

2012

# ANNUAL REPORT OF THE OMBUDSMAN AS A NATIONAL PREVENTIVE MECHANISM

Annual Report of the ombudsman as a National Preventive Mechanism on the inspections conducted in the detention facilities in 2012

NATIONAL PREVENTIVE MECHANISM  
OMBUDSMAN OF THE REPUBLIC OF BULGARIA



## **FOREWORD**

Since 2012 the Ombudsman of the Republic of Bulgaria has acquired a new role, expanding its multi activities in advocacy of the rights and freedoms of citizens - to act as a National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment. This new function has been implemented by the recent amendments to the Law on Ombudsman (LO) published in the “State Gazette”, issue 29 of 10<sup>th</sup> April 2012.

In connection with such new mandate, as from the beginning of June 2012 within the structure of the Ombudsman was inaugurated a new Directorate - “National Preventive Mechanism and fundamental human rights and freedoms”, which activity is focused on the facilities where persons are deprived of liberty or where persons are detained or accommodated due to the act of the public authority or with the consent of the above authority and which facilities can not be left by free will.

Performance of the role of a NPM by the Ombudsman as an independent state authority marks a trend that fits in the development of the institution in the pan-European point of view. Respect for human rights where they are limited is a mission which to be defended and implemented consistently by the National Preventive Mechanism with a view to promoting high standards of human rights and the work of responsible government institutions.

This is the first annual report of the National Preventive Mechanism. The present report covers the period June - December 2012. During the months covered by this document, the Ombudsman has set solid foundations for construction of the NPM – he formed an effective administrative team and start working in full capacity.

The report has not only reporting character. It puts to the attention of the public the legislative and executive issues and trends, which require regulatory and management decisions.

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## LEGAL FRAMEWORK

### What is torture?

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines in its article 1 the torture as *any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity or at the instigation or with the consent or acquiescence. Such definition does not include pain or suffering arising only from legal penalties, which are inherent to such penalties or which are incidental.*

Torture is on the first place an intentional act carried out by an act or omission on the part of a public official or other official person. This offence has a specific purpose - obtaining confessions, intimidation, coercion, punishment and more.

International law provides restrictions on almost all basic human rights under certain legal conditions, and the interference with fundamental rights is done at the discretion of the state. Only the prohibition of torture is absolute - it can not be derogated from or limited in any way.

### What is cruel, inhuman and degrading treatment?

In international law there is a definition of cruel, inhuman and degrading treatment. It is assumed that when *intense physical and mental suffering or pain* can not reach the required level of severity and duration of the offence to qualify as torture, it should be regarded as inhuman or degrading. Cruel, inhuman and degrading treatment can also be unintentional, unlike torture.

### What is the role of the Ombudsman in the prevention of torture, cruel, inhuman and degrading treatment?

By taking over the functions of the National Preventive Mechanism the Ombudsman has received a mandate for continuous monitoring of facilities where persons are deprived of liberty, or where persons are detained or accommodated as a result of an act of a public authority or with its consent and which facilities they can not leave at their own will.

This range of areas has broad dimensions, and include: prisons, prison dormitories (PD), detention facilities, facilities for a 24-hour detention in police stations, facilities for detention of foreigners, psychiatric hospitals and wards, homes for children and adults with disabilities, homes for children deprived of parental care, homes for people with mental disorders, dementia and mental retardation – i.e. all facilities where the free movement right is restricted. As NPM the Ombudsman is entitled to:

1. access without notice at any time all detention facilities and their installations and objects;

2. access to all information on the number of persons deprived of their liberty in facilities of detention, and the number of facilities and their location;
3. choose the facilities he wants to visit and the persons he wants to talk to;
4. conduct personal interview with persons deprived of liberty, personally or through an interpreter if necessary, as well as any other person, who can provide relevant information according to the Ombudsman as a National preventive mechanism;
5. access to all information related to treating individuals as well as on conditions in the facilities of detention;
6. request information from officials of the visited place of detention with whom to talk to and to conduct personal interviews with any person who is in the territory of the inspected site;
7. arrange for execution of medical examination of persons with their consent.

According to Art. 46 of the Law on Implementation of Penal Sanctions and Detention (LIPSD) the Ombudsman may recommend the Minister of Justice particular prison or prison dormitory or detention facility to be closed, reconstructed or expanded where corrective action can not be carried out and where there is a threat of harm to the physical or mental health of inmates, due to a high degree of overcrowding and poor hygiene and living conditions. Recommendation shall be submitted within one month with the Council of Ministers by the Minister of Justice. Within three months the Council of Ministers shall announce the measures taken to solve the problems.

Confidential information obtained by the Ombudsman as a National preventive mechanism can not be disclosed. Personal data may be published only after the person to whom they relate, has expressed its explicit consent.

In the process of building the NPM methods of conducting inspections in facilities under art. 28a of the Law on the Ombudsman and schedule of inspections have been adopted.

## **FACILITIES VISITED AND RECOMMENDATIONS MADE**

### Inspected facilities

In 2012 the National Preventive Mechanism inspected a total of 162 facilities:

1. Detention facility with the Ministry of Justice (MOJ) and the Ministry of Interior (Moi) - 116 facilities, out of which:

- Prisons and prison dormitories - 39 facilities;
- Reformatories - 2 facilities;
- detention facilities - 42 facilities;
- facilities for accommodation of detainees within the structures of the Ministry of Interior (areas for 24-hour detention with a district police department) - 26 facilities;
- facilities for temporary stay and insulation in buildings of courts - 7 facilities.

2. State psychiatric hospitals, psychiatric wards, homes for children deprived of parental care, homes for mentally retarded children, homes for the elderly people with mental disorders, dementia and mental retardation - 46 facilities, out of which:

- State psychiatric hospitals - 3 facilities;
- Psychiatric wards - 3 facilities;
- Homes for Medical and Social Care - 5 facilities;
- Homes for children deprived of parental care - 19 facilities;

- Homes for Children with Disabilities - 5 facilities;
  - Homes for elderly people with mental disorders, dementia and mental retardation - 11 facilities.
- Subject to inspection were: degrading, cruel or inhuman treatment, isolation, restrictions, use of force, procedures for submission of complaints and signals, disciplinary procedures, food, lighting and ventilation, personal hygiene, sanitation facilities, accommodation and overcrowding, access to medical care, specific health services for women and children, specific health services for mentally ill; contacts with the outside world, exercise of religion, education and training.

The emphasis in achieving independent control over the closed institutions and the state of human rights in facilities follow the problems reflected in the reports of the Committee for the Prevention of Torture (CPT) and the findings in numerous decisions of the European Court of Human Rights (ECHR) .

Every inspection ends with a report containing the findings, conclusions and particular recommendations to the authorities in charge.

### Recommendations and their implementation

The report of the NPM in 2012 have made 253 recommendations.

#### ***Recommendations made depending on the bodies***

Body	Number of recommendations
Ministry of Justice	54
Ministry of Health	50
Ministry of Labour and Social Policy	101
State Agency for Child Protection	15
Batak Municipality	3
Panagyurishte Municipality	3
September Municipality	4
Vratsa Municipality	6
Roman Municipality	2
Byala Slatina Municipality	5
Borovan Municipality	4
Blagoevgrad Municipality	5
Home for childred deprived of parental care "Petar Dimitrov" – village of Parvomay	1
<b>Total:</b>	<b>253</b>

Out of the recommendations made, 135 have been met, 24 are non-executed, 16 are non-executed due to the lack of funds, 2 are non-executed due to the lack of buildings, and 76 of the recommendations have not been responded by the relevant institutions.

### **Implementation of recommendations**

Recommendations	Number
Executed	135
Non-executed	24
Non-executed due to lack of funds	16
Non-executed due to lack of buildings	2
Lack of response (information)	76
<b>Total:</b>	<b>253</b>

### **Recommendations made and their implementation depending on the bodies**

Body	Total number	Executed	Non-executed	Lack of response
Ministry of Justice	54	19	12	10
Ministry of health	50	14	1	39
Ministry of Labour and Social Policy	101	35	4	62

Particular recommendations in the reports of the NPM to the respective state and municipal authorities, as well as information about their responses are reflected in the attached Summary Table 1. “**Information on the inspections carried out in 2012 by the Ombudsman of the Republic of Bulgaria in his capacity of a National Preventive Mechanism under the Optional Protocol to the Convention of the United Nations against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**”(see page 43).

Outside the recommendations that the NPM may make in the reports under art. 28d of the Law on Ombudsman, in 2012 the Ombudsman has used three times the power under art. 46 LIPSD and recommended to the Minister of Justice:

- “Kremikovtzi” prison dormitory with the prison in the city of Sofia to be closed;
- to close or relocate in a site - public property, “Ceramic Factory” prison dormitory with the prison in the city of Vratsa;
- To take measures to expand the living space in the prison in Stara Zagora, in “Cherna gora” prison dormitory, including by way of discussion of the financial capabilities of the “Prisons Production” State Enterprise and voluntary service of the prisoners.

Recommendations were made because of the high degree of overcrowding and poor living conditions in such facilities, as it is impossible to carry out corrective action and there is a risk of harm to the physical or mental health of detainees.

According to sentence 2 of the quoted provision of art. 46 of LIPSD, “recommendation shall be submitted within one month with the Council of Ministers by the Minister of Justice. Within three months the Council of Ministers shall announce the measures taken to solve the problems.” In none of the three cases, the Minister of Justice has not undertaken any action on submitting the recommendations with the Council of Ministers. Hereby the NPM puts back to the attention of the Minister of Justice these recommendations and would like to receive information on what actions will be taken under art. 46 of LIPSD.

## **BASIC FINDINGS FROM THE INSPECTIONS OF THE PRISONS, PRISON DORMITORIES, REFORMATORIES AND DETENTION FACILITIES**

In preparing the schedule of inspections in 2012 the Ombudsman in his capacity of a NPM focused on facilities which are perhaps the most vulnerable in terms of human rights - prisons, prison dormitories, correctional institutions (reformatories) and detention facilities. The NPM has inspected all of the above mentioned facilities within the territory of Bulgaria.

The slashing critics of Bulgarian prisons, dormitories and detention facilities by national and international organizations are numerous and multidimensional. The number of judgments of the European Court of Human Rights in Strasbourg over poor conditions in Bulgarian prisons is also alarming. The system of the detention facilities lacks the necessary resources to provide quality in exercising their basic functions in implementation of the punishment “deprivation of liberty” and subsequent re-socialization for correction of the convicted and reduction of recidivism.

The enduring trends mentioned hereinabove are the reason for the NPM to conduct a thorough analysis of these facilities, encompassing all aspects of their operation.

### **I. Prisons, prison dormitories and reformatories**

#### Admittance, initial allocation and relocation

The Law on Implementation of Penal Sanctions and Detention (LIPSD) requires for the transfer of defendants and accused persons to a prison or a reformatory the order of the prosecutor or the court to be accompanied by a copy or excerpts of the written opinion of the investigative authority or by an indictment and medical information about the individuals. According to art. 48, para 1, item 6 of the LIPSD, on accommodating inmates at the reception room the information related to *... health condition of the newly admitted person on condition of meeting the requirements for confidentiality of medical data* shall be recorded. Analysis of this provision shows that the rules are not consistent in its fullness with the recommended provision prescribed in the European Prison Rules, to provide medical information available on the prisoner. That, in the opinion of the NPM, creates difficulties in finding injuries to prisoners and the need for additional information from the administration of the detention facility in which the person has been. To the text should be added

the requirement in the medical record to record data on the *physical, mental or other condition* of the detainee.

In the European Prison Rules is written recommendational provision for oral and written information, where *“on admission to prison and then as often as necessary, all prisoners must be informed in writing and orally in a language they understand, on the rules governing discipline in prison, as well as their rights and obligations in prison.”* It is reflected in the provisions of art. 52 of the LIPSD under which prisoners are entitled to oral information in a language they understand on the rules of internal order and discipline, and their fundamental rights and obligations and the legal ability to seek written information by an explicit request.

Observations of the NPM during the inspections show a lack of information among detainees on their full living area, medical care, employment and conditions on change of the sentence they are entitled to, as well as a significant lack of information about the change of the regime, transfer to a dormitory and release on early parole.

The initial allocation is made by the prosecutor, enforcing the sentence, and according to the requirements of the LIPSD in the prison or reformatory nearest to the permanent address. A major shortcoming of the legislation is that the prosecutor has no operative independency to assess the circumstances related to a temporary residence, availability of permanent social environment, necessity of carrying out ongoing investigations or other reasons related to the safety of the detainee, in order to enforce the sentence to another prison or dormitory.

These circumstances may be reported only after the admittance and subsequent transfer by an act of the Director General of the Directorate General *“Implementation of Penal Sanctions.”*

**The NPM shares of the opinion that if these circumstances can be taken into account during the initial allocation, public costs and inconvenience for inmates and their families shall be significantly reduced.**

Another major legal shortcoming found by the NPM is related to the provision of art. 34, para 1 of the Regulation Applying the LIPSD (RALIPSD). According to it, when the prison administration believes that this type of prison facility or initial regime of imprisonment are improperly determined by the court, it shall immediately notify the district attorney at the place of punishment and prosecution’s office that enforced the judicial act, and until receipt of written instructions from the prosecutor the prisoner shall be placed in a closed facility.

**Following the recommendation made by the NPM, the Ministry of Justice agreed that the text contradicts to the binding force of the judgment and in the future amendments to the PPLIPSD this text will be revoked.**

During inspection the team of the NPM found tension among inmates who had been unreasonably denied subsequent relocation. It was found out that in most cases the prisoners are not given the opportunity to present additional evidence to the initial request for relocation.

Often the head of the prison only informs prisoners of refusal to be relocated, ordered by the General Director of the Directorate *“Implementation of Penal Sanctions.”* A copy of them is not



provided, and prisoners are informed orally against signature. The refusals themselves do not also indicate the right of appeal to the Minister of Justice.

**The findings appeared to be reason for the NPM to accept that the right of appeal and use of legal protection are hindered and restricted. These acts are hardly challenged, and new applications are being written to the Minister of Justice.**

Provision of Art. 64 of the Law on Implementation of Penal Sanctions and Detention provides inmates with good behaviour who have served at least six months of the sentence in prison or prison dormitory of closed type and have a remainder of his/her sentence not greater than 5 years to be served, to be relocated to serve their sentence in prison dormitory of open type (open dormitory).

On the background of such provisions where there is no distinction between offenders and recidivists, the provisions of art. 70 of the Criminal Code regulating the possibility of early release of prisoners really impress. They require half of the sentence to be served, and for recidivists the requirement is to have served two-thirds of the sentence, but the rest of it shall not be less than three years. According to the NPM, provided that there is no statutory limit on the minimum remainder of actually served sentences for offenders concerning conditional early release, such remaining term for recidivists is unfair and is a factor that leads to overcrowding in prisons.

The LIPSD allows inmates who are serving a sentence in a prison dormitory of open type to be moved to a prison or a prison dormitory of closed type when they carry out gross or systematic violation of the established order, systematically deviate from a job or have adverse affect other. According to the NPM, the term “deviation from work” should be more precise. The work of the prisoner is his own right, not an obligation. Imposition of a disciplinary sanction for refusing to carry out the work is unacceptable.

Decisions on transfer to a dormitory and back to prison shall be motivated by the results of the evaluation of the convicted under art. 64, para 3 of the LIPSD and are subject to appeal. Concerning the other two types of decisions of the commission on regime change and early release on parole the law does not prohibit their appeal, but does not specify the competent court and/or administrative body. In the old Law on Implementation of Penal Sanctions there was a possibility for an administrative appeal. Now the practice assumes that such acts are non-appealable.

The finding of the NPM is negative that decisions for relocation, regime change and early release on parole of the commission under art. 73 of the LIPSD are not motivated in compliance with the requirements of art. 55, para 5 of the RALIPSD with the required risk assessments. The only exception to this is the work of the commission in prison in the city of Belene. The Commission's refusal is not provided in writing to the inmates. They are informed against signature, which hinders their right to appeal against such decisions.

The lack of information often leads to acts of dissent by launching hunger strikes, self-harm, unreasonable aggression towards supervisory staff and render difficulties to the administration in the detention facilities. With no doubt, this right is related also to the reevaluation of the caseload of social workers that are often responsible for 100 to 200 inmates. The NPM believes that giving publicity to the decisions of the commissions under art. 73 among prisoners through appropriate

way of public notification shall offset the following shortcomings in their work and will greatly facilitate the work of social workers.

**The NPM believes that the right to seek information must be converted into the right to receive written information on matters related to the implementation of the sentence.**

#### Living conditions. Overcrowding

Problems in this area have been accumulated for decades and are well known in the community. During the last 20 years major repairs have been made only in one prison and three “new” dormitories of open type have been created (in old buildings). In these years the state budget has served other public priorities and the system of imprisonment was almost isolated. Therefore, the traditional explanation during this period was related to the lack of funding. **It is very important Bulgarian state institutions not to forget the basic principle in art. 4 of Recommendation No Rec (2006) 2 of the Committee of Ministers to member states on the European Prison Rules, which states that “the prison conditions that violate the human rights of prisoners can not be justified by lack of resources.”**

The NPM inspections have found out that almost all prisons and dormitories of closed type, as well as the majority of detention facilities provide conditions that inevitably lead to assessment of inhuman or degrading treatment of prisoners. Indicative in this respect are the cases in the European Court of Human Rights, under which our country was ordered to pay compensation. A major question facing the Bulgarian society and the government is whether to meet minimum living standards or to pay compensation for possible claims before the ECHR.

In 2006 by Recommendation No Rec (2006) 2 of the Committee of Ministers of member states on the European Prison Rules standards for living conditions were introduced. They must be consistent with the respect for human dignity of prisoners. Conditions should allow for privacy and should comply with the hygiene and health requirements, paying due attention to the weather conditions and especially the content per cubic meter of air, space, lighting, heating and ventilation. Windows must be large enough to allow entry of fresh air. Artificial lighting must comply with the technical standards. It is necessary to build a signalling system by which prisoners can establish direct contact with staff.

Requirement is also introduced the national legislation to establish a mechanism for ensuring that these minimum requirements are not violated because of prison overcrowding.

Based on the above rules in 2008 by Decision No 767 of the Council of Ministers (CoM) a Programme for Adoption of the Strategy for Development of detention facilities in Republic of Bulgaria for the period 2009-2015 was adopted, as well as an Action Plan and Investment programme for the construction, reconstruction and modernization of the facilities of the penitentiary and probation system for the same period. The document provides for the Minister of Justice to prepare and submit a biennial report to the Council of Ministers on the implementation of the action plan on achievement of the objectives of the strategy and implementation of the investment programme.

As from 01.06.2009 a new Law on Implementation of Penal Sanctions and Detention has entered into force as well. Pursuant to art. 84, para 1 of the above law an investment programme for improvement of material living conditions detention facilities for 2010 was adopted in accordance with the Annex to the Decision No 168 of 26 March 2010 the Council of Ministers. By a decision

under Protocol No 32 of 8.09.2010 the Council of Ministers adopted the Programme for improvement of conditions in detention facilities and the Action Plan for implementation of the programme. It is envisaged that the Minister of Justice shall submit to the Council of Ministers a report on the implementation of the programme on an annual basis.

In art. 43, para 3 of the LIPSD it is envisaged the minimum living space per prisoner to be not less than 4 square meters. Entry into force of this provision has been postponed until 1<sup>st</sup> January 2019, by amending § 13 of the Supplementary Provisions of the LIPSD (promulgated in the State Gazette, issue 103/2012). **In this connection it should be borne in mind that this approach is incompatible with the practice of the European Court of Human Rights and the pilot judgment of the above court of 8<sup>th</sup> January 2013 under the case “Toreghiani and Others versus Italy”, claim No 43517 / 09 on overcrowding in Italian prisons.**

The amount of daylight, the level of artificial lighting, heating and ventilation, access to toilets and running water, and a minimum of furnishing bedrooms are determined by PALIPSD. In the Regulation implementing the law it has been also found out that the maximum number of inmates that can be accommodated according to the available living space are specified for each prison and reformatory.

Our national legislation has no mechanism to ensure such standards due to the lack of space for housing prisoners. By the amendment of the LIPSD in December 2012 a possibility was established in case of lack of capacity the prisoner to be relocated to other prison nearby. The NPM believes that this independent measure is almost impractical at this stage because of existing overcrowding in all prisons.

Excluding the two correctional institutions for juveniles and the Prison for Women in the city of Sliven, all prisons in Bulgaria are overcrowded, i.e. there are less than 4 square meters per prisoner. Poignant example in this regard is the prison in the city of Burgas, where prescribed area is 1 square meter per inmate. And it is not free area but living area, in which beds and tables are installed.

The architecture of the old prisons does not allow creation of conditions for individual work and requires additional supervisory staff to ensure the safety of inmates and the prison. Construction of toilets has led to a reduction in the residential area. A reconstruction necessitates the gradual release of individual passages, leading to even more overcrowding. The NPM opinion is that in most prisons reconstruction is impossible in practice. It would improve conditions, but will not solve the problem of overcrowding. The improvement will be partial and can not meet all the required standards. Indicative in this respect is that already built bathrooms in the dormitories, which walls do not reach the ceiling, now need to be reconstructed on the recommendation of the CPT.

**The NPM believes that there is an urgent need in building new prisons and prison dormitories.**

In order to tackle the issue with the new living areas the new government programme of 2008 provided for the construction of five new prisons in the cities of Sofia, Pleven, Veliko Tarnovo, Varna, Haskovo with a total capacity of 5,900 inmates. Necessary funds only for that part of the programme amount to approximately 300 million Bulgarian levs.

The NPM assessment is that the above programme even when it had been adopted was unrealistic in terms of deadlines for completion – 2015. What is positive is that it has drawn a range of issues to be resolved by the executive powers.

Regardless of the impossible deadlines set, there is still a possibility the State Enterprise “Prisons Production” (SE “PP”) to dispose of the state property included in its capital, but unnecessary by selling its according to the Law on State Property and to accumulate financial resources for building completely new detention facilities in line with European minimum standards.

The second government programme related to the 2010 budget is limited in the design and reconstruction of three dormitories in the cities of Varna, Burgas, and Vratsa. Reconstruction and construction of two dormitories are secured financially in 2013. The NPM found out that the dorm in the city of Vratsa is situated in a property - private property included in the capital of a company (after privatization), so it is impossible to make even partial repairs funded by the state budget.

Under the third programme for 2013 the negotiations with the Sofia Municipality on provision of land for construction of a new prison in the capital region have been finalized. By Decision No 699 of 16.12.2010 of the Sofia Municipal Council an area of about 500 decares in the village of Voluyak was granted. Provided land subsequently proved unsuitable due to passage of high voltage power lines. As a new area for detention facilities the programme provide for construction of a new prison having a capacity to accommodate up to 2,000 people - first stage 2011-2013, amounting to 10.5 million Bulgarian levs, out of which 9,000,000 levs are provided for 2013.

In January 2012 the Governing Council of the SE “PP” decided to carry out study, analysis and opinion for determination of a site suitable for building a prison in the land of Gorna Banya district, the villages of Yana and Zhelyava. In February it was decided to select a consultant in architecture, design and security.

There are also provided new areas for dormitories:

- in the village of Debelt – for the needs of a new prison dormitory to the prison in Burgas having capacity to accommodate up to 450 prisoners, to be implemented in 2012;
- Reconstruction of buildings, a former military farm complex owned by the Ministry of Justice, for the new prison dormitory to the prison in the city of Vratsa, having capacity to accommodate up to 150 prisoners, to be implemented in 2013;
- Construction of a new dormitory of an open type to the prison in the city of Lovech, having capacity to accommodate up to 200 prisoners, to be implemented in 2013;
- Construction of a dormitory of open type having capacity of up to 100 inmates to the prison in the city of Varna, which inmates will be involved in labour activities;
- Construction of a ward of open type to accommodate up to 150 inmates to the prison in the city of Belene and increase of the capacity of the prison up to 1000 people, to be implemented in 2013;
- Building a home for juvenile girls to the prison in the city of Sliven, to be implemented in 2013

The response of Bulgaria under the last CPT report shows that efforts are focused on creating three closed dormitories at prisons in the cities of Pleven, Varna and Burgas. Funding for dormitories in the villages of Debelt and Razdelna is provided by the European projects (Norwegian Financial Mechanism), the deadline is set for 2013.

Reconstruction of buildings in the village of Debelt is in progress, it is still at the stage at which it was four years ago, when an amount of more than 300,000 Bulgarian levs was invested by the SE “PP”. The reconstruction is not completed due to the lack of funding provided by the state

budget. The NPM believes that the implementation of this activity in 2013 will provide an opportunity for solving the problems not just of the prison itself, but of his detention facility in the city of Burgas, by moving it to the territory of the existing prison.

The dormitory in the village of Razdelna is operational and reconstruction is bound by partitioning the dormitories and construction of toilets in them. There is also an idea of constricting a new building.

The area of the „Vit” dormitory with the prison in the city of Pleven is currently 153 square meters and will help slightly to solve the problem of overcrowding, unless additional areas are provided or reconstructed.

Solving the problem of overcrowding is linked not only with the construction of new detention facilities, but also with the changes in penal policy in Bulgaria. The programme of the Council of Ministers in 2013 provides extension of application of the penal sanction 'Probation' to a group of offenders who committed crimes considered not heavy under the Penal Code.

In 2012 the CPT recommends that efforts be made for increasing training of prosecutors and judges in order to promote the use of sanctions, alternative to imprisonment, but such additional alternatives associated with electronic monitoring, except from the existing probation measures, have not been introduced by the Legislature until the end of 2012.

#### Hygiene

In Bulgarian prisons, dormitories and detention facilities there are not enough resources for cleaning and sanitation. Cleaning of the floors is predominantly carried out by water. After the reconstruction of the prison in the city of Vratsa maintaining a good level is possible only because of the quality of floorings. Relatively good is the level of hygiene in the prison for women in Sliven and the reformatory in Boychinovtsi. Commonplace in prisons for men and closed dormitories is availability of large amounts of cockroaches, bedbugs, even rodents. Although delouse procedures performed, this problem remains unsolved.

#### Clothing and bed linen

NPM has established a consistent practice not to provide prison clothing because of lack of funds. Such clothing is provided only to needy prisoners. An unacceptable practice has been established in the prison in Sliven to provide such clothing mandatorily before appearance in the court.

#### Nutrition

Overcrowding in prisons has a negative effect also on the organization of eating in the canteens. In some places the actual time for eating reaches 5 to 10 minutes. Prison administration does not have the capacity to solve the problem due to the lack of space. In some prisons there are canteens in the corridors while the respective premises are used for social activities.

For the last four years the full board of an inmate increased from 1.30 to 2.50 Bulgarian levs. Such increase would not improve the quantity and quality of the food taking into account the inflation

and the increased food prices. The NPM found that food quality in general centralized supply is different.

Particularly rare in the menu of the prisoners are eggs, dairy products and fruits. This finding was made by the CPT as well in 2012, but the issue can not be solved alone by the Ministry of Justice, while the Council of Ministers did not introduce a single standard for annual allocations of money from the budget for health nutrition of different social groups, including prisoners.

Often the quality of the food included in the diet menu does not meet the needs of the patients. For example, prisoners with insulin-dependent diabetes get additionally a piece of simple sausage and white bread.

The access to fruits and vegetables is limited even in the butterfly to the prison due to the fact that they shall be spoiled quickly. In this case the trader does not take the necessary commercial risk for such products. Regular supplies are carried out on preliminary requests. Purchased perishable dairy products can not be stored, and can not be purchased daily. Prisoners do not have the space and conditions for storage, therefore the food is cooled by drinking water.

In 2011 and 2012, there has been increased investment activity related to construction of new butteries by the SE „PP” in the prisons. They are close to the opportunities offered by stores in urban areas, but not in line with the opportunities for holding visits in them, respectively for allowing purchase of products by persons who came to visit the inmates.

By an order of the Minister of Justice part of the permitted items can only be purchased from the butterfly. The NPM determines the above order as a step forward in limiting the importation of unauthorized items. However, the position of the SE “PP” is dominant as a sole supplier of these products. The method of procurement and administrative determination of the profit are the reasons for such prices of the products that exceed the market prices, causing numerous legitimate complaints from prisoners. **Following the recommendation made by the Ombudsman, the State Enterprise „Prison Production” showed its understanding of the problem and declared its intention to take measures for its adequate solution. The NPM will continue to monitor the implementation of the recommendation in 2013 as well.**

#### Contacts with the outside world

The Legislator in Bulgaria has imposed restrictions by law concerning the privacy of correspondence of the accused, defendants and prisoners. Such restrictions are necessary and permissible, but are defined in bylaws. This regulation according to the NPM does guarantee neither the rights of prisoners nor the rights of the administrative staff in protecting the security of the prison. Poor regulation leads to conflicts between the administration and the prisoners, and in some cases – the use of force.

According to art. 24.1. of the European Prison Rules *measures taken in respect of visits should allow prisoners to maintain and develop family relationships in a way which is as normal as*

*possible*. The 24-hour extended visit established years ago as a reward allowing possibilities for family contact of the prisoner, is currently limited to 4 hours. In the predominant cases the specialized facilities established for such visits, that create family environment, are not used. There are prerequisites for restricting direct contact, as part of these premises are equipped with tables and chairs and are under constant surveillance, and in case of physical contact the visit is terminated.

### Prison regime

Prisoners can move within the dormitory of open type alone or in groups unaccompanied as defined in art. 37, para 2 of the RALIPSD. When checking two open dormitory facilities - „Razdelna” and „Sredna Gora”, the NPM team found a violation of the law, resulting in the restriction of the right limiting it to only one hour stay outdoors, and during the rest of the time prisoners are locked.

In „Samoranovo” prison dormitory it was found that the inmates have no free access to the football field. Administration considers this terrain located outside the territory of the dormitory because it is not fenced and provides access to it only after an application. With an argument for keeping clean the premises for social activities remain locked.

### Work

The legal rule introduced in Bulgaria nearly a century ago for recognition of two working days for three days of serving punishment is an incentive to the prisoners to seek work. In other European countries the organization of work in prisons is the responsibility of the prison administration. Most of it is directed towards vocational training, so that is subsidized by the budget of the prison.

The main and most significant problem that has been found during the inspections is the low level of employment. Observations of the NPM are that the employment decreased about 4 times compared to the employment in 2006. Significant, profitable production activities of the SE “PP” as the production of bricks, joinery, etc. have ceased due to the economic crisis.

Another problem in this area is the taking away of part of the earning of the prisoners who work. According to the European Prison Rules *„in all cases there must be a system of equitable remuneration of the work of prisoners.”* Pursuant to Art. 38, para 1, item 3 of the LIPSD part of the prisoners’ wages goes in favor of SE „PP”. According to Art. 78 of the law this part can not be more than 70 % of the salary, and the particular amount shall be determined by the Minister of Justice. The NPM believes that there should be public discussion on this topic.

### Healthcare

Medical care is a major problem in detention facilities. The medical staff shall be appointed by order of the Minister of Justice. Doctors, dentists, medical assistants and nurses are employees of the Ministry of Justice and are subject to the Directorate General „Implementation of Penal Sanctions.” Therefore, doctors are not in a contractual relationship with the National Health Insurance Fund (NHIF), do not sign an individual contract with the National Framework Agreement for the package of medical services guaranteed by the NHIF, their activity is not subject to control by the NHIF.

In the current organization of medical care in detention facilities primary medical examinations (initiated by the patients) are guaranteed, and are well above average. The NPM finds that the equipment and furniture of medical practices is not sufficient to meet the requirements of available and operable medical equipment and furniture, valid for a GP surgery.

Prophylactic activity and dispensary observation of the chronically ill patients (i.e. actual healthcare) is not made in accordance with the current medical standards approved by the Ministry of Health, but in accordance with underestimate criteria. In general the health institutions in the penitentiary system of the inmates are not provided in full package of medical services guaranteed by the NHIF.

The practice established in European prisons is to make use of external service allowing instead for a doctor on the staff to use several external experts with different specialties in the same public expenditure and significantly better health service.

By recent amendments in the LIPSD of December 2012 the existing model of acquiring health insurance was changed, all prisoners acquire the status of health insured persons having continuous health insurance status as from the date of their detention. Thus some of the problems associated with discontinuous health insurance rights of most inmates were overcome.

The NPM emphasizes that by this legislative change responsibility of the Bulgarian state for payment of medical services for inmates is transferred to the compulsory health insured persons.

The question associated with spending of funds from the state budget for payment of the health insurance remains open, on the one hand, and on the other hand—for financing medical centers and hospitals of the penitentiary system. For decades, these hospitals do not meet standards for contracts with the health insurance. Thus they can not use the NHIF funds and their activities are funded by the budget of the Ministry of Justice.

The existence of such hospitals in their current form can only be justified by reason of not having security in external hospitals. Possible solutions to optimize patient care for inmates are either organizational separation of prison hospitals as legal entities with the necessary investments in medical equipment and additional staff from institutions despite their subordination to meet the requirements to contract with NHIF, or their closure and provision of such activity by other existing hospitals in the system of civic healthcare system.

The NPM's conclusion is that we need a thorough discussion on amendments to the existing model of healthcare to people in prison, prison dormitories and detention facilities in order to provide and ensure equal access to health care compared to other citizens through efficient spending of public funds.

### Education and Training



Remarkable progress has been made in this area in recent years, evidenced by the full integration of prison schools to other schools in Bulgaria. Material foundation is newly constructed or recently renovated.

However, it was not transferred to the Ministry of Education and Science, which is why costs are fully covered by the Ministry of Justice.

The introduction of delegated budgets leads to pressure by the administration over the inmates to continue their education under threat of disciplinary sanction in the event of failure. The arguments for such actions are related to the possible reduction of the delegated budget, and even the closure of the school. The NPM believes that the reluctance in continuing education must also be taken into account in the risk assessment, but it is unacceptable the right to education to be transformed into an obligation.

#### Personal property of prisoners

Permitted belongings of inmates shall be determined by an order of the Minister of Justice. There is a possibility the head of dormitories to expand such list, but this creates a diverse practice and unequal treatment of prisoners. The NPM believes that the possibilities of the light regime require further assessment concerning formation of a separate list for open dormitory facilities.

#### Use of force

According to art. 64.1. of the European Prison Rules *„the prison staff must not use force against prisoners except in self-defense or in cases of attempted escape, or active or passive physical resistance to an order based on law, and then only as a last resort.”* The LIPSD provides that *„if compliance with the order and discipline can not be achieved by other means, the use of force and auxiliary means is permitted.”*

The NPM inspections showed that the legal use of force is related to *„obvious insubordination and/or failure to perform a legal order or prohibition.”* There is no statutory requirement that order to be issued on the basis of law, i.e. any orders should be obeyed, whether legitimate or not, and refusal to do so could lead to legal use of force.

On the other hand, the use of auxiliary means is allowed if the result can not be achieved with the use of physical force. According to the rule recommended by the European Prison Rules *“the carrying in open of other weapons, including truncheons, by persons who get into contact with the inmates within the prison, except when it is required for security and safety in dealing with the incident, is prohibited.”*

This standard defines the rubber truncheon as a weapon, but under Bulgarian law, it is an auxiliary. In pursuance of the provisions of the CPT not to carry guns openly, leading to a ban on carrying guns imposed by order of the head of the prison (e.g., the prison in Varna), which leads to increased use of handcuffs. This use of handcuffs is associated with other non-recommended rule - *„the personnel who have direct contact with inmates should be trained in techniques that provide minimal use of force during restraint of aggressive prisoners.”* Such courses have never performed or if performed, then their scope is clearly insignificant.

This leads to a lack of preparedness to deal with situations that can only be overcome by physical force, and to meet with a reasonable understanding of the prohibitions on the use of truncheons and handcuffs by the supervisory staff who evaluates them as an attack on their safety.

The NPM has found that the registered use of force is negligible compared to the total number of prisoners and almost lacks in open dormitory facilities and detention facilities. Complaints by prisoners are mostly related to verbal treatment by the supervisory staff and, in rare cases, to the use of physical force, consisting of slaps and/or fists. The NPM has not established complete implementation of the recommendation of the CPT to create specialized registers of cases concerning use of force in detention facilities.

The NPM team believes that it is necessary to determine a competent authority which to investigate the cases of use of force. It is obligatory for the administration to identify all persons present at the incident and to interview them, but not only such persons that are mentioned in the memorandum of the employee from the administration. All materials under the case should be sent to the prosecution's office, not just a written notice as the current practice is.

Identical actions are necessary also in case of use of force among the inmates. There is also necessity in actions on creating a national strategy on preventing violence among inmates

## **II. DETENTION FACILITIES**

During the inspections conducted in 2012 the NPM found out several continuing problems related to many of the detention facilities: overcrowding, lack of space, lack of toilets in the cells, lack of adequate access to natural daylight and adequate artificial lighting and the introduction of differentiated day/night lighting, lack of places to stay outdoors, lack of materials to clean the premises and to maintain personal hygiene, failure to provide meaningful activities for detainees.

### Material conditions. Overcrowding

The outdated and limited facilities are the major defect in the Bulgarian detention facilities. According to the adopted Strategy for development of the detention facilities in Bulgaria for the period 2009-2015, the Action Plan and Investment Programme for construction, reconstruction and modernization of the facilities of the penitentiary and probation systems during the same period, there are two new detention facilities in Elhovo, Plovdiv and Smolyan. Detention facilities in Elhovo and Smolyan do not provide access for persons with disabilities because the statutory requirements relating to creation of an accessible environment for the design of public buildings have come into force after their construction. The detention facility in Plovdiv, which construction is in compliance with the recommendation of the CPT is the sole facility that fully meets the standards.

The NPM assessment is that the programme proves impracticable, no fundings is envisaged for its implementation, and therefore only the measure concerning the detention facility in Plovdiv is entirely satisfying out of 40 actions that had been planned.

The detention facility located in Sofia on „Major Vekilski” Street where detainees under cases to be considered by the specialized courts are housed has been generally renovated. This has led to overcrowding in detention facility located at „G.M. Dimitrov,, Blvd. and to the inability to close the detention facility in Slivnitsa, which is underground.

By a decision of 8 September 2010 the Council of Ministers adopted a new programme for improvement of conditions in detention facilities as well as the Action Plan for implementation of the programme in 2013, which provides the following:

- Reconstruction into a detention facility of the building of a former hospital located in the prison in the city of Lovech;
- Construction of a new detention facility by way of reconstruction and rehabilitation of a former building of the Traffic Police - Gabrovo;
- Construction of a new detention facility and probation service through remodeling and reconstruction of buildings run by the military base in the city of Shumen which has been closed down.

Measures are being implemented and for the necessary activities to be carried out are provided 3,100,000 Bulgarian levs.

**The NPM found out that in 2012 no expenses were made for building activities under the programme.**

There are numerous problems related to the improvement of living conditions in the detention facilities. An example is the lack of regulations on state-owned buildings of the regional directorates „Police” with the Ministry of Interior, which house detention facilities. This prevents the coordination of architectural projects for the reconstruction of detention facilities with technical departments of the local municipalities. This is the case in Yambol, which has led to an inability to utilize the allocated funds for reconstruction.

As established by the NPM, a prerequisite for overcrowded detention facilities is the practice of moving prisoners in custody for conducting preliminary proceedings from a prison or a dormitory located in the same city. Provision of art. 250 of the LIPSD does not require assessing whether such an investigative action can be performed by sending on an official trip the body performing the procedural action, or convoy activity and related actions thereto should be done on transferring and reception of detainees, repeated searches, etc. The NPM team has been able to establish a case in Sliven concerning a transfer of six persons from the prison in Sliven into the detention facility in the same town for one day. The reason was that these people need to be questioned as witnesses. Control over the legality and appropriateness of such instruments is beyond the powers of the NPM and should be done by the prosecutors supervising the detention facilities. It should be noted the positive effect of the prosecutor's supervision over the detention facilities, as in most of the cases there were no people with criminal proceedings pending more than six months due to their timely transfer to prison until the trial in the court.

The existing facilities make it impossible to respect the rights of the detainees. Upon admitting them into the detention facility a diagnostic evaluation and a risk assessment of the detainee and the initial medical examination should be conducted. A plan to reduce the risk is to be prepared.

Should the risk is rather high the detention facilities are not equipped with video cameras in the cells. The reason for that is related to interference in the privacy of detainees, but such monitoring is carried out visually from office in the hallway of the detention facility and is required for all dormitories. After the case of selfhanging in the detention facility in Burgas in 2012, this question is again a subject of public discussion.

#### Contact with the outside world. Correspondence

The European Prison Rules say that *“Communication and visits may be subject to restrictions and monitoring necessary for the requirements of continuing criminal investigations, maintenance of good order, safety and security, prevention of criminal offences and protection of victims of crime, but such restrictions, including specific restrictions ordered by a judicial authority, shall nevertheless allow an acceptable minimum level of contact”*. These restrictions should be introduced by an act of the Parliament (a law) or by a judicial authority. In art. 256, para 2 of the LIPSD rights of the accused and the defendants are not limited. It is expressly stated that *„the correspondence of the accused and the defendants shall not be subject to examination by the administration.”*

In the majority of the detention facilities corridors are used for visits and a place to stay outdoors. In other cases, one premise is used for visits, search on admittance and a room for the rest of the supervisory guards. Such is the detention facility in Svishtov. This leads to intersection of the movements for a place to stay outdoors and for visits, therefore the management of the detention facility and supervisory staff is forced to limit the time for staying outdoors and for the visits.

With the exception of new detention facilities, places for visits are of limited capacity and do not allow for normal communication. Administration of the detention facilities favours lawyers and/or defines special hours for them, which creates unnecessary tension both in implementation of the right of defense and causes reasonable dissatisfaction among visitors.

In accordance with the order setting the internal rules and regulations in the detention facilities, the visit is *„not less than twice a month for up to 40 minutes.”* The current practice is to permit weekly visits, but this is not an explicit requirement. An opportunity for disorderly conduct during the visit is allowed, which should be stopped. There is no particular order for conducting a visit. The only restriction is related to the transmission and reception of items. In case of violation, the visit is terminated, and the reasons for that are not recorded. It is not clear how to appeal against such action if it is illegal, i.e. there is no policy or statutory minimum standard for the duration of visits, and the inventory in many detention facilities does not allow introduction of such rules and regulations.

The lack of technical equipment (scanners) is the reason for violation of the privacy of correspondence. The supervisory staff is instructed not to control the content of the letters, except for the unauthorized items. The NMP identified as a problem the lack of guarantees on the privacy of correspondence, especially outgoing complaints by persons held in custody. Provision of art. 57.4. of the internal rules and regulations of the detention facilities requires control on the communications in the interest of security and art. 57.7. provides applications and complaints to be filed in a special register, including making reference to their subject and date of the reply.

Reasonable is the introduced limit on the range of persons with whom the detainee may lead conversations. There is an explicit prohibition on interception of telephone conversations between a counsel and a client. Concerning other discussions it has been found out that „*the nature and the content of telephone conversations can not violate security and order in the detention facility.*” In case of failure to observe this procedure, the call might be interrupted. The authority which takes the decision is not specified as well as the nature of the offense, which could lead to such penalty. There is no difference in practice concerning privacy of correspondence of detainees and of those deprived from liberty, despite differences in the legislation. In interviews conducted with the staff of detention facilities, prisons and dormitories they have explained that in case of a signal related to the safety of the detention facility, they are required to break the confidentiality of correspondence. The above puts the supervisory staff in a situation where they can be punished for violating the rights of prisoners and for untaken security measures, according to the management’s judgement.

#### Recreation and meaningful activities

A major defect in Bulgarian detention facilities is the lack of access to a real stay outdoors of the detainees. The place to stay in the open is often greater indoor premise (as in Pazardzhik, Haskovo, etc.) or the corridor in front of the dormitories. In some detention facilities (e.g., Montana) a stay outdoors is missing and is not provided at all. The NPM team believes that in some detention facilities it is possible with minimum financial means to build such a place (Lom, Pazardzhik.), but due to the shared use of the yard with authorities of the MoI an agreement has not been yet reached. Staying in the open as per section 54 of the internal rules and regulations of the detention facilities is „*one hour per day for each detainee, and for pregnant women and minors - not less than two hours.*” In case of failing to comply with the above compensation is foreseen in subsequent days. The reasons are recorded in a report on transmission of the duty of the head of the detention facility. There is no requirement the report to be written or to have a special register, possibly a decision of the head of the facility, on the merits of the reasons, respectively – controlling the compensation. In this way, neither the imperative requirement for daily stay outdoors is neither observed, nor subsequent control by the General Directorate „Implementation of penal sanction” or by the supervising prosecutor is possible. The lack of sufficient supervisory staff does not allow coming outdoors over the weekend and this is a systemic reason for the failure to reach the daily minimum stay in the open.

Paying attention to the special needs of young people is difficult to implement due to the lack of living space and meaningful activities for detainees. The law provides such opportunity, but the internal rules and regulations of the detention facility do not specify the type and the procedure of their implementation in accordance with existing opportunities.

#### Access to information concerning rights and obligations of detainees

The internal rules and regulations of the detention facilities are specified by an order of the head of the General Directorate „Implementation of Penal Sanctions” under No Л- 6399 of 26.10.2010. Item 11 of the above order neither provides access to the detainees to the contents of the internal rules and regulations of the detention facilities in an easily accessible manner, nor provides a copy of the text containing information about their rights. The established practice is the detained Bulgarian and foreign citizens to be informed verbally of their rights, which they certify by

signature. The oral information of the rights is placed under the responsibility of supervisory staff and then according to item 11.1. includes: *the rights and obligations on compliance with the internal rules and regulations, the general rights of detainees under international and domestic law, their right to correspondence, visits, meetings, phone calls, stay outdoors or at designated locations, on the volume of the permitted cash for personal use, acceptable food, personal belongings, etc.* Obviously, verbal way of notification by employees whose duties is compliance with these rights creates a conflict of interest and it is held formally.

#### Administration and financial security

The NPM underlines the fact that there are severe working conditions for employees at the detention facilities. The NPM team defines labour conditions in the detention facility at G.M. Dimitrov Blvd. in Sofia as extremely difficult and hazardous to health. In most of the detention facilities the administrative activity takes place in intermediate rooms, corridors, even in places partitioned by particle boards enclosing volume above the stairs and forming an area of 2 square meters.

A problem in current insufficient payment of supplies and consumables has been also established. An example of the above is the cut off of the electricity in the detention facility in the city of Elhovo, restored after the intervention of the district attorney. This necessitates either taking decisive measures by increasing the budget or changing the model of funding for the detention facilities (e.g. the budget to be delegated).

## **BASIC FINDINGS FROM THE INSPECTION IN STATE PSYCHIATRIC HOSPITALS AND PSYCHIATRIC WARDS**

### Legislation

Psychiatric hospitals as medical institutions should be opened and operated under the requirements of the Law on Medical Institutions (LMI) and the relevant medical standard - Medical Standard „Psychiatry”, approved by Decree No 24/07.07.2004 on

During the inspections of the NPM some non-conformities with the existing regulations in the operation of the state psychiatric hospitals (SPH) have been established. They operate in accordance with the Decree No 20/22.02.2000 laying down the medical institutions operation under art. 5 para 1 of the LMI and their specific function, but do not have a certificate for a certain level of competence in accordance with the Medical Standard „Psychiatry”.

The levels of competence are determined according to the standard of the various wards and clinics, constituting a hospital for inpatient care. Inspections carried out by the NPM found that none of the state psychiatric hospitals has passed an assessment of the level of competence in accordance with the regulatory requirements. Therefore, such hospitals do not comply with the conditions laid down in the Medical Standard „Psychiatry”.

In examining these hospitals serious non-conformities with the facilities reflected in the internal rules and regulations have been established. For example, according to the rules and regulation of

the SPH „Novi Iskar” in the composition of the hospital is included a hospital pharmacy that actually does not exist.

In other cases, in the composition of some hospitals units not registered under existing regulations are included. For example, in a consultative and paraclinical sector of the SPH – Radnevo a hospital laboratory is opened, which is not registered in accordance with the current regulations. The structure and operation of this hospital laboratory does not meet the requirements of Ordinance No 35 of 6 August 2010 on establishing medical standards „Clinical Laboratory”.

The NPM found out that the fact that an ordinance on occupational therapy had not been yet issued, despite the requirement of art. 151, para 3 of the Law on Health proved to have a negative impact on the treatment of patients. Its absence makes the process of resocialization of patients difficult to be implemented and reduces their ability to adapt to social environment.

### General provisions

The state psychiatric hospitals are funded on a „historical” principle by the MH through a budget composed on the basis of the previous year budget. There is no direct relationship between the volume of the medical activities and the incoming funds.

The funds allocated to these hospitals are rather scarce. Moreover, fundamental differences in principles, on the grounds of which the budgets of the various types of psychiatric hospitals (e.g. SPH and the psychiatry) are formed, create tension and confrontation between the specialists in the system for inpatient psychiatric care, which also affects the quality of medical services.

During inspections on the spot the NPM have found poor condition of the facilities and equipment - peeling walls, broken windows, inadequate heating (e.g. in the SPH - Radnevo, with an oil-fired heater located in the corridor the whole ward is heated), poor condition of bathrooms and toilets, etc. The NPM team found that the staff of some psychiatric hospitals is disparaging to certain sanitary standards and official bans. For example, throughout the territory of most psychiatric hospitals not only by the patients but also the staff of hospitals smoke.

Pursuant to the requirements shown in the Medical Standard „Psychiatry” every hospital for provisions of inpatient psychiatric care should be able to use X-ray, scanner, electroencephalogram (EEG), magnetic resonance imaging (MRI) and clinical laboratory of second and third level of competence (all of them providing 24/7 access for the hospital), and the ability to perform medical consultations with other specialists within the residential place, as well as of electrocardiogram (ECG), electro-convulsive therapy (ECT) and a supply of oxygen to the hospital. Most psychiatric hospitals do not have the standard equipment.

### Management and administrative capacity

The major problem is the lack of personnel in the SPH. These hospitals do not have the required number of medical professionals - doctors, nurses, psychologists and paramedics to meet the requirements of Ordinance No 24 of 7.07.2004 on the approval of the Medical Standard „Psychiatry”.

The main reasons for the lack of human resources are poor working conditions and low pay. It is clear from the working schedules of the hospitals that the evening shift are performed only by one doctor on duty, nurses and paramedics.

Insufficient number of doctors, nurses and orderlies create conditions for poor and untimely treatment of patients and risk in respect of the monitoring and care of patients with symptoms of aggression, self-harm and the danger of leaving the hospital.

Another important issue in these hospitals is the lack of an approved practice of a Concilium and the clinical supervision of each member of the staff at the hospital in accordance with the requirements of the Medical Standard „Psychiatry“.

#### Diagnostic and therapeutic medical activities, documenting the therapeutic and diagnostic processes

In the state psychiatric hospitals the following activities are performed: medical recovery activities of patients with psychiatric problems, diagnostic activities specific psychiatric care, rehabilitation and recreation activities, forensic and labour expert activities, advising on social problems and preparation for integration in appropriate services.

Upon admittance in such hospitals, patients are signing „Informed consent for hospitalization and treatment.“ In addition to the informed consent form, in some psychiatric hospitals there is a form of „Declaration of withdrawal of consent to treatment“ which the patient can voluntarily sign and to terminate his treatment in the hospital.

A large number of patients are hospitalized in the SPH involuntarily, by a judgment. A person is appointed as a guardian or custodian of these persons, who to sign the informed consent on behalf of the patient. However, such action is not performed. During the inspections the NPM has found that the informed consents of the patients who are under full interdiction were signed by the patients themselves, rather than by the specified custodians.

During the inspection it was also found out the perfunctory regard to the informed consent of patients admitted for emergency treatment by medical professionals. These informed consents are incomplete, uniform (do not reflect the disease and specific therapy) and perfunctory.

Experts, however, have a different attitude towards the informed consent of patients enrolled in clinical programmes for drug trials. These programmes are associated with a substantial financial interest and are strictly controlled by companies doing tests. Therefore, informed consents for these programmes are detailed and documented with strict clauses. Since both informed consents are signed by one and the same medical specialists, what is still puzzling is the double standard in the preparation of these documents.

In examining the medical records the NPM noted that they are conducted in accordance with the requirements shown in section IV, paragraph 2.3.3.2. and section 2.3.4.2. of Ordinance No 24 of 7.07.2004 on the approval of the Medical Standard „Psychiatry“. Monitoring of patients is recorded on a daily basis. The condition of admitted patients with suicidal attitudes and high levels of aggression, the assessment of suicide risk and aggressiveness is not documented in the history of the disease, nursing reports and the temperature charts.



There is no adequate follow-up of patients' condition not only in terms of their mental status, but also concerning problems related to somatic condition. Very often medical records constituting medical history of patients' disease do not reflect underlying diseases. Descriptions and prescribed medications related to the mental health of patients are only recorded.

In the examined history of disease consultations with other medical specialists are not described. Even persons who have laboratory abnormalities were not consulted with experts. Similar approach has been found out by the NPM also in the description of a patient at the admittance in the hospital - psychiatric status is described in details, but the team found large gaps in the somatic status. For example, in medical records of a female patient, who has recently undergone a heart surgery, there is no description of the underlying disease. Therapy that had been assigned to that patient for heart disease is not recorded in the history of the disease. In another case the NPM team found that a woman whose body has many bruises and injuries allegedly resulting from beatings by police officers are not recorded in the documents completed upon her admittance into the hospital.

During the inspections the team also found that many patients have been treated repeatedly and their stay exceeded 150-200 days. Meanwhile, some of them had been released on leave from the hospital for 10-20 days. The NPM does not accept such leave from hospital treatment.

During the inspection the team found that problems exist also in the treatment of somatic diseases of the mentally ill patients. Patients' health is often severely impaired – especially those with addictions. Most of them require active treatment of various somatic diseases as well as dental care. In most cases, these medical services are paid either by the relatives of the patient or by the patient himself – even when he/she is a health insured. Such example has been established by the team at the SPH - Radnevo where consultations with specialists are paid, although patients are insured. According to the NPM it is an example of a serious violation of their health rights.

Another major problem that has been established by the NPM during their inspections is the frequent refusal of the medical staff of medical institutions and emergency units to work with people who have psychiatric problems.

Particular problem for patients with addictions is the lack of long-term remedial programmes for their treatment and socialization. Existing programmes are either private or held by non-governmental organizations and are rather expensive and therefore inaccessible to most patients. The healing process is often compromised by the lack of mechanisms for socialization of patients with drug and other addictions.

Another problem affecting the quality of healthcare is that there is no practice to perform post-mortem examinations on persons who died in psychiatric hospitals. Such examination is made only at the request of relatives, after payment of fees. This practice leads to the practice patients who have no relatives or whose relatives are not interested in them to be buried without such an examination to determine the cause of death. The above excludes the possibility in identification of medical errors in such cases.

Prior to the inspection of the NPM the SPH have never been subject to any inspection by the competent authorities with regard to their medical activities. This negative finding is one of the main reasons for failure to comply with the medical standards and for insufficient volume and type of care which are provided to patients.

Also the team of the NPM believes that there is no connection between the different units of medical institutions for provision of inpatient psychiatric care in the Republic of Bulgaria. There is no possibility to determine where, how often, how, by what and for how long a person is treated. It is also possible a patient to be kept in the records of several inpatient psychiatric hospitals simultaneously. The only information about the treatment of mentally ill persons in outpatient care and it is associated with the release of medicines under the National Health Insurance Fund, which are accounted because of their high price.

This inability to follow-up the condition and the treatment of patients is the reason for the complete lack of coordination between the medical diagnostic operations concerning patients with mental illnesses in the Republic of Bulgaria. This circumstance is due to the fact that there is no a national register of mentally ill persons. In connection with the above the NPM team believes that the forthcoming transfer of inpatient psychiatric care to the NHIF funding could solve the problem with the lack of links between the different units of the medical institutions for provision of inpatient psychiatric care.

Problem is not only the lack of a unified register of persons under guardianship, but also of the persons receiving methadone.

During the inspections the problem with the lack of adequate provision of social services has been also established.

## **BASIC FINDINGS FROM THE INSPECTIONS PERFORMED IN HOMES FOR MEDICAL AND SOCIAL CARE FOR CHILDREN, HOMES FOR DISABLED CHILDREN AND HOMES FOR CHILDREN DEPRIVED OF PARENTAL CARE**

### **I. HOMES FOR MEDICAL AND SOCIAL CARE FOR CHILDREN**

In executing the annual schedule of the NPM five homes for medical and social care of children (HCDPC) have been inspected. Very important is the fact that according to the recent international studies placement in an institution at the age of 0 to 3 years is most detrimental to the overall physical and mental development of children. One of the ways for improvement of the children care in such homes is its personalization by applying an individual approach to each child.

#### Admittance and stay

During the inspections it was found that the children stay in the HCDPC for different periods of time. The shortest stay of children has been registered in the HCDPC - Blagoevgrad and in other homes it has been reported that the majority of children stay for two, even three years. The reasons for this are complex - on the one hand, they are related to the parents' refusal to give their consent to full adoption, the other is the lack or insufficient provision of alternative community

based services (such as day care centres for children with disabilities, helping the lone mothers with child care, prevention of child abandonment at the stage in maternity ward, the development of social service „Foster care”, etc.). In order to reduce the stay of children in these institutions it is necessary to accelerate the process of deinstitutionalization through creation of alternative services in the community and to improve the communication between the „Social Assistance” directorates, the homes for medical and social care and the parents of abandoned children. According to art. 16 of the Rules and Procedure of the HCDPC *homes for medical and social care for children can open day-care centre for disabled children reared in a family environment that is physically and/or mentally disabled and in need of daily rehabilitation and physiotherapy*. When inspected by the NPM it has been found that only in the HCDPC - Blagoevgrad, operates a day care centre for children with disabilities. Other homes do not provide such social services.

#### Living conditions and provision of care in the institution

Overall, it can be concluded that living conditions in the inspected HCDPC are satisfactory. A significant problem that the NPM noted is the lack of infrastructure for children with disabilities. Only one out of five inspected homes has got such infrastructure. There are no ramps and/or elevators in other homes. Lack of adequate infrastructure for children with disabilities violates art. 9 of the Convention on the Rights of Persons with Disabilities, ratified by a law passed by the 41th National Assembly on 26<sup>th</sup> January 2012.

As a main problem in these homes the NPM finds application of different standards related to child care. In some homes are placed small number of children (up to 50), which favours the personalized care. In other homes, the number of children reaches 100. Examples in this regard can be given – these are the homes in the cities of Plovdiv, Vratsa and Vetren. The capacity of the HCDPC - Vratsa is to accommodate 165 children and at the time of inspection of the NPM 54 children were housed. The capacity of the HCDPC - Plovdiv is 140 children, and at the time of the inspection the home housed 82 children. The capacity of the HCDPC - Vetren is 60 beds and as at the date of the inspection 50 children were accommodated. The findings of the NPM are that exactly in the HCDPC - Vetren individual care for children is the best. Therefore the NPM believes that in order to provide better care for children the capacity of all homes for medical and social care should be reduced up to 50.

#### Access to education and training

The right to education of the children is impaired and this is again due to the lack of infrastructure for children with disabilities in the municipal kindergartens. As an example can be pointed out the Blagoevgrad municipality that refuses to take children with disabilities from the HCDPC - Blagoevgrad. The motives of the municipality are that there are no suitable kindergarten infrastructure for them. Another problem that children from homes face is the lack of specialized transport required for transporting children to educational institutions. Most of the children are handicapped. The Ministry of Health is necessary to provide funds for the purchase of specialized transport.

#### Medical Care

The main problem with the health care is that children's wards in hospitals (e.g. in Plovdiv) set conditions for admittance of children from such homes: food and children's clothes to be provided by the home as well as the children to have an attendant – a representative from the home. Due to the limited number of specialized staff the administration of the homes are not able to provide additional staff during the stay of children in hospital. Also, the director of the HCDPC - Blagoevgrad said that there is a problem in the treatment of children in „The Multiprofile hospital for active treatment- Blagoevgrad” AD - Children's Ward. The hospital does not want to admit children from the home due to insufficient healthcare pathways that have been provided by the NHIF. The NPM team has reviewed the medical records of children with medical history issued for certain interventions. So far, the Ministry of Health has not provided funds for carrying out the respective intervention. The NPM shares of the opinion that it is necessary to create a working group consisting of the representatives of the MH, the NPM experts, heads of the children's wards in the hospitals and university hospitals and the HCDPC directors with a view to establish a common strategy to solve these problems.

#### Administrative capacity and governance

There is a big difference in size and educational level of the staff in the various homes. As an example can be taken the HCDPC - Vratsa (during the inspection number of the placed children was 56), with a total staff of 123 people, of which 6 people were paediatricians, and in the HCDPC - Vetren (during the inspection the number of the children was 50) were 46 people, the director of the home is the only paediatrician. The above data indicate that the application of standards is not uniform. It is necessary to apply uniform standards in preparation of the establishment plan for all homes, and paediatricians, child psychologists, social workers, speech therapists, physical therapists and pedagogues must be included. The lack of such specialists reduces the quality of child care.

Much of multidisciplinary teams of the HCDPC are not trained to work with children aged 0 to 3 years, and with children with disabilities (50% of the children in these homes have moderate to severe disabilities). To meet the needs of children and the creation of relationships between children and the staff of the HCDPC it is necessary to develop and build capacity of the human resources. The implementation of these activities must be carried out in two directions - both training the staff and adequate remuneration. As an example can be given the educational qualification requirement for the position of child-minder, namely primary education. It is fact that childminders spend most time with the children and should be well trained in working with children from 0 to 3 years.

#### Financing

When verifying financial documents of the HCDPC the NPM found that to the homes in the cities of Vetren (in 2011 its budget was 684,994 Levs, in 2012 it was 588,377 Levs) Pazardzhik (for 2011 the budget was 645,794 Levs, the 2012 budget was 591,914 lev), Plovdiv (the 2011 budget was 1,335,507 Levs, the 2012 budget was 1,162,983 lev) and Blagoevgrad (the 2011 budget was 877,950 Levs, the 2012 budget was 840,817 Levs) the budget for 2012 was reduced by approximately 15 % compared to the previous year. Reducing the maintenance of homes leads to reducing the quality of care provided to children. The NPM recommended restoring the size of the

budgets from 2011 for all HCDPC. Only the budget of the HCDPC - Vratsa has been increased - for 2011 it was 974,112 Levs, but in 2012 it was 1,028,381 levs. The HCDPC are funded by following the methodology of historical budget. Such a form of financing is outdated and ineffective. The NPM recommends the funding of the HCDPC to be based on the determination of uniform expenditure standard for child support. Such is the case with all other children's homes financed on the grounds of this principle implemented by Resolution of the Council of Ministers No 327 of 25.04.2012

#### Institutional interaction and cooperation

Good interaction and cooperation between institutions dealing with children's rights, is the key to providing adequate care according to the necessities and needs of children. Therefore, during the inspections in the homes the NPM focused on monitoring the process of communication and cooperation between the institutions associated with the provision of care and protection of children placed in the HCDPC. Quite often the liaisons between institutions on a case of a child in the HCDPC fail. According to the NPM this problem stems from the large number of institutions responsible for children. As an example might be indicated that the placement of a child in the HCDPC, and the implementation of follow-up (reintegration in the biological family, entry into the adoption register, implementation of child care by a foster family) is the responsibility of the Agency for Social Assistance - the „Child Protection” directorates, the control for adequate child care is provided by the State Agency for Child Protection, the application of the Rules and Procedure of the homes for medical and social care are checked by the Executive Agency „Medical Audit”, the direct care is provided by the teams of the HCDPC. Poor coordination and communication between these institutions affect the rights of children. On this occasion the NPM recommends establishment of practice of regular meetings with representatives of those institutions during which to discuss separate cases of children.

## **II. HOMES FOR CHILDREN WITH DISABILITIES**

In 2012 the NPM visited four homes for children with disabilities - home for children and juveniles with mental retardation „Faith, Hope and Love” – city of Mezdra, home for children and juveniles with mental retardation – village of Petrovo, home for children with disabilities „Hope” – village of Tarnava, home for mentally retarded children „St. Panteleimon” – village of Vidrare.

#### Material conditions

The findings of the NPM are that the material conditions in which children live in these homes are very good. Children have plenty of personal space, well equipped yards - with adapted facilities for disabled children and maintained greenery. There are facilities for rehabilitation, rooms for conducting classes, game rooms, sensory rooms and rooms for occupational therapy. The homes for mentally retarded children in Mezdra and Petrovo have got therapeutic workshops and embrace various activities such as cooking, sewing, logoritmics studios, ceramics, and fine arts.

The NPM notes that only the home for children with mental retardation - Mezdra out of the above four homes has infrastructure suitable for children with disabilities. There are no ramps and/or

elevators in other homes. The finding of the NPM is that it leads to violation of the rights of children to freedom of movement, as well as of art. 9 of the Convention on the Rights of Persons with Disabilities, and recommends building the appropriate infrastructure for children with disabilities.

#### Management and administrative capacity

In the NPM's opinion, it can be reported as a positive fact that the homes' staff receive regular training how to work with children with mental retardation. They are also supported by specialists such as psychologists, speech therapists, art therapist, and rehabilitator. As an example of good practice can be pointed out the home for children with mental retardation in Mezdra where there is a child psychiatrist on the staff. Only in the HCDPC in Tarnava there are no assigned a speech therapist, a psychologist and an art therapist.

The NPM recommends that all homes for children with mental retardation to recruit a full-time speech therapist and a psychologist. For that purpose, the methodology for determining the positions of staff in specialized institutions and the community social services should be changed, and in the institutions for children with mental retardation professions such as a speech therapist and a psychologist, and an art therapist from recommendable should become mandatory.

#### Medical Care

During the inspections it has been found that health care performed by the professionals in these homes is on a good level. The children are regularly taken for re-certification to the Medical Expert Commission for work capability assessment and they have expert resolutions for disability with different percentage of mental retardation. Many of them are given medicines with protocols for the respective diseases. Also, the children placed in the homes for the mentally retarded children pass twice-yearly preventive examinations and check-ups. They are visited regularly by a psychiatrist, and if necessary, protocols for free allocation of medicines are drawn up. In case of emergency situations emergency units from the nearby hospitals are sent.

Problems identified by the NPM are associated with refusal of treatment or mistreatment by outside medical specialists. As an example can be given the home for children with mental retardation in the village of Petrovo. During interviews with the staff of the home information have been obtained concerning a case involving consultation in the city of Sofia, where the attendants and the sick child who was in a wheelchair - with severe mental and physical disabilities, have waited more than 4 hours in the corridor in order to be admitted for reception.

Another problem shared by the staff of various homes during the interviews conducted is that most children who come from homes for medical and social care are fed by „feeding-bottle”, as well as that for the children with conditions such as Cerebral Palsy rehabilitation courses are not conducted.

During the inspections in the homes for medical and social care the NPM team has found no such irregularities. Exception of that is the home for medical and social care in the city of Vratsa, where medical care and training of the staff were rather low. On this occasion, the team of the NPM gave specific recommendations to the Ministry of Health to provide professional and methodological support to the HCDPC staff – Vratsa and an opportunity to improve thier qualifications. The NPM also recommended implementing support for children with disabilities in accordance with their

individual needs in terms of their psycho-social development, as well as in terms of their physiological development.

In light of the medical records of children the NPM noticed a disturbing trend. The condition of some of the children in these homes did not appear to meet the mental retardation diagnosis. According to the NPM their disabilities are due more to the social environment rather than genetic and/or physiological damage. This kind of wrong diagnosis leads to a serious state of these children, the so-called „social oligophrenia”.

A similar case was also noted in the HCDPC - Plovdiv. The NPM met a child of five years, who was diagnosed as a child with a disability. However, this child can count, knows letters and has a desire for social interaction.

In this 2013 the NPM aims to explore this issue in detail in order not to allow placement of such children in such institutions, which directly leads to the violation of their rights.

The NPM also points to another alarming fact. During the settlements checked where these homes are located, and in the more remote of them there are no day-care centres for children with disabilities and centres for social rehabilitation. The National Strategy „Vision for deinstitutionalization of children in Bulgaria” clearly states that one of the priorities is „development of services and alternative forms of care allowing removal of children from institutions and prevent their accommodation.”

On this occasion the NPM recommended to accelerate the process of deinstitutionalization by establishing appropriate health and social services in the community.

#### Education and Training

During the inspections the NPM team found that the educational process in such type of homes is widespread. Some of the children are trained in accordance with the Waldorf pedagogy programme that focuses on the development of applied skills for children by working with natural materials, production of various pieces of paper, wood, clay and more. Other attend general or special schools.

As an example of good practice can be pointed out the home for disabled children in the city of Mezdra. The team from the above home has developed a programme for conducting extracurricular activities very well. With the support of various donors, some children attend tennis lessons. There is a vocal group called „Bells”. Some of the children are taught to sing in the „Lyubomir Pipkov” music school - Sofia, and one child attends piano lessons. The home has strongly applies the „Correctional educational work” programme. The educational process takes place in the home, and for this purpose classrooms are equipped and the children are divided into four groups.

#### Measures for protection and reintegration and adoptions

The children with the longest stay in the institutions are exactly the children with disabilities. Although a refusal of parental rights is given at the birth of these children, the process of their reintegration or adoption is slower. This is due to several factors, and the most important of them is that raising children with disabilities require special care.

The NPM believes that the implementation of measures to protect children with disabilities must be carefully designed. As noted above, the first step in the implementation of these measures is to create adequate health and social services in the community.

The second important step is to provide more support to parents in the maternity hospital. In this process not only the social workers but also the medical staff in the clinics in obstetrics and gynaecology should take part.

Last but not least, educational programmes for children with disabilities needs to be developed and used that to be directed to both parents, prospective adoptive or foster parents, as well as to the units directly responsible for taking care for children with disabilities.

Based on the analysis of regulations the NPM recommends changing the Ordinance on the criteria and standards for social services for children, by establishing specific standards relating directly to children with disabilities.

When performing inspections the NPM found that most children with disabilities are under custodianship and custodians are the director of the home, the head nurse or the social worker. As an example can be given the home for children with mental retardation in Petrovo where 58 children have been placed under interdiction. It is necessary to consider seriously and to analyze to what extent a person is able to fully care for the interests and to manage the property of a large number of persons under interdiction. The NPM is of the opinion that there is a need for legislative change and adoption of a new approach towards the persons under interdiction of persons placed in these institutions.

#### Institutional interaction and cooperation

The process of decentralization of institutions for children with disabilities began in 2003. Principal of the respective home is the municipality on which territory it is located. According to art. 18a of the Law on Social Assistance „the municipality mayor shall manage the social services within the territory of the relevant municipality, which are State-delegated activities and local activities, and shall be employer of the heads of the said services.”

During the inspections the NPM has studied also the collaboration between municipalities, employees of institutions for children with disabilities and social workers to the „Child Protection” departments. In this connection the NPM believes that the role of municipalities in the administration of such social activities is large, but is still not conscious enough.

It is fact that in no municipality where the inspected homes are located there are no accompanying social services for children with disabilities in institutions or for the children with disabilities in the community. Developing centres of social services and implementation of sustainability is the responsibility of local authorities. Therefore, the strengthening of local administration in the



implementation of social policies is extremely important for the realization of the process of deinstitutionalization.

### Deinstitutionalization

In 2010 the Council of Ministers adopted the National Strategy „Vision for deinstitutionalization of children in Bulgaria” and the Action Plan for its implementation. The priorities set out in the Action Plan are related to that first from the institutions to be taken away children with disabilities and children from 0 to 3 years.

The NPM team thoroughly has examined the project „Childhood for all” responsible for implementation of the process of de-institutionalization of children with disabilities. The project objective is to put an end to the current practice children with disabilities to be placed in homes that are far from large cities and that can not provide quality care to children with disabilities. It is envisaged that by 2014 „to close the current homes for children with disabilities and to build 149 new family-type centres, 37 day-care centres for children with disabilities and 34 new centres for social rehabilitation and integration where children will be able to spend an active day, to communicate with people, to be provided with advanced health care and education. And the most important is that they will be in large settlements with access to quality health care and education. Unlike the current situation - children with disabilities are „hidden” in homes in small villages, away from people and specialists, who they need” (quotation from the presentation of the project on the website of the State Agency for Child Protection).

The NPM has noticed several facts related to the implementation of the project:

First, the National map of residential and support services for children with disabilities relies on the construction of the first day-care centre for children with disabilities (37 are envisaged to be built) and eight centres for social rehabilitation and integration (34 are foreseen). According to the NPM family type centres can not be built and children can not be placed there without the appropriate supporting social service. This is contrary to the objectives of the programme, namely the access of these children to better quality care.

The second big problem is that some of the family type accommodation centres and protected housing will be built in 19 rural communities. As an example may be mentioned the selected municipalities of the cities of Kula and Belogradchik. It is fact that they are part of the poorest and most depopulated area of the European Union - Vidin. The lack of specialists, social and road infrastructure in these municipalities increases the risk of violating the rights of children with disabilities.

The NPM will continue to explore the process of deinstitutionalization. But this look will be directed not on the policy of the state in this area, but will address the rights of children and shall protect them. As a preventive mechanism the Ombudsman's main function is to act as a „watchdog” – watcher, guardian of human rights, and to take action, even when these rights are threatened. Therefore the Ombudsman as a NPM will assist in more general terms for creation of appropriate social and institutional environment for identification and resolution of problems related to the process of deinstitutionalization.

### III. HOMES FOR CHILDREN DEPRIVED OF PARENTAL CARE

In line with the process of de-institutionalization of children in Bulgaria, the NPM inspections have established a tendency to reduce the number of both the children placed in homes for children deprived of parental care (HCDPC) and the number of specialized institutions. However, at present their number is still rather high. Capacity of part of the homes inspected reaches up to 90 („Princess Mary - Louise” - Plovdiv), 75 (HCDPC „Zlatarov” - Vratsa), 70 (HCDPC „Olga Skobeleva” - Plovdiv), 61 (HCDPC „Zlatarov” - Yakoruda), which severely limits the possibility to provide quality and personal care.

As a best practice in this field can be pointed out the two centres of social services for children and families in Bratsigovo and Roman inspected by the team of NPM.

#### Living conditions and care provided in the institution

The facilities in the inspected homes (excluding the HCDPC – village of Razliv, the HCDPC „Rada Kirkovich” – city of Plovdiv) are in relatively good condition. Children have the necessary privacy space, personal and hygiene supplies. In some of the inspected institutions the sanitation facilities are inadequate for the number of inmates (HCDPC „Rada Kirkovich” – city of Plovdiv, HCDPC – village of Razliv), while in others partitions and curtains between the showers in the bathrooms are missing, which creates prerequisites for violating privacy of children (HCDPC „Ivan Kyulev” - Gotse Delchev).

The NPM has identified regulatory gap related to the lack of funds for personal purposes during the transfer of a child from home for children deprived of parental care into a social service – residential type. The Children deprived of parental care placed in homes receive a monthly allowance – a stipend of 30 Levs, and for the children placed in a family-type centre, there is no legal basis for the award of a stipend. On this occasion, a recommendation was sent to the Ministry of Labour and Social Policy (MLSP) to amend art. 7, para 4 of Decree No 207 of the Council of Ministers of 03.10.1994 on eligibility for scholarships by students after completion of primary education, which provision should include except from existing homes for children deprived of parental care, but also the social services of residential type. In response to the recommendation the MLSP has accounted the regulatory gap and inform the NPM that the problem will be subject of an interinstitutional working meeting with representatives of the Ministry of Education and Science in order to prepare a draft amendment to the Decree No 207 of the Council of Ministers of 3.10.1994 towards providing funds for scholarships for children using social residential care services - „Family-type Centres” and „Transitional Housing”.

Another serious problem that has been identified is related to the provision of daily and weekly care in two of the homes inspected (HCDPC „Zlatarov” – city of Yakoruda and HCDPC „Ivan Kyulev” – city of Gotse Delchev). Most of the children there are placed on condition of day and night care, but although formally eligible for placement in an institution, in the opinion of the NPM team they should not be placed in a home for children deprived of parental care. In interviews with the staff

and children it was found, for example, that in the home in the city of Yakoruda has been placed a child for a day care, whose mother works as a social worker there. One of the employees in the same home regretted failing „to settle” and her/his own children in the home.

The NPM noted with concern that these institutions perform functions more like a dormitories rather than homes for children deprived of parental care. Most of the residents there are not children deprived of parental care. The suspicion that in fact the parents or the relatives of such children have sufficient capacity to exercise due care for them is completely grounded.

The above problem arises out of the procedure for provision of social services prescribed in art. 21 of the Rules of Organization and Procedure of the Homes for Children which function is exhausted by the adoption of the National Strategy „Vision for deinstitutionalization of children in Bulgaria”. The NPM recommended amending art. 21 of the Rules of Organization and Procedure of the Homes for Children, skipping the supply of weekly and day care in the homes for children deprived of parental care. These services could be replaced by other social services in the community.

#### Management and administrative capacity

Under the methodology for determining the positions of staff in specialized institutions and community based social services the position of a psychologist is recommended for the homes for children deprived of parental care. In view of the observed problems in the homes - frequent truancies, conflict between the staff of the home and the children, conflicts between the children and their aggressive behaviour, the NPM believes that the daily work of the psychologist with children is extremely important. According to the NPM team change in that methodology is necessary in order to include the position of a psychologist in the list of obligatory positions.

The attention of the NPM is also attracted by the issue of staffing in the homes for children deprived of parental care. Quite a few are the specialized institutions where staff is provided with internal training or external training of licensed companies or NGOs (HCDPC – city of Bratsigovo, CSSCF – city of Roman). In order to provide better quality care for children funds for the training of personnel should be provided.

#### Medical Care

In all visited homes for children deprived of parental care, inmates are included in the patients’ list of a GP and if necessary they are provided with consultations with the appropriate professionals. Unfortunately, however, the checks also found out cases of denial of medical assistance (inpatient and outpatient) to children and to the disadvantaged people (e.g. HCDPC „Tanio Voivoda” – city of Asenovgrad). The requirement of the medical institutions the children to be accompanied significantly hinders the overall performance of the specialized institution.

The NPM also established a problem with the implementation of mandatory immunizations. Often in the homes come children from different places and of different ages, to whom the appropriate immunizations should have been made. In the absence of medical records, however, it is impossible to keep track of whether the child immunization calendar is fulfilled and to what extent. This is why the medical staff in institutions can not decide whether to make any immunizations or reimmunizations which are required for their age under the immunization calendar. The problem is particularly worrisome when a booster dose is necessary, and there had not been first immunization – in this case can not be risked in making the second immunization. But if it comes to

first immunization, there is a risk either it not to be made and the child to remain without proper immunization, or it to be made and now to be made again.

### Education and Training

The children placed in the HCDPCs are of pre-school and school age, and are enrolled in different schools. Negative is the discovery that in some of the homes inspected (e.g. the HCDPC „Pavel Bobekov” – city of Panagyurishte and the HCDPC „Zlatarov” – city of Yakoruda) children go to school alone, without being accompanied by an employee of the home, which endangers their safety. In the HCDPC „Hope” – village of Gurkovo, none of the children attends kindergarten and the education takes place on the spot by kindergarten teachers from the nearby village.

Another problem that was identified by the NPM during the interviews with the staff and the children is associated with truancy and significant absenteeism by older children (e.g. HCDPC „Pavel Bobekov” – city of Panagyurishte, HCDPC „Zlatarov - city of Vratsa). Practice in these cases is to conduct talks with the children and with the class teachers to clarify the reasons for the absence, and where the child has spent time during which he/she was supposed to be in school. The NPM believes that as soon as possible the activities of tutors and psychologists in the homes should be optimized by working to protect the best interests of children and by making efforts they to regularly attend the classes.

### Attitude (identified problems and control)

In interviews with the children the main problems pointed out by them are related to conflicts with other children. In most cases it is a momentary aggressive behaviour that is not identified by officials of the homes as crisis situations. The established practice is to require explanations and to hold talks with both parties, and in rare cases, consult with a psychologist is to be made.

The NPM noted the highly underestimated methods to control the movement of children within the homes. Some of the homes inspected do not have a day and night security (HCDPC „Pavel Bobekov” - Panagyurishte, HCDPC „Gergana” – Naretschenski bani, HCDPC „Roza” - Zelenikovo) and videosurveillance systems (HCDPC „Pavel Bobekov” - Panagyurishte, HCDPC - Razliv). During the inspections the NPM team has witnessed minor children to leave the home unaccompanied. In other cases, the children did not even registered into the notebook of the supervisor/security on duty by claiming that only go to a nearby store or park. In some homes it has been noted the practice the underaged children to be accompanied by other, older children, when they go to school (HCDPC „Pavel Bobekov” - Panagyurishte, HCDPC „Assen Zlatarov” - Yakoruda).

In violation of art. 8, para 3 of the Law on Child Protection the employees of the homes do not accompany the older children, who are going out after 20.00/22.00. An attendant is provided solely for visits to cultural and sporting events, which number is, as above mentioned, insufficient which is a prerequisite for the occurrence of risk situations for children.

In some of the inspected specialized institutions there is no systematic and targeted correctional work. The measures applied in the direction of formation of certain behavior are not effective. In the HCDPC „Olga Skobeleva” - Plovdiv a case of disciplinary punishment of a child was observed,

and the above is registered neither in the list of crisis intervention, nor in the register of restrictions and controls.

Worrisome is the fact that has been established by the NPM in two of the homes inspected – the HCDPC - village of Borovan and the HCDPC „Ivan Kyulev” – city of Gotse Delchev where during the inspection there were inmates, respectively under 3 and 7 years. In this regard a recommendation has been made to terminate the placement without legal grounds of children whose age does not correspond to the type of the specialized institution.

#### Reintegration and adoption

Some of the children in specialized institutions meet legal requirements, but the NPM has noted that they are not entered into the record of children who can be adopted under the conditions of full adoption (e.g. the HCDPC - village of Doganovo and the HCDPC – village of Borovan where only one child out of 23 children is registered for full adoption).

As alarming has to be noted the fact concerning the large number of failed reintegration in the biological family, and non-observance on the part of some social workers of the term of art. 3, para 3 of the Ordinance on the conditions and procedures for implementation of measures to prevent child abandonment and placement in institutions and their reintegration, approved by Decree No 181 of 11.08.2003. At the inspections gaps in the timely preparation and periodic update of the action plans of the children in the homes have been identified (e.g. the HCDPC „Maria Louisa” – city of Plovdiv, the HCDPC „Olga Skobeleva” – city of Plovdiv).

In connection with the findings of the NPM team it is insisted on observing the provisions of the Family Code of the Republic of Bulgaria for entering of the children in the registry of children who can be adopted under the conditions of full adoption, and to make a thorough study of the reasons of any unsuccessful reintegration and whether the work of the social services has been effective enough.

According to the NPM it is necessary to improve the interaction between the „Child Protection” departments with the Agency for Social Assistance and the Regional Directorates „Social Support” and the social service providers through regular exchange of information, visits and direct contact with children in order to ensure their best interest.

## **BASIC FINDINGS FROM THE INSPECTIONS PERFORMED IN HOMES FOR ELDERLY PEOPLE WITH MENTAL RETARDATION, HOMES FOR ELDERLY PEOPLE WITH MENTAL DISORDERS AND HOMES FOR ELDERLY PEOPLE WITH DEMENTIA**

On 26<sup>th</sup> January 2012 the National Assembly of the Republic of Bulgaria ratified by law the UN Convention on the Rights of Persons with Disabilities. The document provides undertaking active steps by the state to protect the rights of people with disabilities and compliance with the standards set out in it, as well as provision of tools and environments to support decision-making by people with disabilities so that they would be able independently and effectively to exercise their rights.

During the inspections the NPM has found that the large number of customers using services in homes for elderly people with mental retardation (HEPMR), homes for elderly people with mental disorders (HEPMD) and homes for elderly people with dementia (HEPD) is kept regardless of vision to deinstitutionalize such services. This leads to the conclusion that there is still no alternative to institutional care. There are no sufficient support services in the community (protected, transitional housing centres and family-type centres).

### Living conditions and care provided in the institution

The trend such type of social services to be located in places far from big cities is quite common. This fact, along with the lack of transport links, hinders the access of qualified professionals and the provision of health services to customers. The above significantly reduces the extent of ensuring the rights of people with mental retardation, mental disorders and dementia.

As a negative finding could also be indicated the lack of ramp for people with disabilities in many of the homes, which violates art. 40g, item 1 of the Rules for implementation of the Law on Social Assistance. On this occasion, recommendations have been sent to the Social Assistance Agency and to the municipality mayors and the NPM has been assured that in 2013 ramps in homes where they are lacking will be built.

During performance of the investigations by the NPM it has been also found that some homes (e.g. HEPMR „St. Vrach” - Plovdiv, HEPMR - Dzhurkovo) do not provide enough toilets and dormitories for the customers, which is in violation of art. 40f, item 2 and 4 of the Rules for the implementation of the Law on Social Assistance (RILSA).

In violation of art. 40g, item 3 of Rules on implementation of the Law on Social Assistance there are no emergency call systems in most homes equipped with an easily accessible alarm button.

Most of the homes inspected do not also have security, cameras and alarm systems in dormitories.

During the inspections the NPM also found that the large majority of customers in the HEPMR, the HEPMD and the HEPD are under full or limited custodianship. Their custodians/guardians are the director or another member of the specialized institution and in rare cases – their kin and relatives. In all of his reports the NPM highlighted the question of how only one person is able to fully care for the interests of a large number of people and manage their property.

It is important to note the fact that the current legislation in Bulgaria in the area of guardianship, custodianship and interdiction of adults is normatively outdated.

Proceedings for putting under interdiction do not contain sufficient guarantees that the will of the person is important and will be respected both during the proceedings and during the administrative proceedings for appointment of a guardian or custodian. There is no any possibility for periodic judicial review of the imposed measure. The individual approach is completely missing taking into account the specific situation and capabilities of a person based on a comprehensive and independent evaluation. The current system does not offer adequate measures to protect the persons under interdiction from abuses by both the guardians and custodians and by third parties and the practice shows numerous examples.

In spite of this, the opinion of the NPM is that a legislative change and adoption of a new approach to persons under interdiction living in institutions are necessary. It is also necessary to take into account the provisions of art. 156 of the Family Code (FC), under which the custodianship and guardianship authority shall appoint a custodian, a deputy custodian and two advisors from among the kin and relatives of the person under the age of fourteen or the person placed under full legal interdiction who will best take care of his or her best interests and have given their consent in writing. They shall make up the custody board.

Pending the application of art. 156, para 2 of the Family Code, under which the custody board may involve also other suitable members, it should be considered only when the relatives of the person refuse to become his custodians. In this regard the NPM made recommendations to the respective mayors of municipalities that are the custody and guardianship authority under art. 154 of the Family Code. Their opinion was that the NPM worries are unfounded.

In connection with the amendment in the legal regulation of the institution of putting under the interdiction is important taking into account the recommendations of the European Court of Human Rights in the case “Stanev v. Bulgaria”. There the court found out that *„the placement of the claimant had not been ordered “lawfully” and his detention is not justified by the letter “e” of article 5, paragraph 1 ... Bulgarian courts not once, in any form, have participated in the placement of the claimant and the national legislation does not provide for regular and automatic review of the placing of people in a home for people with mental disorders.”*

On the other hand, the European Court of Human Rights states that in terms of access to court the national law makes no distinction between those placed under interdiction, and those who, as in the case of the claimant, that are only under limited interdiction. „Furthermore, the national legislation does not provide any opportunity for periodic automatic check of the reasons justifying

extension of the custody. Finally, in the claimant's case, this measure was not limited in time”, that is what is written in the judgment.

The Court assumes that article 6, paragraph 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms should be interpreted as guaranteeing in principle any person under limited interdiction a direct access to a court for requesting revocation of his/her interdiction. The European Court of Human Rights found out that the relevant Bulgarian legislation does not guarantee a sufficient degree of certainty for such direct access. According to the court this finding is sufficient to conclude that in the claimant's case a violation of article 6, paragraph 1 of the Convention had been made.

#### Management and administrative capacity

Pursuant to art. 18a of the Law on Social Assistance the mayor of the municipality is in charge of the social services within the respective municipality that are activities delegated by the state and local activities, and he/she is employing the persons in charge for these services. Therefore, during the inspections the NPM found that frequently in determining the possibility of opening positions for employees in the homes, the principle of balancing the municipality budget is guiding, not the interests of customers of social services.

During the inspections in almost all homes it had been identified understaffing of specialized personnel. In part of the inspected state institutions the staff provided for social workers is insufficient compared to the number of customers and the structure of jobs should provide for additional positions.

Very disturbing is the fact that a number of existing positions for some specialists (speech therapist, psychologist, physiotherapist, occupational therapists) are vacant, which challenges the provision of quality care for customers. Distance of the homes from the big cities and low payment of employees make the jobs unattractive to the specialists they need (physical therapist, psychologist, occupational therapist, social worker).

Another problem that has been identified is that the staff in this type of specialized institutions neither attends internal training courses, nor trainings are organized by external licensed companies and/or NGOs. Given the specifics of working with people with disabilities and the necessity of training of the staff, the NPM team recommends provision of resources for training in order to enhance the skills of the staff.

#### Medical Care

The customers in the HEPMR, the HEPMD and the HEPD are included in the patients list of a GP and a dentist who conduct preventive check-ups once or twice a year.

In many places it has been found that in homes for people with mental retardation are housed people with mental disorders, which is contrary to both legal requirements and customer rights (e.g. HEPMR „St. Vrach” - Plovdiv, HEPMR - Dzhurkovo).



After the conducted inspections the substantiated conclusion could be drawn that in many homes medical care is provided at lowered standards – both in quantitative and qualitative terms. It is neglected and is reduced to routine manipulations without actually engaging employees with the health conditions of the customers. There is no coordination between the specialists in the home in terms of health care. This is evidenced by the fact that in the HEPMD – Razdol, for example, papers that had been filled out by different specialists concerning one and the same individuals some discrepancies in terms of their health status had been registered. In some individual health care plans the diagnosis are not even recorded in its full extent when examined by medical experts and included in personal medical records of the patients. These are referred to as “underlying diseases” and targeted research and consultation with specialists to administer adequate treatment for them have not been made, i.e. the adequate diagnostic and therapeutic steps had not been taken in compliance with the rules of good medical practice.

In the same home during the interviews with staff it was found that the GP provides patients with the necessary directions by phone and comes in the home only when needed. To the patients who are given medicines fully or partially paid by the NHIF, the GP writes out prescriptions on a monthly basis and submit them to the pharmacy at the village of Mikrevo and the pharmacy staff takes medicines and delivers them in the home. All this happens without the general practitioner to see the patient. Under the current regulations medicines can not be prescribed without a medical examination of the patient.

Also, in reviewing the documents of M.C., who died in the HEPMD – Razdol, it was found that the death certificate recorded as a cause of death „acute cardiac and vascular disease.” In none of the medical records of the above person there is no evidence of any somatic medical condition. Even in her individual plan prepared several months before her death, it is recorded that there are no any abnormalities in the condition of the lung and cardiovascular system. In this case, without prior disease and signs of health problems, the fact that the patient had been buried in the cemetery of the home without pathological examination necessary in such cases for more accurately determination of the pathogenesis of death is puzzling.

Thus, the NPM team noticed that the practice in homes providing this type of social services, in case of death of a customer the notice of death is made by the GP and no pathological examination of the deceased is made.

The NPM emphasizes that it is important a post-mortem examination to be carried out in any case of death of a person who uses the appropriate social service. In this way are avoided both suspected neglect of the customers’ health of customers and is a way to identify potential medical errors.

In addition to the above matter, the NPM team has been informed by officials in various institutions, that there is a serious problem related to refusal by emergency units and hospitals to admit customers for treatment. In other cases, admittance of a patient to a medical institution requires compulsory attendance of companion which impedes the work of the staff of the home (e.g. the HEPMR in the village of Butan).

### Treatment and resocialization

The process of resocialization of the customers is extremely difficult. A small percentage has families and friends that do not interrupt contact with customers through phone call or meeting with them in the home. There are cases in which the institutions become permanent place for living for people with mental health problems, mental retardation and dementia.

This problem is partly due to the lack of awareness of the relatives of the specificities and treatment of the disease, which the customer that uses the specific type of social service suffer. In many cases, relatives believe that once a person is placed in the home, their relationship with him is interrupted and responsibility for his health and life are assigned on all the employees of the home.

The NPM believes that before admitting a person in the home clarifying discussions with his/her relatives should be conducted, that to define the specifics of the disease, opportunities for reintegration into the family environment and the importance of maintaining personal contact with patients in order to improve their condition.

Also, the NPM insists the efforts of the staff in such homes and social service providers to focus on development and implementation of programmes for resocialization of customers with a view to more easily adapt to life outside the institution.

### **INTERACTION OF THE NATIONAL PREVENTIVE MECHANISM WITH STATE BODIES AND NON-GOVERNMENTAL ORGANIZATIONS**

Ever since the formation of the Directorate „National Preventive Mechanism and fundamental rights and freedoms” its management and experts have established professional relationships with the governmental authorities, which organization fall amongst the facilities inspected by the NPM, as well as with the part of the NGO sector.

Very successful is the cooperation of the NPM with the Executive Agency „Medical Audit”, which has been inspected jointly with its experts. Such type of joint inspections will be realized in 2013. The relations with the administration of prisons and detention facilities is also good, as well as with the heads of the General Directorate „Implementation of Penal Sanctions,” Social Assistance Agency and the State Agency for Child Protection. The NPM team considered very useful the cooperation with the representatives of the „Open Society” Institute, the Bulgarian Helsinki Committee, the outpatient association for mental health „Adaptation”, the „Child and Space” Association , etc.

And in 2013 the National Preventive Mechanism will continue its cooperation with institutions and NGOs. The establishment of contacts with international organizations and national preventive mechanisms in view of the need for joint development of approaches and methods for preventing violations of human rights is impending.

**Table 1. Information on the inspections carried out in 2012 by the Ombudsman of the Republic of Bulgaria in his capacity of a National Preventive Mechanism under the Optional Protocol to the Convention of the United Nations against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

**Recommendations and Results**

Date of the inspection	Inspected facility	Report to/date	Recommendations	Standpoint of the competent authority/date	Actions undertaken
05.06-06.06.2012	1. Prison in the city of Sofia 2. "Kazichene" Prison Dormitory 3. "Kazichene" Prison Dormitory	1. MJ 2. GD "IPS" 3. Prison in the city of Sofia Ref. No 0407-12/ 16.07.2012	1. Concerning living conditions: 1.1 on the grounds of art. 46 of the LIPSD "Kazichene" Prison Dormitory to be closed down; 1.2 actions to be undertaken on building of a new prison with capacity 1500-2000 inmates; 1.3 change of the joinery in the dormitories in "Kazichene" Prison Dormitory; 1.4 fortifying the third block in "Kazichene" Prison Dormitory in accordance with the recommendations specified in the expert reports; 1.5 to provide the inmates with clothing and footwear in accordance with the imperative requirements of art. 84, para 2, item 3 of the LIPSD. 2. Concerning the employment: 2.1 GD "IPS" or GD "PP" to undertake actions on encouraging application of art. 80 of the LIPSD concerning	1. MJ – Ref. No 66-00-132 /15.08.2012	1. MJ: on recommendation 1.1: "findings are objective...Closure is inexpedient with a view to the lack of other option for accommodation of around 550 convicted persons." on recommendation 1.2: /no particular information/; on recommendation 1.3: "financial resources are needed for that purpose which are not provided for the time being"; on recommendation 1.4: "expediency of such expenditure is questionable"; on recommendation 1.5: "recommendations...can not be implemented as the budget of the prison in the city of Sofia for 2012 does not provide such costs";

			<p>performance of voluntary work;</p> <p>2.2 MJ to set the procedure under which inmates can perform repairs in dormitories with voluntary work and with taking into consideration the working day;</p> <p>2.3 to provide the "Kazichene" PD with vans for working persons deprived of liberty;</p> <p>2.4 MJ to consider the repeal of Ordinance No LS-04-241/25.02.2010;</p> <p>2.5 MJ to consider the necessity of repealing art. 180 of the RALIPSD.</p> <p>3. Concerning the medical care:</p> <p>3.1 to fill in the vacancies in medical staff;</p> <p>3.2 to provide the dental centre of the prison with a dental photos device;</p> <p>4. Concerning the prison administration, administrative capacity and technical provisions:</p> <p>4.1 increase of capital costs of the prison;</p> <p>4.2 regular payment of overhead costs for electricity, water and other supplies;</p> <p>4.3. increase of the number of social inspectors with a view to impose the principle of individual work with each inmate from his entry until his release from prison.</p>	<p>on recommendation 2.1: no such practice;</p> <p>on recommendation 2.2: No such practice;</p> <p>on recommendation 2.3: "Transportation is problematic...for the prison as a whole...We believe that it would be appropriate to provide new vehicles".</p> <p>on recommendation 2.4: "(the order) was issued with a view to limit violations";</p> <p>on recommendation 2.5: legislative changes are initiated and the quoted provision will be discussed;</p> <p>on recommendation 3.1: "the problem arises out of the unattractiveness of posts related to law payment;</p> <p>on recommendation 3.2: No funds provided;</p> <p>on recommendation 4.1: "spending significant funds for repairs is not appropriate with a view to the upcoming construction of a new prison."</p> <p>on recommendation 4.2: /no particular information/;</p> <p>on recommendation 4.3: Finding is accepted.</p>
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26.06.2012	1. SPH "Saint Ivan Rilsky", city of Novi Iskar	1. MH; 2. SPH "Saint Ivan Rilsky", city of Novi Iskar Ref. No 0404-03/ 17.07.2012	1. Gradual closure of the hospital and construction of a new psychiatric hospital in the city of Sofia. 2. Establishment of a National official register of mentally ill persons. 3. Change in the mechanism of funding for state psychiatric hospitals - shift from a form of "historic budget" financing to a funding dependent on the patients that went through. 4. Preparation and performance of planned annual inspections of state psychiatric hospitals by the competent authorities with the Ministry of Health.	1. MJ – Ref. No 35-OM-14/ 16.08.12	1. MH; <b>on recommendation 1:</b> The question has been discussed and relocation of the hospital, or building of a new SPH have been considered; <b>on recommendation 2:</b> establishment of such a register has been planned; <b>on recommendation 3:</b> Accepted, and a working group will be established for its implementation; <b>on recommendation 4:</b> An inspection has been carried out by the Regional Health Inspection, which did not detect any violations concerning application of medical standards in psychiatry.
13.06.2012 and 21.06.2012	1. Detention Department with the GD "IPS" Sofia, city of Slivnitsa and city of Samokov; 2. Intermediate convoy facility – city of Sofia	1. MJ 2. GD "IPS" 3. GD "S" Ref. No 0407-15/ 23.07.2012	1. To undertake measures on repairing sewers and expanding the detention facility at 42 G.M. Dimitrov Blvd., due to the high degree of overcrowding, the poor living conditions and the risk of harm to physical and mental health of detainees. 2. To consider the relocation of the detention facility in the city of Slivnitsa in a more appropriate building, and the vacated premises to be provided to the Ministry of Interior for the needs of the Regional Police Department – Slivnitsa.	1. MJ – Ref. No 04-01-2/31.08.2012	1. MJ: <b>on recommendation 1:</b> It is envisaged to drain the flooded areas; currently there is no funding for extending the detention facility; <b>on recommendation 2:</b> For the time being there is no suitable building for that purpose; <b>on recommendation 3:</b> A van of GD "IPS" has been provided; <b>on recommendation 4:</b> It is not

			<p>3. To consider possibility on buying a new vehicle for transportation of food for the detainees in the detention facility in the city of Sofia.</p> <p>4. To discuss the issue of appointment of an additional medical personnel and purchase of an ambulance.</p> <p>5. To take immediate steps on replacing the transparent bathroom door in the detention facility in the city of Samokov;</p>		<p>necessary as “the detention facilities are serviced by medical centres”.</p> <p>on recommendation 5: The recommendation has been implemented.</p>
05.07.2012	1. State Psychiatric Hospital in the city of Pazardzhik	1. MH; 2. State Psychiatric Hospital in the city of Pazardzhik. Ref. No 0404-04/ 25.07.2012r.	<p>1. To write off from the assets of the SPH-city of Pazardzhik the buildings of the non-existing psychiatric hospital in the village of Patalenitsa.</p> <p>2. To provide funds for the purchase of an apparatus for conducting electroconvulsive therapy.</p>	1. MH-Ref. No 35-OM-15/ 24.08.2012	1. MH: on recommendation 1: it is accepted; actions on its implementation have been undertaken; on recommendation 2: it is accepted; a procurement shall be announced on the purchase;
03.07-05.07.2012	1. Home for elderly people with mental disabilities – city of Batak; 2. Home for children deprived of parental care (1-12 grade) “Vassil Petleshkov” – city of	1. Ministry of labour and social policy 2. Batak Municipality 3. Home for elderly people with mental retardation – city of Batak; 4. Home for children	<p>1. In order to prevent conflicts of interest, to change the current practice whereby the directors of the HCDPC are custodians of most of the customers.</p> <p>2. To expand the number of occupational therapists on the staff as well as to appoint a psychologist in the HCDPC - city of Batak;</p> <p>3. To assign a special premises for occupational therapy, art therapy and other kinds of therapy in the HCDPC – city of Batak;</p> <p>4. To provide for opportunity the</p>	1. Batak Municipality – Ref. No 35-00-1/09.08.2012 2. MLSP – Ref. No 9102-1521/04.09.2012	1. Batak Municipality (concerning the HCDPC – Batak): on recommendation 1: they do not believe that there is a conflict of interests; on recommendation 2: no enough funds and suitable professionals; on recommendation 3: Repairs of the administrative building are foreseen to be made, where to separate premises for therapies.

	Bratsigovo	deprived of parental care (1-12 grade) "Vassil Petleshkov" – city of Bratsigovo Ref. No 04-07/ 25.07.2012	children accommodated in family type centres to be granted scholarships.		2. Ministry of labour and social policy  on recommendation 1: "methodical help shall be provided to the municipality"; on recommendation 2: the customers will be allowed to use the services of the Centre for Social Rehabilitation and Integration – Batak; on recommendation no information; on recommendation 4: the recommendation is accepted; a working meeting with the Ministry of Education and Science is envisaged to be held.
09.07-13.07.2012	1. Prison in the city of Vratsa 2. Open dormitory to the prison - Vratsa Reformatory in Boychinovtsy 4. Detention facilities in the cities of: Montana, Lom, Vidin and Oryahovo.	1. MJ 2. GD "IPS" Ref. No 0407-18/ 12.09.2012	On the grounds of art. 46, para 1 of the Law on implementation of penal sanctions and detention 1. the open prison dormitory "Keramichna fabrika" to the prison in the city of Vratsa to be closed down or relocated in a site which is public state property. 2. To assign the design of the correctional institution building in the city of Boytchinovtsy with a view to create conditions for transition to individual organization for work with minors and optimization of the work of the supervisory staff.	1. MJ – Ref. No 66-00-159/ 24.10.2012	1. MJ: on recommendation 1: to be discussed in the future; on recommendation 2: no information; on recommendation 3: no information; on recommendation 4: no suitable building; on recommendation 5: no funding; on recommendation 6: reconstruction is foreseen (no specific deadline is set);

			<p>3. In the correctional institution in the city of Boychinovtsi to introduce the practice of automatically filing inmates' data in the NHIF in order to be stricken off from the patients list.</p> <p>On the grounds of art. 28d of the Law on Ombudsman it is proposed to the Minister of Justice:</p> <p>4. The detention facility in the city of Vratsa to be reconstructed or relocated.</p> <p>5. The detention facility in the city of Vidin to be reconstructed or relocated.</p> <p>6. The detention facility in the city of Lom to be reconstructed.</p> <p>7. The detention facility in the city of Montana to introduce the practice of automatically including of the detainees in the patients list of a general practitioner designated by the Regional Health Insurance – Montana.</p>		<p>on recommendation 7: the procedure for that purpose is in progress;</p> <p>measures have been taken on improvement of the ventilation and lightning in the detention facility in the city of Oryahovo;</p>
30.07-03.08.2012	<p>1. Prison in the city of Lovech;</p> <p>2. Prison dormitory "Atlant" – city of Troyan;</p> <p>3. Prison dormitory "Poligona" – city of Lovech;</p> <p>4. Prison dormitory</p>	<p>1. MJ</p> <p>2. GD "IPS" Ref. No 0407-18/12.09.2012</p>	<p>1. Concerning the living conditions:</p> <p>1.1 to carry out major repairs in the building of the prison in the city of Lovech, PD "Atlant" and PD "Veliko Tarnovo";</p> <p>1.2 to carry out repairs in the kitchen and the kanteens of the prison in Lovech, PD - Trojan and PD - Veliko Tarnovo and to introduce tighter control on clothing and auxiliary means of the employed in the kitchen units;</p> <p>1.3 to investigate the number of persons</p>	<p>1. MJ – Ref. No 66-00-159/24.10.2012</p>	<p>1. MJ:</p> <p>on recommendation 1.1: urgent repairs only are carried out because of the lack of funds; a recommendation shall be made to repair the rooms for visits;</p> <p>on recommendation 1.2: included annually as a priority for funding (at the time, obviously, such is not provided); no funds for provision of clothing;</p>



	<p>“Veliko Tarnovo”;</p> <p>5. Detention facilities in the cities of: Lovech, Gabrovo, Veliko Tarnovo.</p>		<p>with varying degrees of disability and congenital malformations in all prisons in the country and to assess the ability to adapt the conditions in the detention facilities in accordance with their needs.</p> <p>2. In terms of employment - in PD "Atlant" the employed in the workshops for making traps to be provided with clothing and protective equipment.</p> <p>3. In terms of medical care - in PD "Atlant" and PD "Veliko Tarnovo" to introduce the practice of automatically filing the data of prisoners in the National Health Insurance Fund in order to be transferred from the patients list from the respective GPs and dentists in the patients list of officially designated physician and dentist for the period of imprisonment.</p> <p>4. Concerning the prison administration, administrative capacity and technical provisions:</p> <p>4.1 to cover on a regular basis the overhead costs;</p> <p>4.2. the building of the prison to be equipped with more metal detector frames and scanners;</p> <p>4.3 PD “Poligona” to be secured with cameras and more technical facilities for control, and to be given at least one car for the needs of the dorm. Actions to be taken to connect the dormitory administration to the Internet.</p>	<p>on recommendation 1.3: no data;</p> <p>on recommendation 2: no information;</p> <p>on recommendation 3: no information;</p> <p>on recommendation 4: no information;</p> <p>on recommendation 5: it is foreseen the detention facility to be relocated to the building of the former psychiatric hospital to the prison – city of Lovech, but there is no financing;</p> <p>on recommendation 6: no financing to solve the problem with the buildings of the detention facility in Veliko Tarnovo;</p> <p>on recommendation 7: there is a project to relocate the detention facility in the city of Gabrovo – a building of the Mol has been provided (no deadline has been set);</p>
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			<p>5. The detention facility in the city of Lovech to be relocated.</p> <p>6. To extended the number of supervisory and security staff in the detention facility in the city of Veliko Tarnovo.</p> <p>7. The detention facility in the city of Gabrovo to be immediately relocated.</p>		
13.08-17.08.2012	1. Detention facilities in the cities of: Shumen, Targoviste, Popovo, Silistra, Russe and Razgrad.	1. MJ; 2. GD "IPS" Ref. No 0404-20/03.10.2012	<p>1. On the grounds of art. 28d of the Law on Ombudsman it is proposed to the Minister of justice:</p> <ul style="list-style-type: none"> <li>- to appoint a commission under art. 45 of the LISPD to discuss the possibilities for relocaing or reconstructing the detention facility in the city of Shumen;</li> <li>- to provide financing for repair of the facade of the detention facility in the city of Targoviste;</li> <li>- to assign the design of the detention facility in the city of Silistra with a view to create conditions for access to daylight and construction of toilets. The NPM suggests to assemble another metal door in the cells, made of bars and during the day the premises to be closed only by such door in order to provide access to daylight and natural ventilation;</li> <li>- to assess the need for putting into operation of the cells on one of the floors in the detention facility in the city of Ruse, currently not used.</li> </ul>	1. MJ – Ref. No 66-00-182/26.10.2012	<p>1. MJ:</p> <p>on recommendation 1.1: there is a project for relocation in another building; selection of a contractor is to be made;</p> <p>on recommendation 1.2: financial means shall be envisaged in the budget 2013;</p> <p>on recommendation 1.3: a procedure on construction of premises for a new detention facility started in 2008/2009; funding shall be provided in 2014;</p> <p>on recommendation 1.4: due to the low loading of the facility this is not necessary for the time being;</p> <p>on recommendation 2: actions for implementation of the recommendation have been taken;</p>

			2. The detention facility in the city of Targoviste to introduce the practice of automatically including of the detainees in the patients list of a general practitioner designated by the Regional Health Insurance Fund – Targoviste.		
18.07-19.07.2012	1. Home for elderly people with mental retardation – village of Slavovitsa; 2. Home for children deprived of parental care (1-12 grade) “Pavel Bobekov” – city of Panguriste;	1. Ministry of labour and social policy 2. Septemvri Municipality; 3. Panagyuriste Municipality; Ref. No 04-09/ 03.10.2012	1. Concerning the HEPMR – village of Slavovitsa: - to provide a position on the staff for a rehabilitator; - to construct a ramp for handicapped people; - to provide the specialized institution with computers; - to ensure the additional training of the staff; 2. Concerning the HCDPC – city of Panguriste; - to provide security in the specialized institution under the obligation stipulated in Art. 8, para. 2 of the Law on Child Protection; 8, para 2 of the Law on Child Protection; - to provide a psychologist on the staff; - to undertake immediate action on appointment of a Director of the HCDPC;	1. MLSP – Ref. No 9102-1782/ 26.10.2012 2. Panagyuriste Municipality – Ref. No 92-00-207/ 01.11.2012 3. Septemvri Municipality – Ref. No 92-00-1/13.11.12 4. SAA – Ref. No 92-638/ 26.11.2012	1. MLSP - Concerning the HEPMR – village of Slavovitsa: instructions have been given to the Mayor of September Municipality to implement all recommendations. 2. Panagyuriste Municipality – Concerning the Home for children deprived of parental care (1-12 grade) “Pavel Bobekov” – city of Panguriste; recommendations have been accepted; pending opening of a family-type centre for accommodation in 2013; 3. Septemvri Municipality - Concerning the HEPMR – village of Slavovitsa: recommendation are accepted; 4. SAA: Concerning the Home for children deprived of parental care (1-12 grade) “Pavel Bobekov” – city of Panguriste; monitoring over the execution of the recommendations shall be implemented.
17.07-	1. HMSCC in the	1. MH;	1. To reduce the number of children in	1. MH – Ref. No	1. MH:

18.07.2012	city of Pazardzhik 2. HMSCC "Saint Stiliyan" in the city of Vetren	Ref. No 0404-05/ 03.10.2012	the HMSCC – city of Pazardzhik 2. To undertake repairs in the dormitories, game rooms and the kitchen in the HMSCC – city of Pazardzhik 3. To build elevators and ramps in the HMSCC – city of Pazardzhik, and HMSCC – city of Vetren. 4. To recover the amount of the budgets of 2011 to the HMSCC – city of Pazardzhik, and HMSCC – city of Vetren 5. In the HMSCC – city of Vetren to provide positions for two paediatricians, two social workers, a speech therapist and a physical therapist.	35-OM-17/ 26.11.2012	<p>on recommendation 1: the home is included in the project for deinstitutionalization during the period 2012-2014.</p> <p>on recommendation 2: it is provided for 2013 under the OP "Regional Development";</p> <p>on recommendation 3: it is provided for budget 2013.</p> <p>on recommendation 4: additional funds under the budgets for 2012 are transferred.</p> <p>on recommendation 5: "it is discussed...in case of advance provision of financial resources and adopted establishment plan."</p>
23.07-27.07.2012	1. Prison in the city of Pleven; 2. Dormitory – Pleven; 3. Dormitory – "Vit"; 4. Prison in the city of Belene; 5. Detention facilities in the cities of: Pleven and Svistov	1. MJ 2. GD "IPS" Ref. No 0407-23/ 15.10.2012	On the grounds of art. 28d of the Law on Ombudsman: 1. Proposes the General Director of GD "IPS" to do the following: - to envisage funds and to commission the design of the extension of the prison in the city of Pleven in the next financial year considering the possibility of relocating the detention facility in the city of Pleven on the territory of the prison; - to envisage funds and to commission the design of the extension of the prison for the next budget year in the	1. GD "IPS" Ref. No 12683-1/06.11.2012	1. GD "IPS" on recommendation 1.1: it is imminent to convert the PD "Vit" in the Closed Prison Dormitory and there to be relocated part of the staff to reduce the problem of overcrowding in the prison; on recommendation 1.2: it is not accepted as the detention facility services another judicial region; on recommendation 2.1: it shall be discussed – no particular deadline is set; on recommendation 2.2: not

			<p>city of Belene considering the possibility of relocating the detention facility in the city of Svistov.</p> <p>2. Proposes the General Director of GD "IPS" to do the following:</p> <ul style="list-style-type: none"> <li>- to comply issuance of administrative acts under art. 62 of the LIPSD with the requirements of art. 59 of the Administrative Procedure Code, including provision of a copy of the act to the inmate;</li> <li>- based on the positive experiences in the prison in the city of Belene to issue an instruction concerning the minimum necessary content in respect to motivation the commission's decisions under art. 73 subject to the assessment of the risk of recurrence and serious damage as well as the profile of the needs during the penitentiary treatment and expansion of publicity of the decisions before the prisoners.</li> </ul>		<p>accepted;</p> <ul style="list-style-type: none"> <li>- no funding for implementation of the building of a new prison in the city of Pleven under the Program of the Council of Ministers; Pleven;</li> <li>- there is no financing for building of new detention facilities in the city of Pleven and in the city of Svistov;</li> </ul>
18.09-20.09.2012	<p>1. HCDPC "Nikola Vaptsarov" – city of Roman;</p> <p>2. HCJMR in the city of Mezdra;</p> <p>3. Home for elderly people with mental retardation – village of Tri</p>	<p>1. Ministry of labour and social policy</p> <p>2. SACP;</p> <p>3. Roman Municipality;</p> <p>4. Vratsa Municipality;</p> <p>5. Mezdra Municipality;</p>	<p>1. Concerning the HCDPC "Nikola Vaptsarov" – city of Roman;</p> <ul style="list-style-type: none"> <li>- to take actions to repair the facade of Base-3 and the yard to the building;</li> <li>- to build a ramp for handicapped persons in the base-3;</li> <li>- to provide for opportunity the children accommodated in family type centres to be granted scholarships.</li> </ul> <p>2. Concerning the HCDPC – city of</p>	<p>1. Vratsa Municipality – Ref. No 9100-1504/09.11.2012</p> <p>2. Roman Municipality – Ref. No 0400-132(3)/06.12.12</p>	<p>1. Vratsa Municipality;</p> <p>on recommendation 3.1: No such possibility;</p> <p>on recommendation 3.2: additional financing is necessary;</p> <p>on recommendation 3.3: it shall be envisaged in the 2013 budget;</p> <p>on recommendation 3.4: provided in the capital costs;</p> <p>on recommendation 4.1: the</p>

	<p>kladentsi; 4. HCDPC "Assen Zlatarov" – city of Vratsa</p>	<p>Ref. No 04-10/ 19.10.2012</p>	<p>Mezdra; to change the methodology for determining the positions of the staff in the specialized institutions and the social services in the community for the HMRCJ; the positions of a speech therapist, a psychologist, and an art therapist should become mandatory.</p> <p>3. Concerning the HEPMR – village of Tri kladentsi:</p> <ul style="list-style-type: none"> <li>- to appoint on the staff a psychologist and a physiotherapist;</li> <li>- to provide an additional position for an occupational therapist and a speech therapist;</li> <li>- to ensure the additional training of the staff;</li> <li>- to construct a ramp for handicapped people;</li> </ul> <p>4. Concerning the HCDPC "Assen Zlatarov" – city of Vratsa</p> <ul style="list-style-type: none"> <li>- to reduce the capacity of the home until its transformation into a complex for provision of social services. Additional information on the stage of execution of the plan on transformation of the home to be provided.</li> <li>- to provide additional information regarding the child I. H. - a conclusion by the Medical Expert Commission on Work Capability and to provide information on what actions will be taken in order to establish the causes of the child's</li> </ul>	<p>3. SACP – Ref. No 04-21-314/ 12.12.2012</p> <p>4. MLSP – Ref. No 92-736/ 18.12.2012</p>	<p>capacity can be reduced from 75 to 65 children by opening a transient housing in April 2013.</p> <p>on recommendation 4.2: the requested documentation has been sent.</p> <p>2. Roman Municipality;</p> <p>on recommendation 1.1 and recommendation 1.2: the necessary funds shall be envisaged in the 2013 budget;</p> <p>3. SACP;</p> <p>on recommendation 1.1, 1.2., 1.3: accepted, and a coordination procedure has been started in the MLSP;</p> <p>on recommendation 2: Children have the possibility to use the services of these specialists in other social services, who are not employed full-time (are not on the staff) at the home;</p> <p>on recommendation 4.1: it can not be reduced prior to opening a transient housing;</p> <p>on recommendation 4.2: a resource teacher for the needs of the child has been determined.</p> <p>4. Ministry of labour and social policy:</p> <p>on recommendation 1: on</p>
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			condition.		<p>01.06.2012 the home was closed; a Complex for Social Services for Children and Families has been opened;</p> <p>on recommendation 2: as from 30.10.2012 the methodology has been amended;</p> <p>on recommendation 3.1. and 3.2.: actions have been undertaken;</p> <p>on recommendation 3.3. and 3.4.: it shall be envisaged in the 2013 budget;</p> <p>on recommendation 4.1: to be discussed;</p> <p>on recommendation 4.2: a resource teacher has been determined;</p>
03.09-05.09.2012	<p>1. HCDPC “Tsvetko Salkovski” – village of Borovan;</p> <p>2. HCJMR – village of Tarnava;</p> <p>3. HEPMR – village of Butan;</p>	<p>1. Ministry of labour and social policy</p> <p>2. SACP;</p> <p>3. Vratsa Municipality;</p> <p>4. Borovan Municipality</p> <p>Ref. No 04-11/14.11.2012</p>	<p>1. Concerning the HCDPC “Tsvetko Salkovski” – village of Borovan;</p> <p>1.1. to undertake performance of urgent inspections by the officers of the SAA and the General Directorate "Control on the Child Rights" to the SACP, and to check the overall activities of the Department "Child Protection" with the Directorate "SP" - Byala Slatina and Regional directorate "SP" – city of Vratsa, in connection with their work on the children taken out of the institution.</p> <p>1.2 to appoint on the staff a nurse and a psychologist;</p>	<p>1. SACP – Ref. No 01-02-5/03.12.2012</p> <p>2. MLSP – Ref. No 92-787/18.12.2012</p> <p>3. Byala Slatina Municipality – Ref. No 1100-646/21.12.2012</p> <p>4. Borovan Municipality –</p>	<p>1. SACP - Concerning the HCDPC “Tsvetko Salkovski” – village of Borovan and the HCJMR – village of Tarnava:</p> <p>on recommendation 1.1: an inspection shall take place after 15.01.2013;</p> <p>on recommendation 2.1: not accepted;</p> <p>on recommendation 2.2: it is accepted – within the competence of the mayor of the municipality;</p> <p>on recommendation 2.3: it is</p>

		<p>1.3 to reduce the capacity of the home from 30 to 24 children;</p> <p>1.4 to provide professional and methodological support to the staff, and the opportunity to enhance their qualifications.</p> <p>1.5 to discontinue placement in the home of children under 3 years of age without legal grounds.</p> <p>1.6 to require from the previous GPs of the children information about their immunization status.</p> <p>1.7 to form medical records of the inmates of the home also on paper, according to the NHIF requirements, which to be available at any time for medical references when needed in terms of treatment and diagnosis and for inspection by the competent authorities.</p> <p>2. Concerning the HEPMR – village of Tarnava:</p> <p>2.1 to appoint on the staff a psychologist and a speech therapist;</p> <p>2.2. to build a ramp and an elevator for handicapped children.</p> <p>2.3 to make repairs to the kitchen, store rooms and toilets for the staff.</p> <p>2.4 to equip the rehabilitation centre.</p> <p>- to record all medical activities in the medical records.</p>	<p>Ref. No 1475/19.12.2012</p> <p>5. SACP – Ref. No 01-02-5/06.02.13</p>	<p>accepted – within the competence of the mayor of the municipality;</p> <p>on recommendation 2.4: it is accepted – within the competence of the mayor of the municipality;</p> <p>2. Ministry of labour and social policy:</p> <p>on recommendation 1.2: actions have been undertaken;</p> <p>on recommendation 1.3: there is such proposal to the Municipality Council;</p> <p>on recommendation 1.4: accepted;</p> <p>on recommendation 1.5: accepted;</p> <p>on recommendation 1.6. and 1.7.: necessary actions have been undertaken;</p> <p>on recommendation 2: additional actions are imminent;</p> <p>on recommendation 3.1. and 3.3.: services in the community might be used; a position of a psychologist is provided;</p> <p>on recommendation 3.2: there is such premise;</p> <p>on recommendation 3.4: dietary food is provided;</p>
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			<p>3. Concerning the HEPMR – village of Butan:</p> <p>3.1 to appoint on the staff a psychologist and a rehabilitation therapist;</p> <p>3.2 to build a hall for art therapies and actions;</p> <p>3.3 to equip a rehabilitation centre.</p> <p>3.4 to undertake actions on compliance with art. 41, para 1, item 1 and 2 of the Regulation on the Implementation of the LSA in terms of diabetic patients.</p>	<p>3. Byala Slatina Municipality:  on recommendation 2.1: positions are not mandatory;  on recommendation 2.2, 2.3., 2.4: no funding and necessity;  on recommendation 2.5: defects have been remedied;</p> <p>4. Borovan Municipality  on recommendation 1.2: positions have been announced by the Employment Agency;  on recommendation 1.3: actions are imminent on reducing the capacity of the home;  on recommendation 1.5. and 1.7.: accepted;</p> <p>5. SACP - Concerning the HCDPC “Tsvetko Salkovski” – village of Borovan;  on recommendation 1.1: the inspection was performed on 15-17.01.2013;  on recommendation 1.2: actions for implementation of the recommendation have been taken;  on recommendation 1.3: directions have been given to the mayor of the Borovan Municipality concerning construction of Family-Type</p>
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					Centre for Accommodation; on recommendation 1.4: executed; on recommendation 1.5: children under 3 years of age have been taken out of the home; on recommendation 1.6: information on the immunization status of the children has been received; on recommendation 1.7: executed;
03.10- 05.10.2012	1. HCDPC – “Petar Dimitrov” village of Parvomay; 2. HCJMR – village of Petrovo; 3. HEPMD – village of Razdol; 4. HEPD – village of Padesh;	1. Ministry of labour and social policy 2. SACP; 3. Blagoevgrad Municipality; 4. Petrich Municipality; 5. Sandanski Municipality; 6. Strumyani Municipality; Ref. No 04- 12/ 14.11.2012	1. Concerning the HCDPC “Petar Dimitrov” – village of Parvomay; - to build a ramp and a lift for the handicapped persons; - the NPM team to be given the plan and the deadlines for building of a FTCA and the plan for deinstitutionalization of children. 2. Concerning the HEPMR – village of Petrovo: - to build a ramp for disabled persons in the building where such is missing. - SACP to provide information as to whether in the process of deinstitutionalization priority is given to certain groups of children when they are taken out of the institution; 3. Concerning the HEPMR – village of	1. HCDPC – “Petar Dimitrov” village of Parvomay – Ref. No 115/ 28.11.2012 2. Blagoevgrad Municipality – Ref. No 03-00- 61/ 14.12.2012 3. SACP – Ref. No 01-02- 5/14.12.12 4. MLSP – Ref. No 92-788/ 18.12.2012	1. HCDPC “Petar Dimitrov” – village of Parvomay: on recommendation 1.2: the plan for deinstitutionalization has been sent; 2. Blagoevgrad Municipality; on recommendation 4.1, 4.2., 4.3: the necessary actions shall be undertaken in 2013; on recommendation 4.5. and 4.6.: recommendations have been executed; 3. SACP; on recommendation 1.1: accepted; within the competence of the Petrich Municipality; on recommendation 1.2: the

			<p>Razdol:</p> <ul style="list-style-type: none"> <li>- to reduce the capacity of the home;</li> <li>- to appoint a rehabilitator therapist;</li> <li>- to undertake a major repairs of the non-renovated wing of the home and in the two one-storey buildings.</li> <li>- to provide enough wheelchairs for handicapped persons.</li> <li>- to specify the procedures for the activities specific for the home with a view to familiarize the staff with them and to apply control over their compliance.</li> <li>- to conduct on a regular basis legally regulated reviews of the plans for provision of care and to assess the ability of customers, and the protocols shall be attached to the personal files of the cutomers;</li> <li>- efforts to be made for keeping medical records as required by the NHIF.</li> </ul> <p>4. Concerning the HEPD – village of Padesh:</p> <ul style="list-style-type: none"> <li>- to put screens on the windows in the rooms of the customers;</li> <li>- To install a video surveillence system;</li> <li>- To build signalling systems in the rooms of the customers;</li> <li>- to undertake actions on completion of the chapel.</li> <li>- To introduce a notebook for recording</li> </ul>	<p>plan for deinstitutionalization has been submitted;</p> <p>on recommendation 2.1: accepted; within the competence of the Petrich Municipality;</p> <p>on recommendation 2.2: children are placed according to their individual needs and available possibilities;</p> <p>4. Ministry of labour and social policy:</p> <p>on recommendation 1.1: shall be discussed during a session of the Municipality Council;</p> <p>on recommendation 2.1: funding shall be envisaged in the 2013 budget;</p> <p>on recommendation 3.1: capacity will be gradually reduced from 70 to 30 until 2015;</p> <p>on recommendation 3.2: no applicants for the position;</p> <p>on recommendation 3.3: repairs are in progress;</p> <p>on recommendation 3.4: such donation has been received;</p> <p>on recommendation 3.5: “envisaged” to be completed;</p> <p>on recommendation 3.6: yearly</p>
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			<p>complaints from customers and their relatives;</p> <p>- To optimize the schedule of official transport.</p>		<p>preventive examinations are carried out;</p> <p>on recommendation 3.7: the control will be carried out by the head nurse at the home;</p> <p>on recommendation 4: within the competence of the Blagoevgrad Municipality;</p>
10.09-14.09.2012	<p>1. Prison in the city of Sliven and the two Open Dormitories thereto</p> <p>2.Reformatory for girls – Sliven;</p> <p>3. Detention facilities in the cities of: Sliven, Yambol, Svilengrad, Haskovo and Kardzhali</p>	<p>1. MJ</p> <p>2. GD “IPS”</p> <p>Ref. No 0407-25/05.12.2012</p>	<p>On the grounds of art. 28d of the Law on Ombudsman:</p> <p>1. Proposes the General Director of GD “IPS” to do the following:</p> <p>1.1 to commission the design of construction of the bathrooms in the dormitories of the prison in the city of Sliven;</p> <p>1.2 to provide information about possible deadlines for budget financing for the construction of hot water supply taps in the washroom of the Prison Dormitory;</p> <p>1.3 to provide information about possible deadlines for budget financing for completion of the of sports ground of the Prison in the city of Sliven;</p> <p>2. Proposes the executive director of the State Enterprise "Prison Production" to make an assessment of the possibility of producing their own products for the needs of the enterprise and the detention facilities in the sewing workshop, located in the prison in the</p>	<p>1. MJ – Ref. No 66-00-232/22.01.2013</p>	<p>1. MJ:</p> <p>on recommendation 1.1: no funding;</p> <p>on recommendation 1.2: if funds remain, to be implemented in 2013;</p> <p>on recommendation 1.3: no funding;</p> <p>on recommendation 2: no data;</p> <p>on recommendation 3: no data;</p> <p>on recommendation 4.1: accepted;</p> <p>on recommendation 4.2: the Commission under art. 73 of the LIPSD has pronounced – she has been denied a transfer to OD;</p>

			<p>city of Sliven;</p> <p>3. Proposes the administrative head - the District Attorney of the city of Sliven in relation to a direction of T. Enevskva, District Attorney, of 24.08.2012, ref. No 1411 of the District Prosecutor's Office in the city of Sliven under <b>DP</b> No 1594/12 of the Regional Police Department of the Ministry of Interior, to take measures to comply with the requirements of art. 251 of the LIPSD.</p> <p>4. Recommends the head of the prison in the city of Sliven;</p> <p>4.1 to suspend the requirement for mandatory prison clothing during a convoy and appearance in a courtroom;</p> <p>4.2 to make assessment according to the risk assessment of the prisoner B.D.Y. and according to the presumption of her innocence and to submit or refuse to submit a proposal for a new hearing in the Commission under art. 73 of the LIPSD.</p>		
24.09-28.09.2012	<p>1. The prison – Stara Zagora and the three dormitories thereto</p> <p>2. Detention facilities in the cities of Stara Zagora and Kazanlak</p>	<p>1. MJ</p> <p>2. GD "IPS"</p> <p>Ref. No 0407-02/14.01.2013</p>	<p>1. On the grounds of art. 46 of the LIPSD it is recommended to the Minister of Justice to take steps to expand the living space in the prison in the city of Stara Zagora and Closed Dormitory "Cherna gora", including by discussion of the financial capabilities of the SE "PP" and voluntary service by the persons deprived from liberty.</p> <p>2. On the grounds of art. 28d of the Law</p>		

			<p>on Ombudsman:</p> <p>2.1 the Minister of Justice to relocate the detention facilities in the city of Stara Zagora and the city of Kazanlak on the territory of the prison in the city of Stara Zagora.</p> <p>2.2 the General Director of GD "IPS" to do the following:</p> <ul style="list-style-type: none"> <li>- to take actions on reconstruction of buildings in the PD "Cherna gora" to build toilets in the dormitories or repair of common bathrooms and toilets;</li> <li>- to carry out an assessment of the need to transmit files of the defendants and accused by the administration of the detention facility to the prison administration on their relocation;</li> <li>- to assess the possibility of full or partial replacement of mattresses in the detention facility in the city of Stara Zagora in 2013;</li> <li>- to take the necessary steps for utilization of vacant staff positions for social workers in the state prison in the city of Stara Zagora.</li> </ul> <p>2.3 the head of the prison in the city of Stara Zagora to do the following:</p> <ul style="list-style-type: none"> <li>- to take measures to strengthen the administrative capacity of the administration in PD "Cherna gora";</li> <li>- to take measures for motivating the decisions of the commission under art.</li> </ul>		
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			<p>73 of the LIPSD with the requirements of art. 55 of the RALIPSD.</p> <ul style="list-style-type: none"> <li>- to standardize the practice of placing handcuffs during escort activity;</li> <li>- to organize the necessary sanitary measures to combat rats within the prison;</li> <li>- to create conditions for free and controlled by supervisory staff contact between inmates and their relatives on conducting extended visits;</li> </ul>		
16.10-18.10.2012	<p>1. HCDPC "Saint Nikolay Mirlikiysky" – city of Blagoevgrad;</p> <p>2. HCDPC "Ivan Kyulev" – city of Gotse Delchev;</p> <p>3. HCDPC "Assen Zlatarov" – city of Yakoruda;</p>	<p>1. Ministry of labour and social policy</p> <p>2. SACP;</p> <p>3. Blagoevgrad Municipality;</p> <p>4. Gotse Delchev Municipality;</p> <p>5. Yakoruda Municipality</p> <p>Ref. No 04-12/14.01.2013</p>	<p>1. Concerning the HCDPC "Saint Nikolay Mirlikiysky" – city of Blagoevgrad;</p> <p>1.1 To take actions to introduce a year-round operation of the third floor of the home.</p> <p>1.2 To attach the updated psychological assessment to the records of the children in the home.</p> <p>1.3 To take actions on furnishing the living room in the transient housing.</p> <p>1.4 To provide additional information to the NPM concerning the reasons that led to the need to deliver food in the transient housing from the social patronage instead from the kitchen of the HCDPC.</p> <p>1.5 To consider the possibility of establishing a general administration of the home, the transient housing and the social support centre.</p> <p>2. Concerning the HCDPC "Ivan Kyulev"</p>	<p>1. Gotse Delchev Municipality; No 03-00-5/06.02.13</p> <p>2. MLSP – Ref. No 92-22/08.02.2013</p>	<p>1. Gotse Delchev Municipality - Concerning the HCDPC "Ivan Kyulev" – city of Gotse Delchev;</p> <p>on recommendation 2.1: findings on the lack of privacy of the children are not accepted, but actions will be undertaken on provision of partitions;</p> <p>on recommendation 2.2: inspections have been carried out by the Regional Directorate of Food Safety;</p> <p>on recommendation 2.3: the home housed four children of one family, two of whom are under 7 years of age;</p> <p>2. Ministry of labour and social policy:</p> <ul style="list-style-type: none"> <li>- all recommendations are the responsibility of the municipal council, the mayor and the</li> </ul>

		<p>– city of Gotse Delchev;</p> <p>2.1 To seek possibilities the showers in the bathrooms to be separated by partitions or curtains.</p> <p>2.2 To reinforce the control on compliance with the standard 9 to the Addendum No 3 of art. 48 of the Ordinance on the criteria and standards for social services for children and the Ordinance No 26 of 2000 on healthy nutrition of students.</p> <p>2.3 The NPM team to be provided with additional information about the reasons for the placement of children under 7 years of age.</p> <p>3. Concerning HCDPC “Assen Zlatarov” – city of Yakoruda;</p> <p>3.1. to announce a job selection procedure for the position of a director of the HCDPC.</p> <p>3.2 on leaving the home, the children must be accompanied by an employee of the HCDPC.</p> <p>3.3 To put into operation the day care centre for disabled children, located on the first floor of the home.</p> <p>4. to amend art. 21 of the Rules on Organization and Procedure of the homes for children, skipping the offering of weekly and daily care in the HCDPC. These services could be replaced by other social services in the community.</p>		<p>director of the home;</p> <p>on recommendation 4: no information;</p>
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<p>18.09-01.11.2012</p>	<p>1. HMSCC in the city of Vratsa  2. HMSCC in the city of Plovdiv;  3. HMSCC in the city of Blagoevgrad;  4. Centre for mental health in the city of Vratsa  5. Centre for mental health in the city of Blagoevgrad;  6. University Hospital for active treatment "Saint George" in the city of Plovdiv, psychiatric ward  7. State Psychiatric Hospital in the city of Radnevo;</p>	<p>1. MH;  2. Ministry of labour and social policy:  Ref. No 0404-01/  22.01.2013</p>	<p>1. Concerning the HMSCC – Vratsa:  1.1 to reduce the capacity of the home;  1.2 to reduce the number of the staff;  1.3 to provide professional and methodological support to the staff, and the opportunity to enhance their qualifications.  1.4 to implement support for children with disabilities in accordance with their individual needs, both in terms of their psycho-social development, and in terms of their physiologic development.  2. Concerning the HMSCC – city of Plovdiv;  2.1 to provide additional positions for paediatricians and a driver;  2.2 To provide funds for the purchase of another vehicle for the needs of the home.  2.3 To introduce registers for complaints and deaths.  2.4 To build infrastructure for children with disabilities.  2.5 to reduce the capacity of the home;  3. Concerning the HMSCC – Blagoevgrad:  3.1 To allocate funds for the construction of road infrastructure to the home.  3.2 Urgently to provide funds to repair the building and the premises.</p>		
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			<p>3.3 To allocate funds for the necessary surgery of S.I.K.</p> <p>3.4 To build infrastructure suitable for children with disabilities in local nurseries and buildings in the Blagoevgrad municipality.</p> <p>3.5 to reduce the capacity of the home;</p> <p>4. Concerning the Centre for medical health – Vratsa:</p> <p>4.1 To consider the operating license from the Ministry of Health in order to reflect requirements concerning the number of patients who can be treated simultaneously as inpatients as well as the number of patients who can be included in the methadone programme.</p> <p>4.2 to discontinue the practice related to emergency psychiatric care, without proper judicial judgment.</p> <p>5. Concerning the Centre for mental health – Blagoevgrad:</p> <p>5.1 To repair the non-renovated part of the building in the village of Harsovo;</p> <p>5.2 for every death post-mortem examination to be conducted.</p> <p>5.3 Ministry of Health to take actions on building a unified national register of patients with mental illness.</p> <p>5.4 Take actions on building a unified register of persons under interdiction.</p> <p>6. Concerning the University Hospital for</p>		
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		<p>active treatment "Saint George" in the city of Plovdiv, psychiatric ward:</p> <p>6.1. Urgently take the necessary measures and actions to bring the Department of Psychiatry of the University Hospital for active treatment "St. George" in accordance with Ordinance No 24/7.07.2004 for establishing medical standards "Psychiatry" for hospitals with Level III-competence.</p> <p>6.2. To comply with the requirements of Regulation No 24/7.07.2004 for establishing medical standards "Psychiatry".</p> <p>6.3. The sector "children's day hospital for inpatients" to comply with the requirements of medical standard of "Psychiatry".</p> <p>6.4. The established practice of concilium and clinical supervision of each staff member at the clinic to be conducted on a weekly basis.</p> <p>6.5. Medical documentation in the medical institution (including informed consents) to be kept in line with the regulatory requirements, while maintaining constant current control of the management of the clinic.</p> <p>6.6. To exercise constant and adequate supervision and methodological assistance by the competent authorities.</p> <p>7. Concerning the State Psychiatric</p>		
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			<p>Hospital – Radnevo:</p> <p>7.1 To trigger a procedure for issuing a document with a certain level of competence in accordance with the Medical Standard "Psychiatry", approved by Ordinance No 24/07.07.2004.</p> <p>7.2 Urgently to undertake measures to register the hospital laboratory in accordance with the current regulations and the requirements of Ordinance No 35 of 6 August 2010 to promote the medical standard "clinical laboratory." The same to be provided with the necessary operating specialist under the "Clinical Laboratory" standard.</p> <p>7.3 In relation to the acute shortage of staff to take actions to resolve the issue by the competent institutions. To discuss the ways to increase the motivation and retention of existing staff in the hospital, and to attract new employees.</p> <p>7.4 To comply with the requirements of Regulation No 24/7.07.2004 for establishing medical standards "Psychiatry".</p> <p>7.5 The medical institution to provide the health insured hospitalized patients with the due consultations with the medical experts within the settlement.</p> <p>7.6 The hospital staff to comply with the sanitary norms and the ban on smoking.</p>		
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		<p>7.7 The Ministry of Health in coordination with the MLSP and the Ministry of Finance to draw up regulations for occupational therapy in accordance with art. 151 of the Law on Health.</p> <p>7.8 The administration of the hospital to discontinue the practice associated with “furlough” of the patients.</p> <p>7.9 The administration of the medical institution to discontinue the practice the patients under interdiction to sign informed consents by themselves. This should be made by their guardians and custodians.</p> <p>7.10 for every death post-mortem examination to be conducted.</p> <p>7.11 To strengthen the security of the hospital, including by installation of CCTV.</p> <p>7.12 Patients distributing the food to be provided with sanitary means – e.g. gloves, and to be instructed to comply with the proper hygiene.</p> <p>7.13 To undertake urgent repairs of bathrooms and toilets, as well as repairs of the dormitories and public areas in the IV and V male wards.</p> <p>7.14 To provide additional information about the patient S.D.T. associated with the actions of the administration of the hospital after the visit.</p>		
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<p>29.10-02.11.2012</p>	<p>1. HCDPC "Gergana" – village of Narechenski bani;  2. HEPMR "Saint Vrach" in the city of Plovdiv;  3. Home for elderly people with mental retardation – village of Dzhurkovo;  4. HCDPC "Tanyu Voyvoda" – city of Assenovgrad</p>	<p>1. Ministry of labour and social policy  2. SACP;  3. Plovdiv Municipality;  4. Assenovgrad Municipality;  5. Laki Municipality;  Ref. No 04-15/  05.02.2012</p>	<p>1. Concerning the HCDPC "Gergana" – village of Narechenski bani;  1.1 To be sought possibility to provide round the clock security in the home.  1.2 to construct infrastructure for handicapped people;  2. Concerning the HEPMR "Saint Vrach" in the city of Plovdiv;  2.1 To take actions to ensure enough toilets and dormitories depending on the number of customers.  2.2 calling systems to be installed, equipped with an easily accessible alarm button.  2.3 To create an organization for individualized storage of personal clothing and linens of the customers.  2.4 To undertake urgent actions to appoint a doctor.  2.5 To provide an additional position for a speech therapist.  2.6 to ensure the additional training of the staff;  2.7 to relocate in a specialized institution persons having diagnoses "Paranoid Schizophrenia" and "Schizophrenia".  3. Concerning the HEPMR – village of Dzhurkovo:  3.1 To undertake actions on deinstitutionalization of the home,</p>		
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			<p>involving particular actions and specifying deadlines for their execution.</p> <p>3.2 To take actions on repairing the roof and replacement of the joinery.</p> <p>3.3 Take action to secure the spare electric heaters in the rooms of customers.</p> <p>3.4 To undertake urgent actions to appoint a speech therapist, a psychologist, a physiotherapist, an occupational therapist.</p> <p>3.5 To provide an additional position for a social worker.</p> <p>3.6 to ensure the additional training of the staff;</p> <p>3.7 to take out of the specialized institution the customers diagnosed with “schizophrenia”.</p> <p>4. Concerning the HCDPC “Tanyu Voyvoda” – city of Assenovgrad</p> <p>4.1 to undertake actions on improvement and repair of the building of the home and its adjacent areas.</p> <p>4.2 To be sought possibility to provide round the clock security in the home.</p> <p>4.3 to construct infrastructure for handicapped people;</p> <p>4.4 To discontinue the practice to buy medicines to chronically ill children from the budget of the home, as these drugs are partially or fully paid by the NHIF.</p>		
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			<p>4.5 To exert more care and attention to children with a view to educating them hygiene habits and protect public property and to limit the acquisition of bad habits such as smoking.</p> <p>4.6 To provide additional information about the reason that led to the appointment of the director of the home for a custodian of the child D.O. who have living parents and relatives.</p>		
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\* Abbreviations used:

LIPSD – Law on Implementation of Penal Sanctions and Detention  
 LSA – Law on Social Assistance  
 MJ – Ministry of Justice

MMLSP - Ministry of Labour and Social Policy

MH – Ministry of Health

MF – Ministry of Finance

SACP – State Agency for Child Protection

SAA – Social Assistance Agency

GD “IPS” – General Directorate “Implementation of Penal Sanctions”

GD “S” - General Directorate “Security”

SE “PP” – State Enterprise “Prison Production”

PD – Prison Dormitory

OD – Open Dormitory

PDCT – Prison Dormitory of Closed Type

SPH – State Psychiatric Hospital

HEPMD – Home for elderly people with mental disorders

HEPD – Home for Elderly People with Dementia

HEPMR – Home for elderly people with mental retardation

HCJMR – Home for children and juveniles with mental retardation

HCDPC – Home for children deprived of parental care

HMSCC – Home for medical and social care for children

HDC – Home for disabled children

FTCA – Family-Type Centre for Accommodation



CSRI – Centre for social rehabilitation and integration  
CSSCF - Complex for Social Services for Children and Families  
CMH – Centre for mental health  
HI – Health Institution  
LH – Law on Health