, as it could, among other things, contribute to a reduction in the reoffending rate.**

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47 IDFs are used to hold persons remanded in custody during the period of investigation, i.e. prior to issuing an indictment, but also to accommodate sentenced prisoners who have been transferred to appear in court or undergo investigative acts related to other offences, as well as persons detained by prosecutor's order for up to 72 hours. In principle, the criminal investigation must be completed within two months and the file transferred to the prosecutor. This period may be extended to six months and, in exceptional circumstances, even further, with the Prosecutor General's authorisation, the maximum length of remand custody being two years.

48 Burgas and Sofia IDFs have been visited twice by the CPT in the past, and Vratsa IDF once.

49 This was the case in Belene, Burgas, Sofia and Vratsa prisons.

50 Remand prisoners representing some 9% of this figure.

51 The delegation was also informed that a pilot electronic monitoring project, involving some 200 persons, was ongoing at the time of the visit.

52 See also paragraphs 10 and 25 of CPT/Inf (2012) 32.

53 See also paragraphs 65 and 66.

45. The findings made by the CPT's delegation during the 2014 visit confirm, unfortunately, the Committee's earlier impression[54] that the corruption problem in the Bulgarian prison system has an endemic character. This impression was particularly strong at Burgas and Sofia prisons, where the delegation was again inundated with allegations of prisoners being asked to pay prison/medical staff for many services provided for by the law[55], or for being granted various privileges[56].

At Burgas Prison, the situation had become even worse than in 2012, and corruption now clearly formed an important element of the management of the establishment, involving all categories of staff up to the most senior level. In addition, the delegation received numerous allegations according to which some former managers had actively contributed to developing corrupt practices in the prison, to levels previously unheard of. This state of affairs had led to a further deterioration of the atmosphere in the prison, which was characterised by insecurity, discrimination and omnipresent inter-prisoner violence[57].

The CPT is very concerned by the fact that the Bulgarian authorities seem not to have fully realised the extreme gravity of the situation at Burgas Prison and, in particular, have failed to implement any of the Committee's recommendations made in the report on the 2012 ad hoc visit to that establishment, regarding the phenomenon of corruption and management-related issues[58]. The lack of any decisive measures to address these lacunas rendered the situation in the establishment explosive for both prisoners and staff.

The CPT calls upon the Bulgarian authorities to carry out without further delay a comprehensive inquiry, independent of the prison administration, with a view to completely reviewing the management and the operation of Burgas Prison. In addition, **the Committee calls upon the Bulgarian authorities to take decisive action to combat the phenomenon of corruption in all prisons**. **Prison staff and public officials associated with the prison system should be given the clear message that seeking advantages from prisoners or their relatives is illegal and will be punished severely; this message should be reiterated in an appropriate form, at suitable intervals.**

46. The CPT is also concerned to note that, following the findings made by the Committee in the course of the 2012 visit to Burgas Prison as regards the ill-treatment of prisoners by staff (which had subsequently been confirmed by the Bulgarian authorities and had led to the dismissal of the establishment's director and his deputy in charge of security), no progress had been made with appointing a new director. In the light of the above, **the CPT urges the Bulgarian authorities to take decisive action and, in particular, appoint experienced senior management staff to tackle the ill-treatment and corruption problems at Burgas Prison**.

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54 Gained *inter alia* in the course of the 2012 visit, see paragraph 13 of CPT/Inf (2012) 32.

55 E.g. transfers to prison hostels, early release, access to medical care, transfers to hospitals, procurement of goods, access to education/vocational training, work, etc.

56 Such as leave and additional or open-type visits.

57 See paragraph 54 below.

58 See, in particular, paragraph 13 of CPT/Inf (2012) 32.

47. The situation with respect to the provision of organised activities (work, vocational training, education, sports, etc.) to inmates in the prisons visited is also a matter of serious concern to the Committee[59]. As regards in particular remand prisoners, the almost total lack of activities rendered their situation considerably worse than that of sentenced inmates.

Taken together with very limited living space and often extremely poor material conditions in most of the establishments visited, this produced a regime which was both oppressive and stultifying for persons who should benefit from the presumption of innocence.

The CPT calls upon the Bulgarian authorities to take the necessary steps to develop the programmes of activities for both remand and sentenced prisoners. The aim should be to ensure that every prisoner is able to spend a reasonable part of the day (eight hours or more) outside the cells, engaged in purposeful activities of a varied nature (work, education, vocational training, sports, etc.)

48. As regards the IDFs, the delegation was informed that three of them (in Balchik, Samokov and Svishtov) had recently been closed because they did not comply with international standards, and that a number of others had recently undergone some refurbishment. A drop in the number of persons held in the IDFs was also reported, with a total of 832 persons accommodated in such establishments at the time of the 2014 visit.

Having said that, the findings of the delegation during the present visit again demonstrate that the situation in the IDFs (many of which had been constructed a long time ago, according to an outdated concept) remains problematic, in particular because these facilities do not offer adequate material conditions nor any organised activities to persons who often spend lengthy periods of time in them[60]. Most of the CPT's long-standing recommendations in this respect remain to be implemented[61].

More generally, and based on its experience of numerous visits to such establishments in the past, **the Committee is of the view that the Bulgarian authorities should seriously consider the option of gradually phasing-out the IDFs, with the view to ensuring that all remand prisoners will eventually be accommodated in prisons.**

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49. Ever since its very first visit to Bulgaria (in 1995) and during the seven subsequent visits, the CPT has exclusively been guided by the idea of pursuing a constructive dialogue with the Bulgarian authorities, with the aim to improving the treatment and conditions of detention of prisoners.

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59 See paragraphs 78 to 83 below.

60 For example, at Sofia IDF, some 12% of the inmates present during the delegation's visit had already spent more than six months in the establishment (and one person had been there since 17 months) and 47 % had been there for between two and six months; at Burgas IDF, some 23% of the detainees had been accommodated there for more than two months.

61 See paragraphs 64 and 77 below.

The Bulgarian authorities have continuously asserted that action was being taken to address the Committee's concerns. The CPT must regrettably state that, with the notable exception of Vratsa Prison (where the delegation was positively impressed by the pro-active attitude of the establishment's director in tackling many of the issues observed elsewhere), the findings of the Committee during the 2014 visit demonstrate a persistent lack of action by the authorities to improve the situation in the prison system. In particular, in several aspects, the conditions of detention at Belene, Burgas and Sofia prisons were so unacceptable that they could be considered as inhuman and degrading.

As already mentioned in paragraph 7, this highly regrettable state of affairs has obliged the CPT to consider the situation in the light of Article 10, paragraph 2, of the Convention.

2. Ill-treatment

50. The CPT's delegation heard hardly any allegations of deliberate physical ill-treatment by staff from persons interviewed in the three *investigation detention facilities* visited. In particular, the Committee wishes to put on record the constructive attitude demonstrated vis-à-vis detained persons in his custody by the director of Burgas IDF, and the generally positive atmosphere prevailing in the latter establishment. Likewise, the relations between inmates and staff appeared to be generally relaxed at the IDF in Vratsa.

By contrast, at Sofia IDF, the delegation heard isolated accounts of blows having been inflicted by staff to disturbed vulnerable inmates; further, one allegation was received of staff having instructed inmates to punish a fellow inmate who had disobeyed staff orders. **The CPT recommends that staff working at investigation detention facilities, and in particular at Sofia IDF, be reminded at regular intervals that the ill-treatment of detainees is a criminal offence and will be punished accordingly.**

The Committee also wishes to recall that the absence of a formal disciplinary procedure in the IDFs entails a danger of unofficial disciplinary systems developing, which carry a risk of abuse of authority. **The CPT reiterates its recommendation that the Bulgarian authorities establish such clear rules, including appropriate procedural safeguards.**

51. As regards *prisons*, the CPT's delegation received no allegations of deliberate physical ill-treatment by staff at Vratsa Prison. In sharp contrast with the situation observed in the other prisons visited, the general atmosphere in the establishment appeared to be free of any visible tension.

The delegation did hear several credible allegations of physical ill-treatment of prisoners by custodial staff (consisting essentially of slaps, punches and kicks) at Belene Prison. In general, such ill-treatment was said to have taken place in response to inmates' failure to abide by staff instructions.

However, the situation in this respect was markedly worse at Burgas and Sofia prisons, where the delegation received a significant number of allegations of deliberate physical ill-treatment of prisoners by custodial staff. In Burgas, the delegation's clear impression was that, even though the frequency of ill-treatment had remained comparable to the situation observed in 2012, the intensity had somewhat diminished following the above-mentioned (see paragraph 46) dismissal of the director and his deputy in charge of security. As in 2012, most of the physical ill-treatment was said to occur under the staircase in the central area of the ground floor of the accommodation building (which was still not covered by CCTV), as well as in other areas located beyond the CCTV coverage. The delegation also heard some allegations according to which staff had instructed inmates to physically ill-treat their fellow prisoners, as a form of informal punishment for various breaches of discipline[62].

As for Sofia Prison, the number of allegations of physical ill-treatment received by the delegation varied between the different accommodation units ("groups"), and also seemed to depend on which custodial officers were on duty on a given day/night. Most of the allegations referred to the admission unit (Group 8), the units for foreign prisoners (Groups 10 and 13) and the unit for sentenced prisoners (Group 11). The frequency of the ill-treatment alleged was said to be lower in the remaining units of the prisons. It would appear that the ill-treatment usually occurred in staff offices located along the corridor leading to the landing of the main accommodation building (known as "Post 3"), an area not covered by CCTV surveillance.

The delegation was particularly struck by the situation at Boychinovtsi Correctional Home, where the majority of the interviewed juvenile inmates complained of being frequently beaten by custodial staff. The ill-treatment alleged consisted of slaps, punches and kicks, as well as blows with plastic pipes and truncheons. As in the other penitentiary establishments visited, custodial staff appeared to resort to physical ill-treatment as informal punishment for violations of rules, instead of (or in addition to) the formal sanctions[63].

52. In several cases, the delegation's medical members observed and described recent lesions on the bodies of the interviewed inmates, which were consistent with ill-treatment allegations made by them. For example:

- a prisoner interviewed by the delegation at Sofia Prison alleged having recently (on 20 March 2014) been struck by a group of custodial officers using truncheons. Upon examination by the delegation's forensic medical specialist, the inmate concerned was found to display: over the medial area of the right knee, a pale green-brown bruised area (11 cm x 10 cm) with, in the middle a linear superficial lacerated wound (10 cm x 1 cm), partially healed, covered by red-brown crusts; on the lateral area of the right thigh a large patchy bruised yellow-green-brown area (22 cm x 15 cm) with, in this area at least two distinct "tram-line" bruises (characteristic for truncheon blows);

- another inmate, interviewed by the delegation at Burgas Prison, alleged having recently (mid-March 2014) been beaten with a wooden stick by a custodial officer. Upon examination by one of the delegation's medical members, the person concerned was found to display an oblong brownish bruise (5 cm x 2.5 cm) on the anterior area of the left shoulder.

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62 See also paragraph 111.

63 See paragraph 112.

53. In the light of the information set out in paragraphs 51 and 52 above, **the CPT once again calls upon the Bulgarian authorities to take exhaustive measures at the highest political level to ensure that there is "zero tolerance" of ill-treatment in all penitentiary establishments in Bulgaria. All prison staff (and, in particular, in Belene, Burgas and Sofia prisons) must be reminded at suitable intervals that ill-treatment of inmates is illegal and will be punished accordingly**.

As regards Boychinovtsi Correctional Home, **the Committee recommends that a comprehensive inquiry be carried out into the manner in which the above-mentioned establishment operates, and that appropriate measures be taken in the light of the results of the inquiry. The CPT would like to be informed of these results and of the steps taken, within three months.**

54. At Belene and Vratsa prisons, as well as at Boychinovtsi Correctional Home, the delegation heard some allegations of inter-prisoner violence. However, such violence appeared to be much more widespread at Sofia Prison, and literally omnipresent at Burgas Prison. The delegation itself witnessed several incidents between inmates in the latter establishment (and, to a lesser extent, in the former). Moreover, in both above-mentioned prisons the delegation gained the impression that custodial staff did not usually intervene during such incidents, leaving it for the inmates to "sort things out" amongst themselves. The situation was hardly surprising, considering the severe overcrowding observed in these establishments, the very low staffing levels and the high tension which was due to the discrimination system based on the above-described corrupt practices.

The CPT is very concerned that no measures have been taken to combat the phenomenon of inter-prisoner violence in Bulgaria's penitentiary system, despite repeated recommendations to this effect. The Committee had stressed many times in the past that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. The CPT is struck by the fact that in none of the prisons visited did the staff appear to be either resolved or trained to intervene when signs of troubles arose. The absence of any relevant strategy to address this problem is flagrant.

The Committee calls upon the Bulgarian authorities to take resolute action to tackle the phenomenon of inter-prisoner violence in Bulgarian prisons, taking into consideration the above remarks[64].

55. At Sofia Prison, the CPT's delegation came across the case of a prisoner, A, who had been admitted to the establishment on 22 July 2013 and died in his cell on 25 July 2013, under unclear circumstances. Consultation of his medical file revealed that the inmate had been seen by the doctor on duty at 1.30 a.m. on 25 July 2013, and that the doctor had noted the following: "anxiety, confused, slightly disorientated, several bruises are visible on both knees, but the detainee denies any ill-treatment, he was able to stand, blood pressure 155/95 mm HG; two pills of Thioridazin were given". When the doctor was called again and came to see the inmate at 3.50 a.m. on the same day, he established that the prisoner had died.

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64 See also paragraph 19 of the report on the 2012 ad hoc visit (CPT/Inf (2012) 32).

A subsequent internal inquiry concluded that the inmate had been assaulted by several fellow prisoners and that custodial staff had not exercised sufficient vigilance and had failed to report the incident; consequently, the officer concerned was reprimanded. The cause of death, indicated in A's medical file, was "internal haemorrhage due to a ruptured spleen".

56. As already mentioned in paragraph 9 above, by letter of 10 April 2014, the CPT's President requested the Bulgarian authorities to provide a copy of the report drawn up by the Prosecutor's Office following A's death, as well as information on the results of the investigation and on any subsequent action taken, and a copy of the autopsy report including photographs and results of the laboratory tests performed.

In their letter dated 29 April 2014, the Bulgarian authorities transmitted to the CPT a copy of the Order issued by the Head of the Main Directorate for the Execution of Sanctions imposing a disciplinary sanction of an official warning, for non-fulfilment of official duties, for a period of one year as of 5 September 2013, to the prison officer who was on duty in the ward where A died on 25 July 2013.

From this order, the following information could be extracted: the death of A was established at 3.50 a.m. on 25 July 2013, and a death certificate stated the cause of the death as being "suspected brain haemorrhage". In addition, the preliminary conclusion of the post-mortem examination was that "the reason for the death of A is incompatible with the loss of blood caused by a traumatic lesion of the hilum of the spleen". The letter of 29 April 2014 also refers to a preliminary inquiry into A's death, launched on 30 July 2013 by the Ministry of Interior and the Sofia City Prosecutor.

57. At the time of drafting the present report, the CPT has not yet been provided with a copy of the report drawn up by the Prosecutor's Office, and with a copy of the autopsy report. The Committee is very concerned by the obvious discrepancies between the different medical reports referred to above as regards the cause of A's death. Further, information provided by the Bulgarian authorities in their letter of 29 April 2014 makes no reference to any violent incident prior to the death of the prisoner.

In the light of the above, **the CPT urges the Bulgarian authorities to carry out a thorough and independent investigation into the death of A, establishing the precise circumstances and causes of his death at Sofia Prison.** In addition, **the Committee reiterates its request to be provided, within one month, with a copy of the autopsy report including photographs and results of the laboratory tests performed, as well as a copy of the report drawn up by the Prosecutor's Office following A's death**.

3. Material conditions of detention

a. investigation detention facilities (IDF)

58. The *IDF located on Dimitrov Boulevard in Sofia*[65] was undergoing major refurbishment at the time of the 2014 visit and one of the floors of the detention area had been emptied to facilitate these works. The IDF was accommodating 221 persons, including 11 women and five juveniles, at the time of the visit.

The delegation was pleased to note that, due to the above-mentioned ongoing thorough refurbishment of the detention area (including the renovation of the cells and communal showers), the material conditions had much improved as compared with the 2010 visit; further, the newly-refurbished cells were maintained in a clean condition. Having said that, the new cells still displayed some major deficiencies: they were too small for their intended occupancy[66], poorly lit and ventilated. In addition, despite the criticism of this solution expressed by the CPT in the report on its 2010 visit[67], all windows in the refurbished cells had been fitted with opaque panes, preventing a view to the outside and obstructing access to natural light.

59. The *IDF in Burgas* had previously been visited by the CPT in 1999 and 2002[68]. At the time of the 2014 visit, the establishment (with an official capacity of 38) was accommodating 17 male adults. Cells measuring some 8 m² were accommodating two to three persons each, a cell measuring some 6 m² could accommodate two persons, and two other cells measuring some 5 m² each were used for single occupancy. None of the cells had direct access to natural light (small windows above the doors allowed limited access to light coming through the corridor), and all had poor artificial lighting and ventilation. As previously, Burgas IDF did not possess an outdoor exercise area.

60. The *IDF in Vratsa* had previously been visited in 2002[69]. At the time of the 2014 visit, the establishment (with an official capacity of 26) was accommodating ten male adults. The cells were very small (measuring less than 5 m² each) and used for double occupancy. As in Burgas, none of the cells had a direct access to natural light. Artificial lighting and ventilation were also inadequate.

61. Cells at *Sofia IDF* were equipped with partly partitioned sanitary annexes (toilets and washbasins) which however failed to offer any privacy. Worse, the in-cell toilets at *Burgas IDF* were not partitioned at all. As regards *Vratsa IDF*, there was no integral sanitation in the cells, and access to a toilet depended on staff opening the cell door (which was reportedly difficult at night, some inmates alleging that they had to use plastic bottles at night time).

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65 Previously visited by the CPT in 1999 (see paragraphs 71 and 72 of CPT/Inf (2002) 1) and in 2010 (see paragraphs 63 and 69 to 79 of CPT/Inf (2012) 9).

66 E.g. cells measuring some 15 m² (of which some 2 m² was unusable because of an additional metal grille fixed in front of the window wall) were supposed to accommodate up to five persons each.

67 See paragraph 63 of CPT/Inf (2012) 9.

68 See paragraphs 73 and 77 to 86 of CPT/Inf (2002) 1, and paragraphs 58 and 60 to 67 of CPT/Inf (2004) 21.

69 It was empty at that time as it was being refurbished.

62. As previously, persons held in IDFs were not provided with any hygiene items (except for soap), nor were any cleaning materials available. Access to a shower was offered once a week for men and twice a week for women at Sofia IDF, twice a week at Vratsa IDF, and up to three times a week at Burgas IDF. The communal sanitary facilities (toilets, washrooms and showers) were on the whole acceptable.

63. The delegation heard many complaints about the quality and/or quantity of the food provided at Burgas and Sofia IDFs. All meals were delivered from the local prisons once a day, and there were complaints that the food was usually served cold, which the delegation itself observed at Sofia IDF.

64. To sum up, the material conditions in IDFs visited during the 2014 visit continue to fail to meet the CPT's standards. It is of particular concern here that the renovation works in Sofia IDF did not take into consideration the recommendations made by the Committee in the report on its 2010 visit. **The CPT calls upon the Bulgarian authorities to take immediate steps at the investigation detention facilities visited to:**

- **reduce the cell occupancy rates with a view to offering a minimum of 4 m² of living space per detainee in multiple occupancy cells; cells measuring some 6 m² (at Burgas IDF) should not hold more than one prisoner each; cells measuring less than 6 m² (at Burgas and Vratsa IDF) should be either enlarged or taken out of service;**
- **review the design of the cell windows so as to allow inmates to see outside their cells;**
- **improve the lighting (by providing direct access to natural light and adequate artificial lighting) and ventilation in the cells;**
- **guarantee ready access to the toilet at any time of day and night at Vratsa IDF, and consider installing fully partitioned in-cell toilets in the context of the future refurbishment of the facility;**
- **ensure that in-cell toilets are fully partitioned (i.e. up to the ceiling) at Burgas and Sofia IDFs;**
- **increase the frequency of showers for inmates to at least twice a week for male detainees at Sofia IDF, in the light of Rule 19.4 of the European Prison Rules;**
- **ensure that detainees have access to essential personal hygiene products;**
- **provide detainees with sufficient materials to clean their cells;**
- **review the quantity and quality of the food provided at Burgas and Sofia IDFs, and ensure that cooked meals are appropriately heated when served.**

In addition, and taking into consideration the remarks made in paragraphs 59 and 58, **urgent steps should be taken to fully renovate the IDF in Burgas (including the provision of adequate dedicated facilities for outdoor exercise) and to remove the metal grilles in front of the windows of all cells at Sofia IDF**[70].

[70] See also paragraph 48 above.

b. prisons

i. accommodation

65. With an official capacity of 676, the closed section of *Sofia Prison* accommodated 885 prisoners at the time of the 2014 visit, including 21 inmates serving life sentences and 181 foreign prisoners. The delegation focussed its attention on Group 1 (life-sentenced prisoners and other prisoners under special regime), Groups 2, 7 and 12 (sentenced prisoners in closed regime), Group 8 (admission unit), Groups 10 and 13 (respectively sentenced foreign prisoners and remand foreign prisoners) and Group 11 (remand prisoners).

The CPT is very concerned by the fact that the material conditions found in 2014 were in many respects similar to (and sometimes even worse than) those observed at the time of the previous visit to the establishment, in 2008[71]. Overall, the whole prison was grossly overcrowded. By means of an example, the delegation saw six inmates sharing a cell measuring some 9 m², 13 inmates in a cell measuring some 24 m² (in Group 8), eight inmates in a cell measuring some 15 m² (Group 12), eight inmates sharing a cell of some 16 m² (Group 13), seven inmates in cells of similar size in Group 2, and likewise seven inmates in cells of approximately 20 m² in Group 11.

Some of the detention units were in a state of advanced dilapidation, especially Groups 8 and 11 where the delegation saw damaged floors and ceilings, walls covered with mould and broken windows; further, the bedding consisted of torn mattresses and dirty blankets. In a number of cells in Group 12, access to natural light and ventilation could be extremely poor due to the overcrowding and the very small size of the windows located high up on the walls. In Group 13, the delegation saw an inmate who had no bed and was obliged to sleep on a mattress placed directly on the floor. The whole prison was insalubrious and infested with vermin.

66. None of the recommendations related to the extremely poor material conditions observed at *Burgas Prison* during the 2012 visit had been implemented. Unsurprisingly, the situation had worsened even further, with an unavoidable impact on the level of inter-prisoner violence (see paragraph 54 above). Despite a decrease in the number of inmates in the closed section, the latter remained extremely overcrowded with 844 prisoners[72] for an official capacity of 371, of whom 86 were on remand and the remainder were sentenced (including 25 life-sentenced prisoners). In many multi-occupancy cells, the living space could be as little as 1 m² per prisoner, with 2 m² only rarely available[73].

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71 See paragraphs 71 to 80 of the report on the 2008 visit, CPT/Inf (2010) 29.

72 It is noteworthy that some 125 inmates from Stara Zagora Prison (under refurbishment at the time of the visit) had been temporarily accommodated at Burgas Prison; they had been transferred back to Stara Zagora some two weeks before the delegation's visit.

73 For example, 24 inmates were found to share a cell measuring 24 m²; 18 lived in a cell of some 20 m²; 19 in a cell measuring some 21 m²; 24 in a cell measuring some 29 m²; and 17 in a cell of slightly over 23 m².

A detailed description of the material conditions at Burgas Prison had already been made in paragraphs 22 to 25 of the report on the visit carried out in May 2012[74]. Suffice it to stress here, once again, that these conditions were characterised by an advanced state of dilapidation and insalubrity (cells infested with cockroaches, bedbugs and other vermin) and that, combined with the extreme level of overcrowding, they could be considered inhuman and degrading. It should also be added that, as previously, there was a number of prisoners who did not have their own bed (and had to sleep on mattresses placed directly on the floor).

67. *Belene Prison* is located on an island on the Danube, close to the small town with the same name and to the border with Romania. The extensive compound comprises various buildings, the oldest of them dating back to the 1950s[75], including five accommodation blocks for inmates. At the time of the visit, the establishment, with an official capacity of 525 places, was accommodating 618 prisoners, of whom 42 were on remand and the remainder were sentenced (including nine life-sentenced prisoners).

The overall state of repair and hygiene of the prisoner accommodation was extremely poor, obviously the result of years of neglect and the lack of any substantial refurbishment. Cells were mostly severely overcrowded[76], with crumbling walls and damaged floors, broken furniture and worn and dirty bedding (which was not always complete). Many inmates complained about infestation with cockroaches and bedbugs. On a positive note, access to natural light and ventilation were generally adequate.

68. *Vratsa Prison* dates back to the late 1920s. At the time of the visit, it was accommodating 547 inmates in the closed section[77], of whom 34 were on remand and the remainder were sentenced (including 15 life-sentenced prisoners).

The material conditions were generally better than in the other prisons visited, due to the substantial renovation works carried out in 2009. All cells had good access to natural light and adequate ventilation. That said, most of them were overcrowded[78] and the whole establishment was showing clear signs of wear-and-tear and was in need of some redecoration.

69. *Boychinovtsi Correctional Home* for male juveniles is located in a village in the North-West of Bulgaria, between the towns of Vratsa and Montana; it is the only such facility in the country. Originally built (between the two World Wars) as military barracks, this huge compound has several large buildings[79] (some of them no longer used and left to deteriorate) and extensive outdoor grounds.

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74 CPT/Inf (2012) 32.

75 At its origin, Belene Prison had for several years been a notorious camp for political prisoners.

76 E.g. ten inmates sharing a cell measuring some 24 m²; 16 inmates in a cell of 40 m²; seven in a cell measuring some 18 m².

77 For an official capacity of 340 places.

78 Eight to ten inmates in the larger cells (measuring some 22 m²), and double-occupancy cells of less than 8 m² each.

79 The main of them comprising the accommodation area, the kitchen, the administration and the health-care service, other buildings housing *inter alia* the school and the gym.

With an official capacity of 261, the establishment was accommodating 67 male juveniles, including 13 on remand, at the time of the visit[80]. The last (minor) refurbishment had been carried out some ten years before, consisting of painting walls and repairing sanitary facilities, but on the whole the correctional home was extremely dilapidated and dirty.

Large rooms (measuring from 18 to 45 m²) were obviously under-utilised, with one to four juveniles in each[81]. They were all well-lit and ventilated, and equipped with beds, lockers, tables and chairs (sometimes also cupboards). Most of the beds were old and in a poor condition[82], and the mattresses and bed linen were invariably torn and dirty; furthermore, mattresses were reportedly infested with bedbugs. Wooden floors were severely damaged in nearly all of the rooms. The delegation received many allegations that the rooms and corridors could become very cold in the winter, as the heating system was reportedly insufficient. The worst conditions were observed in the admission unit, where the furniture was in a particularly poor state of repair.

70. In the Committee's view, the overall condition of prisoner accommodation at Belene, Burgas and Sofia prisons, as well as at Boychinovtsi Correctional Home, was so poor that it represented a serious health hazard for both the inmates and the staff. **The CPT calls upon the Bulgarian authorities to take the following steps in the establishments referred to in paragraphs 65 to 69 above:**

- **review (and, where necessary, reduce) cell occupancy rates with a view to guaranteeing at least 4 m² of living space per prisoner in multi-occupancy cells;**

- **ensure that each prisoner has a bed (especially at Burgas and Sofia prisons), a clean mattress, as well as blankets and bed linen washed at regular intervals;**

- **refurbish the accommodation areas, paying particular attention to the state of the floors (in Belene, Sofia and Boychinovtsi), the walls and ceilings (in Belene and Sofia), as well as the furniture;**

- **improve the access to natural light and ventilation in the cells at Sofia Prison;**

- **ensure that disinfestation of the establishments' premises is carried out in an effective manner and at regular intervals (especially in Belene, Burgas, Sofia and Boychinovtsi).**

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80 They were allocated between three regimes: minimum, low and medium security (the latter being applied to recidivists or juveniles who have absconded or have committed a serious breach of discipline, or if they had an unserved part of their sentence exceeding five years). The youngest juvenile was 14 years old and four boys were older than 20 but had been allowed to complete their sentence in the establishment (as foreseen in the law). The 13 juveniles on remand were actually not present during the visit as they had been transferred to various prisons in the country for investigative/trial purposes.

81 It is noteworthy that there were numerous empty rooms in the establishment.

82 Apart from some beds donated by a Swiss charity, which were in a better condition.

71. More generally, as regards Belene Prison, the Committee is of the opinion that only a comprehensive refurbishment programme could address satisfactorily the serious problems described in paragraph 67 above, as certain structural shortcomings of the prison[83] cannot be modified without investing significant funds. **The CPT invites the Bulgarian authorities to consider closing Belene Prison and building a new establishment, located on the mainland and possibly near to a major urban and communication centre.** In the same vein, **the Committee invites the Bulgarian authorities to consider relocating the Correctional Home from Boychinovtsi to a smaller, purpose-built facility benefiting from better accessibility[84].**

As for Vratsa Prison, the CPT understands that there are plans to renovate an additional building recently donated to the prison (located near the main accommodation block), with a view *inter alia* to transferring there some 90 inmates from the presently overcrowded cells. **The Committee would like to be informed of the time-frame for the implementation of these plans.**

ii. sanitary facilities and hygiene items

72. With the notable exception of *Vratsa Prison*, where the sanitary facilities were in an acceptable state of repair and cleanliness[85], the sanitary facilities in the penitentiary establishments visited were generally insalubrious and in an appalling state of repair.

Both the water and sewage installations were broken and leaking in many areas of *Sofia and Burgas prisons*. At *Burgas*, the situation had even worsened in comparison with what had been found in 2012, as the communal showers were no longer operational in Groups 7 and 8; further, there was a problem with water pressure in the whole prison. All the toilet facilities seen by the delegation at *Belene*, *Burgas* and *Sofia* prisons were in an advanced state of dilapidation and extremely dirty, with *inter alia* the flushing mechanisms frequently broken in *Burgas* and *Sofia*[86]. In *Burgas*, despite the CPT's repeated recommendations, inmates were still obliged to use buckets and bottles to comply with their needs of nature at night. Furthermore, conditions were even worse than those referred to above in the admission units at *Belene* and *Sofia* prisons (as well as at *Boychinovtsi Correctional Home*), where the communal sanitary facilities were in an outrageous condition (broken pipes, showers out of order, damaged floors, crumbling walls, extremely filthy toilets).

At *Belene Prison*, the delegation was inundated with complaints about the quality of the water, which contained large quantities of sand. Further, water supply could apparently be a problem in winter time due to the fact that the pipes were often freezing.

On a more positive note, access to a shower was indeed offered twice a week in all the penitentiary establishments visited.

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83 Such as problems with the water (see paragraph 72) and the unreliable access through a pontoon bridge, never mind the remote location.

84 See paragraph 108.

85 In-cell toilets and showers had been installed in most cells at Vratsa Prison following the aforementioned 2009 renovation works, with the exception of the high-security unit in which the cells had in-cell toilets but no showers.

86 It should be added that the in-cell toilets were not always partitioned at Belene and Sofia Prison.

73. The only personal hygiene item provided to adult prisoners was a small quantity of soap (up to two small-size bars per month). Inmates were not provided with any product to clean their cells, with the exception of *Vratsa Prison*, where (only) indigent inmates could receive some free-of-charge detergent and a small quantity of washing powder. By contrast, all juveniles at *Boychinovtsi* did receive soap, toothpaste, disposable razors and toilet paper from the establishment.

74. **The CPT calls upon the Bulgarian authorities to take the following urgent steps in the light of the remarks made in paragraphs 72 and 73**:

- **refurbish water and sewage installations in all the penitentiary establishments visited;**

- **refurbish the in-cell toilets, communal sanitary facilities and showers at Belene, Burgas and Sofia prisons as well as at Boychinovtsi Correctional Home, and ensure they are cleaned at regular intervals; in the process of refurbishment, all the in-cell toilets should be provided with a full partition (i.e. up to the ceiling);**

- **ensure that all prisoners at Burgas Prison have ready access to a proper toilet facility at all times; resort to buckets and bottles to comply with the needs of nature must be abandoned;**

- **ensure that inmates in all the establishments visited have access to a range of basic hygiene products and are provided with materials for cleaning their cells, on a regular basis.**

Further, in the light of the complaints referred to in paragraph 72, **the Committee invites the Bulgarian authorities to carry out an inquiry into the alleged water quality and supply problem at Belene Prison.**

iii. food

75. With the exception of *Vratsa Prison* and, to a certain extent, *Boychinovtsi Correctional Home*, the delegation was inundated with complaints about the poor quality and insufficient quantity of the food offered to prisoners. In particular, eggs, dairy products and fruit were reportedly rarely on the menus. The delegation observed for itself that the food served usually consisted of bread, potatoes, beans, soup or stews (mainly with potatoes, tomatoes and onions) and that meat usually consisted of fat or bones with some pieces of meat around. **The CPT calls upon the Bulgarian authorities to take steps to review the quality and quantity of the food provided to inmates, in particular at Belene, Burgas and Sofia prisons.**

In addition, **the Committee would like to receive information about the budget allocation for food per prisoner per day as well as about the caloric standards applied (for adult and juvenile prisoners), with an indication of the daily protein amount provided.**

The state of repair and level of hygiene in the kitchens varied from one prison to another. The worst conditions were again observed at *Burgas Prison*, where none of the recommendations made in 2012 had been implemented[87]. The kitchen at *Belene Prison* was as dilapidated and unhygienic as the rest of the establishment, and approximately half of the equipment was out of order.

By contrast, the overall state of the kitchens at *Vratsa Prison* and *Boychinovtsi Correctional Home* could be considered as acceptable. Further, the delegation was pleased to note that the state of repair and the level of cleanliness of the kitchen at *Sofia Prison* had improved since the 2010 visit, and was now on the whole adequate.

The Committee calls upon the Bulgarian authorities to take measures, without delay, to entirely refurbish the kitchens at Belene and Burgas prisons. In addition, **particular and constant attention should be paid to ensuring an appropriate level of hygiene in all the kitchens of the establishments visited.**

4. Activities

i. investigation detention facilities

76. The absence of any organised activities in investigation detention facilities remains an issue of serious concern for the CPT, given that many persons spend lengthy periods (months, and occasionally over a year) in such establishments. At Sofia and Vratsa IDFs, inmates at least had access to outdoor exercise for one hour per day[88], but not even such a possibility existed at Burgas IDF (because of the lack of an outdoor exercise yard). As a result, detainees in the latter IDF did not leave the detention area for months on end.

In other words, and as the Committee had observed during its previous visits to Bulgaria, the vast majority of persons held in IDFs spent 23 hours a day (if not 24 hours, as in Burgas) locked up inside their cells, with no other distraction than books and newspapers (provided by their families) and sometimes small battery-operated radio sets. Further, despite it being in principle allowed, inmates were *de facto* not able to watch television, because of the absence of electrical sockets in cells and (in Vratsa) the lack of a central TV aerial. The situation was of even more concern as regards juveniles, for whom the lack of purposeful activities was especially harmful given their particular needs for physical activity and intellectual stimulation.

77. The CPT is extremely concerned by the fact that its long-standing recommendations pertaining to the need for the Bulgarian authorities to develop a proper regime of activities for persons held in investigation detention facilities which would, *inter alia*, be designed to protect the detainees' mental and physical health during the period they spend in such facilities, have not yet been implemented.

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87 See paragraph 31 of CPT/Inf (2012) 32.

88 Outdoor exercise took place in (very) small yards: the yard in Vratsa measured barely 15 m² whilst the IDF on Dimitrov Boulevard in Sofia possessed two exercise yards measuring some 40 m² each (see also paragraph 72 of CPT/Inf (2012) 9).

The Committee calls upon the Bulgarian authorities to take urgent steps to develop such a programme of activities (particular attention being paid to the special needs of juveniles), with a view to enabling detainees undergoing prolonged preliminary investigation to spend a reasonable part of the day (eight hours or more) outside their cells engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association); if necessary, the relevant legislation should be amended.

In addition, **immediate steps must be taken to enable inmates in all IDFs to have at least one hour of outdoor exercise every day**.

ii. prisons

78. As already stated in paragraph 47 above, the situation with respect to activities left something to be desired in all the prisons visited. Despite ongoing efforts being made in order to offer *work* and (in some of the establishments visited*) education* or *vocational training* to the sentenced prisoners, it remained the case that the bulk of the prisoner population (including almost all of the remand prisoners and at least two-thirds of the sentenced prisoners) had no access to organised out-of-cell activities and were left in a state of idleness for most of the day.

That said, the situation observed at Vratsa Prison was markedly better than in the other establishments visited, with a higher percentage of inmates having access to organised activities[89] and the management's policy being to try to engage all sentenced prisoners in at least four hours of out-of-cell activities each day. These positive efforts are to be welcomed and encouraged.

79. As concerns work more specifically, 212 inmates (including five on remand) from the closed section of Sofia Prison were employed at the time of the visit[90], as well as 173 sentenced prisoners in Burgas[91], 74 sentenced prisoners in Vratsa[92] and reportedly some 30% of all inmates at Belene Prison[93]. As for Boychinovtsi Correctional Home, only four of the inmates were working at the time of the visit (they had paid jobs consisting of general maintenance and cleaning) due to legislative constraints[94].

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89 For example, some 42% of sentenced prisoners were involved in work and/or education.

90 Approximately 60 % of the work places were paid and the remainder unpaid (in general maintenance and cleaning, as well as in the mechanical workshop and the printing house).

91 Essentially in the mechanical workshop, on cleaning tasks, in maintenance, and in the kitchen.

92 Mostly in maintenance and cleaning tasks, but also some in the prison workshops.

93 Mostly in general services and cleaning, but also in the kitchen, on two farms (cattle and vegetable farm) and on the maintenance of the dykes preserving the prison territory from flooding.

94 According to Bulgarian legislation, only adults may be legally employed, which is why only the boys older than 18 had access to work.

Turning to education and vocational training, 116 sentenced inmates attended school at Burgas Prison and 272 at Sofia, while 237 inmates attended primary and secondary school and vocational training courses at Vratsa Prison. As regards Boychinovtsi, approximately 50 juveniles attended the primary and secondary school for six hours every day[95]; that said, the delegation was concerned to learn that previously available vocational training courses had been discontinued several years before[96]. The worst situation was observed at Belene Prison where there were no educational or vocational activities on offer at the time of the visit.

Other activities included IT classes and small workshops[97], as well as language courses (with some 100 inmates attending at Sofia Prison).

80. It should also be noted that, at Sofia Prison, a series of courses[98] that could generally be considered as forming elements of preparation for release were being offered to some 480 inmates[99]. Similar courses were being offered to 18 inmates at Vratsa Prison at the time of the visit[100].

As for Boychinovtsi Correctional Home, several therapeutic and social activities[101] were reportedly also in place, involving some five to ten inmates per course.

81. In all prisons visited, there was an open door regime during the day in the general accommodation areas (as opposed to admission and high-security units) and prisoners could move freely within their respective units, thereby offering some relief from the conditions of their accommodation. All inmates in adult prisons could have TV and radio sets in their cells, and had access to a library and a multi-confessional prayer room. As for Boychinovtsi Correctional Home, each detention unit had a common room equipped with a TV set.

82. Prisoners could take outdoor exercise for one hour per day at Belene and Vratsa prisons, one hour and a half at Sofia Prison, and two hours at Burgas Prison. In addition, inmates at Burgas, Sofia and Vratsa prisons had access to a *gym* during at least one hour each day.

Juveniles at Boychinovtsi Correctional Home had at least two hours of sports each day (football, volleyball, basketball and table tennis) and, in addition, access to an indoor gym three times a week.

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95 The delegation was informed that, due to the requirements set out in the legislation concerning the education system, juveniles who were admitted to the Correctional Home later than two months after the beginning of the school year would not be able to graduate, but would still be permitted to attend classes.

96 A professional course for cooks was supposed to open in May 2014.

97 E.g. sculpture, modelling and jewellery (Burgas Prison); painting, dancing and the arts (Sofia); modelling, music, the arts and editing at Vratsa; the arts, theatre, music, photography and gardening at Boychinovtsi.

98 Social skills, self-control, drugs, sexual abuse, prevention of sexually transmissible diseases, personal development, professional development, etc.

99 That said, it is important to stress that this figure concerns the whole of Sofia Prison (including the two open hostels) i.e. the total population of 1,626 inmates, and covers the 12 months preceding the delegation's visit.

100 105 inmates had participated in such courses in the course of 2013.

101 Such as an induction course, a course on social skills, drug prevention, cognitive skills training, and courses fostering an awareness of social responsibility.

83. While welcoming the ongoing efforts by the Bulgarian authorities in this area, and with reference to the general recommendation in paragraph 47 above, **the CPT recommends that energetic steps continue to be taken to enlarge the offer of organised out-of-cell activities (including work, education and vocational training) in all the prisons visited. Particular efforts are required to increase the offer of activities (especially vocational training) for juveniles at Boychinovtsi Correctional Home.**

5. Life-sentenced prisoners[102]

84. The review of the situation of life-sentenced prisoners in Bulgaria, carried out by the CPT's delegation in the course of the 2014 visit, demonstrated that little – if anything at all – had been done to improve their condition in the light of the Committee's long-standing recommendations. In addition, no progress had been made as regards the removal from the Criminal Code of the sentence of "life imprisonment without the right to substitution" (i.e. without possibility of parole)[103]. This is very regrettable.

The CPT must stress again that it is inhuman to imprison a person for life without any realistic hope of release. Consequently, the Committee must reiterate that it has serious reservations about the very concept according to which life-sentenced prisoners are considered once and for all to be a permanent threat to the community and are deprived of any hope of being granted conditional release. Reference should also be made here to paragraph 4(a) of the Committee of Ministers' Recommendation Rec (2003) 22 on conditional release (parole) of 24 September 2003, which clearly indicates that the law should make conditional release available to all sentenced prisoners, including life-sentenced prisoners. It is noteworthy that this view has been supported by the case-law of the ECtHR[104].

The CPT recommends that the Bulgarian authorities amend the legislation with a view to making conditional release (parole) available to all life-sentenced prisoners, subject to a review of the threat to society posed by them on the basis of an individual risk assessment.

85. All the prisons visited had a high-security unit in which the vast majority of life-sentenced prisoners were accommodated, the remaining small minority having been allowed to integrate into the mainstream prison population. At the time of the visit, there were 25 life-sentenced prisoners at Burgas Prison (18 of whom were accommodated in the high-security unit – Group 1), 21 at Sofia Prison (15 in the high-security unit – Group 1), 15 at Vratsa Prison (12 of whom were accommodated in the high-security unit) and nine at Belene Prison (of whom eight were accommodated in the high-security unit).

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102 All of the prisons for adults visited by the CPT in 2014 (i.e. Belene, Burgas, Sofia and Vratsa prisons) were accommodating life-sentenced prisoners.

103 At the time of the visit, there were ten such "real lifers" at Burgas Prison, nine at Sofia Prison, three at Belene Prison and two at Vratsa Prison.

104 For example, in its recent judgment in the case of *László Magyar v. Hungary* (application no. 73593/10), issued on 20 May 2014.

In the absence of any change in the legislation governing the criteria for changing the regime of a lifer (despite repeated recommendations from the CPT to this effect), the very small proportion of life-sentenced prisoners allowed to associate with other sentenced prisoners (non-lifers) is hardly surprising. **The CPT calls upon the Bulgarian authorities to review the current legal provisions in order to ensure that the segregation of lifers is based on an individual risk assessment and is applied for no longer than strictly necessary**.

86. The single cells used to accommodate life-sentenced inmates were very small at Belene and Burgas prisons (they usually measured between some 4 and 5 m², but in Belene the delegation saw two cells measuring less than 4 m², sanitary annexe included)[105]. The lifers' cells seen at Sofia and Vratsa were larger (measuring between 8 and 9 m²) and many of them were used for double occupancy.

The material conditions varied from one lifers' cell to another in each prison, but they were generally characterised by a more or less advanced state of dilapidation and insalubrity (mould on the walls, water on the floor, etc.). Cells at Sofia Prison had very poor access to natural light but the artificial lighting was adequate. As regards Burgas Prison, the artificial lighting was kept switched on all night, despite the CPT's criticism of this practice in the report on the 2012 visit[106].

87. Life-sentenced prisoners could take a shower twice a week in the four prisons visited. Apart from Burgas Prison, all cells for lifers were equipped with (partially screened) sanitary annexes, comprising a toilet and a washbasin. By contrast, lifers at Burgas still had to resort to buckets most of the time, since they were only allowed to visit the communal toilets six times a day (and not at all during the night).

With the positive exception of Vratsa Prison, the in-cell sanitary annexes, as well as the communal showers, toilets and washing facilities, were generally as dilapidated and dirty as elsewhere in the prisons visited[107]. Further, the situation with respect to personal hygiene items and cleaning products was the same as for the rest of the respective prison populations[108].

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105 In addition, some of the 5 m² cells in Burgas were accommodating two inmates.

106 See paragraphs 35 and 37 of CPT/Inf (2012) 32.

107 See paragraph 72 above.

108 See paragraph 73.

88. In the light of the observations in paragraphs 86 and 87, **the CPT calls upon the Bulgarian authorities to take the following steps in respect of material conditions in the units for lifers in the prisons visited:**

- **take out of service any single cells in which the living space is less than 6 m², in-cell sanitary annexe excluded; this applies in particular to the cells at Belene and Burgas Prison;**

- **continue the refurbishment of the cells at Burgas Prison following the example of the 9 m² double cells[109];**

- **ensure that all life-sentenced prisoners at Burgas Prison have ready access to a proper toilet facility at all times, including at night; resort to buckets must be abandoned;**

- **refurbish the lifers' cells in all the prisons concerned, paying particular attention to access to natural light at Sofia Prison; in the course of the refurbishment works, all cells should be fitted with fully screened sanitary annexes (i.e. with a partition up to the ceiling)**;

- **reduce the intensity of artificial lighting at night in the cells at Burgas Prison[110].**

These recommendations apply *mutatis mutandis* to all the cells located in the high-security units of Belene, Burgas, Sofia and Vratsa prisons, including the disciplinary and segregation cells[111].

As regards the in-cell sanitary annexes, communal toilets, washing and shower facilities at Belene, Burgas and Sofia prisons, and the provision of basic hygiene products as well as materials for cleaning cells, **reference is made to the recommendation in paragraph 74 above**.

89. Turning to activities, nine lifers (five of whom were in the high security unit) had work at Burgas Prison, two at Sofia Prison[112] and none at Belene and Vratsa. One of the lifers integrated into the mainstream prison population at Burgas Prison was attending school.

As regards other activities, lifers at all the prisons visited could have TV and/or radio sets in their cells, as well as books, newspapers and (sometimes) DVD players and playstations. Life-sentenced inmates at Sofia Prison were entitled to an hour and a half of association in a common room per day, which was often not taken as the room was only equipped with a table and chairs and there was nothing to do there. In Vratsa, the director sometimes allowed the lifers to visit each other in their cells (for up to 2 hours at a time). No such association possibilities existed in Belene and Burgas (except for during outdoor exercise and in the gym, see below).

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109 These two cells had been created out of a previous three in 2007; it is also noteworthy that they were equipped with fully partitioned sanitary annexes.

110 This applies to all the cells in that high-security unit.

111 See also paragraph 115 below.

112 None of whom was accommodated in the high-security unit.

90. Outdoor exercise was available for one hour twice a day at Burgas Prison (but only once during weekends and rarely on public holidays), an hour and a half per day at Sofia Prison and one hour a day at Belene and Vratsa prisons. In addition, at Sofia and Vratsa prisons the lifers had access to a gym for one hour, five days a week.

91. The CPT remains of the view that the regime for life-sentenced prisoners in Bulgaria should be fundamentally reviewed, so as to include a structured programme of constructive and preferably out-of-cell activities; educators and psychologists should be proactive in working with life-sentenced prisoners to encourage them to take part in that programme and attempt to engage them safely with other prisoners for at least a part of each day.

Consequently, **the Committee reiterates its recommendation that the Bulgarian authorities continue to develop the regime for life-sentenced prisoners, in particular by providing more communal activities (including access to work and education)**. **As regards Burgas Prison, steps should be taken to ensure that life-sentenced prisoners are systematically offered outdoor exercise also during public holidays.**

92. At Belene Prison, it appeared that all meetings between inmates placed in the high-security unit (including the lifers) and their lawyers were conducted through a cage-like structure in a dedicated room placed under CCTV coverage, within hearing distance of prison staff. In the CPT's view, such an approach could not only be considered as degrading, but is also in total contradiction with the principle of confidentiality of contacts between inmates and their lawyers as reaffirmed in Rule 23.4 of the Revised European Prison Rules[113], as well as the Bulgarian Law on the Implementation of Sentences and Preliminary Detention.

The CPT recommends that the practice of resorting to such cage-like structures be stopped immediately. Further, **meetings between prisoners and their lawyers must be conducted in conditions guaranteeing confidentiality.**

93. Overall, the delegation noted in the prisons visited that the security measures with respect to life-sentenced prisoners were being applied on the basis of an individual risk assessment; further, they were regularly reviewed and the aim was to reduce gradually the level of restraints imposed on the inmates. The delegation was positively impressed by the practice observed at Vratsa Prison, where (by decision of the director) life-sentenced prisoners were no longer handcuffed while outside their cells, except when being escorted outside the secure detention areas of the prison; further, custodial officers working with the lifers did not carry truncheons. Also in Burgas and Sofia, most lifers were no longer handcuffed while moving within their units.

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[113] Rule 23.4 reads: "Consultations and other communications including correspondence about legal matters between prisoners and their legal advisers shall be confidential."

By contrast, the "traditional" strict approach prevailed at Belene Prison, where all but one of the life-sentenced prisoners were systematically handcuffed each time they left their cells[114] and the staff working in the unit carried long truncheons in full view. In the opinion of the CPT, this approach is grossly excessive. **The Committee recommends that the routine handcuffing of life-sentenced prisoners when taken out of their cells be discontinued at Belene Prison.** As for the practice of custodial staff carrying truncheons in full view of the inmates, **reference is made to the recommendation in paragraph 120 below**.

Finally, as regards the aforementioned approach observed at Belene Prison, consisting of routinely keeping life-sentenced prisoners handcuffed during medical (including dental) consultations, the CPT considers that it could be considered as degrading, both for prisoners and staff. Further, it is not conducive to the development of a good staff/inmate relationship and a genuine therapeutic relationship during medical consultations. **The CPT calls upon the Bulgarian authorities to put an end to this practice**.

6. Health-care services

94. As regards *investigation detention facilities*, the health-care team at Sofia IDF consisted of a general practitioner, a dentist, a feldsher and a nurse, all working full-time. A psychologist, covering the two IDFs located in the capital, had also been employed on a full-time basis, which represents a positive development in comparison with the situation observed by the CPT during the 2010 visit[115]. As for Burgas and Vratsa IDFs, they each employed a feldsher on a full-time basis. At night and on weekends, the above-mentioned two IDFs relied on municipal emergency services.

95. Health-care services in all the *prisons* visited remain a matter of serious concern for the Committee, due to an extreme shortage of staff and resources, and the apparent absence of due consideration to many of the CPT's long-standing recommendations on this subject.

The health-care team at *Sofia Prison* consisted of two general practitioners (one full-time, one part-time[116]), two full-time nurses and a full-time dentist[117]. The post of psychiatrist had been vacant for the past five years, and there was also a second vacant post of a dentist. Such a staffing level is clearly insufficient to cater for the health-care needs of some 900 inmates. That said, it should be noted that prisoners could have access to medical specialists working at the adjacent prison hospital, and that the hospital provided 24-hour emergency medical cover.

At *Burgas Prison*, the situation was as dramatic as the one found during the 2012 visit, i.e. the health-care team consisted only of a dentist, a feldsher[118] and a nurse, all working full-time. The two posts of general practitioner and psychiatrist had remained vacant[119].

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114 Handcuffs were removed during outdoor exercise and during visits, but not during medical (including dental) consultations.

115 See paragraph 75 of CPT/Inf (2012) 9.

116 The part-time general practitioner had actually retired and was then re-hired on a contract by the prison.

117 There was another full-time dentist, employed at one of the two prison hostels.

118 A second feldsher was employed to work in one of the two prison hostels.

119 The post of psychiatrist had been vacant for nine years, and the post of general practitioner for over two years.

As regards *Belene Prison*, the health-care team consisted of a full-time general practitioner[120], a feldsher[121] (on contract, attending four times a week) and a full-time nurse. The prison also had a contract with a dentist to intervene "when needed", and since January 2014, a visiting psychiatrist had been coming to the establishment approximately twice a month. There were two vacant doctors' posts (of a dentist and a psychiatrist) and a third vacancy (for a GP) was to be expected in the near future.

The health-care team at *Vratsa Prison* consisted of a general practitioner[122], a psychiatrist[123] and a feldsher, all working full-time. There was also a dentist on contract (who came twice a week) and a vacant dentist's post. No qualified nurses worked in the prison.

As regards *Boychinovtsi Correctional Home*, the health-care team consisted of a paediatrician, a psychiatrist and a feldsher (all working full time). The post of a dentist had been vacant since 2005, but the establishment had a contract with an outside dentist who came twice a week. The therapeutic team was completed by two full-time psychologists.

Despite previous CPT's recommendations, there were still no staff with a recognised health-care qualification present at night or during weekends at *Burgas Prison*; the same situation was also observed at *Belene and Vratsa prisons*, as well as at *Boychinovtsi Correctional Home*.

96. The above-mentioned staffing situation rendered the provision of health care worthy of the name extremely difficult in all the prisons visited. Further, at *Burgas*, *Belene* and *Vratsa prisons* (as well as, to a lesser extent, at *Boychinovtsi Correctional Home*) the shortage of doctors (including dentists) resulted in an over-reliance on feldshers, obliging them to practise beyond the limits of their professional skills.

As regards psychiatric assistance, the absence (or the very limited presence) of psychiatrists is of the Committee's grave concern given that the delegation met a number of inmates clearly in need of such assistance in all the prisons visited[124].

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120 Who was reportedly about to retire.

121 The full-time feldsher's post had been vacant for three years.

122 Who was expected to retire before the end of 2014.

123 The psychiatrist had actually retired and was later re-hired on a contract.

124 This included some of the life-sentenced prisoners met in Belene and Vratsa prisons.

In the light of the above, and taking into consideration the long-standing recommendations of the CPT in this matter, **the Committee calls upon the Bulgarian authorities to considerably reinforce the health-care teams at the prisons visited. More specifically:**

- **decisive and urgent steps must be taken to fill all the vacant doctors' posts (including those for dentists and psychiatrists);**

- **efforts should be made to increase the staff complement as regards general practitioners, so as to correspond with the equivalent of three full-time posts at Sofia and Burgas prisons[125], and two at Belene and Vratsa prisons;**

- **the complement as regards feldshers and nurses should be significantly reinforced in all the prisons, and nurses should be recruited in Vratsa and Boychinovtsi;[126]**

- **someone qualified to provide first aid, preferably with a recognised nursing qualification, should always be present on the premises of Belene, Burgas and Vratsa prisons, as well as at Boychinovtsi Correctional Home, including at night and weekends.**

In addition, **the CPT would like to be informed about the current situation as regards general practitioners in Belene and Vratsa prisons.**

97. At *Belene, Burgas and Vratsa prisons*, there were some prisoners working as orderlies in the health-care units, despite the Committee's long-standing recommendations to abandon this practice[127]. In addition to being involved in the distribution of medicines ─ already an unsatisfactory situation ─ they even performed certain medical tasks such as measuring temperature, blood pressure and pulse. Further, they had unhindered access to medical documentation concerning their fellow inmates. This is totally unacceptable. **The CPT calls upon the Bulgarian authorities to cease immediately the practice of using prisoners as medical orderlies.**

98. Given the severe staff shortages described above, it is hardly surprising that the delegation was inundated with complaints from inmates in all the prisons visited regarding difficulties and delays in having access to medical care and the inadequate quality of that care (including dental treatments).

Further, numerous complaints were received (some of them partially corroborated by the delegation's own observations and by consultation of the available medical documentation) of delays in access to outside specialists and hospitals (in particular for insurance reasons).

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125 See also paragraph 82 of CPT/Inf (2010) 29, and paragraph 41 of CPT/Inf (2012) 32.

126 According to the CPT's usual standard, there should be at least 18 nurses at Sofia Prison, 17 at Burgas Prison, 12 at Belene Prison and 11 at Vratsa Prison.

127 Obviously, relying on prisoner orderlies was related to the low health-care staffing levels.

The Committee wishes to recall that the prison authorities are responsible for the health care of all prisoners; all efforts possible must be made to ensure that a precise diagnosis is promptly established and that adequate treatment required by the state of health of the person concerned is provided to all prisoners. **The CPT recommends that the Bulgarian authorities take steps accordingly.**

99. The premises and equipment of health-care units, as well as the rooms used to accommodate sick inmates in the prisons visited, were invariably of a low standard and in a poor state of repair and cleanliness. The situation was particularly dramatic at *Belene Prison*, where the delegation saw an extremely dilapidated and insalubrious medical isolation room. The conditions in that room were such that they rendered it unfit for human accommodation.

As already mentioned in paragraph 8 above, at the end of the visit the delegation invoked Article 8, paragraph 5, of the Convention and requested the Bulgarian authorities to confirm, within one month, that the above-mentioned room had been taken out of service pending its full refurbishment. In their letter dated 29 April 2014, the Bulgarian authorities informed the CPT that the medical isolation room of Belene Prison had indeed been taken out of service and that a financial estimate had been drafted as regards the cost of its refurbishment. While welcoming this positive response to its immediate observation, **the Committee would like to be informed as to whether the actual refurbishment of the said medical isolation room has taken place.**

More generally, **the CPT recommends that steps be taken to improve the material conditions and equipment of health-care units in all the prisons visited.**

100. Many times in the past, the Committee has stressed the importance of medical screening of newly-arrived prisoners, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention, and ensuring the timely recording of any injuries.

In all the penitentiary establishments visited, newly-arrived prisoners were in principle seen by health-care staff within 24 hours from their arrival. That said, there were some exceptions: inmates who arrived on a Friday were usually not seen before the following Monday; further, delays of up to seven days were found at *Burgas and Sofia prisons*[128].

The medical screening process was of a superficial character (if not a mere formality) in most of the establishments visited, and consisted of an interview and taking an inmate's pulse and blood pressure. That said, the procedure at *Belene and Vratsa prisons* also included the screening for tuberculosis[129], whereas in the other prisons such a screening was only performed once a year and not on admission; as for *Boychinovtsi Correctional Home*, TB screening upon arrival was not performed systematically. Other tests (e.g. for HIV, hepatitis B/C) could be performed on a voluntary basis, but none of the establishments did that as a routine measure. On a positive note, systematic psychiatric assessment was performed on admission to the juvenile establishment in Boychinovtsi.

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128 It is noteworthy that delays of up to five days were also observed at Sofia IDF.

129 X-ray of the thorax and Mantoux test.

The CPT reiterates its recommendation that steps be taken to ensure strict adherence to the rule that all prisoners must be seen by a health-care staff member immediately upon arrival, as specified in the law[130]. The medical examination on admission should be comprehensive, including a physical examination.

As regards the procedure for the recording and reporting of injuries observed on newly-arrived inmates, **reference is made to the comments and recommendations in paragraphs 21 to 23 above**.

101. The quality of medical documentation left much to be desired in all the establishments visited. Although every inmate had his/her individual medical file[131], the notes seen by the delegation's doctors in those files were generally very sparse and cursory, rendering it difficult to assess the continuity of medical care provided to an individual prisoner.

The CPT reiterates its recommendation that steps be taken by the Bulgarian authorities to improve the quality of medical documentation in all penitentiary establishments. In particular, a personal and confidential medical file must be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health and of any special examinations he/she has undergone. In the event of transfer, the file should be forwarded to the doctors in the receiving establishment.

102. Medical confidentiality was still not respected in any of the penitentiary establishments visited. As previously, prisoners had to ask duty custodial officers to forward their requests to see a doctor, and many inmates expressed doubts as to whether such requests had indeed been passed on to the health-care units. In this respect, the CPT wishes to recall that prisoners should be able to approach the health-care service on a confidential basis, for example, by means of a message in a sealed envelope. Further, prison officers should not seek to screen requests to consult a doctor. **The Committee reiterates its long-standing recommendation that steps be taken to ensure that these requirements are met in practice in all Bulgarian prisons**.

Non-medical custodial staff were usually present during inmates' medical examinations, (and systematically in the case of prisoners from high-security units[132]). **The CPT calls upon the Bulgarian authorities to implement its long-standing recommendation that all medical examinations be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a particular case – out of the sight of non-medical staff[133]**.

Further, inmates' medical files and other medical documentation were accessible to non-medical prison staff[134] in all establishments visited with the notable exception of *Boychinovtsi Correctional Home*. **The Committee recommends that steps be taken to ensure that the confidentiality of medical documentation is strictly observed.**

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130 See Section 10 of the Regulation No. 2 of 22 March 2010 "On terms and conditions for medical care in places of deprivation of liberty", issued by the Minister of Health and the Minister of Justice.

131 With the notable exception of Vratsa Prison, where it appeared that individual medical files were only created for inmates having a medical condition detected on arrival, or for those serving a sentence longer than a year.

132 See also paragraph 93.

133 See also paragraph 22.

134 And, as already mentioned, to prisoner orderlies (see paragraph 97).

Health-care staff may inform custodial officers on a need-to-know basis about the state of health of a prisoner; however, the information provided should be limited to that necessary to prevent a serious risk for the inmate or other persons, unless the prisoner consents to additional information being given.

From the delegation's interviews with both the health-care staff and the inmates, it appeared that medication (including psychotropic drugs) was usually distributed to prisoners by custodial officers (or prisoner orderlies[135]). The CPT must once again stress that the distribution of medicines by untrained individuals may be harmful and, in any event, it is in principle incompatible with the requirements of medical confidentiality. **The Committee recommends that the necessary steps be taken to ensure that the distribution of medicines is performed solely by health-care staff**.

103. The Committee welcomes the recent[136] extension of the National Insurance Fund coverage to inmates in Bulgarian prisons. However, it would appear that this coverage applies only to the cost of consultations performed by specialists (and eventual hospitalisations) but not the medication prescribed by those specialists. Further, inmates must pay between 15 and 30 BGN for each outside specialist consultation[137]. Moreover, for the cost of such outside consultation to be (partially) covered by the Fund, a referral by a prison doctor is required – something that is currently impossible at Burgas Prison[138]. **The Committee would welcome the comments of the Bulgarian authorities on the above-mentioned issues.**

104. Finally, a comment of a more general nature: in Bulgaria, the provision of health care to prisoners remains the responsibility of the Ministry of Justice, although the Ministry of Health is also involved pursuant to the 2010 Regulation "On terms and conditions for medical care in places of deprivation of liberty"[139]. The findings of the 2014 visit clearly confirm the CPT's earlier impression that much (if not everything) remains to be done in this respect, and that there is a crucial need for a closer and more active involvement of the Ministry of Health in prison health-care.

The Committee therefore reiterates its long-standing recommendation that the Bulgarian authorities ensure the Ministry of Health's more active involvement in supervising the standard of care in places of deprivation of liberty (including as regards recruitment of health-care staff, their in-service training, evaluation of clinical practice, certification and inspection). The overriding objective should be to ensure the equivalency of care with that in the outside community; this also implies granting a professional and financial status for the health-care staff working in penitentiary establishments equivalent to the one of their colleagues employed by the Ministry of Health.

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135 On the subject of prisoner orderlies, see paragraph 97 above.

136 Since January 2013.

137 The cost can be higher if additional examinations are required, such as an X-ray or ultrasound.

138 See paragraph 95.

139 Jointly issued by the Ministers of Health and Justice.

7. Other issues

a. custodial staff

105. Low custodial staffing levels in Bulgarian penitentiary establishments have been of concern to the CPT for many years, and the Committee has repeatedly recommended that the Bulgarian authorities take steps to address this problem[140]. Unfortunately, the findings made by the CPT's delegation during the 2014 visit do not inspire any optimism in this respect. In *Sofia and Burgas prisons*, the custodial staff complements had remained on the same (inadequately low) levels as observed in 2008 and 2012[141]. The staffing levels were hardly better at *Vratsa Prison* (with 88 custodial officers[142]) and *Belene Prison*, which had a custodial staff complement of 98. By contrast, custodial staffing levels were quite generous at *Boychinovtsi Correctional Home* (54 officers[143]). The situation in terms of staffing complements was more favourable in the IDFs visited: there were 163 custodial officers at *Sofia IDF*, 24 at *Burgas IDF* and 23 at *Vratsa IDF*[144].

The delegation was concerned to note that the 24-hour shift pattern for custodial staff continued to be applied in the establishments visited, despite earlier recommendations by the CPT[145].

106. The Committee must stress once again that inadequate custodial staff complements, combined with prison overcrowding and the application of a system requiring custodial staff to work for 24 hours at a time, can only increase the risk of violence and intimidation between prisoners, as well as tension between prison staff and prisoners[146]. They also undermine the quality and level of the activities offered to the inmates. Consequently, **the CPT calls upon the Bulgarian authorities to take urgent steps to increase custodial staffing levels in prisoner accommodation areas at Belene, Burgas, Sofia and Vratsa prisons. To obtain custodial personnel of the right calibre, the Bulgarian authorities must be prepared to invest adequate resources into the process of recruitment and training, and to offer adequate salaries.**

The Committee also wishes to stress that increasing the custodial staff complement in prisons should not happen to the detriment of the IDFs[147].

As for the above-mentioned 24-hour shift pattern, the CPT understands that the Bulgarian government has recently decided to abolish it. The Committee welcomes this decision and **would like to be informed of the date of its entry into force.**

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140 See e.g. paragraph 138 of CPT/Inf (2012) 9 and paragraph 52 of CPT/Inf (2012) 32.

141 157 custodial staff in the closed section of Sofia Prison and 85 custodial staff at Burgas Prison. Approximately 30 custodial officers were present on each shift in the former, and some 18 staff in the latter establishment.

142 Approximately 17 custodial officers being present on any given shift in the prison's closed section.

143 It should nevertheless be noted that this staff complement was based on the establishment's official capacity (261), which was much higher than the actual population (67) at the time of the visit.

144 For example, 31 officers were present on each shift at Sofia IDF, and five at Burgas IDF.

145 See e.g. paragraph 138 of CPT/Inf (2012) 9 and paragraph 52 of CPT/Inf (2012) 32.

146 As witnessed at Belene, Burgas and Sofia prisons.

147 I.e. by transferring custodial staff from the IDFs to prisons.

b. contact with the outside world

107. In the absence of any significant changes to the relevant legislation, the situation with respect to the visiting entitlement for prisoners had remained similar to the one observed during the CPT's 2012 visit[148].

In practice, inmates at *Burgas and Vratsa IDFs* could receive one visit per week (lasting up to 40 minutes), whereas at the *IDF on Dimitrov Boulevard in Sofia* and in all the *prisons* visited, inmates had the right to two visits per month (likewise of up to 40 minutes' duration). The situation was more favourable at *Boychinovtsi Correctional Home* where (in accordance with the relevant legislation) juveniles could receive weekly visits lasting up to 2 hours each. **The CPT calls upon the Bulgarian authorities to implement the Committee's long-standing recommendation and to increase the visit entitlement for all categories of prisoners (i.e. both remand and sentenced, and irrespective of the regime), to at least one visit per week. The permitted duration of each visit should be extended to at least one hour.**

As for the prolonged visits, it became apparent that this form of reward for good behaviour was very rarely granted and, moreover, was the subject of institutionalised corrupt practices, at least at *Burgas and Sofia prisons*. **The Committee would welcome the observations of the Bulgarian authorities on this subject.**

108. At *Boychinovtsi Correctional Home* and at *Belene Prison*, the delegation received many complaints from inmates concerning the apparent difficulties that their relatives experienced because of the relative geographical and logistical isolation of the two establishments[149]. At *Boychinovtsi*, the situation was compounded by the lack of opportunities for the families to stay overnight in the vicinity[150], and at *Belene* by the fact that the prison island was only reachable by an old military pontoon bridge that was often flooded (especially in the winter) and therefore impracticable (rendering it impossible for prisoners to reach the visiting facility, which was located on the mainland).

The CPT has already commented on the geographical situation of the two above-mentioned establishments and invited the Bulgarian authorities to reflect upon their future relocation[151].

Pending this, **the Committee recommends that steps be taken to alleviate the situation observed at Boychinovtsi (e.g. by setting aside some part of the currently unused premises for a visitors' hostel[152]) and Belene (by constructing a reliable link between the prison island to the mainland). Consideration should also be given to adopting a flexible approach as regards visits and, in particular, to providing the possibility for combining visit entitlements into one or two longer sessions.**

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148 Inmates were entitled to at least two visits of 40 minutes each per month; as a form of reward, sentenced prisoners could be allowed prolonged visits of up to four hours, as well as meetings with family members outside the prison (lasting up to 12 hours) and home leaves of up to five days.

149 As already mentioned in paragraph 67 above, Belene is located in the very north of Bulgaria, on the border with Romania, while Boychinovtsi is reportedly difficult to reach by public transportation.

150 The nearest overnight accommodation was available in the town of Montana, some 20 km away.

151 See paragraph 71 above.

152 Of course, such an accommodation would not have to be free of charge for the visitors.

109. With the notable exception of *Boychinovtsi Correctional Home*, where all visits took place in open conditions, the visiting arrangements in the prisons visited have remained an issue of concern for the CPT. As a rule, visits were of a closed type (through glass), preventing any physical contact and sometimes also the possibility to see each other properly[153]. Even the exceptional prolonged visits took place in inadequate conditions, e.g. in the corner of the common visiting facility (at *Sofia Prison*) or in a room devoid of any furniture (at *Burgas Prison*). Further, all the visiting premises could become very cramped and noisy if used to capacity.

The CPT calls upon the Bulgarian authorities to take steps to improve the visiting facilities in the penitentiary establishments visited, in the light of the above remarks; if necessary, the relevant legislation should be amended. As stressed by the Committee many times in the past, the aim should be to enable all prisoners, including those on remand, to receive visits under reasonably open conditions; the use of closed visiting facilities should be the exception rather than the rule.

110. Inmates had access to card-operated telephones in all the establishments visited. That said, similar to what had been observed during previous visits, the delegation received many complaints about the price of telephone calls, reportedly several times higher than in the outside community. **The CPT recommends that the Bulgarian authorities take steps to ensure that prisoners have access to telephone communications at prices comparable to those in the outside community.**

c. discipline, segregation and security-related issues

111. The disciplinary procedure, which had remained unchanged since the 2010 visit, was already described in the report on that visit[154].

Resort to disciplinary isolation was rather infrequent (and sanctions pronounced were often suspended) at *Vratsa Prison*[155], where the above-mentioned procedure seemed to be applied properly.

At *Belene, Burgas and Sofia prisons*, recourse to disciplinary isolation was more frequent but also generally not excessive[156]. However, interviews with inmates and examination of relevant documentation in the three above-mentioned establishments revealed that prisoners were not always heard in person prior to the imposition of disciplinary sanctions. Further, inmates in these establishments[157] were not systematically given a copy of the disciplinary order, and information on the right of appeal was not provided to them in an adequate manner[158].

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153 As e.g. in Belene and Burgas, where inmates and visitors were separated by dense wire netting.

154 See paragraph 142 of CPT/Inf (2012) 9. To recall, prisoners are granted an oral hearing before the imposition of a disciplinary sanction, may call witnesses and are informed of their right to appeal the disciplinary decision, as well as being given a copy of the disciplinary order. As regards decisions for placement in a disciplinary cell, they can be appealed to the district court, which should consider the case in the presence of the prisoner concerned and/or his lawyer. The maximum length for placement in a disciplinary cell is 14 days.

155 There had been 74 placements in disciplinary isolation in 2013, and the consultation of disciplinary registers revealed a constant downward trend in recent years (by comparison, 248 sanctions of disciplinary isolation had been issued in 2009).

156 It should be noted, however, that there had been an important recent increase in the number of sanctions at Belene Prison (143 placements in 2013, as compared with 90 in 2012).

157 As well as juveniles in Boychinovtsi, see also the paragraph below.

158 Inmates could only read this information when they received a copy of disciplinary order, for their signature; the copy was (usually) subsequently taken away from them and put to their administrative file, as a result of

The CPT recommends that the Bulgarian authorities ensure that the relevant provisions governing disciplinary procedure are duly applied in the establishments visited, in the light of the above remarks.

112. As regards juveniles, the maximum period of placement in a disciplinary isolation cell permitted by the law is five days. The CPT's delegation was concerned to note that disciplinary isolation, often for the above-mentioned maximum period, was resorted to frequently at *Boychinovtsi Correctional Home*[159]. Furthermore, successive placements (with only a 24-hour interruption) were not uncommon and in one case, a juvenile had been placed in disciplinary isolation for three consecutive periods[160].

The Committee wishes to stress that placement in a solitary confinement regime is a measure which can easily compromise a juvenile's physical and/or mental integrity; consequently, resort to such a sanction should be regarded as an exceptional measure which should be used only for very short periods (preferably, for a period not exceeding three days)[161]. **The CPT recommends that the relevant Bulgarian legislation be amended so as to reduce the maximum possible period of disciplinary isolation of juveniles, in the light of the above remarks.** Further, **there should be a prohibition of sequential disciplinary sanctions resulting in an uninterrupted period of solitary confinement in excess of the above-mentioned maximum period.**

As for the frequent recourse to disciplinary isolation observed at Boychinovtsi Correctional Home[162], **the Committee recommends that this issue be duly examined in the context of the inquiry referred to in paragraph 53 above.**

113. Based on the delegation's on-the-spot observations (and on the consultation of relevant medical and administrative documentation) in the Bulgarian prisons visited in 2014, the Committee notes with concern that prison doctors remain involved in the disciplinary procedure and, in particular, are still required to certify prisoners' fitness for placement in disciplinary isolation (prior to the start of the measure).

The CPT must thus reiterate its view that medical practitioners working in prisons act as the personal doctors of prisoners, and ensuring that there is a positive doctor-patient relationship between them is a major factor in safeguarding the health and well-being of prisoners. Obliging prison doctors to certify that prisoners are fit to undergo punishment is scarcely likely to promote that relationship. This point was also recognised in the Committee of Ministers' Recommendation (2006) 2 on the European Prison Rules.

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which inmates had no written information with them in their cells (and it was clear that many of those whom the delegation interviewed, and who were or had recently been placed in disciplinary isolation, had not had sufficient time to read and understand the information on the right to appeal printed out on the standard disciplinary order form).

159 For example, there had been 114 placements in 2013 and 36 in the period between 1 January and 28 March 2014 (including 17 in the period from 1 to 28 March alone).

160 Of three, three and five days respectively, each time with a 24-hour break in between.

161 See paragraph 26 of the 18th General Report on the CPT's activities (CPT/Inf (2008) 25).

162 And in relation with the allegations that placement in disciplinary cells was sometimes combined with the imposition of "informal" punishment measures (see paragraph 51).

Consequently, **the Committee recommends that the existing regulations and practice concerning the role of prison doctors in relation to disciplinary matters be reviewed. In so doing, regard should be had to the European Prison Rules[163] and to the above remarks.**

114. By contrast with the above (i.e. the involvement of doctors in disciplinary procedure), the CPT has no objections to prison health-care staff paying particular attention to the situation of inmates undergoing a disciplinary isolation measure, quite on the contrary. In this context, the delegation noted that, although prisoners placed in disciplinary isolation cells in the prisons visited were visited once or twice per week by health-care staff (and more frequently on request), the medical documentation relating to such visits (if kept at all) was often succinct and/or inaccurate. **The Committee recommends that health-care staff in the establishments visited (and, as applicable, in all other penitentiary establishments in Bulgaria) visit prisoners immediately after placement in disciplinary cell and thereafter, on a regular basis, at least once per day, and provide them with prompt medical assistance and treatment as required**. In addition, **such medical monitoring should be duly recorded in the relevant documentation.**

115. Turning to the material conditions in disciplinary isolation cells[164], these cells were all located in high-security units of the prisons visited and generally displayed the same shortcomings as the cells for life-sentenced prisoners[165]. In particular, they were too small (e.g. single cells measuring less than 5 m² each at *Belene and Vratsa prisons*[166]) and dilapidated; further, allegations were received according to which the cells in Belene and Vratsa could become very cold in winter. As in the rest of the high-security unit[167], inmates placed in the disciplinary cells at *Burgas Prison* had to use buckets for most of the day (and the whole night).

As regards *Boychinovtsi Correctional Home*, the delegation was extremely concerned to find – in what was essentially a juvenile detention facility – very poor material conditions in the disciplinary unit: cold and dilapidated bar-fronted cells (measuring some 6 m² each), equipped with low wooden sleeping platforms and unscreened, dirty and malodorous toilets; furthermore, several juveniles alleged that they had not been given a mattress for the night.

In the light of the above remarks, **the CPT recommends that urgent steps be taken to improve the material conditions in disciplinary isolation cells in the establishments visited, in particular at Boychinovtsi Correctional Home. As for the cells in Belene and Vratsa prisons, they should be either enlarged or taken out of service.**

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163 Rule 43.3: "The medical practitioner shall report to the director whenever it is considered that a prisoner's physical or mental health is being put seriously at risk by continued imprisonment or by any condition of imprisonment, including conditions of solitary confinement".

164 As well as those used for administrative segregation.

165 See paragraph 86 above.

166 The disciplinary cells at Burgas Prison were of an acceptable size for single occupancy (approximately 6 m²) but, at the time of the visit, one of those cells was found to be accommodating three prisoners (apparently segregated on administrative grounds). Needless to say, such an occupancy level is totally unacceptable.

167 See paragraph 87.

116. Concerning the regime for inmates placed in disciplinary isolation, they were allowed to take one hour of outdoor exercise per day, and could have access to reading matter. That said, the delegation heard some complaints (especially in *Boychinovtsi* and *Vratsa*) that the actual exercise period could sometimes be shorter (up to 30 min) and that staff did not allow prisoners to have books and/or newspapers in the disciplinary cells. **The Committee recommends that steps be taken to ensure that such situations do not occur.**

117. The CPT welcomes the recent abolition of the ban on visits for prisoners in disciplinary isolation, a positive step long advocated by the Committee. However, inmates met in disciplinary cells during the visit were generally not aware of this amendment and continued to believe that they were not allowed to receive visits during the disciplinary measure. **The CPT trusts that the new provisions will be fully implemented in practice and that all prisoners will be duly made aware of the above-mentioned amendment.**

118. As had been the case during the 2012 visit[168], remand prisoners accused of crimes punishable by imprisonment of over 15 years (including life imprisonment) were accommodated in one of the high-security units of *Burgas Prison*, where they were locked up in their cells for most of the time (apart from outdoor exercise periods) and deprived of any association possibilities (other than with their cellmates)[169]. In this context, the CPT must reiterate its view that the placement of a prisoner under particularly restrictive conditions on the sole basis of the sentence/possible sentence is unacceptable. Any such measure should be taken on a case-by-case basis, in the light of an individual risk and needs assessment. **The Committee calls upon the Bulgarian authorities to take urgent measures to review the relevant legal provisions, in the light of these remarks.**

119. The delegation received many complaints about routine strip searches on the occasion of regular cell searches carried out at *Burgas Prison*. Reportedly, prisoners had to undress completely and bend or squat fully naked in view of the custodial staff and any prisoner(s) sharing the cell, while their clothes were being examined. In the CPT's opinion, such a practice could be considered as amounting to degrading treatment. **The Committee recommends that strip-searches only be conducted on the basis of a concrete suspicion and in an appropriate setting, and be carried out in a manner respectful of human dignity**.

120. The delegation was pleased to observe that custodial staff at *Vratsa Prison* and *Boychinovtsi Correctional Home*[170] did not carry truncheons on a routine basis and in a conspicuous manner; progress in this respect had also been observed at *Burgas and Sofia prisons*. By contrast, custodial staff at *Belene Prison*, especially in the high-security unit, did carry long truncheons systematically and openly[171]. **The CPT recommends that steps be taken to ensure that custodial staff at Belene Prison (and, as applicable, in other penitentiary establishments in Bulgaria) do not carry truncheons in a visible manner inside prisoner accommodation areas.**

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168 See paragraph 59 of CPT/Inf (2012) 32.

169 This restrictive regime was based on Section 248 (1) of the Law on the Implementation of Sentences and Preliminary Detention.

170 See, however, paragraph 51.

171 See also paragraph 93 above.

d. complaints and inspection procedures

121. Prisoners interviewed by the CPT's delegation in the establishments visited were generally aware of the avenues of complaint at their disposal. However, as had already been observed in the past, there was a widespread lack of trust among them in the existing complaints system, especially concerning the confidentiality of the complaints sent to outside bodies. In addition, many prisoners interviewed by the delegation felt that filing a complaint would aggravate their situation; more specifically, some of them claimed that they would not make use of this possibility because they feared retaliation from staff. Moreover, allegations were received that complaints sent to competent outside bodies had received no response. **The Committee therefore reiterates its recommendation that the Bulgarian authorities conduct a review of the procedures currently applied to process prisoners' complaints, in the light of the above remarks.**

122. As regards independent inspections, all the establishments had in recent years received one or more visits by the staff of the Ombudsman/NPM, as well as by representatives of the Bulgarian Helsinki Committee (BHC). That said, it was clear that limited resources at the disposal of the above-mentioned bodies (and mandate-related constraints, in the case of the BHC) prevented the emergence of a truly effective independent monitoring mechanism. **The CPT recommends that the presently existing NPM be reinforced so as to enable it to visit each penitentiary establishment in Bulgaria on a frequent basis.**