



**OMBUDSMAN OF THE REPUBLIC OF BULGARIA**

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**ANNUAL REPORT OF THE OMBUDSMAN ACTING  
AS NATIONAL PREVENTIVE MECHANISM**

**2021**

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## INTRODUCTION

In 2022, the National Preventive Mechanism (NPM) at the Ombudsman Institution will celebrate its 10th anniversary. The Ombudsman's functions as a National Preventive Mechanism are related to the implementation of the Optional Protocol to the UN Convention against Torture and the amendments to the Ombudsman Act of 2012.

Respect for human rights where they are violated is a mission. The Ombudsman, as a national preventive mechanism, fulfills his mission by conducting continuous and independent monitoring of places of detention, identifying potential risks of torture or other forms of cruel, inhuman or degrading treatment. This mission is also realized through the public announcement of cases in which there are violations of human rights.

During this ten-year period, the Ombudsman carried out more than 700 inspections of places of imprisonment, state psychiatric hospitals and mental health centers, detention centers for refugees and migrants, detention centers and family accommodation centers, type for children and adults, in social and pedagogical boarding schools and educational schools. And this means so many public reports on the identified irregularities and three times more recommendations to the responsible institutions, to the executive and the legislature.

Many of the findings were further monitored in several special reports of the Ombudsman – such like the Assessment Report of the Problems Faced by Refugees and Migrants in the Republic of Bulgaria (2013), the Assessment Report on the Respect for the rights of Children Placed in Social and Pedagogical Boarding Schools in the Republic of Bulgaria (2015), Assessment Report on the State of the Rights of Unaccompanied Refugee Children Seeking or Receiving protection (2016), ), Assessment Report on Health Care for Adults with Mental Illness (2018), etc.

Conditions in some places remain traditionally poor, while in other areas of monitoring progress and positive change has been noted. This progress is also the result of independent monitoring, the Ombudsman's recommendations and the work of the NPM, and cooperation between institutions to ensure respect for human rights and achieve the objectives of international and national law, as well as its enforcement practices.

If a positive trend from the first decade of the NPM's work can be deduced, it is the improving material base in the prison system at the Ministry of Justice - in recent years there has been a steady decline in overcrowding in penitentiary institutions. This improvement is largely due to the ten-year financial support of the Justice Program under the Norwegian Financial Mechanism 2012-2024.

Unfortunately, on all other topics subject to inspections by the NPM, acute problems have been permanently registered for ten years now:

- ✓ **Permanent neglect of the problem of juvenile justice** - adequate correctional and educational services in accordance with the leading standards for protection of the rights and interests of the child have not been created yet, the Law on Deviation from Criminal Proceedings and Imposition of Educational Measures on Juveniles has not been adopted yet persons who are the main driver of the reform; EU Directive 2016/800 / on procedural



guarantees for children suspected or accused in criminal proceedings has not yet been transposed into the Criminal Procedure Code;

- ✓ **Permanent underfunding and chronic shortage of staff to provide quality medical care and health care for persons in all categories of inspected facilities** - prisons, psychiatric hospitals, social and pedagogical boarding schools, centers for refugees and migrants, as well as family-type accommodation centers for children and adults;
- ✓ **Long-term lack of adequate personnel policy for building and retaining medical and health professionals in the national health system;**
- ✓ **Non-start of the implementation of the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 - 2030**, permanently low values of the indicators / food, medicine /, unsatisfactory health care for patients in inpatient psychiatric care;
- ✓ **Permanent problems in the system of 24-hour detention in police departments are still relevant** - poor living conditions, lack of service facilities, lack of access to ventilation and natural light. In some of the inspected places no persons are detained due to lack of staff and separate security posts;
- ✓ **Lack of budget funding for social activities in the places for serving sentences at the Ministry of Justice** - social work and reintegration of persons deprived of their liberty continue to be in question for many of the prisons; Continuing problems in the care of unaccompanied children, etc.

Evidence of the important role of the ombudsman as a NPM is that the opinions and annual reports are used in the work of the Bulgarian court.

I would like to take this opportunity to thank all my colleagues and experts who over the years have contributed to the establishment of the NPM as an effective tool in support of the rights of individuals in closed institutions.

**PROF. DR. DIANA KOVATCHEVA**  
**OMBUDSMAN OF THE REPUBLIC OF BULGARIA**

## SUMMARY

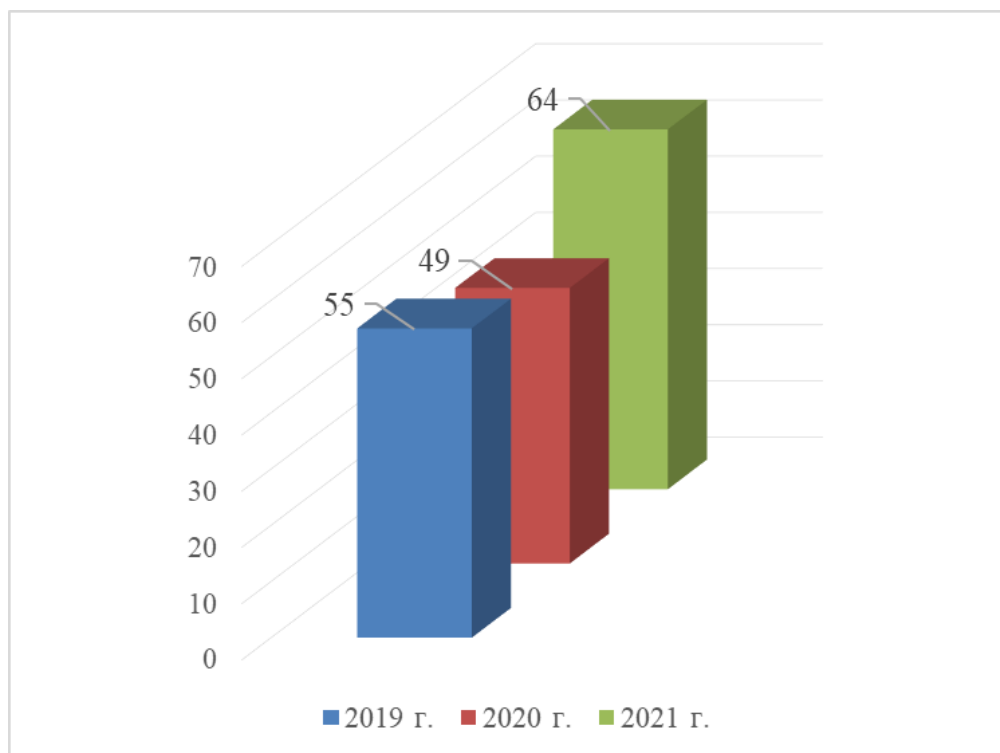
The NPM's annual reports contain an assessment of the human rights situation in places of detention and are aimed at institutions in the Republic of Bulgaria, as well as at international organizations and non-governmental organizations engaged in activities related to the protection of persons deprived of their liberty.

The 2021 report is based on on-the-spot inspections, observations, document checks, meetings and interviews with persons accommodated in places of detention, as well as with those working in these institutions, and on complaints and signals received.

The Ombudsman's main activity as a National Preventive Mechanism is focused on places where persons are deprived of their liberty or where persons are detained or accommodated as a result of an act or with the consent of a state body, which places they cannot leave voluntarily. The group of annual monitoring by the NPM includes the places for serving the sentence "imprisonment" at the Ministry of Justice, the places for detention of persons in the structures of the Ministry of Interior, special homes for temporary accommodation of foreigners at the Migration Directorate and Registration and Reception Centers of the State Agency for Refugees under the Council of Ministers, residential social services for children and adults, state psychiatric hospitals. For some of these groups of people affected, the Ombudsman's monitoring is the only form of independent control over the observance of their rights.

In the past year, the NPM continued to operate in a regime of increased attention to the problems of persons accommodated in institutions in the conditions of the continuing emergency epidemic situation, which was repeatedly extended until the very end of 2021.

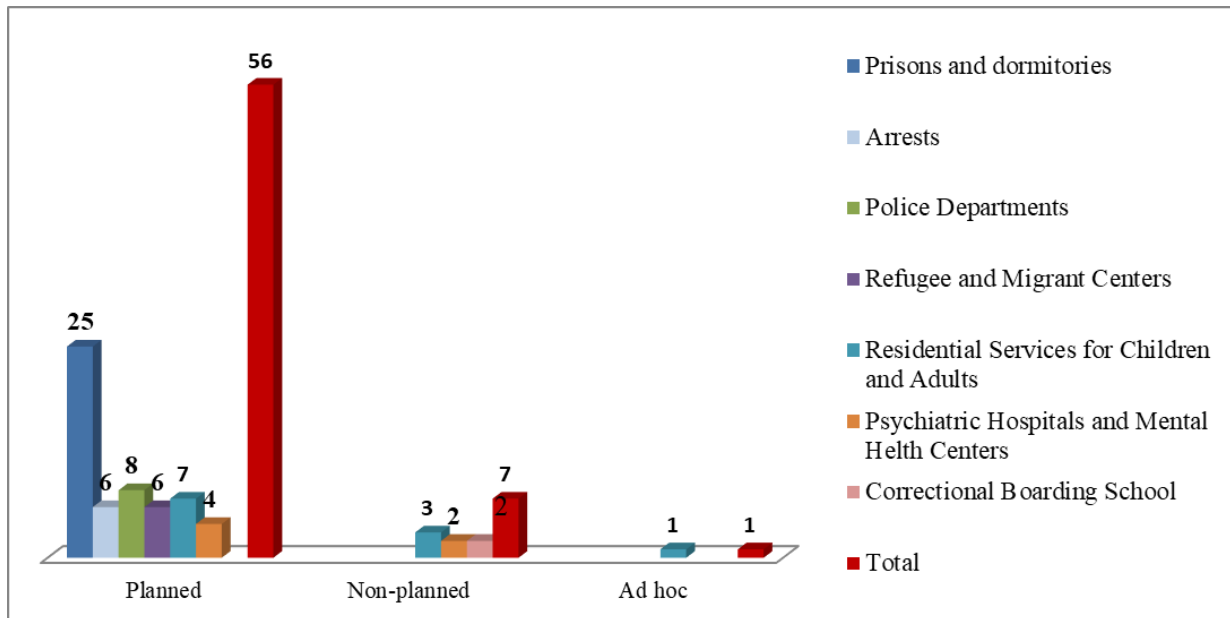
***Graph 1 - Number of inspections carried out by the NPM in 2019, 2020 and 2021***



*Source: Statistics of the Ombudsman of the Republic of Bulgaria*

In 2021, despite the complicated epidemic situation, the ombudsman as the NPM carried out **inspections at 64 sites**. The main purpose of the inspections was, first of all, to assess the anti-epidemic measures taken in the closed institutions, as well as to monitor the implementation of the recommendations given during previous visits.

*Graph 2 - Number of inspections carried out by the NPM in 2021 by categories of inspected bodies*



*Source: Statistics of the Ombudsman of the Republic of Bulgaria*

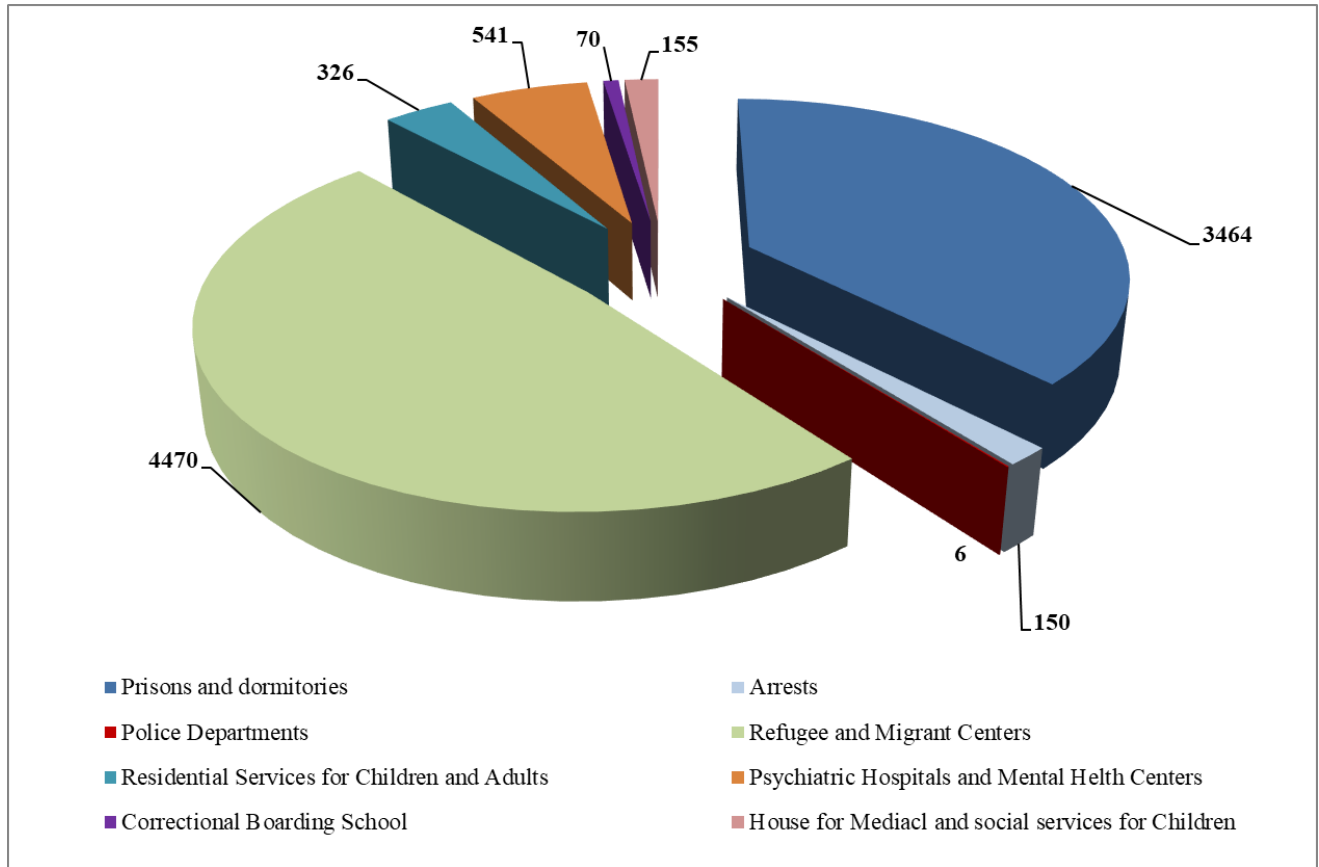
In 2021, the trend for a large number of inspections in the places for serving sentences to the Ministry of Justice continued - prisons (7), prison dormitories of open (11) and closed (7) type. 6 arrests were also checked. The general critical finding in this sector is related to the identification of systemic problems in the medical care of prisoners, such as shortage of medical specialists in almost all prisons, ignoring the complaints of prisoners, untimely release of external specialists for diagnosis and treatment, rude treatment of prisoners by medical professionals, etc.

Compared to 2020, the inspections in the centers for accommodation of refugees and migrants have significantly increased - in the inspected a total of 8 institutions for asylum seekers are covered nearly 4470 foreign citizens without status in the Republic of Bulgaria. For the second year in a row, the Ombudsman, as the NPM, continues to identify a number of problems - to stop the placement of unaccompanied foreign children in the SCTAF and to improve inter-institutional cooperation between the SCTAF and the DSP on unaccompanied children detained in the SCTAF.

The Ombudsman notes with particular concern the acute problem in the conditions of the ongoing epidemic crisis with exceeding the capacity of the Security Zone in the refugee center in the capital's "Military Ramp" suburb - an inspection in August 2021 identified 221 registered unaccompanied minors with a capacity of the safe area of 100 children.

In 2021, a total of 9,128 people received protection from the NPM. Throughout the year, in an emergency epidemic, the Ombudsman continued to provide direct public access to the mobile phones of NPM experts in order to effectively protect the rights of all citizens residing in closed institutions.

**Graph 3 - Number of persons covered by NPM inspections in 2021**



*Source: Statistics of the Ombudsman of the Republic of Bulgaria*

The third significant group of persons covered by the Ombudsman's inspections acting as the NPM, includes **people with mental illness** - a total of 541 persons accommodated in 5 psychiatric hospitals and 1 mental health center are covered by the inspections in 2021. Inpatient psychiatric care suffers insufficient funding and lack of staffing. The budget is a key tool for managing psychiatric hospital activities to respect patients' rights. There are low quality food, low medicine (generic treatment) and uncommitted repairs in hospitals. Chronic shortages of medical and non-medical professionals in hospitals, low pay, overcrowding and staff burnout have been unresolved issues for years and all of this reflects on the quality of patient care.

No less important are the rights of children and adults accommodated in residential services - with a total of 10 institutions inspected in 2021 (with 326 people accommodated), critical findings regarding the recurring worrying trend of poor quality care are still valid. children with disabilities in family-type centers.

Unfortunately, the Ombudsman's annual report on the 2021 NPM highlights other persistent problems. A total of 106 recommendations were sent to various authorities and institutions in all of them, and the undertaking of concrete measures to improve the conditions was monitored.

**Beyond statistics, but first and foremost, the issue of children's rights in conflict with the law remains unresolved.**

For another year, the Ombudsman, as the NPM, emphasizes the need to adopt a national policy and strategy for juvenile justice 2021-2030. social system, including the creation of a network of services (integrated services and educational, psychosocial and protective measures and support mechanisms) for these children. Effective legislative action is also needed to transpose into the Criminal Procedure Code Directive 2016/800 / EU on procedural guarantees for children suspected or accused in criminal proceedings.

In 2021, for the first time, the ombudsman exercised his right to a constitutional complaint regarding the rights of persons detained as defendants. Pursuant to Article 150, paragraph 3 of the Constitution, the Ombudsman of the Republic of Bulgaria addressed a request to the Constitutional Court (CC) to declare unconstitutional the provision of Art. 64, para 2, assoc. second of the Code of Criminal Procedure (CPC).

The constitutional judges supported the motives of the ombudsman that the provision of art. 64, para 1, sentence second of the PPC violates the right to protection of citizens under Article 122 in conjunction with Article 56 of the Constitution. The right to protection guaranteed by the latest constitutional norm is comprehensive. It finds specific manifestations in various spheres of public life and in particular in the various branches of law.

The Ombudsman's opinion is that the additional sentence two, which allows remote participation of the accused in taking pre-trial detention in pre-trial proceedings, is contrary to the constitutionally guaranteed right to protection of every citizen, proclaimed in Article 56 of the Basic Law in connection with the right to protection at all stages of the process according to Article 122, as well as two other basic rights of citizens - the right of persons not to be subjected to torture, cruel, inhuman or degrading treatment, guaranteed in Article 29, para 1 of the Constitution, and the right to personal liberty and inviolability, proclaimed in art. 30, para 1 of the Constitution.

The automatic and immediate trial of persons detained on criminal charges is an important procedural guarantee for protection against illegal and arbitrary detention, but such a guarantee is the immediate acceptance by the court of the person's explanations in the context of the constitutional right to protection. to exercise all fundamental rights.

The Constitutional Court, developing its practice, has come to the conclusion that the constitutional right to protection can be realized in its entirety only if the road to court is not closed, as only adversarial public litigation with equality of disputing parties within the meaning of Art. . 121 of the Constitution can ensure the disclosure of the truth and the correct application of the law.

To these permanently established and consistently developed in the practice of the Constitutional Court provisions on the right to defense should be added the specific right of the accused to be physically brought before a judge during the initial taking of the measure of remand in custody.



# PROTECTION OF CHILDREN IN CONFLICT WITH THE LAW

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## MAIN RECOMMENDATIONS

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- *Adopt a new strategy for a government policy in the area of juvenile justice for 2021-2030;*
- *Reform the system of juvenile justice and assess the need for specialised judicial juvenile panels;*
- *Repeal the Combating the Anti-Social Behaviour of Minor and Underage Persons in effect since 1958 and adopt a Criminal Justice Diversion and Imposition of Correctional Measures on Minor Persons Act;*
- *Close down boarding institutions and introduce modern and effective measures to work with child perpetrators, including restorative justice and preventive work with them;*
- *Create a protective social system, including a network of services (integrated services as well as correctional, psycho-social and protective measures and mechanisms of support) with respect to children who are at conflict with the law and their families;*
- *Organise short-term professional qualification courses for children placed at correctional, social and pedagogical boarding institutions.*

## Development of the regulatory framework and state policy in the field

Since 2012, the Ombudsman acting as the NPM has monitored the state and observance of the rights of children placed in social and pedagogical boarding houses and correctional boarding schools in the Republic of Bulgaria. In 2015, the institution released a special report after inspections of the existing six boarding houses in the country in which the Ombudsman insisted that the necessary steps should be taken to close the correctional boarding schools and social and pedagogical boarding houses due to the degrading living conditions.

Despite the emergency epidemic situation, in 2020 Ombudsman teams carried out to inspections at correctional boarding schools. The NPM and the Rights of Children Directorate found that some of the recommendations given in 2015 to the Ministry of Education had been fulfilled. **Three boarding institutions were closed down.** The number of the children at the remaining three is down from 218 to 100 children. Psychologists, model teachers and medical staff have been hired. The facilities have been improved. The relationships between children and teachers are good.

Still, **the reform of juvenile justice in Bulgaria continues to be at its nascent stage.** These institutions should have been closed down a long time ago because they do not meet the international standards for children in conflict with the law. They were built in the 1960s; the buildings are old and remote from regional centres; the children placed there do not have access to quality education and medical care. Their relatives are unable to visit them due to the remote locations of the institutions and the lack of funds. The educational process is at a very low level.

The Criminal Justice Diversion and Imposition of Correctional Measures on Minor Persons Act, which is the main driver of reforms, has not been adopted yet. The main idea of the new law is related to restorative juvenile justice. The placement of children at correctional institutions should be a measure of last resort. It is critical to set up specialised juvenile justice panels as well as to close down the existing boarding institutions and open new alternative services for children in conflict with the

law which are in line with their interests and do not violate their rights. Furthermore, to ensure easier integration of the children in conflict with the law, funding should be envisaged for the development of services and programs targeted at minors, especially in the area of vocational training, and for the implementation of effective programs and services for prevention, support and reintegration of the children in conflict with the law.

In 2021, the Ombudsman acting as the NPM will continue to monitor the reforms in juvenile justice.

### **Results from NPM inspections carried out in 2021**

In January 2021, teams of the NPM and the Rights of Children Directorate carried out inspections at the Correctional Boarding Schools (CBS) – Rakitovo and Podem. The inspection covered the profile of the children placed there and the living conditions; education and additional activities; attitude and protection measures with regard to the children placed there; medical care; administrative and technical capacity.

## **ANGEL UZUNOV CORRECTIONAL BOARDING SCHOOL, TOWN OF RAKITOVO**

### **1. Material conditions**

At the time of the inspection, 60 boys were placed at Angel Uzunov Correctional Boarding School, Rakitovo, of whom 56 children were there in practice.

The CBS consists of two main buildings: the first one houses the living quarters for the children, the kitchen and the canteen; the second one houses the school and the administration. The CBS is located over a large area in a pine forest, the fence is missing in places, with a spacious yard and a playground. The school has study rooms, a gymnasium, a sensory room and a computer lab. The corridors of the school and the dormitory are fitted with video surveillance cameras.

The NPM found improvement in the facilities. The bathrooms and the canteen were renovated. The children's rooms still have obsolete furniture and lack sufficient personal space. According to the headmaster, the furniture is to be changed.

The NPM team saw the menu for the week from 18.01.2021 to 24.01.2021 and found that the children's menu was in line with the requirements of Ordinance No. 26 of 2000 on Healthy Nutrition for Students. The children's food is prepared based on a set of recipes with set calories. One of the NPM recommendations from a previous inspection that the children's menu should include milk and yoghurt as well as fresh vegetables has been implemented.

### **2. Education and training**

The education of the children and youth is organised from the second grade to the twelfth grade. It is in one shift only, from 8:00 am till 1:30 pm. In the afternoon, the students attend activities based on interests in 6 groups which is supported under the Support for Success project of the Ministry of Education and Science. Additional support in Bulgarian and literature as well as in mathematics is provided to the students lagging behind. Due to the small number of children per class, a mixed form of training needs to be practiced as well. Most boys at the CBS did not attend school regularly before that or attended only formally which has had an impact both on their knowledge and on their motivation to study. They come from a family and social environment where education is not considered a value and they were not supported in the process. The teachers share that they need to

revise and make up for many gaps in the knowledge of their students as they go. They use the self-preparation classes to this end.

As a whole, the general educational knowledge of the students is not good, especially in the mixed classes. There are children who find it hard to read and write but have completed the fifth or the sixth grade. More importantly, the teachers are trying to create more sustainable habits of studying for the children as well as work habits.

Both collective and individual correctional activities are carried out with the minor and underage persons. There are workshops there, after the eighth grade, the children acquire skills and wood and metal working. A problem the CDS leadership identified is that the training for a professional qualification under the Professional Qualifications Act is three years. Most boys cannot complete it and receive the respective certificates. A suggestion was made to consider an accelerated training program for the children with term-bound measures.

**In this regard, the NPM recommends to the Minister of Education that 6-month programs be prepared for obtaining a professional qualification outside the school curriculum and that additional funds be provided by the MES.** It is critical for the children to acquire professional qualifications because this will give them a chance of an easier reintegration in society and finding appropriate jobs.

One of the most meaningful projects implemented at the SBC is with the Re-Act Association and involved the creation of a bicycle workshop. The pandemic and the associated emergency measures have restricted completely the work of non-governmental organisations and volunteers with the children and youth at the CBS and they certainly miss it. The isolation is even greater and more tangible for them.

The files of the children and youth are ordered by grades and contain details about the educational level and certificates from their previous schools.

Upon the headmaster's initiative, contacts are made with employers who need workers with specialties such as wood and metal working and there have already been several successful cases.

### **3. Medical care**

The CBS has a medical office. Albeit obsolete, the medical office meets the requirements of Ordinance No. 3 of 27 April 2000 on the Medical Offices at Child Institutions and Schools of the Ministry of Health. There is an equipped emergency cabinet. The office is staffed by a full-time paramedic and has a complete set of medical documents in line with the ordinance but they are not filled out. All children attended prophylactic examinations during the year.

All students have been assigned *ex officio* a general practitioner doctor and dentist. There are three students at the CBS who need constant medications – convulex, diagnosed with epilepsy. In 2020, the children were examined by a child psychiatrist from Plovdiv. Twelve students were diagnosed with: mild to moderate intellectual disabilities and, in this regard, resource help was assigned for them from a model teacher in Pazardzhik. For every child, there are individual plans for work with children with intellectual disabilities and plans for additional assistance related to difficulties in the educational process and support for social skills.

The interviews with the psychologist and paramedic established that no children take psychoactive substances.

### **4. Administration and management**

As seen from the list of positions, 35 people work at the CBS of whom: 1 headmaster, 1 assistant headmaster, 23 pedagogical specialists, 10 administrative and support staff.

The staff members are on duty as per a schedule so that there are pedagogical specialists all the time (two educators stay during the night) and continuity between the shifts.

## **5. Protection measures**

During the previous NPM inspection, a recommendation was made to the headmaster of Angel Uzunov CBS, Rakitovo, to ensure supervision of the staff and to hire an external psychologist who would work on restoring the basis of trust between the children and the CBS staff. In this regard, the NPM paid special attention to the relationships between staff and children. The interviews with the children established that the psychosocial environment at the CBS was improved. As seen, the children trust the staff. The NPM became familiar with the Methodological Guidance on the development of individual student support plans related to their individual abilities and with some of the individual plans for the children. According to the psychologist, the staff are supervised regularly. During the inspection, the NPM attended a survey with the children aimed to examine their relationships with the pedagogical staff. The NPM found that the survey was not anonymous. In this regard, the NPM recommends to the administration of Angel Uzunov CBS to organise any subsequent surveys as anonymous. Upon the proposal of the Local Anti-Social Behaviour Commission, in 2020 two CBS children were released ahead of the term laid down in the judgment.

The team inspected the register of disciplinary sanctions and the register of complaints. No sanctions with respect to the children were registered in 2020. One complaint was lodged by a child who suffered violence from another child. The CBS headmaster alerted the Rakitovo Police Department.

The team also became familiar with the personal files of the resident boys which contained: a judgment, an individual program for correctional and educational work and re-socialisation, needs assessment, report from the local ant-social behaviour commission, subsequent measures.

## **HRISTO BOTEV SECONDARY VOCATIONAL CORRECTIONAL BOARDING SCHOOL (SVCBS) – PODEM Village, PLEVEN Municipality**

At the time of the inspection (18.01.2020), the CBS housed 10 girls aged from 14 to 17. The latest admission was in August 2020 by virtue of a judgment of the Yambol District Court; the admission judgment was executed upon the express insistence of the girl's parents. Most girls were there due to wandering and running away from schools and residential services where they had been placed.

There were no children outside the CBS and there were no escapes in the past five months.

During the visit of the Ombudsman team, the girls were in class and conversations with them were held during the break. Worthy of note is that the girls are calm, they speak confidently about their problems and achievements in sports, the basketball team and the medals they have won.

### **1. Material conditions**

The material conditions at the Secondary Vocational Correctional Boarding School (SVCBS) – Podem are good as a whole; visible efforts are made to maintain hygiene and the obsolete facilities.

The school has two main buildings. The first one houses the administration and study rooms; the second one – the dormitories, the kitchen and the canteen. The school also has the so called Dream house – a luxury building with luxury furniture built with funding donated by the SES Foundation, Germany, which, at the time, is closed and is not used for the purposes it was created for. The main reason for this is the lack of funds for its maintenance.

The dormitories are heated in the evening because the girls are in the school building or outside almost the entire day.

According to the headmaster and the girls, the bathroom is used two a week as a mandatory rule and they can use it on other days if they want to. The girls themselves wash their personal clothes and underwear.

## **2. Education and training**

SVCBS Podem teaches students from the fifth to the tenth grade and has mixed classes. The classrooms are well equipped, there is a modern computer lab used only when a teacher is present. There are no children with special educational needs; a model teacher is needed for one of the girls but her mother would not cooperate in this regard.

The girls confidently spoke about their training and results. It can be noted that in Podem, unlike most CBS, there is a more intensified and quality educational process. The teachers share that there are not frequent breaches of discipline, both in class or refusals to attend class.

At the CBS, the students learn tailoring and those in grades 9 to 12 obtain a qualification – tailoring operator. This is a framework program in which a qualification is acquired in 2 years which is a first-level professional qualification. The students said they were happy with their new skills.

As a whole, the CBS offers very good opportunities for additional training and qualification of the students in cooking and hairdressing; however, they are not held at the moment, only tailoring. During the non-working days, there is an educator on duty and the CBS security.

## **3. Medical care**

Medical care from a doctor is available and twice a week they are visited by a paramedic. At the time of the inspection, there were no pregnant girls or children with chronic illnesses. The issue with ensuring a medical office has not been resolved yet; the reason cited is that the municipality cannot ensure a medical specialist.

The administration has set up a room for medical purposes where medications are stored in quantities and types different from the ones necessary for urgent help as per Ordinance No. 3 on the Medical Offices at Child Institutions and Schools of the Ministry of Health. This is contrary to the health legislation and casts doubt over the medical assistance provided at the CBS. The room also has a dentist's chair which is used for prophylactic examinations.

All students have been assigned *ex officio* a general practitioner doctor and dentist. The doctor visits the CBS twice a week. The dentist works three times a week in the village. All students have undergone prophylactic examinations and subsequent control tests. The students' medical records (descriptions of diagnoses, examination documents, personal medical cards, medical certificates upon admission, etc.) are kept in their administrative files. The general practitioner doctor for the CBS takes part in the preparation of the menu for students in line with the regulatory requirements.

During the interviews, the students said that they were happy with the medical and dentist services at the CBS. No complaints were made about the food or its quantity. As seen from the weekly menu, it is diverse and meets the requirements of Ordinance No. 37/21.07.2009 of the Ministry of Health.

No cases of COVID-19 have been found.

## **4. Administration and management**

As seen from the approved list of positions, 16 people work at the CBS of whom: 1 headmaster, 5 teachers, 3 educators, 1 psychologist – half-time, 1 accountant, 1 housekeeper, 2 cooks, general maintenance staff and cleaner. All teachers and educators have higher education.

The staff work on duty ensuring presence of pedagogical staff throughout the day.

During the visit, the girls communicated freely with their teachers and the psychologist which showed a change in the attitude to the residents. The atmosphere was calm and developing.

The annual budget is BGN 449,179 which poses grave difficulties to maintain the activities. Targeted funds for extracurricular work and activities are missing.

The CBS team shared that they were worried about the lack of clarity about the reforms and the specific deadlines. This has an impact on their motivation together with the uncertainty faced by the teams of the CBS in Zavet and Kereka which were closed down. Another important matter they raised is the lack of any interest or analyses of their work, best practice and experience in correctional and educational activities which could be useful in the process of juvenile justice reform.

## **5. Protection measures**

During the visit, the NPM team found that the psychosocial climate at SVCBS Podem was good. A change was found since the last visit of the Ombudsman in September 2017 together with the consultant Herman Reider who organised expert groups with children; since then, the change has been positive. The tension between the staff and the children as well as among the children noted during previous inspections has been overcome. Sanctions other than those set out in the statutory instruments are no longer imposed. The girls certainly trust the staff and a positive role for this has been the Mentorship for Inclusion project implemented by Association Pleven Public Fund – Chitalishta with the support of the Active Citizens Fund. The mentorship implemented in support of young people with deviant behaviour residing in institutions has yielded results with respect to the girls' behaviour. The mentors were different people, with different professions, who created positive connections with them. The family vacations were very well accepted. The school psychologist talked about the connections created during the project and the development of the participants in it.

No cases of physical abuse among the children have been found. No internal theft has been registered.

Telephone calls are allowed 2-3 times a week with their personal phones; they can use applications such as Facebook and Skype twice and a land-line phone every evening.

The CBS staff work actively for the socialisation of the girls after the end of the measure. Their latest case was a girl whose parents legally separated from her three months before she turned 18; according to them, the reason was property concerns. They had significant difficulties with her ID card due to the lack of a registration address but they finally managed to resolve the issue.

Unfortunately, the girls' parents are not active and they definitely withdraw from parental care. The resident girls find it hard to understand and accept the abandoning which is often the reason for their conduct and aggression. All the girls spent the winter holidays at the CBS due to the lack of money and desire of the parents to take them back.

They talk about a girl who achieved a significant progress during the years of her stay, she had dreams and plans but shortly before she turned 18, her mother came and took her to France where, according to reports, the girl is a prostitute.

The check of the instructions from inspections of competent authorities found that the last inspection of the State Agency for Child Protection had been in 2016. During the review of the files, the team found that in the educational case of the girl M.B. the court imposed the more lenient measure

of “admission to social and pedagogical boarding house” but, due to the lack of such an institution, the child was placed in the CBS. A good practice would be to include a social worker on the staff list; this could also be done under programs. In this regard, the team recommends an even more active cooperation of the CBS and the child protection departments as per the place of residence of the children.

Furthermore, in view of the protection of the rights of the children, the inspection team recommended systemic monitoring of the CBS by the SACP and providing target funds under different programs for the development of the residents.

### **Anti-epidemic measures and standards**

In 2020, the Ombudsman team complemented the monitoring of the rights of children in conflict with the law with the new special principles and standards adopted by the High Commissioner for Human Rights together with UNICEF and the Alliance for Child Protection in Humanitarian Action.<sup>1</sup> The main goal is to pay special attention to the problem with the rights of children who are isolated in detention institutions while providing the necessary information about the international human rights standards and guidance on dealing with the COVID-19 crisis.

The UN High Commissioner for Human Rights, UNICEF and the Alliance for Child Protection in Humanitarian Action sound the alarm for the risk of a **disproportionate effect** on the rights of children placed at detention institutions. States must ensure that the human rights of every child deprived of liberty are fully respected, protected and fulfilled.

The main recommendations of the international organisations to the States are:

1. Instituting a moratorium on new children entering detention facilities.
2. Releasing all children who can be safely released.
3. Protecting the health and well-being of any children who must remain in detention.

It should be noted that the guidance of the UN Committee on the Rights of the Child is in the same vein; on 8 April 2020, it turned to all Member States noting that they need to plan special measures to protect the children whose vulnerability is further heightened as a result of the pandemic such as children deprived of liberty or in detention. A special focus is put on the rights of those children to maintain regular contacts with their families which should not be suspended by the restriction measures introduced.

Every measure needs to be considered in terms of its impact on the child, both in the short and long term. It is emphasised that every measures in the context of the COVID-19 pandemic needs to be adapted and understandable to the children, including for children with disabilities, children from vulnerable groups and children with limited access to the internet.

The Ombudsman of the Republic of Bulgaria, acting as the NPM, conducted an online survey with the headmasters of all social and pedagogical boarding houses (SPBH) and correctional boarding schools (CBS) which established the following circumstances:

- In line with the anti-epidemic measures, no child was released for home leave. According to information from the SPBH headmasters, the connection with the parents takes place via Skype, Facebook or by phone. At Angel Uzunov CSB,

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<sup>1</sup> COVID-19 and Children Deprived of Their Liberty

Rakitovo, the connection with the parents is by phone only because most of them do not have access to the internet at home.

- School classes continue as well as sport events outdoors even though the SPBH do not work at full capacity and there are issues with the number of staff which, in practice, puts at risk even the main activities with the children.
- So far, there have not been any registered sick children or staff members; the contact with personal doctors is by phone. The children and staff members are provided with personal protection equipment and disinfectants.

The inspection also found indications which are quite alarming, namely:

- During the state of emergency, **a new child was admitted** at Hristo Botev CBS, Podem, by virtue of a judgment of Yambol District Court.
- The SPBH **do not have instructions** or guidelines on special safety rules during the pandemic taking into account the specificities of the place where the children live together all the time and the staff, most of whom are close to retirement age, have considerable contacts in their ordinary environments.
- The headmasters and the staff do not have operational support from MES.
- In cases where any child in detention could lapse into aggression, anger or depression or fall in another psychological state, even be violent against other boys and girls, there is no possibility to provide psychological support online.

The NPM and the Rights of Children Directorate recommended to the Minister of Education and Science to take the necessary measures, within a reasonable time, to suspend placement of children at SPBH. Furthermore, to ensure operational capacity for support for the children at SPBH and CBS to overcome the psychological consequences of social isolation which, undoubtedly, cause violence and aggression. To develop specific guidelines for SPBH headmasters and teams as to how to maintain the children's mental health. To ensure possibilities for online consultations with a psychologist who will also work with the parents, an example we have seen in Rakitovo. This function can be taken by the MES mobile group of psychologists who intervene in crisis situations. To analyse the risks for children at SPBH, mostly in the period of isolation, which could sever the already weak connections with their families.

It is important for this support to include other protection authorities, mostly child protection departments, which would work with the parents.

It is urgently necessary to develop special instructions with safety rules for children as well as for safe working conditions of the SPBH teams during the period of the state of emergency.

**In conclusion, the Ombudsman reiterates the need** for a permanent resolution of the issue with closing down SPBH and pursuing timely and effective measures for work with child perpetrators, including restorative justice and preventive work with them.



# PROTECTION OF PERSONS WITH MENTAL DISEASES

## Development of the regulatory framework and state policy in the field

### KEY RECOMMENDATIONS

- *To start the implementation of the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 - 2030; Да се увеличи фонд „Издръжка“ на всички ДПБ за 2022 г.;*
- *To revise the Regulations on the structure and activity of the medical establishments for inpatient psychiatric care in the part of the number of staff in order to overcome the existing imbalance in the staffing and guarantee equal health care for all mentally ill in the SPH;*
- *To carry out systematic control by the regional health inspectorates for compliance with the requirements of Ordinance №49 of 18 October 2010 on the required 6.5 square meters per hospital bed;*
- *Carry out the necessary renovation work in all of the SPH;*
- *To take actions to remove the permanently accommodated patients in all SPHs and transfer them to appropriate social services.*

On 23.04.2021 with Decision № 388 of the Council of Ministers, the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria 2021 - 2030 was adopted. So far, the implementation of the strategy has not started and the activities set for 2021 in the Action Plan to the National Strategy have not been implemented due to lack of funding from the Ministry of Health, ESIF and the Ministry of Interior.

In 2021, the MLSP assessed the needs of patients in the SPH and about 10% of them were assessed as suitable for discharge from hospitals and accommodation in social services in the community, which is part of the deinstitutionalization program in Bulgaria.

The main problems identified by the NPM in the provision of inpatient psychiatric care are insufficient funding and lack of staffing, mainly in the SPH's Maintenance Funds. The budget is a key tool for managing psychiatric hospital activities to respect patients' rights. There are problems related to low per/day food provisions (low quality food), low medicine per/day supply (generic treatment) and unfulfilled renovation works

in hospitals. Chronic shortages of medical and non-medical professionals in hospitals, low pay, overcrowding and staff burnout have been unresolved issues for years and all of this reflects on the quality of patient care.

The quality of health care provided for people with mental illness remains permanently unsatisfactory. Among the main problems remains the old material and technical base of the hospitals, as well as the remoteness of most of SPHs from the settlements. In some medical institutions, living conditions are extremely poor in hospital rooms, and they are overcrowded. Such a situation is defined by the NPM as humiliating and inhuman treatment of people with mental illness.

Patient safety is not equally guaranteed in the inspected medical institutions. A patient was found to be fleeing, the procedure for fixing patients was not observed, and two or more beds were available in the isolation wards, which practically made isolation meaningless. The practice of social patients remaining in care for a long period of time due to the lack of appropriate social services continues.

## Results from NPM inspections carried out in 2021

### STATE PSYHIATRIC HOSPITAL – TOWN OF PAZARDJIK

SPH – PAZARDZHNIK is the only accredited state psychiatric hospital with an excellent assessment of overall medical activity for a period of 5 years, according to Art. Order RD-17-150 / 15.06.2018. It is a base for training of trainees under Ordinance №1 of 2015 to acquire a specialty in the healthcare system. It has 100 beds, and currently, by order of the Minister of Health, 10% of them are allocated for patients with COVID-19 infection. The hospital is located next to the MHAT - Pazardzhik, which allows the use of para-clinical units of the MHAT and provides timely treatment of concomitant diseases of mentally ill patients. The hospital needs major repairs and the management of the hospital has made a request to the Ministry of Health to allocate BGN 50,000 for capital expenditures, but they have not been provided. The budget for the Maintenance Fund of the SPH - Pazardzhik has not been changed/updated for years, and part of the funds is allocated to prevent and limit the spread of COVID-19.

It should be noted that the budget for staff of the SPH - Pazardzhik is one of the lowest among psychiatric hospitals. Despite the medium-term forecasts, which are submitted to the Ministry of Health twice a year, the funds for compensation of personnel under Art. 222 and Art. 224 of the Labor Code, which are paid upon termination of employment due to the acquisition of the right to a pension for length of service and age, were not taken into consideration.

The SPH - Pazardzhik is implementing a program for the treatment of persons addicted to opioids with a total capacity of 50 seats. The program is financed from the budget of the SPH - Pazardzhik, unlike those of the mental health centers, which are funded by the Methodology for subsidizing medical institutions. **The NPM recommends updating the budget of the SPH - Pazardzhik for the implementation of the Program for treatment of agonists-antagonists of persons addicted to opioids - 50 places with the equivalent of the funds allocated under the Methodology for subsidizing medical institutions.**

The hospital has a total staff of 71, of which 11 are doctors, 27 are health care specialists and 33 are other staff. One position is vacant for a doctor, a health care specialist, a psychologist and a nurse. The salaries of the employees in the hospital are one of the lowest in comparison with the other SPHs. According to the reference, the level of the monthly salary for a doctor - head of department is 1690 BGN, for a senior nurse - 1350 BGN, a nurse - 1160 BGN, an assistant nurse - 780 BGN and a psychologist - 1400 BGN.

For the period from 01.01.-13.05.2021 all in total 195 patients were accommodated in the hospital for treatment - 60 were brought as a matter of urgency, 37 were placed by decree of the District Prosecutor's Office, 37 were placed for compulsory treatment under the Health Act 3, 4 patients were accommodated for compulsory treatment under Article 89 of Penal Code 1. Four patients were dead and 1 autopsy is operated. Medical certificates were issued to 939 people. 30 electroconvulsive therapy procedures were performed.

The director of the hospital said that there are still difficulties in discharging social patients, who are on average about 7-8 a year and stay in the hospital for more than 4 months. **The NPM again found a chronic shortage of social institutions for the accommodation of people with mental illness, as well as a shortage of day care centers for people with mental illness.**

## STATE PSYCHIATRIC HOSPITAL – TSEROVA KORIYA VILLAGE

The State p|Sychiatric Hospital at Tserova Koriya village has a capacity of 140 beds, and as of the date of the inspection 110 patients were accommodated. The deaths as of June 24, 2021 are 4 people. 24 people were accommodated for compulsory treatment in the period from January 1, 2021 to June 30, 2021.

During the inspection a good condition of the material and technical base in the SPH was established. Over the years, the Ministry of Health and donations have overhauled a hospital building, a kitchen block, a steam boiler, a hospital shop, built a hospital fence and overhauled the roof and under-roof space. The medical institution has a well-developed activity in occupational therapy and psycho-social rehabilitation of patients. The NPM team found overcrowding in the wards. All rooms had 6 beds and it is difficult for two patients to pass, their living space is disturbed, it is difficult for the staff to take care of the patients. During the check-up in one of the women's wards, there was an unpleasant odor coming from the patients. **The NPM recommends to improve the care of patients and to bring the number of beds in line with the requirements of Ordinance № 49 of the Ministry of Health.**

**The finding of the team related to the patients' meal is negative, amounting to BGN 2.36 per day. In 2012, the meal was BGN 2.27 - the increase by 2021 is worth only 0.09 BGN.** According to the inflation calculator at the National Statistical Institute, from January 2012 to August 2021 the inflation index of consumer prices was 14.4%. **One drug day for 2021 was BGN 1.20, and in 2012 the drug day was BGN 2.83. , i.e. after seven years, the value of the drug day has dropped by almost half.**

**Once again, the Ombudsman acting as a NPM emphasizes that such minimal financial resources for inpatient treatment of the mentally ill completely hinder the provision of quality medical care.** The budget of the Maintenance Fund continues to be the same for 2018, 2019, 2020 and 2021 - BGN 500,000. **According to the NPM, this is extremely insufficient to provide quality health care for the mentally ill.**

According to data from the Analysis of the activity of the SPH - Tserova Korya from January to July 2021, 281 patients underwent inpatient treatment, with an average stay of 59 days. The usability of the beds is 78%.

As of July 2021, 75 full-time employee positions have been opened in the medical institution - 10 of them are doctors (eight of them are psychiatrists), 25 are health care specialists and other support staff - 41. The finding of the NPM inspection team is that even in this hospital, the medical staff does not meet the requirements of Ordinance №24 of 07.07.2004 on the approval of the medical standard "Psychiatry".

In SPH Tserova Koriya there are 8 patients residing for more than a year. The book of measures taken for temporary physical restraint is not filled in correctly. The hospital provides personal protective equipment and disinfectants to fight COVID-19 infection. In the wards of the SPH - Tserova Koriya there are separate rooms where newly admitted patients are accommodated and placed in isolation and their somatic condition is monitored daily. Disposable devices for the time of isolation are provided for newly admitted patients. Contact between patients and their relatives is provided by phone.

## STATE PSYCHIATRIC HOSPITAL – TOWN OF BYALA

The State Psychiatric Hospital (SPH) - Byala has a capacity of 270 beds, and as of the date of the inspection 173 patients were accommodated. The deaths from the beginning of the year to 23.06.2021 are 5 people, 17 people are accommodated in compulsory treatment, and the number of patients accommodated in compulsory treatment under Article 89 of the Penal Code is 3.

**The NPM team found that the recommendations given by the previous inspection in 2020 have not been implemented.** No document has been issued introducing different levels of competence of the wards in the hospital in accordance with the medical standard "Psychiatry", the recommendation to repair all wards in the hospital has not been fully implemented.

In the hospital rooms of the unrepaired wards the living conditions in the hospital rooms are extremely bad. Overcrowding was found in the rooms (accommodating 5-6 patients, without the necessary personal space and ability to move, including those with wheelchairs). The number of bathrooms and toilets is still insufficient compared to the number of accommodated patients, they themselves are in poor condition. **The NPM recommends that urgent repairs be carried out, that patient care be improved and that the number of beds be brought in line with the requirements of Ordinance № 49 of the Ministry of Health.**

In the first half of 2021, 511 patients passed through the hospital, with a hospital capacity of 270 beds. There are still 22 permanently accommodated patients.

According to data from the Analysis of the activity of the SPD - Byala for 2021, the food day is BGN 2.50 and the drug day is BGN 2.00. However, the means for the maintenance of one patient are extremely insufficient. For 2017, 2018, 2019, 2020 and 2021, the Maintenance Fund is the same and has not been increased - BGN 629,600. In this situation, **the NPM again emphasizes that the financial means for maintenance per patient are extremely insufficient to provide quality health care for the mentally ill.**

In 2021, two doctors have been appointed. The total number of staff is 132 employees, of which 3 managers, 8 senior medical staff and 33 paramedics. During the inspection the inspection team found poor provision with medical specialists in the SPH - Byala. The hospital is short of doctors specializing in psychiatry and nurses with a qualification in "Health Care Management".

The anti-epidemic measures in connection with the pandemic of COVID-19 infection are observed in the SPH - Byala. Sufficient disinfectants, personal protective equipment and rapid tests are provided to carry out this activity.

## STATE PSYCHIATRIC HOSPITAL – TSAREV BROD VILLAGE

According to the Analysis of the activity of the SPH – Tsarev Brod village for 2021, the food day is BGN 2.50 and the drug day is BGN 2.00. However, the means for the maintenance of one patient are insufficient. The general good condition of the material and technical base is ascertained. **The recommendation of the NPM team to carry out a complete overhaul of hospital rooms and bathrooms has been fully implemented.** The SPH – Tsarev Brod has video surveillance, and the inspection found that if necessary, patients are isolated for about 2 hours. The hospital kitchen is in good condition and the heating is provided by local gas heating.

As of the date of the inspection, 181 full-time employees were found in the medical institution - 14 of them are doctors, 63 health care specialists, 4 psychologists, 1 rehabilitator and 1 laboratory assistant.

The 24-hour medical care of the patients is provided in the hospital, as the night shifts are taken over by one doctor on duty and 5 nurses - one for each of the wards, as well as 5 assistant nurses. At the moment of the current inspection, 154 patients are accommodated in the hospital for treatment, and in the first half of 2021 all in total 462 patients passed through the hospital. Two patients died. Diseases from the group of schizophrenic disorders represent the highest percentage in SPH - Tsarev Brod, followed by Affective Disorders and Alcohol Dependence Syndrome. Most of the patients in the hospital are admitted once again, the hospital stay is long, and due to the specifics of the diseases, often the SPD takes on social functions. For each newly admitted patient, an assessment of suicide risk and aggression is made, which, once registered, is monitored throughout the period of service in the hospital.

All consultations for somatic diseases of patients in the medical institution are carried out under a contract with MHAT - Shumen. Clinical and laboratory tests are performed in a laboratory located in the structure of SPD - Tsarev Brod, but which is not registered in accordance with current regulations and does not have a certificate of activity, as well as a doctor with a recognized medical specialty in Clinical Laboratory.

In recent years, the budget of the Maintenance Fund has not only not been increased, but has been reduced. Food allowance in 2019 was BGN 132,329, in 2020 it was BGN 112,220, and as of June 30, 2021 it was BGN 51,523, which determines poor nutrition and cooks with low quality groceries. The cost of medicines is also decreasing - in 2019 it is BGN 81,788, in 2020 it is BGN 65,957, and as of June 30, 2021 it is BGN 32,423.

The NPM found that a patient had escaped from the hospital the day before the inspection. The patient has been declared wanted, and the NPM team recommends that the circumstances surrounding the escape of the patient from the SPH - Tsarev Brod village be clarified in order to prevent such cases.

During the inspection of the Women's Acute Isolator, the presence of soft connections for fixing patients was established. It is noteworthy that the insulator has two beds, which spoils the isolation procedure. All patients are treated after familiarization with the conditions of hospitalization. Patients are provided with access to a telephone to talk to relatives under the supervision of staff.

### **CENTER FOR MENTAL HEALTH - VELIKO TARNOVO Ltd**

The treatment of patients with mental illness is carried out in the following separate blocks:

- Consultative-diagnostic unit (CDU) with admission-diagnostic department, consisting of the following offices: admission-consultative, children's and youth, regional offices for home care, speech therapy, clinical psychology, register of persons with mental illness, specialized offices; day hospital with 30 beds and a medium degree of dependence on care.

- Inpatient unit with three wards - First ward for treatment of acute psychosis with severe social dysfunction - men (30 beds, of which 2 emergency) (isolator); Second ward for treatment of acute psychosis with severe social dysfunction - women (28 beds, from which 2 emergency) (isolator); Third ward for treatment of addictions with social dysfunction and social-labor rehabilitation (22 beds).

The inspection revealed a very good condition of the material and technical base. The inspection team was provided with protocols from the Regional Health Inspectorat (RHI) for regular,

scheduled inspections in the medical institution regarding the sanitary-hygienic and disinfection regime.

In accordance with the requirements of the medical standard "Psychiatry" CMH has an ECG machine on its territory, as well as the ability to place psychiatric patients in isolation (two beds in the acute wards).

As of 31.12.2020, 74 full-time employees were found in the medical institution. The medical services and activities in the Consultative-Diagnostic Unit are provided by 12 doctors, 5 nurses / paramedics, 3 psychologists, 1 speech therapist, 2 social workers, 1 registrar-informant and 1 nurse. The medical services and activities in the inpatient unit are performed by doctors - 6.25, nurses / paramedics - 20 and nurses - 18. As can be seen from the staffing schedule of the LZ, there are 3.25 vacancies - 1.25 for doctors and 2 places for nurses.

According to the work schedules of the medical institution, 24-hour medical care is provided to the patients, as the night shifts are taken over by one doctor on duty and three nurses - one for each of the wards.

The following activities are performed in "CMH - Veliko Tarnovo" Ltd. - emergency psychiatric care, diagnosis and treatment of persons with mental disorders, periodic monitoring and consultation of persons with mental disorders and home care, psychotherapy and psycho-social rehabilitation, psychological and psychiatric expert activity, creation and maintenance of a regional information system of persons with mental disorders for the needs of the register under Art. 147 a, para. 1 of the Health Act, promotion, prevention and improvement of the mental health of the population, informing the public on mental health issues, research in the field of mental health, opening beds for diagnostic and therapeutic stay and providing social services under the Law on social assistance.

As of the date of the current inspection, the inpatient wards and the day hospital have a total of 130 beds and carry out care programs in accordance with the requirements of the current legislation.

At the time of the treatment check-up, 76 patients were accommodated. By March 2021, a total of 611 patients had passed to the hospital (inpatient unit and day hospital). As of July 1, 2021, the drug day in the Republic of Bulgaria was BGN 2.02, and the food day was BGN 2.87. From the beginning of the year until July 1, 2021, no patients died. Information for past patients accommodated in compulsory inpatient treatment and compulsory treatment in "CMH-V. Tarnovo" Ltd for the period from 01.01.2021 to 01.07.2021 shows that three patients were accommodated for compulsory treatment on the grounds of Article 162, paragraph 2 of the Health Act.

Upon admission to the Veliko Tarnovo CMH, patients sign a Declaration of Informed Consent for hospitalization and treatment, and a Declaration of Refusal of Treatment is available, which the patient can voluntarily prescribe and terminate his treatment in the hospital.

During the inspection of the procedure for dispensing and administration of medicines in the "CMH - Veliko Tarnovo" the team of the NPM found that all the requirements of the current regulations are met. In each of the 3 wards are equipped emergency cabinets with the necessary medicines in case of emergencies and accidents.

During the inspection, the NPM team identified a patient who was fixed. This procedure was not registered in accordance with Ordinance № 1 of 28 June 2005 on the procedure for applying measures for temporary physical restraint in patients with established mental disorders.

# PROTECTION OF PRISONERS IN PLACES OF SERVICE OF PENALTIES TO THE MINISTRY OF JUSTICE

## Development of the regulatory framework and state policy in the field

The quality of health care in places of detention remains unsatisfactory. The Ministry of Justice has not implemented the long-awaited changes in the Law on the Execution of Sentences and Detention (LESD) to reform the provision of health care. Systemic problems in the medical care of prisoners are identified, such as shortage of medical specialists in almost all prisons, neglect of complaints of prisoners, untimely release of prisoners to external specialists for diagnosis and treatment, rude treatment of medical professionals to prisoners, etc.

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### *Key Recommendations*

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- *Take necessary actions to amend the Law on the Execution of Sentences and Detention in relation to the health care with a reference to the National Health Care Fund;*
- *Introduce new HR policy in order to stimulate the employment and work of qualified medical and social workers*
- *Introduce a working mechanism to ensure the confidentiality of medical examinations of prisoners and detainees,*
- *To improve the control over the correct and timely registration of the cases of exercised physical force;*
- *Make efforts to address the presence of cockroaches and bedbugs in places of detention;*
- *The medical specialists of the prisons to comply with the requirements of Ordinance № 2 of March 22, 2010 and to examine the chronically ill prisoners.*

In almost all prisons there is no medical examination of chronically ill prisoners under Ordinance № 2 of March 22, 2010 on the terms and conditions for medical care in places of imprisonment. The quality of dietary nutrition in prisons has been the subject of constant dissatisfaction among prisoners over the years. It should be noted here that at the end of 2021 GDIN changed the diet in accordance with the new ordinance of the Ministry of Health. Sanitary and hygienic conditions in prisons remain unsatisfactory. During the summer season, a different regime is observed for maintaining personal hygiene and using fans, as well as for using hot water and electricity in prisons. In this regard, the NPM recommended to the DG Execution of Punishment (DGEP) to the Ministry of Justice to extend the time for the use of hot water and electricity during the summer season in places of detention.

The working conditions in the places of imprisonment are monitored by the Occupational Medicine Service, appointed by the DGEP, which visits the sites once a year, which is insufficient to follow the given recommendations.

In 2021, the inspected sites were found to comply with anti-epidemic measures against COVID-19 infection. DGEP timely adapts the orders issued by the Ministry of Health for

execution in the penitentiary system. The Directorate conducted a timely information campaign among detainees for vaccination against COVID-19 infection and more than 1/3 of prisoners in prisons have been vaccinated.

By Order № LS-04-587 / 28.10.2021 of the Deputy Minister of Justice, additional access rules were introduced, which limited the rights of detainees and visitors during visits and were not complied with with the objective state and the possibilities of the system in the places of imprisonment. The Ombudsman in his capacity as NPM reacted in a timely manner by expressing his opinion that the mechanical application of Order № RD-01-856/19.10.2021 of the Minister of Health, supplemented by Order № RD-01.861/21.10.2021 is incorrect, inapplicable and made a recommendation to the Ministry of Justice to review and amend Order № LS-04-



587/28.10.2021, in order to prevent violation of the rights of persons accommodated in places of detention in compliance with health anti-epidemic measures in accordance with the specifics of the system.

The NPM team found that the Ministry of Justice provides double funding for health care for prisoners. According to Article 128, paragraph 2 of the LESD, health insurance contributions are paid for all prisoners from the moment of their detention, acquiring the status of health insured persons with continuous health insurance rights. The contributions are at the expense of the state budget and are transferred through the Ministry of Justice. On the other hand, the Ministry of Justice has its own health care system. Pursuant to the LESD the medical care of the prisoners is carried out in medical centers and specialized hospitals for active treatment, opened at the places of imprisonment by the order of art. 5, para. 1 of the Medical Establishments Act. According to para 2 of the Medical Establishments Act, the medical establishments under para. 1 are part of the national health care system and the medical care provided in them corresponds to the general medical standards.

**The NPM again recommends to the Ministry of Justice to: amend the LESD in the part for the medical care with a focus on the national health system; to stop the double financing for medical care of the prisoners, once according to art. 128 of the LESD by the order of the National Health Insurance Fund and for the second time, according to Art. 129 of the LESD, by maintaining its own health system. The NPM recommends as well to seek to improve the quality of medical care and by improving the working conditions of medical professionals.**

In connection with the implementation of the goals and objectives set in the Strategy for the Development of the Penitentiary System in the Republic of Bulgaria for the period until 2025, the Ombudsman requested detailed information on the implementation of item 9.5 and item 11.1. of the Strategy (start the construction of a pilot prison with a training center for EPDG staff and its territorial services; development and implementation of major infrastructure projects - a new prison with sufficient capacity in Sofia or the surrounding area; new arrest; new administrative building for DGEP). With a letter with registration №1222 / 03.02.2021 from EPDG they state: “A land property has been provided by the Ministry of Interior to the Ministry of Justice for the construction of a new administrative building of DGEP in Sofia, Vrazhdebna district. In 2021, the design of a new detention center and administrative building in the Vrazhdebna district will start, for which funds in the amount of BGN 350,000 have been pledged from the budget of the General Directorate for Capital Expenditures. In 2021, the work concerning the prison - the city of Sofia and its adjoining dormitories continued. Again, a request was sent to the Ministry of Justice to provide detailed information on the actions taken and the implementation of the objectives set in item 9.5 and item 11.1 of the Strategy in 2021, providing the developed conceptual and investment project for the construction of a pilot prison connected to a training center and a previous ward (half way house) in Samoranovo and the documentation concerning the announced public procurement and selection of the contractor for construction ) of a pilot prison.

## **Results from NPM inspections carried out in 2021**

In 2021, the NPM inspected seven prisons, two correctional facilities for underage boys / girls (Vratsa and Sliven), sixteen prison dormitories, six arrests and eight regional offices of the Ministry of Interior.

From the conducted inspections of the living conditions in a total of 31 places of imprisonment at the Ministry of Justice, there is a positive tendency to improve the living conditions and reduce the number of accommodated persons.

**There is still a long-standing problem with the presence of cockroaches and bedbugs in places of detention, and this was found in all inspected sites. The National Preventive**



**Mechanism has repeatedly assessed it as a gross violation of Article 3 of the Law on the Execution of Sentences and Detention and in this regard has made numerous recommendations, in previous reports, to address this issue.**

Without being included in the list of permitted items, there was a period when cockroach and bed bug repellents were sold in the shops of the Prison Fund. There were not so many complaints then, because there was an opportunity for the prisoners to take independent measures. In this regard, the Ombudsman of the Republic of Bulgaria, in his capacity as a National Preventive Mechanism, recommended to the Minister of Justice to allow the use of such drugs by prisoners, allowing their purchase and use.

In 2021, the NPM again requested DG Execution of Punishment to provide information on measures taken to address the systemic and deepening problem of cockroaches and bedbugs in prisons.

Letter Reg. № 11522 / 11.11.2021 of the DGEP states that: "With regard to the extension of the list of permitted items to include insecticides, the same are biocides and disinfection, disinsectization and rodent control are carried out only by persons with the necessary qualifications, in accordance with the requirements of Ordinance № 1 of 5 January 2018 on the terms and conditions for disinfection, disinsectization and rodent control "; The treatments for disinsection and deratization / DD / in the territorial services of DGEP in 2021 were carried out according to a contract № 650/20.01.2021 with the company DZZD "FAVORITE MANAGEMENT" for disinsection and deratization in the buildings of DGEP and its territorial services. The contract is concluded for 36 months from the date of signing. According to the contract, the disinsection treatments are carried out eight times a year or twenty-four times for the entire term of the contract. Deratization is carried out twice a year or six times for the entire term of the contract. Treatments are carried out according to a schedule in case of need, in case of registered presence of insects or rodents within 12 hours from the submission of the application. So far, six treatments have been carried out in the territorial offices of the General Directorate of Internal Affairs, and in the current month / November / another processing is being carried out.

During the inspections carried out in 2021, it was found that the available mattresses in the dormitories, in all places of serving the sentence of "imprisonment" are depreciated, obsolete and hygienically unreliable, on which it is impossible to sleep. No new mattresses have been delivered to prison warehouses for years. If necessary, the old mattresses are patched, disinfected and used for years. They are uncomfortable to sleep, which requires prisoners to put 2-3 mattresses per bed. In this regard, a recommendation was made to the General Directorate of Internal Affairs and to take action to purchase new mattresses for prisoners. To date, this recommendation has not been implemented.

Undoubtedly, the above-described problems will continue to be the focus of the NPM inspections this year as well.

**A negative trend has been established during the audited period - there was an increase in complaints about the use of physical force and inaccurate registration of cases in the Register of Traumatic Injuries by medical professionals.** For each received signal, the NPM team performed an inspection. For each use of force and aids, the reports required by law by the employees of the NSA should be prepared, according to Article 118, paragraph 2 of the LESD. In fact, in all inspected places of detention there is a Register for the use of force and aids and a Register for traumatic injuries, which, however, were not filled in properly in some of the inspected sites. In the presence of data for illegal use of force and aids, an internal inspection is carried out by the administration of the penitentiary institution, and according to Art. Art. 119d, para 4 of the RILESD, upon ascertainment of traumatic injuries, the medical specialists shall take immediate actions for notifying the respective prosecutor's office and for sending the relevant documents and photographs. During the year, during a sudden inspection of the NPM in the prison - Lovech, a violation of the medical assistant was found in connection with the registration of a case of a prisoner with visible signs of beating by the

supervisory staff, established during a subsequent investigation. The staff and the medical assistant were disciplined. During the inspection of the medical documents in the prison - Burgas, in the Register of Traumatic Injuries there were no prisoners, who during the interviews in the prison building reported that they were beaten by officers of the supervisory and security staff on specific dates. . For these cases, the head of the prison informed the NPM that disciplinary proceedings had been instituted against one of them. The remaining two cases will be inspected, after which the NPM team will be notified of the actions taken.

The NPM has received numerous complaints from prisoners or their barristers for suffering physical force, including on the side of paramedics at the Specialized Hospital for the Treatment of Detainees (SHPTD) in Sofia. Upon inspection in the Register of Traumatic Injuries of the hospital, all registered cases are for self-harm or fights between prisoners. **The NPM believes that there is a problem with the use of physical force in SHPTD. Example:** A mother of a prisoner reports that her son called from the hospital that he was beaten by a warden, but does not want to be checked so that there is no trouble afterwards.

Another systemic deficit that the NPM has identified over the years is **the lack of budget funding for adequate activities in the work of social workers and the re-socialization of prisoners.**

In previous reports, the National Preventive Mechanism has noted that due to the large number of prisoners housed in each prison group throughout the penitentiary system, there is a squad organization in the execution of sentences. This leads to an excessive workload of social workers, which is why individual plans are formal, and the assessment of regime change, open-type dormitory and parole is inevitably accompanied by subjectivism. In this regard, the judicial control introduced by the latest amendments to the LESD is inevitably influenced by the opinion of the administration.

The observations in 2021 are for the lack of overcrowding in the penitentiary system, leading to a reduction in the workload of social workers. **However, the problem remains with the actual individual execution of the sentences of prisoners. According to the individuals, the lack of work by social workers with them inevitably leads to unchanged assessments related to regime change, transfer to an open dormitory or parole.** After a number of checked prison files, the NPM issued an opinion on the blanket preparation of the subsequent re-planning of the execution of the sentence and the overall prepared risk assessments. During the reporting period, as can be seen from the reports prepared on the activities of the penitentiary institutions, a high percentage (about 80%) of the applications for parole was rejected by the court. The decisions of the court are mainly based on the negative opinions received from the prison administration, which indicate the non-correction and non-education of prisoners.

Complaints about high prices in prison shops and the lack of jobs for prisoners continued. Still persisting is the bad practice of conducting public procurement for the supply of food products in the shops, instead of switching to direct deliveries from local traders. Artificially high prices have been created, and the monopoly is strengthened by a list of items that can only be purchased from the shop and cannot be imported on visit.

## **PRISON – VRATSA TOWN**

The Prison - Vratsa has a Correctional Home for Juveniles, a prison dormitory of open type "Vratsa", a prison dormitory of closed type "Boychinovtsi" and an arrest - Vratsa.

### *A) Living conditions*

The prison was visited by a team of the National Preventive Mechanism in 2019. This year it was found that there are no significant changes in the material base since the last visit.

During the inspection of the prison building, the total number of persons serving a sentence of "imprisonment" was 245, with a capacity of 4 square meters on the basis of 336. The prison administration has data on available square meters for each of the premises and apparently strictly complied with the legal requirements for the living space of each of the detainees.

Over 60% of the detainees perform voluntary unpaid work on the basis of Article 80 of the LESD. An average of 40 detainees per month perform volunteer work. The work is primarily related to the sanitation of certain areas in the PPA and the implementation of repair and construction activities, maintenance of green areas. During the months of February and the beginning of March, in connection with the relocation of the Ceramic Factory Protected Area on the territory of the Boychinovtsi Protected Area, repair works were carried out on the third floor of the dormitory, where many prisoners were involved. Five prisoners work in the staff of the Boychinovtsi Public Health Insurance Fund.

**The correctional home for juveniles was opened in 2018 in a renovated building.** On the day of the inspection we found that the building needs major repairs, it is necessary to replace the flooring throughout the building. There is moisture and mold in all bedrooms.

Despite the different status of the detainees, the open and closed divisions were not organized in the correctional facility.

It should be noted that the RILESD does not make a significant difference in the regime of minors, as the only difference between the "strict" and "general" regime on the one hand (Art. 204 RILESD) and the "light" regime on the other (Art. 205 RILESD), is the movement on the territory of the home with or without an escort. The bedrooms, regardless of the regime, are locked at night. The architecture of the building in the Correctional Facility leads to an apartment lock, not a corridor lock. That is, the persons are divided into several small groups, according to the capabilities of the building stock.

When the minors serving the sentence reach the age of majority, they are transferred to serve their sentence in an open dormitory, and those in a strict regime or with a remaining 5 years - in a closed type, according to the requirements of Art. 194 of the LESD. This leads to a paradox - the adult and serving the sentence in open type with a certain general regime will move unaccompanied on the territory of the dormitory, and the minor with general regime will move with an escort on the territory of the correctional facility. The reason for the paradox is the concept of "general regime", which has one content in a closed type and another content in the open type of places of imprisonment, ie corridor lock during the day in the closed type and free movement in the dormitory in the open type. In the present case, the concept of a 'general regime' for a minor is clearly equated with a general regime for a closed adult.

**The NPM notes that in case of subsequent amendments to the RILESD, a public discussion on this issue is necessary in order to possibly equate this regime with the open type, ie free movement on the territory of the correctional facility unaccompanied for minors with light and general treatment.**

By Order № CR-05-46 / 24.02.2020 of the Deputy Minister of Justice, an open-type prison dormitory "Ceramic Factory" was closed (CTD) and an open-type dormitory (OTD / "Vratsa" was opened on the territory of CTD " Boychinovtsi ". The detainees accommodated in the Ceramic Factory PJSC were moved to the town of Boychinovtsi, as in one building on the second residential floor is the Boychinovtsi Public Health Insurance Fund, and on the third residential floor is the Vratsa Public Health Insurance Fund. This organization creates tension in the detainees accommodated in the open type, as they cannot go to work. There is no opportunity for work in the town of Boychinovtsi, and the prison dormitory itself is far from the town of Vratsa, which is an obstacle for external companies to hire prisoners from the Vratsa Health Insurance Fund. At the same time, the school, which was on

the third floor, was closed. If prisoners want to study, they should address a request to the head of the prison - Vratsa, after which they will be transferred to the prison building to attend school there.

In view of the information provided by the Ministry of Justice in fulfillment of the goals and objectives set in the Strategy for the development of the penitentiary system in the Republic of Bulgaria until 2025, the team found that near the prison - Vratsa there is unusable building stock. It is planned to be reconstructed and on its territory to be built Vratsa Public Health Insurance Fund, which is currently housed in the building of Boychinovtsi Public Health Insurance Fund. However, this is a future uncertain event, as two public procurements have already failed due to lack of funding.

With this in mind, the National Preventive Mechanism turned to the Ministry of Justice for additional information on what actions have been taken and / or will be taken to speed up the procedure for building a new open dormitory and relocating persons from Vratsa. are currently serving their sentences on the territory of the Boychinovtsi PA.

By letter reg. № 7105 / 13.07.2021 by the Directorate General for the Execution of Sentences it was stated that: "To date, the Ministry of Justice has taken measures to build a new open dormitory and relocate of the persons from the Vratsa Public Health Insurance Fund, who are currently serving their sentences on the territory of the Boychinovtsi Public Health Insurance Fund, and a procedure has been opened for selection of a contractor for changing the purpose and equipment of an open Vratsa ".

The National Preventive Mechanism will continue to monitor the construction of the new open-type dormitory "Vratsa" in the next 2022.

In 2018, on the territory of the old Correctional Home for Juveniles in the town of Boychinovtsi, the Boychinovtsi PA was opened. There has been no significant change since the last visit of the National Preventive Mechanism to this prison dormitory in 2019. There is no overcrowding and living conditions are good. Complaints of cockroaches and bedbugs were again received. The bathrooms on the floor need renovation. The problems posed were related to the lack of employment opportunities. Again, we find that the territory and the building stock provide an opportunity for the development of this hostel. There is an unsuitable building stock, and its eventual demolition would allow for voluntary work. Our team even found that demolition had started, but then for inexplicable reasons this activity was stopped.

In its previous reports, the National Preventive Mechanism has made recommendations to the State Enterprise "Prison Case Fund" for the development of labor activities in the Boychinovtsi CTD and during this inspection reiterated its recommendation to the Executive Director of DPFZD to take the necessary action to demolish the unusable building. Fund, and measures for the development of labor activity will be identified after consultation with the management of the prison - Vratsa and CTD "Boychinovtsi". There is still no response to this recommendation.

On the day of the visit to the Arrest - Vratsa, 27 people were detained. The capacity of the detention center is for 60 detainees. This arrest also serves the Montana area.

Living conditions are excellent. The only remark that can be made is its inaccessibility for people with disabilities. There is no significant change in the findings of previous inspections. There is a room for women and minors, as well as a room for a lawyer's visit.

The arrest is located on the top floor of Secondary School "Mito Orozov", where prisoners from the first to the fourth floor study. Our team found that during their stay in the open, the detainees had contact with the detainees.

**In this regard, the NPM team recommended to the head of the prison - Vratsa to take measures to prevent contact between detainees and students imprisoned at Secondary School "Mito Orozov" to the Vratsa Prison.**

The response received from the administration of the Vratsa Prison states that additional instructions were given to the employees of the supervisory and security staff not to allow contact on any occasion between detainees in custody and prisoners from the school to the Prison – Vratsa when escorting and when staying outdoors.

### *B) Medical care*

The medical care of the Vratsa Prison, Vratsa Arrest and the Correctional Home for Juveniles - Vratsa is provided by the Medical Center / MC / of the prison. The medical center employs 3 nurses on an 8-hour working day and a doctor on a part-time basis, three times a week. The Medical Center has a dental office with a schedule twice a week, and it also serves prisoners from the Vratsa Health Insurance Fund and the Boychinovtsi Health Insurance Fund.

It was established that not all detainees were issued a Receptor Book for the Chronically Ill by the decision of the TEMC under the NHIF. According to art. (4), of Ordinance № 2 of 22 March 2010 on the terms and conditions for medical care in places of deprivation of liberty, the medical examination of the chronically ill shall be carried out by an order determined by the Minister of Health. The recommendation of the detainees from the prison in Vratsa to be transferred to the Boychinovtsi Public Health Insurance Fund with prepared medical documents / Health Card / prepared during the primary medical examination is not implemented. According to LESD, Art. 128. (1) (suppl. - SG 13/17, in force from 07.02.2017) upon execution of the punishment of imprisonment conditions shall be created for protection of the physical and mental health of the prisoners. A medical file is created for each prisoner, which contains information and constantly maintained data on his health condition. When a prisoner is transferred to another prison, the medical file shall be sent immediately to the receiving territorial office.

The Register of Traumatic Injuries is kept in the Medical Center and until the moment of the inspection among the registered cases there are no ones with traumatic injuries due to illegally exercised physical force of employees of the supervisory and security staff.

The sanitary and hygienic conditions in the cells and the sanitary unit of the hospital at the Medical Center are unsatisfactory, it is located on the ground floor and there is a lack of daylight. The NPM recommends looking for an opportunity to relocate the hospital to the MC. During the inspection, complaints were received from prisoners from prison for not releasing the prescribed drug "Clonarex"; another prisoner diagnosed with "Bilateral aseptic necrosis of the TBS" reported that there was no money for artificial joints that were not paid for by the NHIF; detainee reports that no research has been conducted, etc. Complaints were checked and resolved during the inspection.

There are no complaints about the medical care of those accommodated in the Juvenile Correctional Facility and the Arrest.

The epidemiological situation in the prison at the time of the inspection was characterized by one prisoner and one COVID-19-detained infection, proven by a rapid antigen test without clinical symptoms. Sufficient cells have been provided for isolation and quarantine. During the meeting with the detainees and detainees, it was established that everyone was aware of the possibility of being vaccinated with vaccines of their choice and to consult with the prison doctor. The NPM considers the actions of the General Directorate of Internal Affairs and the prison administration to be very good for the implementation of the National Vaccination Plan against COVID-19 of the Republic of Bulgaria, in the conditions of the penitentiary system.

**The NPM again recommended to the sector "Medical care in places of imprisonment" of the GDEP to provide methodological assistance in the organization of medical care in the prison - Vratsa.**

During the interviews, the detainee reported that he had been beaten by members of the supervisory and security staff. The on-site inspection showed that he was examined by two medical specialists in the Health Insurance Fund, entered in the Register of Traumatic Injuries and taken out for examination by a forensic doctor after his wife paid for the examination. The opinion is that convincing data on traumatic injuries cannot be established. Another prisoner reported that he had been denied a break under Art. 447, vol.3. of the Criminal Procedure Code (CPC) on the grounds that there is no specified medical institution for the treatment. The NPM considers that the medical commission of the Sofia Prison should notify the medical center of the prison of the necessary documents when giving an opinion under Art. 447 of the CPC. The team of the NPM received complaints that detainees have been waiting for a long time for treatment at the dentist in the prison - Vratsa.

Inspections in the cells revealed the presence of foodstuffs, including eggs, which should not be sold in prison stalls. **This is a long-standing problem for all prisons and the NPM recommends to the GDEP, if necessary, to expand the list of food products in the shops, selling only authorized products and carrying out systematic health control of the sites.** Complaints about the limited possibility of bathing detainees were not confirmed. According to the available schedule, it is possible for working prisoners to bathe daily, and the rest twice a week. There is an opportunity for dietary nutrition of prisoners who follow a certain diet.

#### **TOWN OF PAZARDZHIK PRISON**

The Pazardzhik Prison has an open prison dormitory (OPD) "Pazardzhik" and an Arrest - Pazardzhik.

##### *A) Living conditions*

The prison was visited by a team of the National Preventive Mechanism in 2018. At that time, a complete overhaul of the building was noted.

The repair was completed by the day of the inspection. The construction of a new building of the school continued - a branch of Secondary School "Pop Mincho Kanchev" at the Stara Zagora Prison.

The inspection team received complaints from inmates about overcrowding in the dormitories.

After the complete renovation, the bedrooms were reconstructed. The team of the NPM requested a reference for the number and dimensions of the dormitories in the compartments and the installed beds. In the premises where there were allegations of overcrowding, the National Preventive Mechanism carried out a new measurement, which found that the area corresponds to that in the report provided. For this reason, the allegations of the detainees about overcrowding were considered unfounded.

Despite the complete renovation, in some rooms there was moisture and mold on the walls and in the bathrooms. The prison's kitchen has not yet been repaired.

**The team of the National Preventive Mechanism made a recommendation to the head of the Pazardzhik Prison for a complete overhaul of the prison kitchen and replacement of electrical appliances.**

The prison's domestic staff includes 42 prisoners.

On average, about 94 prisoners are involved in work with companies that have signed a contract with the Prison Fund. The voluntary work by the order of art. 80 of the LESD include an average of 27 prisoners per day.

As of January 1, 2019, the Sredna Gora open-type prison dormitory has been closed, and the detainees have been transferred to the Pazardzhik open-type prison dormitory. According to the prison administration, no new prison dormitory is planned.

On the day of the inspection, 67 persons serving a sentence of "imprisonment" were accommodated in the Pazardzhik open-type prison dormitory, five of whom were working at external sites. The capacity of the dormitory on the basis of 4 square meters is 60 people.

According to the administration, in order to increase the capacity of the dormitory, a partial renovation of the building was carried out, but this is not enough to provide the necessary 4 sq.m. to every prisoner.

In 2020, 109 prisoners were admitted to the Pazardzhik OPD, of which 94 were of the "open type" category, entering the prison for the first time and 15 were re-categorized by order of the head of the prison.

The living conditions in this dormitory are not good, the dining room needs urgent repairs. During the inspection, the bathrooms were being repaired. **In this regard, the National Preventive Mechanism made a recommendation to the Minister of Justice to allocate funds for the overhaul of the Pazardzhik OPD.**

The response received from the GDEP states that when approving the budget for 2022 and determining the priority repairs in the places of imprisonment, if possible funds will be provided for repairing the entire basement of the prison building - Pazardzhik, including a major renovation of the kitchen unit. It is also planned to carry out specific construction activities in the Pazardzhik Health Insurance Act.

Since February 2017, Arrest - Pazardzhik has been opened, which operates on the territory of the Pazardzhik Prison. The capacity is for 35 places, and on the day of the inspection there were 14 detainees.

There is a room for detaining women and detaining minors. Each room has its own bathroom.

The necessary documentation is kept. Internal regulations have been announced.

#### *B) Medical care*

The inspection established that there is no change in the staffing of the medical center / MC / of the prison and it is provided with staff to carry out the activity. External medical specialists come to the Medical Center to conduct on-site examinations: cardiologist, neurologist, psychiatrist and others.

The MC serves the inmates of the prison and the prison dormitory, as well as the detainees in the detention center. From the checked registers of traumatic injuries it is evident that there are no registered cases of traumatic injuries of detainees caused by the supervisory and security staff.

During the interviews, dissatisfaction was found among many of the interviewees: the detainee GR with luxation of the left wrist joint reported that he had not been treated. An inspection at the Medical Center revealed that the medical specialists had decided that there was nothing more to be done; prisoner R.J. reported pain in his left ankle, difficulty moving and a lack of attention from medical professionals. The inspection at the Medical Center showed that the person has not complained about this problem so far and will be examined; the prisoner A.K. He said he had not been diagnosed for a month, had back pain, could not sleep, could not eat and often vomited. During an inspection at the Medical Center, he was informed that his health condition had not been specified and that he was about to have a Ro-graphy of his spine and lungs.

The interviews also showed that the detainees were aware of the possibilities for vaccination against COVID-19 infection.

The prison detention center did not receive any complaints from the detainees about the medical care.

During the inspection of the open-type prison dormitories, most of the detainees were at work. Only one of them complained about the quality of his health care at the prison's medical center.

The checked menus of the prison kitchen showed that the food is prepared according to established diets and calorie balance for the week.

The medical center is provided with rapid antigenic tests for COVID-19. An opportunity has been created to isolate newly accommodated detainees in the prison detention center.

In the Pazardzhik OPD, the sanitary-hygienic and living conditions of the persons are unacceptable and outside the permissible health norms.

## **PRISON – TOWN OF BURGAS**

There are open type prison dormitories "Stroitel", "Zhitarovo" and "Debelt 1", a prison dormitory of closed type "Debelt" and an arrest in the city of Burgas.

### *A) Living conditions*

The prison was visited by a team of the National Preventive Mechanism in 2020. There has been no significant change since the last visit. On the day of the inspection, 234 people were accommodated in the prison building. The required living space in the inspected dormitories was observed in relation to the number of accommodated persons, but they did not meet the requirements due to the presence of moisture and mold, although cosmetic repairs were carried out this year. The inspection team received numerous complaints about the presence of cockroaches and bedbugs.

**In the area of increased security, living conditions also do not meet European treatment requirements. Here, too, there is moisture and mold on the walls, as well as the presence of cockroaches found by the NPM team.** The bedrooms have separate bathrooms.

On the day of the visit, 72 detainees were accommodated in the Stroitel OPD, and the capacity of the dormitory was full. There has been no change since the visit of the National Preventive Mechanism in 2020.

**The condition of the building stock has clearly deteriorated. The bedrooms on the ground floor, at the back of the dormitory, are overcrowded. In general, the bedrooms are small and do not meet European requirements for accommodation.**

Following the NPM's visit in 2020, the team recommended to the DGEP that the dormitories in this prison be renovated.

A letter dated 15 January 2021 from the GDEP to the Ombudsman stated that: "The repair works are about to start in 2021".

According to the prison administration, in 2021 the entire dormitory will be renovated. There is an unusable building stock, which will also be reconstructed, thus increasing the capacity of this prison dormitory. At the time of the inspection, the repair work had not yet started.

During the visit of the NMN in 2020 to the Jitarovo OPD, a recommendation was made to the GDEP for a complete overhaul of the dormitories in this prison dormitory, which, however, was not implemented. A letter dated 15 January 2021 from the GDEP stated that: *It is imperative to prepare a conceptual design, quantity and value accounts and finance their implementation, in accordance with the prescriptions of the relevant construction experts.*



On the day of the inspection, there were 86 detainees in the Zhitarovo OPD, of which 74 were engaged in labor activity. Only 9 people are not engaged in employment. In 2020, the renovation of the canteen had begun, which was completed by the day of the visit. The kitchen is in good hygiene, but the electrical appliances need to be replaced.

37 prisoners were accommodated in the 1st dormitory, and it was divided into two. The flooring is chipboard and the toilets are in a terrible state. In the 3rd bedroom there were 22 prisoners, the flooring is tiled. The bathroom needs repair.

Three prisoners are accommodated in the 8th bedroom. This room does not have a private bathroom, which requires people to use buckets at night, as the bedrooms are locked.

Prisoners with health problems are accommodated in the second residential area. There were 5 people serving a sentence of "imprisonment". This area consists of a common room, the flooring is concrete and linoleum. There is a private bathroom, in poor condition.

**The team of the NPM assesses the conditions in the Jitarovo OPD as a violation of Article 3 of the Law on the Execution of Sentences and Detention.**

**Pursuant to Art. 46 of LESD, the NPM recommended to the Minister of Justice that the Jitarovo OPD be reconstructed in order to bring it in line with European requirements concerning places of detention.**

The National Preventive Mechanism will monitor the implementation of the above activities in 2022.

By order № LS-04-25 / 15.01.2018 of the Minister of Justice, the Debelt 1 Open type Prison Dormitory was established.

On the day of the visit, 289 persons were accommodated in the Debelt CPD and 74 in the Debelt 1 OPD.

The Ombudsman's annual report as a National Preventive Mechanism in 2020 reiterated a recommendation to the Minister of Justice to take the necessary measures to comply with the provision of Article 71a of the Law on Public Procurement in Debelt 1, as it is located in the building "Debelt."

During the current inspection, the NPM found that the detainees in the Debelt 1 OPD move freely and independently in all premises designated for them / second floor of building "B1" /. A metal door was made, installed as an exit to the yard from the stairwell in building "B1", to which only prisoners of open type have access. This gives direct access to the outdoor area to the west of the building. The allotted time for continuous access for the exposed type is from 08:30 to 17:30. The built place for outdoor stay consists of two tables with chairs and a small canopy.

The current situation also creates great tension among the accommodated persons in the open type.

Although the NPM takes into account the actions of the competent institutions, it assesses them as insufficient and again made a recommendation to the Minister of Justice to take measures, as soon as possible, to comply with Article 71a of the RILESD as regards the detainees residing in Debelt 1 OPD.

In this regard, the DGEP stated that the necessary measures have been taken in the Debelt 1 OPD to comply with the provision of Article 71a of the RILESD. At the same time, work is underway on the development of building "C" in the Debelt CPD, where open-type prisoners will be accommodated in compliance with all legal norms.

In March 2015 the pre-trial detention center was opened on the territory of the prison - Burgas. After August 2016 the arrest passes to the administrative subordination of the prison.

There are 9 detention facilities with 36 places for accommodation of accused and defendants who meet the European requirements for a place of detention. There were 50 detainees on the day of the inspection. There is a constant overcrowding in the detention center. All detention facilities need renovation.

The detention center has a Register for the use of force and aids, a Register for emergencies, a Register for removals, as well as a room for a lawyer's visit.

**The NPM recommended to the Minister of Justice to repair the premises in the Arrest - Burgas.**

**In connection with this recommendation, the DGEP informed the National Preventive Mechanism that in 2022 it is planned to continue the repair works in Arrest - Burgas, as well as to increase the number of rooms for detainees by reorganizing the location of individual zones on the first floor of the prison building.**

#### *B) Medical care*

The prison's medical center employs a designated GP (for all inmates in the corps, dormitories and detention center), a medical assistant and a nurse. A medical assistant works on site at the Debelt OPD. Detainees in the detention center (which is housed in the prison) are provided with medical assistance by prison specialists. One full-time position remains for a full-time doctor - manager of the Medical Center, which has a negative impact on the quality of medical care in prison.

Examinations to certify the health of detainees during the convoy are carried out by the nurse and are expressed in asking the question "does the prisoner have any complaints?". Complaints of detainees for ill-treatment by the prison's paramedic, as well as difficult access to GPs, continue.

In 2021 the manager of Burgas prison conducted a study of prisoners for hepatitis type "C", organized by the GDEP. About 1/3 of prisoners are vaccinated against COVID-19 infection. During the inspection of the medical documents, the Register for Traumatic Injuries does not include detainees, while during the interviews in the prison building the detainees reported that they were beaten by officers of the supervisory and security staff on: 26.06.2021, 29.06.2021 and 03.06.2021. They are not listed in the Register of Traumatic Injuries of the Medical Center, but proceedings have been instituted in one of the cases.

In the prison building, the detainees mainly complain about poor hygienic and living conditions - cockroaches, bedbugs, depreciated and obsolete mattresses, on which it is impossible to sleep. Not only in this prison, the NPM found that the mattresses were depreciated, obsolete and hygienically unreliable.

The Debelt OPD received complaints from the detainees, which the NPM team tried to clarify on the spot. Example: A prisoner with amputation of his upper limb has an expired TEMP decision. The medical assistant will organize his re-certification. A prisoner has an expired referral to an allergist. The medical assistant announced that the referral would be reissued and taken out for consultation; imprisoned with hearing problems - the medical assistant reports that she is not aware of the problem and if necessary the person will be taken out for consultation, etc.

At the Zhitarovo OPD, the NPM talks to a prisoner with an unhealed fracture of his right thigh - operated on 3 months ago, with a kuncher. He has not been rehabilitated and has not consulted an orthopedist-traumatologist since then. The NPM recommends the imprisoned D.S. to consult with an orthopedist-traumatologist and to carry out rehabilitation treatment. Deprived of liberty by Zitarovo OPD shows that his whole back was bitten by bedbugs for only one night in the dormitory

## PRISON – TOWN OF SLIVEN

The Prison - Sliven has a Correctional Home for Juvenile Girls, an open-type prison dormitory “Sliven” and “Ramanusha” and an Arrest Center - Sliven.

### *A) Living conditions*

The total capacity of the prison, based on 6 sq.m. for single accommodation and 4 sq.m. 341 persons were deprived of their liberty and detained for numerous accommodation, including the Sliven opd, the Ramanusha OPD, the Juvenile Correctional Facility for Juveniles and the Men's Detention Center. The prison also has a reception ward with a capacity of 35 people and a ward with an increased level of security with a total capacity of 34 people.

The juvenile correctional facility is located on one floor and includes 10 living quarters. Its capacity is 31 girls. There was only one person accommodated on the day of the visit.

The prison in Sliven was visited by a team of the National Preventive Mechanism in 2018. On the day of the inspection, there were 111 people serving a sentence of "imprisonment". The living conditions are good.

There is a Wreath Making Workshop, a Household Cleaning Workshop and a Tailoring Workshop attached to the prison in Sliven. The bathroom in the Wreath Making Shop is in a very bad condition, which is why the NPM sent a recommendation to the head of the prison to repair this room.

The building of "Sliven" opd consists of two residential floors. The material conditions are satisfactory, but the bathrooms on both floors need repair.

On the day of the inspection, 47 persons serving a sentence of "imprisonment" were accommodated, most of whom were employed.

The NPM recommended to the head of the prison that the toilets in the Sliven Prisob be repaired.

In the one-storey building of Ramanusha OPD there are 11 residential premises with a capacity of 44 people. The number of persons accommodated in Ramanusha OPD was 32. Almost all persons are employed. The material conditions in this dormitory are not good. The bedrooms need renovation. They are equipped with wood and coal stoves, providing heating during the winter season. The bathrooms also need repair.

In this regard, the NPM team recommended to the Director General of DGEP to consider the possibility and allocate funds for the construction of a new heating system in Ramanusha, as well as to repair the bathrooms in this prison dormitory. In connection with the implementation of this recommendation by the prison administration - Sliven indicate that a motivated proposal will be prepared for the design and construction of a heating system on the territory of Ramanusha, which will be sent for approval to the Board of the Fund imprisonment. "

In 2019, a new detention center was built on the territory of the prison - Sliven. As of the day of the inspection, there were 24 detainees. There are two separate open-air lodges with a telephone available for detainees to make telephone calls. The material conditions in the detention center are good.

### *B) Medical care*

The medical center of the Sliven Prison is provided with staff for its activities, and on-site examinations are performed by other medical specialists if necessary. The medical center serves prisoners in prisons and dormitories, as well as detainees. General medical records are kept, including a Register of Traumatic Injuries. It is common practice for homosexual couples to be housed in separate cells, and 1/3 of prisoners are vaccinated against COVID-19 infection. Two women have died this year, one from a complication of COVID-19 infection.

There are currently two pregnant women in the mothers' and children's sector. One of them is a foreign citizen and her pregnancy is problematic. She is being monitored at the Hospital "Dr. Ivan Seleminski" - Sliven, but there is a language barrier, which creates difficulties for her service. The other pregnant prisoner has a visibly poor dental status / only roots /. The NPM found that the birth is pending for extraction of the tooth roots by a maxillofacial surgeon and making dentures. For the year there is one birth of a prisoner who has mental problems. The child was taken away by the social services and the prisoner was placed in the Specialized Hospital for the Treatment of Detainees (SHPTD) - Lovech, with a prosecutor's decree for certification.

Clinical trials for AIDS and syphilis are performed on admission of all women. According to the assessment, tests for TB are performed in RHI - Sliven. This year, a medical team from Stara Zagora conducted a study for hepatitis type "C" of all women prisoners. Twelve cases have been diagnosed and will be treated by the NHIF. The doctor of the Medical Center announced that medical examination of the detainees could not be done.

Most of the complaints of prisoners are about the quality of dental care. Other complaints: Deprived of liberty with chronic diseases - Coxarthrosis on the right, glaucoma and cataracts of the eyes, has appointed consultations with specialists, but she was denied interruption of serving the sentence for surgical treatment. The doctor of the prison undertook to organize treatment under Art. 135 of the LESD; Another prisoner has an EP for osteoarthritis. Reported delayed drug delivery, pain, and difficulty moving all joints. The prison doctor was recommended to present the detainee to the Specialised Medical Commission for the provision of aids and an orthopedic mattress.

During the inspection in the prison kitchen it was established that 4 approved diets are being prepared. The NPM team tasted the food for the day and found that it has satisfactory organoleptic qualities. The director of the Medical Center has given instructions for providing soft drinks to the workers imprisoned in the three workshops during the summer season.

During the on-site inspection in the wreath shop at 10 a.m. the room temperature was 27 degrees. In the other two workshops, the NPM did not see a thermometer to measure the room temperature.

The NPM recommended to the DGEP to provide an opportunity to attend courses for maintaining the qualification of medical specialists in the system. Hair shampoo instead of soap should be included in the personal package for prisoners.

The NPM recommended to the prison doctor to comply with the requirements of Ordinance № 2 of March 22, 2010 on the terms and conditions for medical care in places of imprisonment, Article 12, paragraph 4, and that the medical examination of the chronically ill is carried out in accordance with rules approved by the Minister of Health.

The head of the prison was recommended to make flexible work schedules for prisoners during the summer season. Increase the hours for using hot water and the time for using electricity in the evening so that personal fans can be used by prisoners.

## **PRISON – TOWN OF VARNA**

There are open prison dormitories "Varna" and "Razdelna", a prison dormitory of closed type "Razdelna I" and an arrest prison in the city of Varna.

### *A) Living conditions*

The prison was visited by a team of the National Preventive Mechanism in 2017. In the same year, a partial renovation of the prison building was carried out.

On the day of the inspection, 236 people were accommodated in the prison building. The total number of persons in the open dormitories was 284, and in the closed type there were 90 accommodated.

In the inspected dormitories, in the prison building, the required living area was observed in relation to the number of accommodated persons, but in some of the rooms there was moisture and mold on the walls and in the bathrooms. The inspection team found cockroaches and bedbugs in all inspected dormitories.

An inspection of the Prison Medical Center found that it needed a complete renovation. There are three hospital rooms and three isolation rooms, where prisoners with COVID-19 infection are isolated. There is a separate dining room, which in addition to repairs also needs to replace the available appliances. The bathroom and toilet are clearly in poor condition.

**The team of the National Preventive Mechanism made a recommendation to the head of the prison - Varna for a complete renovation of the premises and replacement of electrical appliances in the Medical Center of the prison.**

The kitchen in the prison building also needs repair and replacement of electrical appliances, so the NPM recommended to the prison director to repair it and replace the existing electrical appliances.

The response received from the DGEP following the recommendations states that in the presence of financial resources from the state budget funds will be provided in the calendar year 2022 for repairs in the medical center and kitchen of the Varna Prison.

Varna Prison Dormitory is located on the territory of the prison - Varna. On the day of the visit, there were 59 persons serving a sentence of "imprisonment", with the capacity of the dormitory being 80 persons. The living conditions are good. Access to hot water is provided daily. There is a very high percentage of detainees involved in work.

In 2016, a complete renovation of the open dormitory "Razdelna" was carried out.

According to Order № LS-04-1326 of 05.08.2016 of the Minister of Justice, a dormitory of closed type "Razdelna I" - II category was opened, located on the 2nd and 3rd residential floor in the renovated building of the dormitory of open type "Razdelna".

After the renovation, the capacity of the dormitory is for 272 prisoners, of which for the open type - 92 prisoners, for the closed type - 180 prisoners.

On the day of the inspection, 130 persons were accommodated in the open type and 87 in the closed type prison dormitories. Given the obvious overcrowding, there is an open type dormitory on the second floor of the prison building. However, this in turn creates a precondition for violating the provision of Article 71a of the Regulations for the Implementation of the Law on Execution of Sentences and Detention (RILESD), as the inspection team finds that on one floor /second/ live persons from the discovered and closed type. When people of the closed type pass through the corridor, the persons of the open type have to be locked in their bedrooms.

The NPM finds it inadmissible for people with different regimes to live together in one corridor.

In view of this finding, the team of the NPM recommended to the head of the Varna Prison to take the necessary measures to comply with the provisions of Article 71a of the Penal Code of the Republic of Bulgaria on the territory of the Razdelna OPD.

The material and living conditions in the Razdelna OPD and the Razdelna I CPD are good. On the day of the inspection, repairs to the bathrooms in the dormitories had begun. The kitchen and dining room are also in good condition. The necessary hygiene is maintained.

This prison dormitory is supplied with drinking water from its own water source - a captured spring, the flow of which is extremely insufficient (especially during the summer season) to provide the necessary amount of drinking water in each dormitory of prisoners. This circumstance has necessitated the introduction of a regime for the use of drinking water.

Our team received numerous complaints from prisoners both regarding the regime and the lack of an announced schedule for the use of drinking water in the corridors of the dormitory.

After talks with the administration of this penitentiary it became clear that the DGEP held talks with "Water and Sewerage" company - Varna to consider the possibility and conditions for connection of "Razdelna" OPD to the water supply network. The opinion of the company is that it cannot provide funding for the construction of this water supply network.

Given the situation, the NPM made a recommendation to the DGEP to consider the possibility of providing funding next year for the construction of water supply network and connection of "Razdelna" OPD to "Water and Sewerage" - Varna. The DGEP stated that measures have been taken for the possibility of connecting the water supply system of the Razdelna OPD to the network of ViK - Beloslav. Research, project preparation and coordination actions are carried out.

The Arrest in the city of Varna was visited by a team of the National Preventive Mechanism in 2017. At that time, repairs were found.

To date, the conditions in the detention center are not good - access to daylight is unsatisfactory, there is central ventilation. Each room has a bathroom with running water. The floor is tiled. The detention center has 19 rooms, each with an area of 13 square meters, and two of the rooms (9 and 10) are 18 square meters. With the required 4 square meters, the capacity of the detention center is 59 people.

On the day of the inspection, there were 24 detainees, and in July the number of detainees was 22. The average daily detention was 25.

The detention center has a room for walking, two rooms for lawyers' visits and two rooms for visits with citizens.

The arrest is located on the back of the building of the District Investigation Department at the District Prosecutor's Office - Varna. During its visit in 2017, the National Preventive Mechanism made a recommendation to the Minister of Justice for the complete relocation of this detention facility on the territory of the Varna Prison. As of the day of the visit, the recommendation has not yet been implemented. **Therefore, the NPM reiterated the recommendation given to the Minister of Justice the Arrest facility in Varna to be moved to the territory of the Varna Prison.** The response received from the Ministry of Justice states that the capacity and capabilities of the prison building does not allow for the separation of detention facilities in which it can be moved. The existing detention center is currently housed in the building of the District Prosecutor's Office - Varna, which has taken action to finance the upcoming overhaul of the entire building stock.

#### *B) Medical care*

The inspection revealed that the prison's medical center was not functioning. The prison does not have its own medical specialists. The medical care of the detainees is provided by GPs, officially determined by the NHIF, with working hours of 4 hours twice a week. There is dissatisfaction with the medical care of the officially appointed GP. The head of the prison has contacted RHIF - Varna to check and change the doctor. A doctor is provided once a week for 4 hours in the Razdelna OPD under a civil contract. During the inspection in Razdelna Health Center it was established that the

doctor had not worked in the last two weeks. Dental care is provided under a civil contract in the prison and "Razdelna"OPD.

**The NPM assesses the situation with the lack of medical specialists in Varna Prison as extremely unfavorable and critical for the medical care of prisoners and for the performance of health and administrative activities requiring the opinion of medical specialists, such as organizing hygienic and epidemiological control in the distribution of new prisoners from freedom, in a convoy of prisoners and in a medical certificate for school, etc.**

**The NPM believes that in order to provide the penitentiary system with medical staff, it is necessary for the Ministry of Justice to change its personnel policy for medical specialists, improving the working conditions and salaries of specialists, providing opportunities to maintain and improve their skills in the long run. Perspectives consider the possibility of negotiating quotas for training of medical specialists for the penitentiary system in higher education institutions.**

During the interviews in the Razdelna Health center, the NPM team received numerous complaints. Imprisoned with a stroke and myocardial infarction and diagnosed with Prostate Cancer (NPM requires epicrisis) did not know the diagnosis. He reported that he had pain when urinating and that no treatment had been prescribed. Upon subsequent inspection - the prisoner was presented to the Oncology Commission. Another detainee with a fractured toe and superficial injury showed a prescription for antibiotic treatment prescribed by an external specialist, which could not be started due to the lack of a medical person to dispense the prescribed medication. In the medical hospital of the Razdelna Prison, the NPM talked to a detainee who had gone on hunger strike. The NPM explained the consequences of the hunger strike. The prisoner was in satisfactory general condition, RR 100/80. It is under the supervision of the supervisory staff and, if necessary, CSMP will be sought. NPM talks to prisoners with schizophrenia, who is currently in an agitated state, treated at Specialized Hospital for the Treatment of Detainees (SHPTD) - Lovech, consulted with a psychiatrist from Varna. Another prisoner with Psoriasis vulgaris reported that he was not taken to a specialist and had no treatment.

Dietary nutrition in the Varna Prison is reduced to only one menu: general menu and diet menu. The diet menu combines all diets and it is given for all types of diseases subject to dietary nutrition, which makes the purpose of dietary nutrition meaningless.

The medical care in the detention center is provided by a medical assistant. There are currently no detainees with chronic diseases. A Register of Traumatic Injuries is kept in custody. An investigation was carried out into a prisoner in Varna Prison, who reported being beaten in custody, but such a person was not on the register.

## **PRISON – TOWN OF SOFIA**

The Kazichene Prison, the Kremikovtzi Closed Prison and the Specialized Hospital for Active Treatment of Prisoners operate at the Sofia Prison.

### *A) Living conditions*

On the day of the inspection, 520 people serving sentences of "imprisonment" were accommodated in the prison building. The capacity of the prison is for 670 people. The prison houses detainees from Sofia city and Sofia district and convicted foreign citizens who have not settled in the country, as well as persons detained under the Criminal Procedure Code.

In the inspected dormitories the required living area is observed, according to the number of accommodated persons, but they do not meet the requirements due to the presence of moisture and

mold. The bedrooms have separate bathrooms. On each floor there is a room with a kitchenette. The shutter windows are small, so there is not enough daylight in the bedrooms of the whole building.

The NPM team again received numerous complaints about the presence of cockroaches, which was also found by the inspection team. There were also many complaints about the high prices of goods offered in the shops.

In 2020, *ad hoc* inspection of the Sofia Prison was carried out, but it remained the focus of the NPM. On December 31, 2020, the following information was disseminated on the website of the Ministry of Justice: "Prisoners in Sofia Prison will celebrate the New Year in a renovated building." On January 8, 2021, our team visited the building of the Prison - Sofia and found that the information disseminated in the media is not true. In fact, the north wing of the prison was repaired, and the roof and under-roof space were renovated. On the fourth floor of the same wing, a total of 18 new bedrooms with private bathrooms, a separate shared bathroom and laundry room and a new shared kitchen have been built, but no detainees are accommodated in the rooms in question. According to the administration, such accommodation was expected to be organized in March 2021.

In 2021, numerous visits were made to the prison in Sofia by a team of the National Preventive Mechanism for dealing with individual complaints and signals of prisoners, during which it was established that in the northern wing there are still no prisoners. The present investigation established the same factual situation.

In view of the above, the National Preventive Mechanism requested information from the Ministry of Justice as to why the northern wing of Sofia Prison had not been open and whether detainees were expected to be housed there in the near future.

On the day of the inspection, 251 people were accommodated in the Kazichene OPD, and the capacity of this prison dormitory, according to the DGEP is 420.

117 of the detainees are engaged in work at external sites. Imprisoned foreign nationals are employed on the territory of the hostel in the home state.

The kitchen and dining room maintain good hygiene, there are announced menus, the tested food was within the expiration date.

Kazichene Health Insurance Fund has two identical residential blocks. There are three floors in each block, with 18 cells per floor. On each floor there are Rules for the internal order in the dormitory, a schedule for waking up, a phone number of the National Legal Aid Bureau.

There are two or three people in each dormitory. The required living area is observed. The bedrooms themselves are in good condition. Prisoners are provided with preparations to maintain the necessary hygiene. Each dormitory has a private bathroom, and there is a shared bathroom on each floor. Prisoners have access to constantly flowing cold water, and hot water is used on schedule, in accordance with the provisions of the law.

On each floor there is a separate kitchen block, where prisoners can prepare their own food. According to individuals, the food in the kitchen is not fully prepared, which then requires prisoners to cook it.

During its inspection in 2019, the NPM team found a violation of Article 51, item 2 of the Penitentiary Service and made a recommendation to the head of the prison to take measures for strict compliance with Article 51 of the Penitentiary Service in Kazichene. During the current inspection, the National Preventive Mechanism found that the provision was complied with and a corridor lock was implemented at night.

The inspection team did not receive any complaints about the presence of cockroaches and bedbugs.



On the day of the visit, 279 persons serving a sentence of "imprisonment" were accommodated in the Kremikovtzi CPD. According to the dormitory administration, its capacity is for 364 people, but the capacity announced on the DGEP website is for 403 prisoners.

The detainees are housed in two residential buildings. A separate building houses the workshop for the production of paper envelopes, in which about 30 persons deprived of liberty are engaged. They spend the night in this workshop, and the NPM assesses the conditions in this building as extremely unfavorable.

In the first residential building, located immediately after the entrance and the administration of "Kazichene" CDP, on the second floor there are three penitentiary cells, which accommodate two people. The total area of one of the cells was measured - 5.11 sq.m. Given these dimensions, only one person should be accommodated in each penitentiary cell. The living conditions in these premises are not good and need a complete renovation. On the day of the inspection, there was a person in a penitentiary cell who was found to have been in this room for eight days.

In all inspected bedrooms the flooring is made of rough concrete. There was moisture and mold in all the bedrooms, and the bathrooms were in unacceptable condition. Between seven and ten detainees are accommodated in one dormitory. In some of the inspected rooms there were leaks in the bathrooms. The NPM team received numerous complaints about the presence of cockroaches and bedbugs.

In the second residential building / barracks /, the detainees are heated with wood and coal stoves located in the premises. The walls are smoky, almost gray. The walls and ceilings of the bathrooms and toilets are covered with mold. The air in the toilets is humid and stuffy due to the lack of ventilation, except by opening the door to the bedroom, which in turn creates a prerequisite for the presence of moisture and mold there. According to the data, in March the sanitary units were repaired and new barriers were built, which, however, collapsed on the day of the inspection. These barracks are not subject to any reconstruction that can provide normal living conditions in them. After the undertaken repairs in other prison dormitories, the Kremikovtzi CPD is currently the dormitory with the worst living conditions in Bulgaria, with no prospects for improvement.

In its report from an inspection carried out in 2019, the National Preventive Mechanism defined the conditions in the Kremikovtzi CPD as inhumane, contrary to all sanitary and hygienic requirements. To this day, they remain the same.

Due to the poor hygienic and living conditions, the impossibility of corrective action and the existing danger of harm to the physical and mental health of persons serving a sentence of "imprisonment", pursuant to Article 46 of the LESD, NPM made another recommendation to the Ministry of Justice for closing the Kremikovtzi CPD.

The Ombudsman, as a National Preventive Mechanism, recognizes that the closure of the Kremikovtzi CPD is impossible without the construction of a new prison.

In view of the above, the NPM again appealed to the Ministry of Justice with a request to provide detailed information on the actions taken and the implementation of the objectives set in item 9.5. and item 11.1. of the Strategy in 2021, providing the developed conceptual and investment project for the construction of a pilot prison connected to a training center and a previous ward (half way house) in Samoranovo and the documentation concerning the announced public procurement and selection of the contractor for construction ) of a pilot prison.

#### *B) Medical care*

In the Medical Center / MC / of the Sofia Prison works one doctor, one medical assistant, one nurse. There is one vacancy for a doctor and one honey. sister. The dental office works according to a schedule. A private substitution therapy program for the treatment of opioid addicts operates independently. External medical specialists - a psychiatrist, a cardiologist and others - come to the

prison's medical center. when recruiting a certain number of prisoners in need of consultation. The medical center has a hospital with 3 beds. There was a complaint of a prisoner with cancer for severe back pain that did not respond to the prescribed medication. He was offered hospitalization at the prison hospital, but refused.

**During the year, the NPM team had numerous reports of detainees with health problems that were not examined and treated in a timely manner** (for example: a detainee with a certain time at a cardiologist was not taken out for consultation, a prisoner in a helpless state after using narcotic substances not taken to a doctor by the supervisory staff). It should be noted that the problem of drug trafficking in the penitentiary system is long-standing and remains unresolved. This year, after a drug overdose, he died in the toilets of the Kazichene CPD.

During the inspection, the medical specialists of the prison complained about the overload of the work process and depreciated, insufficient technical equipment for the activity. It should be noted here that **in 2017 the NPM made a recommendation to the DGEP for the introduction of an electronic health file of prisoners in the penitentiary system, available only to medical professionals in the system, which is compatible with data in the civil system.**

No change was found in the activity of Specialized Hospital for Active Treatment of Prisoners at the Sofia Prison. Opened as a specialized hospital for active treatment of internal diseases and surgery, it functions as a hospital for long-term treatment and rehabilitation - detainees are taken out for diagnosis or surgical treatment in external medical institutions and subsequently treated. There are quite a number of prisoners who have been in the hospital for years, they have chronic diseases, accommodated by prosecutorial decrees. Other seriously ill patients who need constant health / palliative / care cannot receive them in the medical centers of the prisons. **Due to these specifics, NPM has been recommending for years Specialized Hospital for Active Treatment of Prisoners - Sofia to re-register as a hospital for long-term treatment and rehabilitation.**

**The living conditions of the prisoners in the hospital are unsatisfactory.** For years no complete repairs have been carried out and the plaster in the cells/rooms has been worn out, in some places the flooring has been demolished, the hospital beds and bedding have been depreciated. During the year the NPM team checked many valid signals for lack of cold water in the rooms on the top floor of the hospital, for lack of central heating on the top floors in winter, for an elevator for more than 7 months, which hinders the movement of seriously ill patients, etc. . It was also found that the detainees stored large quantities of food purchased from the shop in the hospital rooms. In this regard, the NPM has recommended that the DGEP be provided with refrigerated display cases for food storage in prisons, which are purchased from the shops and for which a certain storage temperature is required. In case of possible impossibility to provide refrigerated display cases, the NPM recommended to the Ministry of Justice to update the list of permitted items, as in the part for food products only those that can be stored at room temperature are allowed.

The NPM has received numerous complaints from inmates and their advocates about the poor quality of hospital care, for example: inmates with cerebral aneurysms, inoperable, type I diabetes mellitus, hypoglycaemic coma, no consultation with an endocrinologist since 2019. ; imprisoned with a certain day and time for placing a pacemaker is not provided for removal to perform the manipulation; deprived of liberty with trophic ulcers on the lower legs on daily bandages was discharged prematurely and subsequently was admitted to a hospital in Pleven; Deprived of liberty with ear disease is required to pay for the traffic police examination in order to be operated on in an external medical institution.

The medical center of the Kazichene OPD employs a full-time medical assistant and two hours a week, a dentist. During the interviews, no complaints were received from the detainees regarding the medical care received by the paramedic.

The medical care of the prisoners in the Kremikovtzi CPD is provided by a full-time doctor. There is one vacancy for a nurse. During the inspection, many complaints were received from the medical service. Example: A detainee with low back pain who fell from a gymnastic lever was not allowed to see a doctor. Six detainees with one dose of Pfizer vaccine / BioNTech more than three months ago (notes showed) have not yet received a second dose. Deprived of liberty with anal cyst and concomitant AIDS, is not accepted for surgical treatment due to concomitant disease.

The NPM finds that prisoners with severe chronic diseases continue to live in extremely poor and unfavorable living conditions, which further worsen their condition. The NPM again made a recommendation to the head of the Sofia detention facility, prisoners in the Kremikovtzi CPD with severe chronic diseases to be moved from the premises of the first dormitory / group 8 / in cells with normal hygienic living conditions.

## **PRISON – TOWN OF LOVETCH**

At the Lovech Prison there are dormitories of open type "Polygon" and "Veliko Tarnovo" - Veliko Tarnovo, prison dormitory of closed type "Atlant" - Troyan, Specialized Hospital for active treatment of prisoners and arrest - Lovech.

### *A) Living conditions*

The prison was visited by a team of the National Preventive Mechanism in 2019. It was then noted that the recommendations given for the repair and re-equipment of the kitchens in the building and the Atlant CPD have been implemented. On the day of the visit to the NPM, the sports hall was being renovated.

The building of the Lovech Prison is divided into three zones: zone "A" / central building /, zone "B" / farm / and Specialized Hospital for Active Treatment of Prisoners / SHATP /.

On the day of the visit, there were 241 people serving sentences of "imprisonment". The capacity is based on 4 sq.m. living area is for 230 people.

The material and living conditions in the Zone for increased security are good. There are 4 penal cells with private bathroom. There is a shared bathroom on the floor. The premises in the Reception Department are also in good condition.

The central heating is on schedule in the morning and in the evening, with many complaints from the detainees that they have to run additional heating stoves because it is cold in the bedrooms.

Complaints of cockroaches and bedbugs were raised again.

On the day of the visit, there were 75 accommodated persons in the Polygon OPD, with a capacity of 4 sq.m. is 110. About 56 of the detainees are engaged in work at external work sites, and 9 are employed. The living conditions are good, except for the second wing on the second floor, which needs repair.

During the current visit to the Atlant CPD, there were 145 persons serving a sentence of "imprisonment". According to the GDIN, the capacity of this prison dormitory, based on 4 square meters, is for 217 people, and according to the prison administration - Lovech, its capacity is 229 people.

67 of the persons are engaged in labor activity:

- 11 are on household staff;
- 46 work in the Euroquarter workshop;
- 10 voluntary work.

In 2019, the NPM team found that the dormitory, including the kitchenette, had been renovated. However, living conditions remain poor. There are two penitentiary cells in a small corridor on the first floor. Only one had a private bathroom. These premises need renovation.

There was moisture and mold in all the inspected bedrooms, and the flooring was concrete. The NPM found that the replaced joinery was not installed correctly. It didn't close well, and cold air was everywhere. There have been many complaints about the lack of central heating. In 204 cells it was found that there was no window for 3 months. Nylon is installed. According to the administration of the CDP, a report was prepared and sent to the head of the prison - Lovech. During a conversation with the chief, it was specified that the contract concluded between the State Enterprise "Prison Work Fund" and the contractor company does not include a clause for replacement of broken / damaged windows.

It is worth noting here that in the past year the observations of the National Preventive Mechanism on the activities of the State Enterprise "Prison Work Fund" are that it is completely ineffective. According to the data of the heads of the inspected sites, the concluded contracts for construction and installation works and for delivery of construction materials have expired and no actions have been taken for their renewal or conclusion of new contracts. This in turn leads to the impossibility of carrying out ongoing repairs. Also, according to the administration of the penitentiary institutions, most of the generated profit of the prisons is received by the State Enterprise "Prison Work Fund", but the company in turn does not provide the necessary funding to the administrations of the penitentiary system.

For this reason, the National Preventive Mechanism requested from the Board of State Enterprise "Prison Work Fund" to provide information on the number of concluded and / or renewed contracts in 2021 and their subject, as well as information on the funds received from the generated profit of penitentiaries and their distribution.

Since 2016 on the territory of the prison - Lovech there is an investigative arrest, in a building - part of SHATP. It has four places for a visit with protecting barriers and a room for a lawyer's visit without barriers. It also has a room for procedural and investigative actions.

There were 11 detainees on the day of the visit to the National Preventive Mechanism. The capacity is 24. There are 6 detention facilities, including for minors and for detaining women. All rooms have a private bathroom, on the floor there is a shared bathroom.

### *B) Medical care*

The medical center of the prison is provided with staff and medicines for its activities. He serves the prisoners in the prison and detention facilities. A register of traumatic injuries is kept at the Medical Center. During the year, during a sudden inspection of the NPM, a violation of the medical assistant was found in connection with the registration of a case of a prisoner with visible signs of beating by the supervisory and security staff, established during a subsequent investigation. DGEP has imposed an administrative penalty on the medical specialist. The detainees expressed dissatisfaction with the personal doctor of the prison, who according to them did not pay attention to the complaints of the patients, access to it was difficult and others. There were also numerous complaints that a person from the supervisory and security staff was present during the examinations of the detainees. With these actions, the employees violate the confidentiality of the performed examinations.

**In this regard, the NPM recommends to the head of Lovech Prison to ensure medical examinations of prisoners in conditions of confidentiality, especially when registering cases of physical force.**

Complaints of poor taste of food and reduced weight of portions were again received. The inspection in the prison's kitchen showed that he was cooking according to calorie-balanced diets set by the DGEP.

During the year, vaccinations against COVID-19 infection were carried out in the prison, and about 1/3 of the prisoners were vaccinated.

SHATP is a specialized hospital for the active treatment of prisoners with psychiatric and lung diseases, but it cannot meet the medical standards for its activities. There are vacancies for doctors in both wards. During this year, the DGEP has hired a staff member of the clinical laboratory of the hospital and the actual reception-consultation unit of the medical institution is not functioning. The tendency for reduced number of patients passing through the ward for lung diseases is preserved - about 30% usability during the year. The material base needs to be repaired in accordance with the hygienic requirements for the treatment of pulmonary tuberculosis. The psychiatric ward maintains a high usability of over 90% during the year. The material base is depreciated and also needs repair. So far, no funds have been allocated for the hospital's repairs.

The health care for the detainees in the Atlant Public Health Insurance Act is provided by a full-time doctor and a dentist on a schedule twice a week. During the interviews, the detainees complained that the dentist did not come to work regularly and had to take antibiotics due to complications due to delayed treatment. The complaints are well-founded and the dormitory administration will talk to the specialist, but it is difficult to set requirements, as he is on a civil contract and has hardly agreed to come to work in the dormitory at all. Complaints were received from the detainees for insufficient medical care by the GP - non-prophylaxis, non-vaccination, etc. The inspection revealed that a list of detainees who want to be vaccinated against COVID-19 has been prepared and the RHI has been notified to organize a team. In the prison kitchen, he cooks on a calorie-balanced diet set by the DGEP.

# PROTECTION OF PERSONS SEEKING PROTECTION

## Development of the regulatory framework and state policy in the field

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### *Key Recommendations*

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- *Establishment of an additional Safe Zone for unaccompanied refugee children in the PMZ - Military Ramp and appointment of additional specialists to work with them;*
  - *To assess the inclusion of unaccompanied refugee children in the National Vaccination Plan against Covid-19 of the Republic of Bulgaria;*
  - *To take urgent measures to take out children who have received humanitarian status from the RC - Harmanli and place them in an appropriate social service;*
  - *In connection with the deteriorating material and living conditions in the "Special Home for Temporary Accommodation of Foreigners - Sofia" it is recommended to carry out emergency refurbishment;*
  - *It is recommended to change the regime of changing the bedding (sheets) from 14 to 7 days in view of the identified deteriorating sanitary and hygienic conditions;*
  - *Efforts are recommended to overcome the language barrier between medical staff and foreigners accommodated in the centers, in order to properly diagnose their health. It is also necessary to provide additional interpreters on the spot;*
  - *It is recommended to improve the conditions for providing medical and dental care to foreigners;*
  - *To monitor strict compliance with measures to prevent the spread of COVID - 19 by staff and accommodated foreigners.*
- 

The Ombudsman, as a National Preventive Mechanism, has repeatedly stated that it is necessary to build effective inter-institutional cooperation between the Ministry of Interior, the Migration Directorate and the SAA to stop the placement of unaccompanied foreign children in the SCTAF. The problem of including unaccompanied children in the orders of adult foreigners, without acquaintances or kinship between them, continues to be a concern.

In connection with the representation of unaccompanied refugee children in 2020, amendments to the Asylum and Refugees Act were proposed. The Ombudsman expressed an opinion on the proposal to amend Art. 25 of the Law on Asylum and Refugees. The Ombudsman supported legislative efforts to guarantee the rights of unaccompanied children, emphasizing the importance of the institution of representation and the use of the National Legal Aid Bureau to represent unaccompanied children, and this will undoubtedly fill the legal vacuum of representation a number of problems are observed.

The Ombudsman is seriously concerned that this systemic problem remains unresolved, despite repeated recommendations over the years to the Migration Directorate and the Social Assistance Agency. The NPM also recalls the practice of the Bulgarian courts, according to which the attachment of unaccompanied minors to adults cannot be

arbitrary, but a full investigation of the facts and circumstances relevant to each specific case of a child seeking protection is required. Evidence should be gathered from the administrative body to establish beyond doubt that the person designated as an accompanying person is the applicant's parent - an unaccompanied child or another adult responsible for him or her by law or custom.

The Ombudsman made recommendations to the Ministry of Interior, the Migration Directorate and the SAA to stop the placement of unaccompanied foreign children in Special Center

for Temporary Accommodation of Foreigners (SCTAF) and to improve inter-institutional cooperation.

## **Results from NPM inspections carried out in 2021**

### **I. Department "Special Home for Temporary Accommodation of Foreigners - Sofia", at the Directorate "Migration" - Ministry of Interior**

During the inspection conducted on September 14, 2021. The NPM experts found a significant increase in the flow of migrants compared to the inspection carried out in 2020. The capacity of the Special Center for Temporary Accommodation of Foreigners - Sofia (SCTAF) is set at 400 people, and at the time of the inspection 399 people were accommodated. For comparison, in 2020, 109 people were accommodated in the home. The main population continues to be from Afghanistan, Pakistan and Syria.

The NPM experts found a deterioration of the material and living conditions - dirty and worn walls, crumbling plaster and toilets in poor condition. In this regard, it is recommended to carry out urgent refurbishment.

Employees of the Sofia-based SVDNCH shared with the inspection team that they encounter a significant problem in the control of bedbugs (*Cimex lectularius*). Therefore, the NPM team consulted with experts from the Bulgarian Food Safety Agency. They recommended to the management of the Migration Directorate at the Ministry of Interior (MI) to discuss with the company performing disinfection, disinsection and deratization the use of the following preparations:

1. symetrol super ev preparation against bedbugs, fleas and cockroaches pelgar 500 ml;
2. preparation against bedbugs amp 2 tetra 1 pbo 4 cl kwizda 5 l;
3. fikam 80 vp cockroach preparation 50 g.

No change in the staffing of the medical service of the home compared to the previous inspection was found. There is one doctor and 4 medical assistants (staffing 6 medical specialists). There is an unoccupied number for a doctor - head of the service. According to the medical assistant, the lack of a chief makes it difficult to organize the treatment process at home.

This year, no comprehensive inspections have been carried out on the sanitary and hygienic living conditions in the premises of foreigners, which are unsatisfactory. The NPM found contaminated bedding - sheets on the beds (they are changed every 15 days, while in prisons the change is once a week), the presence of garbage on the floor in the rooms, unventilated rooms with stagnant and unpleasant odors. The foreigners complained and showed bedbug bites on them. Difficult access to a doctor and lack of attention were reported. It should be noted here that foreigners do not follow basic hygiene rules - throw bread through the windows of dormitories, smoke in the hospital, where they are accommodated with their children.

In the medical office there is stored (for 2 years) ultrasound equipment, with which no one has the competence to work. The NPM monitored the treatment of foreigners on a random basis and held a conversation with M.A., accommodated in the Ministry of Interior. It was found that there was a cholesterol test that was not performed. The hospital of the medical service is overcrowded with hospital beds, and it also accommodates healthy foreigners - mothers with young children.

### **II. Sector "Center for Accommodation of Foreigners (CAF)- Elhovo" at the Department "Special Home for Temporary Accommodation of Foreigners - Lyubimets" at the Directorate "Migration" - Ministry of Interior (CAF - Elhovo)**

At the time of the inspection, 175 foreigners were accommodated in the Elhovo CNC with a total capacity of 240 people. Almost all accommodated are men of visible age of 20-25 years. There are a total of five women accommodated, with the same number of children accommodated - all accompanied.

The food for the adopted persons is provided through catering and they consume it in the premises where they are accommodated.

The building of CNC - Elhovo is three-storey and is guarded by ten seconded employees of the Ministry of Interior. Each floor has a shared bathroom and toilet. Upon admission to the center for accommodation of foreigners, sanitary and hygienic materials such as soaps, disinfectants and washing powder are provided.

CNC - Elhovo does not have a shop from which the accommodated foreigners can get additional food. There is a washing machine on the first floor, and sheets and duvets from the accommodation are changed every two weeks. There are no bedbugs, cockroaches or other pests.

The heating system of the building is connected to that of the nearby school, which makes the heating of CNC - Elhovo dependent. The head of the sector informed the NPM team that the Ministry of Interior has recently acquired the right of ownership of the land on which the site is located, which will allow for improvements in accommodation conditions.

Due to the lack of translators, communication between the staff at the CAF-Elhovo and the accommodated persons is difficult. During the interviews with the accommodated foreigners, the NPM team did not receive any complaints and signals about ill-treatment or violence against them by the staff, nor about the conditions in which they were accommodated.

During the inspection, the team of the NPM found that in the building of CAF - Elhovo there is a constant presence of medical staff, which includes four paramedics working in shifts. The home for accommodation of foreigners has a doctor's office and the necessary medicines. For minors and minors, as well as for those with mental health problems, there is a psychologist.

Many of the accommodated persons suffer from skin diseases that they contracted before they were placed in the Elhovo CNC. Providing treatment for them is difficult due to the lack of a dermatologist. According to the staff of the center, the nearest dermatologist is located in the town of Stara Zagora and there is no possibility for the patients to be transported and guarded there.

The NPM team also found difficulties in providing dental care to the accommodated persons.

### **III. Transit Center - Pastrogor village, Svilengrad municipality, Haskovo district to the State Agency for Refugees under the Council of Ministers (TC - Perstrogor)**

At the time of the inspection in the shopping center - Pastrogor were accommodated 151 people with a total capacity of the site - 300 seats.

The foreigners are mostly from Afghanistan, with the exception of five people from Pakistan. All accommodated are men, accepting only adults. The residents are mostly young, between 20 and 25 years old. Exceptionally, there is only one underage boy in the Pastrogor shopping center, accompanied by his father.

The buildings of TC - Pastrogor are in good general condition. In 2017, additional fences, bars and access to floors were built on the site.

With a Decision of the Council of Ministers (CoM) from June 2018 to the present, the center is open. In case of an intensified wave of immigration and with a subsequent decision of the Council of Ministers, the center can be transformed into a closed one.



The accommodated persons are fed three times a day, and their food is provided through catering. They have access to the Internet and regularly use their personal smartphones to connect with their loved ones.

Bed linen in the accommodation rooms is changed once every two weeks. No cockroaches, bedbugs or other pests were found. The premises in the shopping center - Pastrogor are heated with boiler fuel, and there is a shop in the site, which at the time of the inspection of the NPM team was not working.

Communication between the accommodated foreigners and the staff is done through interpreters. The center works with Pashto, Dari and Urdu translators. The Pashto and Dari translator works on site with the residents, and the Urdu translator works via video link.

All incoming foreigners have applied for international protection. They have secured conditions for receiving legal aid, which is provided mainly by non-governmental organizations such as the Bulgarian Helsinki Committee and others.

The director of TC - Pastrogor said that at the moment there is no need for additional improvements to the buildings.

During the interviews with the accommodated foreigners, the NPM team did not receive any complaints and signals about ill-treatment or violence against them by the staff, nor about the conditions in which they were accommodated.

In the course of the inspection, the team of the NPM found that in the TC - Pastrogor there is a constant presence of a nurse and a clinical laboratory assistant. The site is serviced separately by a personal physician. There are no disabled people among the foreigners accommodated.

In connection with the ongoing global epidemic of C-19 infection, TC - Pastrogor has antigenic tests provided by the Regional Health Inspectorate. The transit center is in close cooperation with the Bulgarian Red Cross to provide medicines and medical supplies. There is a psychologist for minors and minors, as well as for those with mental health problems.

#### **IV. Department "Special Home for Temporary Accommodation of Foreigners - Lyubimets" at the Directorate "Migration" - Ministry of Interior**

The NPM team conducted an inspection at the Lyudimets SCTAF together with the Deputy Ombudsman of the Republic of Bulgaria and the Chief Expert in the Public Relations and Protocol Department of the Ombudsman of the Republic of Bulgaria.

At the time of the inspection, 478 people were accommodated with a total capacity of 600 for the home.

Most of the people accommodated in the Lyudimets SCTAF are men between the ages of 20 and 25. The largest number of foreigners are from Afghanistan, the rest are from Syria and Iraq. The NPM team also interviewed residents of Palestine and the Comoros. In cases where there are unaccompanied children, the bodies of the Social Assistance Agency shall be notified immediately.

There is no interpreter appointed for the temporary accommodation of foreigners. The communication between the staff and the accommodated is done in English, through the persons who speak it.

In the canteen of the SCTAF - Lyubimets food is served three times a day, which is delivered through catering. Those interested can get extra food from the on-site shop, which is open from 12 noon.

Legal aid is provided to the residents, which is provided by lawyers of non-governmental organizations such as the Bulgarian Helsinki Committee, the Wings Mission, the Voice in Bulgaria Foundation and others. Those foreigners who have the financial means can hire a lawyer in person.

Disinfection against pests is regularly carried out in the SCTAF - Lyubimets. According to the staff, cockroaches are very rare in the buildings and other facilities located on the site. Each floor has a shared bathroom and toilet.

During the inspection, the NPM team found that some of the external stairs needed to be repaired.

Due to the large number of accommodated persons and in order to avoid overcrowding in the accommodation premises, residential containers with a bathroom are provided.

During random interviews with the accommodated foreigners, the NPM team received complaints regarding medical care, food, lack of information as to why they were accommodated in the SCTAF - Lyubimets, whether their applications for international protection were approved, etc.

In the SCTAF - Lyubimets, the medical person who constantly works on site is a paramedic. In addition to him, the medical staff also includes a doctor. The home for temporary accommodation of foreigners in the town of Lyubimets has a doctor's and dentist's office, but the latter is closed due to lack of a dentist.

There is a psychologist on site who works with the residents who have mental and emotional problems. Many foreigners themselves express a desire to drink sedatives.

In addition to patients with K-19 infection, many foreigners in the SCTF - Lyubimets suffer from skin diseases such as scabies, and there are reported cases of diabetes.

Some of the interviewees complained of dental problems. The staff of the temporary accommodation home claims that despite the lack of a dentist at the site, the residents were transported to dentists' offices elsewhere if necessary.

## **V. Registration and Reception Center - Harmanli at the State Agency for Refugees at the Council of Ministers (RRC - Harmanli)**

At the time of the inspection, 1,055 people were accommodated in the ROC - Harmanli with a total capacity of 2,710 people. Most foreigners are men, but there are also women and children, some of whom are whole families.

As of the date of the inspection, 89 unaccompanied minors were accommodated in the Harmanli ROC. There are 22 unaccompanied minors, 2 of whom have been granted humanitarian status. The number of unaccompanied minors is 67, 16 of whom have been granted humanitarian status. Notification letters have been sent to the Social Assistance Directorate in Harmanli for all children who have received international protection to take a protection measure. There are currently no children using social services. Eight social workers have been recruited at the state reception center. In the ROC - Harmanli unaccompanied minors are accommodated in a special building designed to accommodate persons from vulnerable groups. Each room accommodates 4 to 8 children, together with their companions. All of them are provided with health care, hot food, clothes and shoes according to the season. They all play sports using the provided equipment for outdoor, indoor fitness, football and basketball courts. They are actively involved in cultural events organized by SAR and NGOs. Most of the children attend Bulgarian language courses, but do not want to be included in the educational system.

Following the NPM's recommendation to take urgent measures to remove children who have received humanitarian status from the RRC - Harmanli, by placing them in an appropriate social

service for children, the Ombudsman received a response from the Executive Director of the Social Assistance Agency. It states that providing a sheltered environment and meeting the needs of unaccompanied children could be provided through their placement as a protection measure in residential services (Family Accommodation Center and Transitional Housing). RDSP and DSP were given guidelines for work on measures and activities for protection and support of the unaccompanied, as well as for coordination and interaction with other competent state and municipal authorities. The RDSP focuses on the study of the capacity of the residential care services for the accommodation of unaccompanied refugee children, as well as on the study of the resources and attitudes of the established foster families. The Executive Director of the ASA is of the opinion that in the event of a crisis increase in the number of unaccompanied children granted status in Bulgaria, the established network of social services will not be able to provide the necessary capacity and resources for protection and care of children. In addition, as a significant problem preventing the placement of unaccompanied children - foreign nationals is the refusal of children to provide social services on the grounds of inability to communicate in the new environment, lack of friendships created in the RRC - Harmanli and a strong desire to leave the Republic of Bulgaria as soon as possible in order to go to another country with relatives.

RRC-Harmanli has a large number of housing containers for accommodation. Each of them is equipped with air conditioning or a heating stove.

The accommodated foreigners are fed three times a day, and the food is provided through catering. Families also usually buy groceries from the city.

Many of the residents work, and the director of the center told the NPM team that at least fifteen employers are connected to the RRC - Harmanli in search of labor. In September 2021, hundreds of foreigners were hired in Svilengrad for the grape harvest campaign. Some foreigners go to work in Haskovo, Sofia, Plovdiv and Burgas, but due to the global epidemic of K-19 infection, their employment is declining.

According to the director, there are not enough translators at the center. There are only three who translate into Arabic, Kurdish and Turkish. There is only one translator for Pashtu and Dari, who was in the Pastrogor shopping center during the inspection.

No cockroaches were found in the site, but there are bedbugs brought by foreigners who were previously accommodated in the department "Special Home for Temporary Accommodation of Foreigners - Sofia". The ROC - Harmanli regularly hires a specialized company to perform disinfection and disinsection against pests.

All foreigners have a designated general practitioner (GP). It serves foreigners twice a week on site in the center. It is also accompanied by medical specialists from various specialties to provide specialized assistance on site when possible. There is a dental office in the center, but there is still no willing dentist to work in the center. A doctor and two nurses work part-time in the opened Health Cabinet of the Registration and Reception Center (RRC). It should be noted that at the moment the center is filling its capacity very quickly and the medical specialists report difficulties in processing the newcomers. During the inspection, there were 15 foreigners for admission. The medical specialists also announced that they fill in and store the medical documents of the foreigners for the entire stay in the center, which further burdens them.

The health office is provided with consumables for its activities. The NPM's recommendation to end the double quarantine of foreigners has been implemented. Currently, there are no foreigners with C-19 infection and those placed under quarantine. Currently, about 50% of foreigners in the center have been vaccinated against K-19 infection and the process continues.

During the interviews we met a foreigner in bed, with spinal surgery and lower paraparesis. An escort has been appointed for him, a wheelchair has been provided and a transport vehicle comes

to the hospital for rehabilitation every other day. Due to the language barrier, it was not clear how the patient felt and how he assessed the rehabilitation. In the interviews with other foreigners we did not receive any complaints from the medical service.

## **VI. Department "Proceedings on International Protection" (PIP) at the Registration and Reception Center (RRC) - Sofia, "Military Ramp", Safe Zone for unaccompanied refugee children.**

In May 2019, the first secure zone in the PIP was opened - the Military Ramp district with a capacity of 100 seats. As of the date of the inspection with a focus on living conditions, provision of medical and non-medical specialists and the access regime of the Safe Zone for Unaccompanied Children, the NPM team found that the capacity of the Zone is increased by over 100 percent. 221 unaccompanied children were accommodated, 146 of them in the Safe Zone and 75 in a gym. According to the employees, the gym is the only place where unaccompanied children can be accommodated / in case of overcrowding in the Security Zone /, as they are isolated from adult refugees and controlled access to the room. Material and living conditions are extremely unacceptable and not suitable for children. 75 children have two bathrooms and two toilets, the room is completely unhygienic, there is no furniture for personal belongings. Given the impending next wave of Covid-19, gathering 75 children in one place carries the risk of an epidemic. In such a room it is not possible to comply with anti-epidemic measures. The NPM team found that the Safe Area for Unaccompanied Children was also overcrowded. Six children are accommodated in rooms with a size of about 15 square meters, and 4 children are accommodated in the smaller rooms.

Another problem identified by the NPM is that the staff caring for the children is extremely insufficient - 8 social workers and one psychologist. Social workers do not have the physical ability to support children in their social adaptation, as well as to assess the need for psychological help for each child.

Although the main recommendation of the Ombudsman as the NPM is to build a separate SAR center at the Council of Ministers, in which to accommodate unaccompanied minors, it has been partially implemented by building "safe zones" in PIP - Sofia (in the district " Military Ramp "and" Ovcha Kupel "district), the team believes that the capacity of the safe areas in case of increased refugee flow is not enough. The NPM recommends that SAR establish an additional Safe Area for unaccompanied children as soon as possible.

According to the data of the management of RRC - Voenna Ramp district, for the period from January 1, 2021 to August 11, 2021, 1,005 refugee children were registered and 784 left. All of them were declared wanted, and only two were found. from them. The average stay of a child registered at the Center is about 14 days. This is the reason why only 20 children are included in the educational process.

The NPM team also checked the medical care of the refugee children. The Center has a full-time doctor. The health office is provided with medicines and consumables from SAR. The center accommodates unaccompanied minors after a 10-day quarantine period in the Primary School - Ovcha Kupel and a negative rapid antigen test for Covid-19 infection. Upon admission of the children to the Center, a primary examination is performed. According to the doctor, Scabies is often found. RRC - "Military Ramp" has contractual relations for the study of the skeletal system to determine the real age of suspects posing as minors. This year, 40 people were examined and only 4 of them were under 18 years old. The research is done after signing the Informed Consent.

For the unaccompanied children there is an opportunity to determine the GP / Dr. Mitov /, but in reality this is not done due to the short stay / average 14 days / of the children in RRC - "Military Ramp".

At the moment there are no unaccompanied children with diseases and drug therapy. There is a 17-year-old boy with amputation of his right upper limb, who, if he stays in the Center and does not leave voluntarily, will be presented to the TEMC with the possibility of prosthetics.

Over the years, the Ombudsman, as the NPM, has repeatedly stated that the main problem for unaccompanied refugee children remains the appointment of their legal representative. In this regard, in 2020 amendments and additions were proposed to the Law on Asylum and Refugees / LAR /. The Ombudsman, as the NPM, expressed an opinion on the proposal to amend Art. 25 of the Law on Asylum and Refugees Act and supported the legislative efforts to guarantee the rights of unaccompanied children, emphasizing the importance of the institute of representation and the use of the National Legal Aid Bureau to represent unaccompanied children. During the inspection in the PMZ - Military Ramp district, the NPM found that 161 unaccompanied children were appointed a representative under Art. 25 of the LAR. According to the center's management, the process of appointing a representative has been improved and accelerated. The term for which a representative is appointed is within one week after sending a letter to the National Legal Aid Bureau with a notification for a registered child in the PMZ - Military Ramp.

As a result of the inspection, recommendations were given to the Chairman of SAR at the Council of Ministers, who took the necessary and possible actions. According to him, the construction of an additional Secure Zone similar to the two existing zones in the ROC - Sofia with providing 24/7 care by specialists and additional security according to the approved specialized Methodology for the conditions and organization of social support requires significant financial and human resources. at the Council of Ministers does not have at the moment.

Given the increased number of unaccompanied children seeking international protection, the temporary expansion of the Security Zone in the PMZ Department - Military Ramp is being discussed, and at this stage action has been taken to accommodate premises on the second floor next to the existing Security Zone.

SAR at the Council of Ministers has started additional appointment of employees with a profile of "social activities" in the ROC - Sofia (under IGRP-2020. Asylum, Migration and Integration Fund).

Since February 2020, SAR at the Council of Ministers has been implementing preventive anti-epidemic measures in order to prevent the spread of COVID-19 among employees and among foreigners accommodated in the territorial divisions of the agency. The orders of the Minister of Health and the recommendations, guidelines and prescriptions for work in an epidemic situation by the Regional Health Inspectorates are being implemented.

# PROTECTION OF CHILDREN AND ADULTS ACCOMMODATED IN RESIDENTIAL SOCIAL SERVICES

## Development of the regulatory framework and state policy in the field

### FAMILY-TYPE ACCOMMODATION CENTERS FOR CHILDREN WITH AND WITHOUT DISABILITIES

Since 2012, the Ombudsman, as a National Preventive Mechanism, monitored the process of deinstitutionalization of child care. Despite the declared epidemic, the NPM continues to carry out inspections in 2021 in family-type accommodation centers for children with and without disabilities.

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#### Key Recommendations

- *Stop the placement of children and adults in the same social service;*
  - *The accommodation of children and adults in a social service must be in accordance with their mental state and physical development;*
  - *Take steps to ensure that children and adults placed in institutions attend appropriate social services in the community;*
  - *To prepare an assessment of the need for an individual rehabilitation program for each child of the family-type accommodation centers for children with disabilities by involving a doctor specializing in physiotherapy and rehabilitation;*
  - *Do not open new social services for adults within the institutions subject to closure, which do not provide an opportunity for full reintegration.*
  - *An accessible environment for people with reduced mobility should be built in all residential social services;*
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The Ombudsman, as the NPM, fully supports the process of deinstitutionalization of children. The adoption of the National Strategy "Vision for deinstitutionalization of children in the Republic of Bulgaria" is one of the most important documents for the protection of children's rights for the last 10 years. This strengthened Bulgaria's position as a state governed by the rule of law, applying the highest international standards for the protection of children's rights. But in order for this process to be successfully completed, the main priority of all involved institutions must be directed in the direction of supporting the biological and extended family.

In 2014, the Ombudsman, as the NPM, issued an official opinion on the problems identified during inspections in family-type accommodation centers for children and young people with disabilities. During the inspections in various centers NPM has repeatedly established that the

care provided to children and young people with severe disabilities by staff does not meet the needs of children and thus directly endangers their health. It is important to note that the training for working with children with disabilities of the staff at the Center is inadequate, which leads to the inability to respond adequately in a crisis situation and even to identify one. The inspections carried out in 2021 revealed the continuing worrying trend of poor quality care for children with disabilities in family-type centers.

### RESIDENTIAL SOCIAL SERVICES FOR ADULTS

The deinstitutionalisation process that began in 2010 is slow and there are still not enough social services for adults in the community. As early as 2017, in its opinion on the Action Plan for the period 2018-2021 for the implementation of the National Strategy for Long-Term Care, the NPM

stated that the implementation of the set measures and activities should be carried out in the optimal time, given the circumstances. that the living conditions in specialized institutions for adults are often unsatisfactory, with low quality of care and condition that does not meet the normatively defined standards and criteria. This justifies the need to speed up the process of identifying appropriate community-based services for the psychosocial rehabilitation of people with mental disorders, covering a wide range of needs, both in terms of lack of living conditions and residence (residential services) and in terms of the opportunity to support people in their immediate environment.

In its reports, the NPM has repeatedly noted the negative finding of a clear lack of will and vision to relocate residential care services to the community. Instead, the opposite trend is observed - the material base of institutions located at a great distance from the municipal center and, in some cases, without accompanying infrastructure, is being rebuilt with minimal funds to open sheltered housing and family-type accommodation centers. This leads to the practice that the new services are actually located in the same building or in the yard of the respective resident service.

The Common European Guidelines for the Transition from Institutional to Community Care state: "The development of plans for the future use of buildings must be part of the process of closing down institutions" and it is important to ensure that no part of the building to be used to provide institutional care for any group of users "(p. 129).

**The NPM also considers that it is absolutely inadmissible to reveal any social institutions in the building stock of the old people's homes for adults.**

Another major problem identified over the years during the inspections of the NPM team in the residential social services for persons is the lack of qualified staff to provide adequate care for those accommodated in them. The reasons for this are low pay, insufficient training, lack of requirements for educational qualifications, remoteness from municipal centers, which inevitably leads to lack of motivation and high turnover. The NPM has repeatedly made recommendations for raising the qualification and remuneration of employees in the social sector. The main factor on which the provision of quality social service depends is human resources. The opinion, repeatedly stated by the NPM, is that the placement of adults from a family environment in an institution should be a last resort. It is extremely important for the state institutions to support the family and relatives of the persons endangered by abandonment, and in this process to take part also the municipalities, the non-governmental sector, civil associations and others.

Once again, the NPM considers it necessary to prioritize the need for successful deinstitutionalization and socialization of elderly people in institutions. It is also important to conduct information campaigns to reduce the stigma on people with mental retardation, mental disorders and dementia. Society needs to accept that these groups of people need treatment and specialized care, and the isolation they are currently in puts them in a particularly vulnerable position and is in direct violation of their rights. The living conditions in specialized institutions for adults are often unsatisfactory, with low quality of care and condition that does not meet the normatively defined standards and criteria.

After the report of 02.12.2020 of the Committee for the Prevention of Torture (CPT) to the Council of Europe on extremely poor living conditions of people accommodated in the Home for Adults with Mental Retardation (HAMR) - Kudelin village, Bregovo municipality, Home for Adults with Mental Retardation - Samuil Village, Samuil Municipality and Home for Adults with Mental Disorders (HAMD) - Govejda Village, Georgi Damyanovo Municipality The Minister of Labor and Social Policy has committed to closing the three homes by the end of 2021.

By Decree of the Council of Ministers № 42 of 04.02.2021, additional transfers for 2021 were approved from the budgets of the municipalities of Stara Zagora, Gotse Delchev, Alfatar and Simitli as a general subsidy for the activities delegated by the state for advance financing of the six centers.

for family-type accommodation for people with disabilities with a total capacity of 80 places, to which the users from the closed homes in the villages of Govejda and Kudelin are directed.

The Municipality of Samuil has allocated its own budget funds for the construction of 4 centers for family-type accommodation, where the users of DPLUI - Samuil will be taken out.

The ASA has prepared an electronic portfolio for each social service for residential care, which is directed to the users of the homes in Kudelin, Samuil and Govezhda, in order to support the teams involved in the preparation for the removal, and the users to be maximally informed and to provide opportunities for establishing their desires and personal choices. It contains an administrative and information part intended for specialists, as well as information aimed specifically at users, presented in an accessible, structured and easy to read and understand format.

On November 1, 2021, the CPT issued a public statement on Bulgaria, in accordance with Article 10 (2) of the European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment. In it, the Committee reiterates its deep concern at a number of issues related to the treatment, conditions and legal guarantees offered to patients with mental disorders and to persons placed in social institutions.

In the periodic visit carried out in 2021, the CPT found that very little or no progress had been made in implementing the key recommendations that had been made over the years. The statement points to manifestations of physical abuse of the residents by the staff, poor hygienic conditions in the institutions, shortage of staff, lack of occupational therapy and rehabilitation activities, use of insulation and means of mechanical immobilization. Emphasis is also placed on the deinstitutionalization of social care in Bulgaria. **The Committee is of the opinion that the construction of "family-type" accommodation, often on the same remote social care homes, which will then be inhabited by the same residents and supervised by the same staff, is at best it represents transinstitutionalization, not a meaningful attempt at true deinstitutionalization.**

**Many times over the years, the NPM has described similar findings in inspections of residential social services for adults and recommended speeding up the deinstitutionalisation process, as long-term stays of people with disabilities in institutions violate basic human rights.**

Among the institutions visited by the CPT in 2021 are residential social services for adults in Banya (Karlovo), Petkovo (Smolyan) and Lakatnik Station (Sofia region).

In 2018, the NPM team conducted a follow-up inspection at the Home for Adults with Mental Retardation - Banya, Karlovo Municipality. The recommendation for the previous visit of the team in 2012 is to take action to deinstitutionalize the home, committing specific actions and deadlines for their implementation. The opinion of the Ministry of Labor and Social Policy, sent to the Ombudsman with ref. № 92-341 / 09.07.2013 is that this issue will be addressed with the National Strategy for Long-Term Care. In the Analytical Report on Social Services State Delegated Activity for Adults as of May 31, 2017 of the SAA, in relation to the Home for Adults with Mental Retardation - Banya, Karlovo Municipality, a proposal was made to gradually reduce capacity as a first step in this direction is the suspension of placement in the institution. However, in 2017, 8 new users were accommodated and brought out of the family environment. The NPM has repeatedly stated that the placement of children and persons in institutions directly violates their rights. Placing a family member in an institution is a last resort. The main recommendation of the NMNHS is the Social Assistance Directorates of the SAA to stop the placement of persons in residential social services of the old type and to accelerate the process of building new social resident services and community services. Regarding the home in the town of Banya, the NPM recommended:

1. To submit to the Executive Director of the ASA a plan for reducing the capacity of the institution.

2. To the mayor of Karlovo municipality:



- to be built on facilities for access of people with limited mobility to the ground floors of the apartment blocks;
- to carry out refreshing repairs of the sanitary and sleeping premises;
- to take measures for implementation of the provisions of art. 40f of the Regulations for implementation of the Law on Social Assistance, with regard to the provision of a sufficient number of sanitary facilities in relation to the capacity of the specialized institution.

In 2018, a team of the NMNHS conducted a re-inspection at the Home for Adults with Mental Disorders - Petkovo, Smolyan Municipality. In the previous inspection in 2014, the NPM's recommendation was to take action to deinstitutionalize the home, committing specific actions and deadlines for their implementation.

The re-inspection did not reveal any significant changes in the material base and the level of care provided. The capacity of the home is 100 people. The material base is in good general condition, but a refreshing repair is needed. The bedding has become obsolete and it is necessary to buy a new one in order to replace it. The team of the NPM found that in the home, including in the ward for bedridden patients, there is no ramp for access for people with reduced mobility.

On the second floor there is a separate sector for bedridden patients with 14 beds. During the inspection, the NPM found that 4 users with accompanying somatic diseases and physical disabilities were accommodated in the medical sector. Among them, in a serious condition is MM, 43 years old, with vertigo of central origin, meningioma, diagnosed 3 months ago in Smolyan by a neurologist. He was referred for consultation and treatment by a neurosurgeon in Plovdiv, but so far this has not been done due to the inability to provide an escort. The user has cached, on a bed, with fixed hands. The medical assistant at the home explained that the immobilization was necessary due to the fact that the person was constantly pulling on his diapers, which the NPM found unacceptable. Ordinance № 1 of 28 June 2005 on the procedure for applying measures for temporary physical restraint in patients with established mental disorders regulates the circumstances in which such measures may be required and the Social Assistance Agency should have clarified this issue to social service providers.

## **Results from NPM inspections carried out in 2021**

### **FAMILY-TYPE ACCOMMODATION CENTERS FOR CHILDREN WITH DISABILITIES**

On June 29, 2021, the NPM team carried out a surprise inspection at the Center for Family-Type Accommodation for Children and Youth with Disabilities (CFTACYD) in Mezdra. The team got acquainted with information spread in the media about violence against a nine-year-old boy from another 20-year-old youth. The boy was admitted to the Pirogov Emergency Hospital in Sofia with severe injuries to his hands caused by tightness. He was tied to his bed with tights for hours at night, as a result of which the child underwent surgery. With a lot of effort, doctors managed to save his fingers from amputation.

As a result of the inspection and the conducted interviews with the employees and with the 20-year-old youth, the NPM established the existence of systemic problems in the provision of the social service. 14 children and persons are accommodated in the Center for Meteorological Research in Mezdra. There are 7 people over 18 years of age, the oldest accommodated user is 34 years old, the youngest accommodated child is 9 years old. The age difference between the youngest and the oldest is 25 years.

The NPM team believes that such a large age difference between users and their mechanical collection in CFTACYD is a prerequisite for poor quality of social services and is contrary not only to the best interests of children, but also a threat to their health and life. . During most of the NPM

inspections in various CFTACYD s in the country, the team systematically establishes aggressive behavior on the part of young people towards younger children. The specific case of the child in the Center for Child Protection in Mezdra is another and definite proof of this bad practice, which leads to extremely serious consequences.

Another finding of the NPM team is related to the mixing of children with severe mental retardation and young people with mild disabilities. During the inspection, the team found that only the young man who committed the violence was not diagnosed with mental retardation, completed 10th grade and was the only one who could speak freely. His contacts are only with the employees of the Center. Undoubtedly, the long isolation of the boy, the inability to communicate with peers and perform meaningful activities, leads to uncontrolled aggression.

According to the director of CFTACYD Mezdra, the last training of employees was conducted in 2018.

In this regard, the NPM made recommendations to the Minister of Labor and Social Policy to stop the placement of children and persons (over 18 years of age) in the same social service, as well as the placement of children and adults in a social service should be in accordance with their mental state and physical development. The NPM also addressed the Director of the Social Assistance Directorate - Mezdra and the Mayor of Mezdra Municipality with recommendations to take urgent measures for reintegration of 20-year-old youth - timely preparation and transfer to an appropriate social service for persons, as well as to provide psychological support to the child who has suffered violence. The young person who did it is recommended to work with a psychologist. **One of the main recommendations of the NPM is to prepare a training plan for all employees of the Complex for Social Services for Children and Persons with Disabilities in Mezdra, related to the recognition and prevention of aggression in children and persons placed in institutions. In response to the recommendation to the Director of the Social Assistance Directorate - Mezdra, the NPM was informed that a crisis psychologist appointed by the State Agency for Child Protection had started working with the young man.** According to the psychologist, the boy is attached to the staff and the other children and is not prepared to be taken out. He shares that he feels happy when he participates in various events and communicates with different people. The DSP - Mezdra has given recommendations for immediate provision of specialists - psychologist and psychiatrist for the appointment of medical therapy for young people. Work is needed to improve interpersonal relationships in the service, to increase the general culture of users, to enrich their social experience, to acquire skills for dealing with conflict situations and to learn useful patterns of behavior.

A nine-year-old child who was abused was also supported by a psychologist. A training plan has been prepared for all employees of the Center. The trainings are related to the recommendation of the NPM: recognition and prevention of aggression in children and persons placed in institutions.

## **RESIDENT SOCIAL SERVICES FOR ADULTS**

In 2021, the NPM conducted inspections in both old-type institutions (homes) and new-type residential social services (sheltered housing and family-type accommodation centers) for adults with mental retardation, mental disorders and dementia.

**Unfortunately, there is a tendency to increase the number of crisis situations in which the ombudsman as an NPM had to intervene - in 2021, three extraordinary inspections were conducted in connection with incidents or complaints from users of residential services.**

# PROTECTION OF PERSONS DETAINED IN THE PLACES OF ACCOMMODATION AT THE MINISTRY OF INTERNAL AFFAIRS

## Development of the regulatory framework and state policy in the field

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### Key Recommendations

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- *Develop a specific policy to overcome the problem with overcrowdedness, lack of access to ventilation and natural light;*
- *Improve the detainees' awareness about their rights;*
- *Ensure access to legal aid for detainees;*
- *Improve the provisions for the need for medical help when unresponsive persons are detained (temporarily lacking legal capacity) within the meaning of Article 21 (1) of Instruction No. 1821z-78 of 2015 on the procedure for detention, equipping premises for detainees and the order in them at the Ministry of the Interior.*

In 2021, the NPM inspected eight facilities for detainees in the structures of the Ministry of Interior.

The NPM found recurring weaknesses in the system for 24-hour detention of persons - lack of service facilities, lack of access to ventilation and natural light and obsolete facilities.

No persons were detained in some of the inspected places due to lack of staff and separate security posts.

In the inspected sites different application of art. 21, para. 1 of Instruction № 1821h-78 of 2015 on the procedure for detention, equipping the premises of detainees and the order in them in the Ministry of Interior, namely in some RPD is mandatory medical examination of persons during their detention (eg Lovech, Vratsa), and in others - in accordance with the will expressed by the detainees in the Declaration under Article 21, paragraph 4.

## Results from NPM inspections carried out in 2021

### REGIONAL DEPARTMENT "POLICE" - VRATSA TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS VRATSA

There were 2 detainees on the day of the visit. RPD - Vratsa has 3 rooms for detainees and 1 room for minors. The 24-hour detention facility has a capacity of 10 people. The video surveillance system has been completely replaced. It was explicitly tested and found that the new system records only a picture - no sound.

Two years ago, cosmetic repairs were made to the detention facilities. They are small, with tall windows. Artificial light and ventilation are provided. Bedding is available. RPD - Vratsa also has a room for conducting procedural - investigative actions, a room for interrogation and a room for conducting a lawyer's visit. There is a safe in which the belongings of the detainees are stored.

The book of detainees shows that 157 people have been detained since the beginning of the year. The required documentation is kept properly.

All persons must undergo a medical examination after detention. There is a departmental doctor and a nurse in the ODMI - Vratsa, who also examine the detainees within the eight-hour working hours, after which the detainees are examined by the CSMP - Vratsa.

**REGIONAL DEPARTMENT "POLICE" - town of MEZDRA AT THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS, town of VRATSA**

There is no change since the last visit of the NPM in 2019. RUP - Mezdra also serves RUP - Roman, as there is no place for 24-hour detention. The detention facilities themselves do not meet European requirements. There are three rooms available, with a capacity of 6 detainees, one of which is for minors. There is no access to daylight and the roof is leaking. The management of the RPD - Mezdra shared that it is avoided to detain people in these premises, as there is no staff to guard the detainees. In the Regional Police Department - Mezdra, medical examinations are also mandatory upon detention and are performed by the Central Medical Center - Mezdra.

The NPM recommended to the Minister of Interior to allocate funds for the repair of the premises for 24-hour detention in the RPD - Mezdra and to increase the staff of the police department.

With a letter with registration № 812100-11821 / 04.08.2021 by the Ministry of Interior it is stated that at the end of 2020 the premises for accommodation of detained persons located in the Regional Directorate - Mezdra were repaired. It is planned to carry out cosmetic repairs in August 2021, as the funds are provided by the current maintenance of ODMVR - Vratsa. At this stage, the opening of a separate post is inexpedient, as there are no permanent detainees in the premises. The security of these premises in RU - Mezdra is carried out by the employees working in the direction "Patrol activity" and the duty officer.

**REGIONAL DEPARTMENT "POLICE" - PAZARDZHIK TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS PAZARDZHIK**

There were no detainees on the day of the inspection. The district administration has a total of three detention facilities, one of which is for minors.

The two premises designated for accommodation of adult detainees do not meet the requirements according to Instruction № 8121h-78 of 24.01.2015 on the procedure for detention, the equipment of the premises for accommodation of detainees and the order in them in the Ministry of Interior. Both rooms are too small, equipped with wooden benches, some of which are broken and do not have access to natural light. The bathroom designated for use by adult detainees also does not meet the requirements.

**The National Preventive Mechanism considers that the existing base is obsolete and considers the possible repair to be inappropriate. Therefore, he made a recommendation to the Ministry of Interior for the construction of new premises for 24-hour detention at the ODMI - Pazardzhik.**

The Book of Detainees shows that 105 people have been detained since the beginning of the year. The place of detention has Rules of Procedure, which are announced in a prominent place and a list of lawyers on duty at the BA - Pazardzhik, as well as the phone number of the National Legal Aid Bureau. The necessary medical documentation is kept.

Medical examination of detainees is carried out in CSMP - Pazardzhik, after a written request in the Declaration, according to Instruction № 812h-78 of 24.01.2015 on the procedure for detention, equipment of accommodation for detainees and the order in them in Ministry of the Interior.

#### **FIFTH REGIONAL DEPARTMENT "POLICE" - BURGAS TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS BURGAS**

On the territory of the city of Burgas there are four regional police departments (RPD). Only in 05 RPD a room for 24-hour detention was built.

There is no change from the previous visit to the NPM in 2020. There are ten detention facilities, which have a separate bathroom, including a separate room for women and a room for detaining minors. There is a room for a lawyer's visit and a room for procedural-investigative actions. A list of lawyers on duty from the Bar Association - Burgas has been announced.

The maximum number of persons that can be accommodated in one cell, according to the required living space is four. Bedding is provided, which is provided when a person is detained.

The light in the inspected premises does not meet the requirements for daylight provided. It is provided only by artificial lighting. It is possible to ventilate the premises.

An inspection of the book of detainees revealed that the total number since the beginning of the year was 607. On the day of the inspection, there were no detainees.

The NPM recommended that the Minister of the Interior be provided with the opportunity to provide daylight in the 24-hour detention facilities.

The medical care of the detainees is provided by the Municipal Hospital of the City of Burgas, which is located in the immediate vicinity of the police station. Officers reported problems with detaining people with mental health problems and psychomotor, agitation.

When assessing the health condition of the detainees, the doctors from the emergency department do not take into account the mental state, which makes their detention risky and difficult placement in a psychiatric institution.

#### **DISTRICT DEPARTMENT "POLICE" - SLIVEN TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS SLIVEN**

No detainees were detained on the day of the NPM team's visit. The 24-hour detention facility has four rooms, including a place for detaining women and a room for detaining minors. Persons are provided with bedding during detention.

There is a room for meetings with a lawyer, as well as a separate room for procedural - investigative actions. A list of lawyers on duty from the Bar Association - Sliven has been announced.

From the book for detainees it became clear that the number of detainees since the beginning of the year is 584. The required documentation is kept. The medical care of the persons is performed by DDMIA - Sliven.

No detainees were present on the day of the NPM team's visit. The 24-hour detention facility has four rooms, including a place for detaining women and a room for detaining minors. Persons are provided with bedding during detention.

There is a room for meetings with a lawyer, as well as a separate room for procedural - investigative actions. A list of lawyers on duty from the Bar Association - Sliven has been announced.

From the book for detainees it became clear that the number of detainees since the beginning of the year is 584. The required documentation is kept. The medical care of the persons is performed by DDNP - Sliven.

### **FIRST REGIONAL DEPARTMENT "POLICE" - VARNA TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS VARNA**

There was 1 detainee on the day of the inspection. The Book of Detainees shows that 492 people have been detained since the beginning of the year. This regional department serves the Municipal Police at the Municipality of Varna and the Criminal Police Sector at the DDMIA - Varna.

There are 6 detention facilities, one for minors. All rooms have two beds, wooden pomegranate type. The flooring is linoleum. Access to natural light is provided. Bedding is provided upon detention. The Rules of Internal Order in the Police Department and the current list of lawyers on duty at the Bar Association - Varna are in a prominent place. The telephone number of the National Legal Aid Bureau has also been announced.

### **THIRD REGIONAL DEPARTMENT "POLICE" - VARNA TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS VARNA**

On the day of the visit, there were two detainees, one of whom was a minor. The Book of Detainees shows that since the beginning of the year the number of detainees has been 801.

The rooms are equipped with two beds, wooden pomegranate type. The bathroom is in poor condition.

In view of this, the NMNHS recommended to the Minister of Interior that the bathroom in this place be repaired for a 24-hour detention.

By a letter with registration № 365p000-48539 / 18.11.2021 by the Ministry of Interior they inform that this recommendation has been implemented and the necessary repairs have been made.

During the inspection of the Book for Detainees in both regional offices, the NPM team found that the information regarding the primary examination of the detainees was not filled in.

### **REGIONAL DEPARTMENT "POLICE" - LOVECH TO THE DISTRICT DIRECTORATE OF THE MINISTRY OF INTERNAL AFFAIRS LOVECH**

This district administration has two identical rooms for 24-hour detention. According to their area can accommodate up to 4 people. There is also a room for detaining minors. There is a separate bathroom with shower, designed for use only by detainees. Access to natural light and ventilation is provided. The rooms are equipped with a table and two metal beds and bed linen is provided upon reception.

No detainees were detained on the day of the inspection. From the book for detainees it is evident that since the beginning of the year their number is 234.

The Regulations for the internal order in the regional administration are placed in a prominent place. A list of lawyers on duty at the Lovech Bar Association has been announced, as well as a telephone number of the National Legal Aid Bureau.

The medical care is provided by a doctor in the ODMI - Lovech and DDNP - Lovech.

## **CONSTITUTIONAL COURT RULING 13 OF 5<sup>TH</sup> OCTOBER 2021**

In 2021, for the first time, the ombudsman exercised his right to a constitutional complaint regarding the rights of persons detained as defendants. Pursuant to Article 150, paragraph 3 of the Constitution, the Ombudsman of the Republic of Bulgaria addressed a request to the Constitutional Court (CC) to declare unconstitutional the provision of Art. 64, para 2, assoc. second of the Code of Criminal Procedure (CPC).

The constitutional judges supported the motives of the ombudsman that the provision of art. 64, para 1, sentence second of the PPC violates the right to protection of citizens under Article 122 in conjunction with Article 56 of the Constitution. The right to protection guaranteed by the latest constitutional norm is comprehensive. It finds specific manifestations in various spheres of public life and in particular in the various branches of law.

The Ombudsman's opinion is that the additional sentence two, which allows remote participation of the accused in taking pre-trial detention in pre-trial proceedings, is contrary to the constitutionally guaranteed right to protection of every citizen, proclaimed in Article 56 of the Basic Law in connection with the right to protection at all stages of the process according to Article 122, as well as two other basic rights of citizens - the right of persons not to be subjected to torture, cruel, inhuman or degrading treatment, guaranteed in Article 29, para 1 of the Constitution, and the right to personal liberty and inviolability, proclaimed in art. 30, para 1 of the Constitution.

The automatic and immediate trial of persons detained on criminal charges is an important procedural guarantee for protection against illegal and arbitrary detention, but such a guarantee is the immediate acceptance by the court of the person's explanations in the context of the constitutional right to protection. to exercise all fundamental rights.

The Constitutional Court, developing its practice, has come to the conclusion that the constitutional right to protection can be realized in its entirety only if the road to court is not closed, as only adversarial public litigation with equality of disputing parties within the meaning of Art. . 121 of the Constitution can ensure the disclosure of the truth and the correct application of the law.

To these permanently established and consistently developed in the practice of the Constitutional Court provisions on the right to defense should be added the specific right of the accused to be physically brought before a judge during the initial taking of the measure of remand in custody.