



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Third periodic reports of States parties due in 1996

Addendum

BULGARIA*

[7 October 2002]

* The information submitted by Bulgaria in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in HRI/CORE/1/Add.81.

The initial report submitted by the Government of Bulgaria is contained in document CAT/C/5/Add.28 for its consideration by the Committee, see documents CAT/C/SR.97, 98 and 99, and the Official Records of the General Assembly, Forty-seventh session, Supplement No. 44 (A/47/44), paras. 215-243.

The second periodic report submitted by the Government of Bulgaria is contained in document CAT/C/17/Add.19; for its consideration by the Committee, see documents CAT/C/SR.372, 375 and 379 and the Official Records of the General Assembly, Fifty-fourth session, Supplement No. 44 (A/54/44), paras. 151-162.

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Introduction

1. The second periodic report of the Republic of Bulgaria was sent to the Committee against Torture in Geneva in June 1998. Its examination took place on 30 April and 3 May 1999. The Committee adopted its concluding observations on 5 May 1999.

2. Along with the positive developments in the process of implementation of the provisions of the Convention established by the Committee, the latter pointed out some factors impeding the implementation process. In a constructive and cooperative spirit, five subjects of concern were outlined and as many recommendations were made. The Bulgarian Government respects and appreciates the assessments and recommendations of the Committee. These comments and recommendations as well as the general guidelines as to the form and contents of periodic reports have been taken into consideration in the elaboration of the present report.

3. In addition, in order to make up for the delay, the previous report envisaged a time limit for measures to be adopted from 1992 to 1996, inclusive. But as the last recommendation of the Committee (A/54/44, para. 162 (e)) includes part of the period covered by the second periodic report of the Republic of Bulgaria, certain issues outlined in it will not be treated in the present report.

4. Satisfied with the overall positive appraisal made by the Committee of the developments until 1997, the Government of the Republic of Bulgaria wishes to reiterate its firm determination to continue to strictly fulfil its obligations under the Convention. Evidence of that is the full assistance provided with regard to the realization of the "Project of Observation of the Conduct of Law-Enforcement Bodies, the Situation in Prisons, Police and Investigation Detention Facilities, Psychiatric Institutions and Reformatory Boarding Schools in Bulgaria". This project is a continuation of the one-year project of the Bulgarian Helsinki Committee to monitor conditions at places of detention - both projects cover the period 1997/99. Adequate measures have been taken to redress weaknesses and problems referred to in the detailed report. The same can be said about the critical remarks of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) made after their visit to our country in April 1999.

5. In general, the established practice of providing the necessary conditions to ensure openness and transparency with regard to the problem of torture will continue. So will the assistance of the Government to check-ups and inspections by international institutions and non-governmental Bulgarian and foreign organizations. Their comments and recommendations will be borne in mind and we hope to achieve, through joint efforts with the Committee, as we share one and the same objective, ever better results in limiting and reducing cases of torture.

I. INFORMATION ON NEW MEASURES AND RECENT RESULTS REGARDING THE IMPLEMENTATION OF ARTICLES 1-16 OF THE CONVENTION

A. Legislative measures

6. As is known, in the last 10 years the Republic of Bulgaria has been undergoing fundamental qualitative changes in its transition from a State under totalitarian socialism, with its centralized economy, dictatorship and disregard for or violation of human rights, to a democratic

State. The aspiration now is to build a free-market economy and to ensure democratic social development and a civil society. It was only in the last three to four years that the pace of the transition has accelerated to the maximum and the existing numerous problems and pending questions, including those bearing upon the Convention, began to be solved gradually. That did not escape the attention of influential politicians, economists and other experts of Governments and international organizations, including the Committee.

7. The rates of positive changes are still not the ones we would like to see, but we should not forget that there are quite a few objective difficulties of an internal and international nature. First and foremost come the economic problems of Bulgaria and the crisis in Kosovo and in Yugoslavia in general, which are definitely interrelated, as well as the painful and slow change of social consciousness.

8. In the period under review, a number of legislative, administrative and other measures were adopted in the Republic of Bulgaria in implementation of articles 1-16 of the Convention.

9. The legislative measures can be defined on two levels - in terms of international law and internal law. It is worth noting, on the international plane, that the Republic of Bulgaria has ratified several international instruments such as: the Hague Convention on International Access to Justice (July 1997), the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty (20 July 1999); Protocol No. 1 and Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (29 July 1997); the Framework Convention for the Protection of National Minorities (26 February 1999), etc. As per article 5, paragraph 4, of the Constitution of the Republic of Bulgaria, these international agreements are part of the internal law of the country. They supersede any domestic legislation stipulating otherwise.

10. Serious efforts were made to periodically renew the internal legislation - the Criminal Code was amended and supplemented 10 times; the Code of Criminal Procedure - 7 times; the Law on Punishment Enforcement - 4 times. The considerably improved Law on Combating Anti-Social Behaviour of Minors and Under-Age Persons has been in force since early 1997. Some of these amendments concern problems treated in the Convention and issues raised by the Committee.

11. The most important positive change in the Criminal Code was the abolition in December 1998 of the death penalty which for over 100 years had been present in the law as an element of the penal system. The fact of the abolition of the death penalty was widely commented on and welcomed by foreign politicians, statesmen, State institutions and international organizations. It was specifically mentioned under section B, "Positive aspects", subparagraph (c) of the concluding observations of the Committee. The major amendments and supplements to the Criminal Code of 1997 provided for new standards of protection of the individual in general and relating in particular to torture in the meaning of article 1 of the Convention. For instance, article 142, paragraph 6, stipulates liability for kidnapping and unlawful deprivation of liberty when committed by an officer in the system of the Ministry of Internal Affairs - the punishment is from 3 to 10 years. A little milder, but still a sufficiently severe punishment - imprisonment from 1 to 6 years - is imposed for unlawful deprivation of

liberty committed by an official in violation of his duties (art. 142a, para. 2). More severe punishment is envisaged for a person employed by the Ministry of Internal Affairs for the offences of coercion, hostage-taking, threat to commit a crime, etc.

12. Of the repeated amendments made to the Code of Criminal Procedure in the spirit of the Convention's provisions, the following should be mentioned.

13. In 1997, a new article 439b was introduced to stipulate the conditions for a refusal to extradite aliens who have committed an offence to another State. Pursuant to article 4, paragraph 2, a Bulgarian national shall not be extradited to a foreign State to be tried or serve a punishment. Thus, pursuant to paragraph 2, subparagraph 3, of article 439b of the Code of Criminal Procedure, extradition of an alien shall not be allowed if "that person is expected to be subjected, in the requesting State, to violence, torture or other cruel, inhuman or degrading punishment or if there have not been secured any guarantees of protection of his rights as envisaged under this Code". Provisions of a similar content and in an adequate form have already been included in the bilateral agreements on extradition between Bulgaria and Azerbaijan, Armenia and China. This trend will be followed with regard to future extradition agreements.

14. Further analysing internal legislative measures, we should point out that the new provisions of the Law on Combating Anti-Social Behaviour of Minors and Under-Age Persons enlarged the number of relevant public and social institutions as well as the scope of their possibilities for humane and tolerant treatment of minor offenders who are not legally responsible. An important element of the new legislation is the improved regime of placement in a reformatory boarding school. A mandatory ex officio judicial control is required with regard to the legality of and justified grounds for that placement. The law has also limited the period of stay of minors and under-age persons in these special schools.

15. In the period 1997-2000, in accordance with the international commitments undertaken by the Republic of Bulgaria and the changed socio-economic conditions, a review was made of the existing normative acts and some modifications were adopted in the penitentiary sphere, i.e.:

(a) With regard to provisions of the Law on Punishment Enforcement related to the abolished death penalty (1997 and 1998): establishment of a "Prison Fund"; demilitarization of the personnel; creation of a mechanism for submitting petitions and complaints, which are not subject to supervision by the administration, to human rights bodies of the United Nations and the Council of Europe; application of labour regulations for people deprived of liberty in accordance with the market economy principles; legislative endorsement of the religious support accorded to people deprived of liberty;

(b) By virtue of the Ordinance of 1999 on the Situation of Charged Persons and Accused Persons in Custody, some significant changes were made in the status of persons who have not been convicted which better conform to the presumption of their innocence;

(c) A new instruction was issued in 1997 on the rights and obligations of warders and guards at places of deprivation of liberty in connection with the use of truncheons as a last resort and its prohibition in cases of demonstrative disobedience, a refusal to follow orders and arrogant behaviour on the part of inmates;

(d) A special Order of the Minister of Justice of 1998 regulated the conditions and procedure for enabling imprisoned persons to work at commercial enterprises, with other legal entities and as traders;

(e) An ordinance was adopted in 1997 on the establishment of transitional labour reformatory hostels and on the procedure for placement therein and serving the punishment of deprivation of liberty. That ordinance also provided for the extenuation of isolation and restrictions applied to convicted persons serving their punishment in prisons and their participation in active resocialization efforts before their release;

(f) Regulations of the Internal Order in Prisons and Closed Prison Hostels (1998) and a List of Objects and Belongings that Persons Deprived of Liberty Are Allowed to Keep When Serving Their Punishments at Closed Institutions for Recidivists and Non-Recidivists (1998) were adopted.

16. New Regulations on the structure of the Ministry of Justice adopted in December 1999 govern the intensified control exercised by the General Administration of Places of Deprivation of Liberty over prisons and pre-trial detention facilities with a view to respecting the legal situation of detainees. That was preceded by amendments and supplements to the Judicial System Act of November 1998 as a result of which pre-trial detention facilities came under the Ministry of Justice and its structure of management of places of deprivation of liberty.

17. In early 1998 a new detailed law on the Ministry of Internal Affairs came into force followed by Regulations for its application, some necessary ordinances and other acts. They all radically changed the philosophy of the functions of the Ministry of Internal Affairs bodies now serving the society which, for its part, exercises civil control over these bodies. The new acts have proclaimed the respect for the rights and freedoms of citizens as well as their dignity as the basic principle of the work of the Ministry of Internal Affairs and the protection of these rights and freedoms as its main task. The use of firearms, physical force and auxiliary aids has been proclaimed as admissible only when important functions of the Ministry cannot be performed in any other way.

18. The use of weapons and auxiliary aids has further been limited by an Order of the Minister of Internal Affairs of October 1998 which imposed a ban on the use of weapons by officers of the Ministry of Internal Affairs while apprehending fleeing offenders if that would endanger the life or health of citizens, except when the life or health of officers of the Ministry of Internal Affairs or other citizens is in danger.

19. In the same context, as per the Law on the Ministry of Internal Affairs, guarding the State's frontiers with a possible use of arms against offenders has been replaced by control of border-crossings by a specialized police service which is subject to civil control.

20. Certain legislative changes were also introduced in the field of forcible psychiatric treatment with a view to ruling out any manifestations of torture in the meaning of the Convention. Forcible hospitalization of dependent patients without any signs of a severe mental derangement was abolished by virtue of the amendments and supplements to the Public Health Act (February 1997). Forcible labour was also abolished. Besides, the period for reviewing a court ruling on placement in a psychiatric institution was reduced from one year to six months.

B. Administrative measures

21. During the period under review the Ministry of Internal Affairs, the Supreme Cassation Prosecutor's Office, the Specialized Investigation Service, the Ministry of Justice and the Ministry of Health undertook a number of actions in their respective fields with regard to the implementation of the obligations under articles 2-16 of the Convention.

22. Since the outset of socio-economic changes in 1989 the Ministry of Internal Affairs has been making continuous efforts to improve conditions at places of police custody. As this is a problem attracting the attention of the Committee and other specialized international institutions as well as non-governmental organizations, the process of improving conditions at police detention facilities, particularly in the last three to four years, has been developing rather fast. According to the Constitution of the Republic of Bulgaria and the Code of Criminal Procedure, police custody may last for 24 hours or, if the custody has been ordered by a public prosecutor, up to 72 hours before the person in question must appear before the court. In this context:

(a) The documentation concerning police custody has been brought into line with the requirements of both internal and international legislation for this activity and, above all, for the prevention of torture;

(b) Detainees are provided with the possibility of using a lawyer; health care and meals are guaranteed; relatives are notified of their situation;

(c) Most of the facilities receiving persons in custody against whom auxiliary police aids have been used, have been reconditioned so as not to cause any discomfort or a feeling of inhuman or degrading treatment. For example, at the recommendation of representatives of the CPT, by order of the Director of the National Investigation Service of 8 July 1999, the height of the horizontal metal rail used for handcuffing detainees was lowered so that the arm of the handcuffed person is not raised too high. That height was decreased from 2 m to 80-120 cm from the floor. In the meantime, police officers have been ordered to check handcuffs put on detainees every hour to ensure normal blood circulation;

(d) Reliable control is exercised over the observance of the rights of detainees regarding their registration as well as the rights ensuing from internal order regulations;

(e) In the period after April 1999 measures were adopted to fulfil the recommendations of CPT (which visited the Republic of Bulgaria in April 1999) for the improvement of the state of detention facilities. The attention is now focused mainly on issues which have not yet been resolved. They are related to improving material conditions at places of detention; providing better living conditions to detainees; ensuring the necessary capacity in terms of premises arranged in accordance with international requirements; the scarcity of funds for reconstruction, new construction and upkeep of premises and wages of employees; limits for telephone calls and the unavailability of lawyers at places of detention;

(f) As per the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, special attention is accorded to issues relating to violence and hooliganism at sports competitions, especially football matches. Measures are being taken to establish an optimal security organization at sports competitions with a view to minimizing conditions for the commission of unlawful acts and violence by police officers.

23. Pursuant to article 127, paragraph 2, of the Constitution of the Republic of Bulgaria, the Prosecutor's Office (along with its other functions) supervises the legality of enforcement of penal and other coercive measures. That includes supervision over prisons and pre-trial detention facilities. According to official information of the Supreme Cassation Prosecutor's Office, 521 checks were undertaken in 1999 to that end. In case of violations that do not involve the commission of a crime, the management of the prison is given mandatory instructions.

24. Another form of counteracting any violations of the right to inviolability of the individual and the personal freedom of citizens is the work of the Prosecutor's Office aimed at preventing any unjustified detention of prisoners after the expiry of sentence. It is considered that the main reason for keeping prisoners without any grounds after they have served their punishment is the non-application or wrong application by the court of the requirements for concurrent punishments where several offences have been committed by the convicted person. The Prosecutor's Office has accounted for 134 cases of unjustified detentions in 1998 and 108 cases in 1999. The Prosecutor's Office reacted in due time by putting forward a proposal for instituting legal proceedings under the Code of Criminal Procedure (art. 304, para. 1) to define a total punishment as well as to take into consideration police custody under article 376a of the Code of Criminal Procedure in cases when the court has failed to do so.

25. In performance of its duty to supervise the enforcement of coercive measures, the Prosecutor's Office also makes systematic inspections of psychiatric care institutions in the country in order to establish the legality of the compulsory hospitalization of patients and monitor their treatment by the staff. In 1999 it was found that there were no more grounds for keeping and forcibly treating two persons at a mental hospital and so their immediate release was decreed.

26. The Supreme Cassation Prosecutor's Office and the Chief Prosecutor have their specific functions defined in the Code of Criminal Procedure in connection with article 3 of the Convention. Data supplied by the Prosecutor's Office indicate that for the period under review (1 January 1997-31 December 1999) there were no problems relating in any way whatsoever to this provision of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A total of 73 applications for extradition were processed of which 48 were filed by foreign States and 25 by the Bulgarian State. Twenty-one persons were extradited to applicant States while 13 persons, charged with committing a crime or with court sentences, were extradited to Bulgaria. The Bulgarian State has only refused extradition in one case - on the basis of article 439b, paragraph 2, subparagraph 1, proposal 2 - to Uzbekistan, due to the fact that the alleged offence was considered to be connected to a political offence. In the remaining 26 cases either the applications were withdrawn by the applicant States or the documents submitted were not complete, or the cases were pending. For the period under review, there were no cases of refusal of a Bulgarian application by any State on the basis of article 439b, paragraph 2, subparagraph 3, of the Code of Criminal Procedure - a danger that the

wanted person would be subjected to torture or similar treatment. But the consideration of any application for extradition of a foreign national always involves an in-depth assessment of the possibility of refusing the application on the grounds that the person in question might be subjected to torture.

27. For the period under review, quite a number of administrative measures have also been taken by the Specialized Investigation Services for implementation of the Convention:

(a) By a special act of February 1997, Instructions on the Organization and Procedure of Health Care in Detention Facilities of the Specialized Investigation Service were sent out to relevant subordinate structures;

(b) In December 1997 an administrative order was issued concerning mandatory medical screening of each person brought to a detention facility of the District and Regional Investigation Services;

(c) On 2 November 1998 a written order was sent out to allow inspections in places of detention to be made by missions of CPT in accordance with the European Convention for the Prevention of Torture. The same order contained mandatory instructions to security inspectors at the places of detention to plan for training sessions in the new academic year in order to familiarize the personnel with the content of the European Convention and the Convention against Torture and to arrange examinations on the rights and obligations of the personnel with regard to detainees;

(d) Administrative measures have also been undertaken to ensure priority treatment of cases of persons in custody. An Ordinance to Expedite the Work Regarding Persons in Custody was issued on 29 July 1997. Circular Letter No. 21191 of 1 October 1997 called for immediate measures for a prompt and lawful conclusion of cases of persons in custody at places of deprivation of liberty. Another circular letter, of 21 October 1997 was sent out concerning checks on cases of under-age defendants in custody.

28. The pace of administrative and other transformation in the system of places of deprivation of liberty is rather fast (prompted perhaps by frequent inspections made by Bulgarian and foreign non-governmental organizations and commissions of international organizations). The most significant ones can be listed below.

29. Demilitarization of the managing personnel, social workers, economic services and health-care personnel has been effected since 1998. Civil management organization was introduced and the principle of civil treatment of persons deprived of liberty was established.

30. Measures aimed at improving the handling of complaints were adopted in October 1997. Special boxes were placed in each prison for inmates to post freely (not subject to supervision by the administration) their applications and complaints to the Deputy Minister of Justice, who is responsible for prisons. About 600 such applications and complaints per year are received in the Ministry of Justice; each of them is considered and accorded the necessary attention with a view to finding a solution to the problems raised.

31. By virtue of the above-mentioned Ordinance No. 2 of April 1999 of the Ministry of Justice, the conditions of persons in custody at pre-trial detention facilities (persons charged in a pre-trial phase and defendants in court proceedings) has been equalized with that of persons sentenced to deprivation of liberty with effective sentences. Normative guarantees have been created to rule out any restrictions on persons in custody at pre-trial detention facilities with regard to visits, correspondence, use of money for personal needs as well as of newspapers, radio and TV, outdoor walks, etc. In implementation of the prescriptions of the Ordinance some difficulties of an organizational/managerial nature are being encountered which are gradually being overcome.

32. After the second visit (25 April-7 May 1999) of a delegation of CPT pursuant to article 7 of the European Convention (the first visit took place in March/April 1995), the Ministry of Justice undertook a number of specific organizational actions to redress shortcomings and remove the other sources of the negative findings of the delegation.

33. In June 1999 a national meeting was held devoted to legality and observance of human rights at places of deprivation of liberty. After serious deliberations and discussions joint measures were mapped out with the Prosecutor's Office aimed at improving the work in that direction.

34. In the period following 1996 the main efforts of the Government and the Ministry of Justice were targeted at a radical improvement of the living conditions of detainees. The Council of Ministers adopted a medium-term public investment programme for the period 1998-2001 which is now under way. The purpose of these investments is to decrease overcrowding in prisons and pre-trial detention facilities as well as to introduce positive changes in the material living conditions. In the first two years of the programme (1998-1999) eight major projects were completed and commissioned: four labour reformatory hostels, provision of gas to the Lovech prison; construction of external sewerage at the Pleven prison; refurbishment of a pre-trial isolation facility at the Sofia prison hospital and construction of a completely new psycho-neurological and tuberculosis hospital at the Lovech prison. Ten more projects in the prison system are to be completed in 2000 and 2001.

35. In 1998-1999 the buildings of the Boychinovtsi reformatory for delinquents were fully renovated while funds were invested in all other prisons with a view to improving the living conditions. The realization of the investment programme created work opportunities for prisoners. The opening up of new lines of production resulted in an increase of the number of jobs by 434 during that period.

36. A phased-out closing down of all detention facilities situated underground started. Half of the existing 28 facilities of that kind have already been closed down. The rest of the prisoners are to be accommodated in suitable State-owned or municipal buildings or barracks vacated by the Ministry of Defence. The plans are to close down all underground investigation detention facilities and to bring all detention facilities in line with the requirements by the end of 2001. To that end, funds amounting to 3,714,000 lev have been allocated for 2000.

37. A campaign of building up outdoor facilities for persons in custody at pre-trial detention places is now in progress. By the end of the year such facilities will be built at 15 such places.

38. In 1998 the places of deprivation of liberty in the Republic of Bulgaria were supplemented by new transitional prison hostels. They have been operating as an experiment since 1994 to accommodate persons sentenced to long terms of imprisonment who have behaved well and have served a certain part of the punishment imposed on them in closed penitentiaries. At present there are five transitional prison hostels. For two of them the State ceded the right of ownership over military housing units vacated in connection with the ongoing reform of the Bulgarian army. Three more buildings of that kind are to be equipped as transitional hostels by the end of 2000. With the increase of penitentiaries with a relaxed regime and conditions close to those outside the prison, the number of prisoners placed in them is expected to reach 1,500. Thus, overcrowding in prisons, which is one of the existing problems bearing upon the Convention, will be diminished.

39. In accordance with the National Programme of Prophylaxis, Diagnostics and Treatment of Tuberculosis in the Republic of Bulgaria, a work programme was elaborated to fight tuberculosis at penitentiaries. Teams of the Ministry of Health equipped with a digital fluorograph examined all persons deprived of liberty (and personnel) from November 1999 to April 2000. The programme to combat tuberculosis is being fully applied also to persons in custody at pre-trial detention facilities. Budgetary means have been provided for medicines and consumables as well as bigger food rations for successful treatment of patients in the two phases of the disease. In view of the great importance of prophylaxis and health care, a new ordinance on health care at facilities of deprivation of liberty has been worked out which pays special attention to prophylaxis and treatment of contagious diseases and tuberculosis.

40. In connection with the abolition of the death penalty, two new punishments were introduced in the penal system in 1995 and 1998 under the Criminal Code, i.e. "life imprisonment" and "life imprisonment which is not subject to replacement". The law stipulates that life prisoners be kept at separate prisons or special premises within the other (ordinary) prisons. For the time being these persons, whose number is several score, are placed at the closest prison to their former place of residence so that they can be in contact with their families. The isolation of these persons is not absolute but only with regard to the other prisoners as those sentenced to life are accommodated in rooms for two or more persons. However, their isolation with regard to other prisoners does not apply to visits, receipt of food parcels, the possibility to be in contact with the outside world, etc.; in practice they live under the same conditions as the prisoners sentenced to deprivation of liberty. Unfortunately, the material base at prisons on the whole is outdated and worn out and all the required material living conditions are still not available everywhere (constant access to running water, sufficient living space, etc.).

41. With a view to bringing the enforcement of life imprisonment into conformity with the European standards for treating convicted persons, in February 2000 a national meeting was held with prison directors where they were instructed to review the premises of life prisoners and to propose adequate measures to bring them into line with the requirements.

42. The Ministry of Health also adopted administrative measures and a normative base for their application in connection with the improvement of conditions and in conformity with the provisions of the Convention. In May 1998 the Ministry adopted a new concept of psychiatric health care in the Republic of Bulgaria based on the principles of human rights for mental

patients. These rights are guaranteed by the legislation but also by way of certain procedures and rules. The concept involves a totally new approach, i.e. institutional service isolating mental patients to be replaced by a set of services at their place of residence so that these patients can remain a part of the community where they belonged before they were sick.

43. A Ministry of Health programme of reform of psychiatric care based on the concept of psychiatric health care was adopted in March 1999 and started in the same year.

44. Since 1999 an ordinance on the minimum package of services of specialists has been in force, including services offered by specialist psychiatrists in the out-of-hospital framework within the health insurance system. These activities have been defined in consideration of the new rules and procedures outlined in the Concept of Psychiatric Care Reform.

C. Measures relating to training of law enforcement personnel in the field of prevention of torture and other cruel, inhuman or degrading treatment or punishment (art. 10)

45. The standards of international humanitarian law are studied at the Ministry of Internal Affairs in accordance with the established standards of the Uniform State Requirements adopted by the Council of Ministers of the Republic of Bulgaria. This education is provided by specialized and highly qualified lecturers of academic rank and title. Study programmes, depending on the category of trainees and the duration of training courses, include various problems of international law and human rights. The provisions of international legal instruments on human rights are also studied under training programmes carried out without discontinuing work. Very useful in this respect is the police pocket manual *International Human Rights Standards for Law Enforcement* prepared by the Office of the United Nations High Commissioner for Human Rights.

46. A special training programme for personnel regarding the observance of human rights is implemented with the assistance of Bulgarian and foreign government and non-government bodies and organizations which provide specific lecturers. Under preparation is a long-term programme of cooperation along that line with the participation of lecturers from EU member States.

47. In implementation of the general provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Ministry of Internal Affairs carries out educational programmes on international legal instruments on human rights at its specialized training institutions. The scientific/theoretical and practical problems of international humanitarian law are treated in special courses held at the Higher Officer Training and Research Institute as well as at schools for sergeants.

48. A research project on "Police Prevention of Crimes of Violence Victimizing Women and Children" was done at the Research Institute of Criminal Science and Criminology of the Ministry of Internal Affairs and is to be published and made available for training purposes to the National Police Service. Publications of the "Police and Human Rights" programme of the Council of Europe are also studied at the Ministry of Internal Affairs units.

49. The training programme of the police investigation personnel in 1999 included topics regarding standards of the Convention for the Protection of Human Rights and Fundamental Freedoms. Tests covered not only special issues relating to lawful investigation but also questions of the international instruments on human rights.
50. As a result of an agreement between the Ministry of Internal Affairs and the International Committee of the Red Cross (ICRC), eight courses in humanitarian law and human rights were arranged under the PHARE project in the period 1997-2000 with special emphasis on the adequate performance of police operations and the lawful exercise of police powers. An international seminar on "Border police and the rights of immigrants and refugees" and a course in the problems of refugees and human rights were also held. There was a joint project with the British Council, Sofia, on "Integration of human rights problems in police education in Bulgaria".
51. An international conference on "Human rights and refugee rights education" took place in 1998 with the participation of high-ranking officials of the Ministries of Internal Affairs of France and Austria, the European Commission, the British Council, ICRC, UNHCR, the National Territorial Asylum and Refugee Office, the police attachés of France and Germany, non-governmental organizations and the Higher Officer Training and Research Institute of the Ministry of Internal Affairs.
52. For understandable reasons there have been no special training programmes on the provisions of the Convention at the Prosecutor's Office and the Investigation Service. Public prosecutors and examining magistrates have law degrees and in the course of their training at Law Faculties studied the Convention as a source of international criminal law. Later on in their careers they had to recollect the standards which, along with the other standards of legal defence, are prerequisites for a successful professional performance. Therefore, they need no special training. Nevertheless, they are constantly reminded at staff meetings to observe international regulations concerning human rights and, in particular, neither to commit nor to allow any acts of torture. That such acts do not exist in the Prosecutor's Office and the Investigation Service is corroborated by their official reports: according to them, no complaints have been filed by detainees with regard to beating or any other forms of physical or psychological torture on the part of examining magistrates or public prosecutors in the period under review - 1997-1999.
53. Active education efforts in the spirit of the provisions of the Convention have been addressed to the prison personnel. These efforts can be described as follows:
- (a) In accordance with the provisions of article 63 of the European Prison Rules, all newly appointed personnel attend courses of initial prison training. The curriculum covers the following topics: international standards of treatment of persons deprived of liberty, international standards of health care at facilities of deprivation of liberty, social work as a guarantee of the observance of human rights of detainees (12 training sessions). For the 1997-1999 period 593 warders and 121 staff members - officers, social workers, psychologists, doctors, economists, etc. - attended initial training courses;
 - (b) A seminar on the "European penal philosophy" was held in 1998. Two courses were arranged within the framework of the seminar "European standards of treatment of persons deprived of liberty" and "Methods of regulation of the prison population". The courses were

attended by a total of 52 directors and deputy directors of prisons and a total of 23 directors of labour reformatory hostels. Courses were also attended by representatives of the Prosecutor's Office, the courts and municipal monitoring commissions. The Hans Zeidel Foundation financed the undertaking while lecturers and experts of the Central Prison Administration and the Prosecutor's Office did the training;

(c) Under forms of special training we can also mention the training seminars on "Women's prisons of the twenty-first century" (1998) and "International standards of treatment of persons deprived of liberty of non-Bulgarian ethnic identity" (1999). They were held for the prison personnel in Sliven and the managing personnel of the prisons in Stara Zagora, Bourgas and Lovech, a total of 50 at two three-day seminars. They were attended by Bulgarian and international (Prison Reform International) non-governmental organizations, including a lecturer from the South-east Missouri State University specialized in the training of probation and penitentiary personnel.

54. Of importance in the training of prison personnel are the courses within the framework of the "International standards of treatment of persons deprived of liberty" project (1998). This project was realized by the Penitentiary Centre of Research and Training of the Central Prison Administration and the Association for Resocialization of Persons Deprived of Liberty, while the funding was provided by the Open Society Foundation. The programme of courses included topics relating to the European Convention on Human Rights, the European Convention against Torture, the European Prison Rules, international standards of professional ethics, international legal acts governing individual professional behaviour. Involved in the training were university professors and lecturers of the Penitentiary Centre of Research and Training of the Central Prison Administration. The course for prison directors was led by Ives Van den Berg, a representative of the Central Prison Administration of Belgium and member of a working group for the elaboration of a new law on punishment enforcement. In general, 14 five-day courses were held on "International standards of treatment of persons deprived of liberty" attended by a total of 300 staff members: prison directors, deputy directors responsible for the prison regime and security and for social work with the prisoners, directors of labour and reformatory hostels, inspectors engaged in social work with persons deprived of liberty (3 courses); medical personnel of prison health-care services (2 courses); prison security inspectors, chief warders (3 courses); psychologists and personnel of the Human Resources Department; the personnel of the Production and Economic Activities Department in prisons.

55. In addition, meetings are arranged with all the staff at facilities of deprivation of liberty to familiarize them with the findings of the CPT missions after the two inspections made in Bulgaria in 1995 and 1999.

56. In accordance with the psychiatric care reform programme of the Ministry of Health, the programme of studies of students and post-graduates in psychiatry has been changed accordingly to include training in new technologies. With a view to guaranteeing a humane attitude on the part of the personnel at psychiatric care institutions, two specialized training courses were held at the Forensic Psychiatry Clinic of the University of Medicine, Sofia. The first course was dedicated to "The conflict between coercion and care in psychiatric cases" and the second one to "Crisis interventions with specific clients". For the purpose of promoting the objectives of the Convention, the National Centre of Public Health, a Ministry of Health structure, published two brochures, the first one entitled "Guiding Principles in Ensuring the Rights of Persons with

Mental Disorders” and the second one “Psychiatric Care Legislation - Ten Basic Principles”. A book, *Ethical Problems in Psychiatric Health Care*, was published within the framework of a research and education programme of the above-mentioned National Centre jointly with the Bulgarian Psychiatric Association and the Bulgarian Association of Psychiatric Nurses.

D. Complaints, inquiries, indictments, court proceedings, sentences, reparations and compensation with regard to acts of torture and other cruel, inhuman or degrading treatment or punishment (art. 13)

57. A specialized unit has been set up at the Ministry of Internal Affairs and an effectively operating organization has been created for receiving and considering complaints, proposals, denunciations and applications of citizens. For the 1997-2000 period 378 complaints of citizens were filed for beatings committed by officers of the Ministry of Internal Affairs (1997 - 179, 1998 - 152, 1999 - 38, 2000 - 9). These complaints were verified and in the cases when unlawful actions on the part of personnel of the Ministry of Internal Affairs were established, the materials were forwarded to the Military Prosecutor’s Office.

58. The official data supplied by the Ministry of Internal Affairs indicate that for the period 1 January 1997-29 February 2002 the Ministry received information on 166 cases of coercive acts against citizens committed by 170 officials of the Ministry of Internal Affairs. Investigative proceedings were instituted in 48 cases (1997 - 37, 1998 - 4, 1999 - 6 and up to the present moment in 2000 - 1). The materials of 34 cases were forwarded to the Military Prosecutor’s Office (1997 - 21, 1998 - 3, 1999 - 8, 2000 - 2). Thirty-eight officers of the Ministry of Internal Affairs have been dismissed for having committed violent acts (1997 - 22, 1998 - 8, 1999 - 8). Other disciplinary punishments of varied gravity have been imposed on 47 officers.

59. According to information provided by the Supreme Cassation Prosecutor’s Office:

(a) For the 1998-1999 period the district military prosecutor’s offices in the country have submitted a total of 81 indictments against police personnel for violence to be examined by the court. Most of the charges are in connection with light bodily injuries;

(b) Investigative proceedings No. XVI-13/1999 were instituted by the Sofia District Military Prosecutor’s Office on 27 July 1999 in order to establish the reasons for and circumstances under which bodily injuries were inflicted on a defendant, Yuri Lenev, in the murder case of MP Andrey Loukanov;

(c) For the 1998-1999 period the district military prosecutor’s offices set up 392 files based on applications of victims of police violence. About 25 per cent of these files have been concluded by instituting investigative proceedings or additional information was required. The rest have been closed with a refusal to institute preliminary proceedings due to the absence of a crime.

60. In 1997-2000 a total of 75 complaints for beatings, unlawful actions and inhuman treatment of persons deprived of liberty have been registered at places of deprivation of liberty. Six of them have been found well grounded and 69 groundless. Parallel with the complaints,

as a result of internal routine checks some disciplinary measures were applied to 36 staff members at places of deprivation of liberty. For having beaten persons deprived of liberty, six officers were sanctioned; two of them were dismissed with a disciplinary measure and the materials were submitted to the Military Prosecutor's Office for prosecution. Eighteen security officers were punished for unlawful application of physical force with truncheons, 11 for inhuman and rough treatment and 1 for unlawful actions.

61. As is clear from the above information, each breach committed by penitentiary personnel is countered in due time and after a thorough investigation adequate disciplinary measures are taken. The case analysis shows that breaches affecting the legal status of persons deprived of liberty are mainly committed by prison guards. In this context, it is planned to continue with the project "International standards of treatment of persons deprived of liberty" and to include the whole sergeant-level staff of guards at prisons and pre-trial detention facilities.

62. The places of deprivation of liberty were the subject of inspections by a delegation of the CPT in 1995 and 1999. The heightened attention to the actions of the penitentiary administration led to a greater control over and rigour with regard to the personnel with a view to not allowing any cases of physical ill-treatment, degrading attitudes and mental cruelty in the enforcement of punishment. That could be illustrated by the measures adopted in response to the findings of the CPT delegation which inspected the Bourgas prison in 1999. Basically, they concerned allegations of verbal offences and inhuman treatment of persons deprived of liberty by the personnel. In this connection, by Order No. ËÑ-03-1058 of 29 June 1999 of the Deputy Minister of Justice, independent experts of law enforcement bodies of the Republic of Bulgaria checked up on the facts. They found some tension between the personnel and persons deprived of liberty relating to unjustified firmness and use of force in the discharge of duties as well as a degrading attitude towards the persons deprived of liberty. For this reason, by Order No. ËÑ-03-774 of 12 May 1999 of the Minister of Justice, the Prison Director, Valentin Enchev, was dismissed and a few days later, by Order No. ËÑ-03-822 of 15 May 1999 of the Minister of Justice, the Deputy Director, Plamen Kolev, who was responsible for the social work at the prison, was also dismissed.

63. Specific information provided by the Ministry of Health concerning treatment of mental patients in 1999 indicates that the 24 psychiatric care institutions in the Republic of Bulgaria admitted 24,791 patients of whom 1,558 were subjected to forcible and compulsory treatment. For the same period, the five psychiatric clinics of university hospitals admitted 5,568 patients of whom 47 were subjected to forcible and compulsory treatment. Although official records make no reference to cases of torture of patients by the personnel, the unsolved problems bearing upon the Convention are mostly related to the unsatisfactory material conditions in which mental patients are treated. That was what the experts of the CPT found during their visit to Bulgaria in April 1999.

II. ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE

64. The Ministry of Foreign Affairs has not received any request from the Committee to provide information which was not supplied in the previous report of the Republic of Bulgaria. But the Government states its readiness to provide any information that may be of interest to the Committee concerning the implementation of its obligations under the Convention.

III. TAKING INTO CONSIDERATION THE CONCLUDING OBSERVATIONS OF THE COMMITTEE

65. Along with the reported achievements in the implementation of obligations under the Convention and the factors impeding the overall application of its provisions, the concluding comments of the Committee (A/54/44, paras. 151-162) indicate five subjects of concern (*ibid.*, sect. D) and as many recommendations (*ibid.*, sect. E). Some of the issues raised have already been solved while others are still the subject of a legislative or administrative procedure aimed at their solution.

A. Issues which have been resolved

66. Among the subjects of concern mentioned in the concluding observations of the Committee is that legislative and other measures are not sufficiently effective to ensure the respect of the provisions of article 3 of the Convention (*ibid.*, para. 158). In this context, we believe that with the adoption of the new above-cited article 439b, paragraph 2, subparagraph 3, of the Code of Criminal Procedure (August 1997) as well as the information provided by the Supreme Cassation Prosecutor's Office in the Republic of Bulgaria and included in the report concerning the application of this text, the question referred to in paragraph 158 should not cause any further concern to the Committee members.

67. A recommendation (para. 162 (d)) with reference to the previous report is not to allow "censor checks" by prison personnel or other authorities of letters of prisoners addressed to international organizations of investigation and settlement of disputes. In this context, the right of prisoners to correspond freely with international human rights organizations was guaranteed by legislation adopted in 1998. By virtue of the amendments to the Law on Punishment Enforcement, the edited text of article 37, paragraph 2, envisages that the human rights agencies of the United Nations and the Council of Europe will be included in the list of bodies recipients of applications and complaints which are not subject to control by the administration.

B. Subjects of concern and recommendations regarding questions which are in the process of solution by legislative or administrative means

68. Important concerns and relevant recommendations refer to the absence of a criminalized act of "torture" (para. 157) as well as legislative measures for implementation of the provisions of articles 2-6 of the Convention (para. 162 (a)); the lack of measures to ensure universal jurisdiction with regard to acts of torture (para. 159); continuing ill-treatment by police officials of persons belonging in most cases to ethnic minorities (paras. 160 and 162 (c)); the lack of a prompt and impartial system of investigation of alleged cases of torture and the failure to bring them to court (para. 161).

69. With reference to the above-indicated comments and recommendations, we would like to inform the Committee that the legislative process in the country is aimed at adopting completely new laws which are to take into consideration the provisions of the Convention and the recommendations of the Committee in particular.

70. The updated "Bulgaria 2001" programme of the Government adopted in March 2000 envisages the following legislative measures: elaboration of a draft new Law on Punishment Enforcement with a view to carrying out a reform in prisons and the prison administration; coordination of the legal standards on punishment enforcement through the criminalization and decriminalization of some acts under the Criminal Code; and improvement of the regime of serving punishments in accordance with the changed socio-political relations.

71. The major development to be expected with regard to the penal proceedings in 2000 is bringing the normative standards into line with the spirit and principles of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules. In implementation of this task, by order of the Minister of Justice of January 2000 a working group was set up to draw up, by the end of May 2000, a draft of a new Law on Punishment Enforcement.

72. The same applies to the field of material criminal legislation. The new Criminal Code is expected to contain text to the effect that acts of torture are offences under criminal law. The Ministry of Internal Affairs, as the main government body concerned with the implementation of the Convention provisions, takes a particular interest in this matter. Lecturers and researchers at the Academy of the Ministry of Internal Affairs have already drafted texts on torture and will insist, in accordance with the established procedure, that they be included in the future Criminal Code, but if it is delayed a procedure will be initiated to include this offence in the present Criminal Code as an amendment.

73. As for the Code of Criminal Procedure and the Law on the Ministry of Internal Affairs, some significant and substantial changes have been made since the beginning of 2000 which will create the bases for the solution of the problems referred to in the concluding observations of the Committee.

74. Of all the numerous and radical changes in the Code of Criminal Procedure in force since early 2000, we will mention only those stipulating that now the court is the only State body authorized to pronounce on the imposition and modification of the most severe measure of incarceration. The court shall also exercise an initial and subsequent control over all proceedings and investigations relating to any breach of the inviolability and rights of citizens. Such permanent control shall also be exercised by the court with regard to any other procedural measures of coercion vis-à-vis the defendant such as: placement in a psychoneurological establishment for examination, dismissal from work, police custody, etc. An expression of enhanced guarantees for the rights of citizens and in particular the prohibition of any act of torture is the possibility for interested persons to appeal against court acts in the above-mentioned domains before a higher court, whose decision shall be final.

75. To the above-mentioned plans and projects we could also add those which are related to the elaboration of new laws and by-laws in the sphere of psychiatric treatment. The most important are: a draft law on public health; a draft ordinance on minimum standards (regulations) at psychiatric hospitals; a draft ordinance on pre-treatment and rehabilitation programmes for dependent patients; and a draft programme of psychiatric care reform for the 10-year period 2000-2010.

76. Paragraph 159 of the concluding observations of the Committee referred to the lack of measures to ensure universal jurisdiction with regard to acts of torture in all circumstances. Indeed, such measures have not been adopted in our country and the general jurisdiction procedure is applied. For the time being, the idea of a special and differentiated procedure approach to criminal acts of torture requiring special normative standards has not crystallized, either in theoretical or legislative terms, and is not supported. Naturally, if the Committee comes up with some more concrete ideas or makes more specific recommendations to that end they would be accepted and discussed in depth. Still, it seems to us that legislative and administrative/organizational responses should concentrate on the prohibition or prevention aspects rather than on punishment.

77. The idea to set up an independent institution for the protection of human rights - an ombudsman - in Bulgaria was the subject of discussion in the process of elaboration of the Basic Law in 1991. However, that idea was not realized in the Constitution adopted by the Grand National Assembly. Nevertheless, in a wider interpretation of its provisions (e.g. article 56 concerning the right of everyone to legal defence whenever his/her legitimate interests are violated or endangered), one could take the position that the Constitution does not categorically rule out the possibility of the establishment of additional structures for protection of rights and basic freedoms. At this stage the idea of creating an ombudsman institution or another similar independent national institution is not the subject of official consideration at the National Assembly, although it is regularly discussed in the framework of organized seminars, meetings, etc. It is also necessary to note that the strategy of accession of Bulgaria to the European Union features a clause on the necessity of intensifying the discussion concerning the possible establishment of an ombudsman institution.

78. One of the subjects of concern pointed out by the Committee refers to the absence of a prompt and impartial system of investigation of alleged cases of torture and the failure to bring them to court (para. 161). We believe this concern to be of particular importance and, taking into account the fact that it has many dimensions (aspects), we would like to outline some of them.

79. First and foremost is the problem of allegation: what someone says about an act of torture having been committed against him/her or anyone else may not always be consistent with reality. Frequently, persons who have "suffered" torture or other individuals may pursue their own selfish or other personal objectives and interests and their statements may contain deliberately false information. For instance, in early April 2000, the press reported that the police had caught three wanted offenders. Having alleged that immediately upon their arrest they were beaten, these persons were taken to the "Pirogov" Emergency Hospital where doctors did not find any traces of violence. In other words, aware of the great public attention accorded to the topic of torture, some offenders "take their revenge", giving wrong information about ill-treatment by police or other officers.

80. On the other hand, it is understandable that besides their major aims, some non-governmental organizations may pursue interests of their own. Although they make an invaluable contribution as a public corrective of the Government, they do not always supply well-balanced information to international institutions. For instance, anonymous polls have been carried out with prisoners who have alleged violence during detention inside a police station or

during the investigation, and dubious results have been publicized. Sometimes, when it is claimed that torture was committed, it was a case of lawful sanctions within the meaning of the last sentence of article 1, paragraph 1, of the Convention.

81. Second, the Bulgarian legislation has established a sufficiently prompt and impartial system providing guarantees that any criminal acts of torture will be brought to justice. The efficacy of the process of investigation was further increased with the amendments which have become effective since 1 January 2000, while impartiality cannot be questioned in view of the enlarged guarantees of protection of the rights and legitimate interests of citizens. The judicial system follows the criminal procedure principle of finding the objective truth for each offence, including each specific case of alleged torture. In this sense, the objective is to punish the official who has actually committed an offence, but at the same time to protect such an official from arbitrary allegations incriminating him as having inflicted unnecessary pain or suffering on another person while in reality that was a result of lawful sanctions.

82. In paragraph 160, the Committee draws attention to continuing cases of ill-treatment by the police, especially of persons belonging to ethnic minorities. Although the problem of police violence and particularly violence against gypsies, is not typical, the Government of the Republic of Bulgaria and the Ministry of Internal Affairs are concerned. Great efforts are being made to effectively counteract and find a solution to that problem through the integration of minorities, on both a general and a specific plane, by way of organizational, managerial and control measures, personnel education, utilization of foreign experience and a number of other undertakings.

83. The Framework Convention for the Protection of National Minorities, which entered into force in February 1999, is a socio-political premise in terms of international law for an all-round solution to the problem of minorities. As another important socio-political premise in terms of internal law, we could cite the Framework Programme of Equal Integration of Romas in the Bulgarian Society adopted by the Council of Ministers (June 1999). As is well known, the situation with respect to the Turkish minority both regarding integration and along the lines of the Convention against Torture is considerably better and does not pose any special questions.

84. The Government's Framework Programme for the Integration of Romas came as a result of an agreement between the Roma community and the Government. Both parties share the opinion that Romas should be an active subject in the public sphere. In this context, the elimination of discrimination against Romas should become one of the main priorities of the Bulgarian State. It will be accomplished through appropriate changes in the Criminal Code and the legislation in force, by way of creating a State body for the prevention of discrimination; setting up a subcommission to deal with the problems of Romas within the parliamentary commission on human rights, etc. At present, persons of Roma origin work as experts in the Council of Ministers structure and some ministries.

85. The Framework Programme also contains measures for economic development, health care, regional planning of Roma housing, education, protection of the ethnic specificity and culture of the Romas, their presence in the media, Roma women, etc.

86. The work plans of all police structures envisage specific undertakings to limit and rule out breaches of the law and police violence (monitoring, prompt reactions to applications, complaints and accusations, especially when they contain information about violent acts of police officials, severe measures against guilty officials, etc.). In the meantime, contacts have been intensified with the media, public organizations and citizens with a view to enhancing public control and attaining greater transparency, openness and publicity in the work of the police and other bodies of the Ministry of Internal Affairs.

87. An idea has been under discussion for some time to set up a specialized internal structure within the police system to deal with cases of unlawful coercion exerted by police officials as well as cases when police officials themselves have been targets of unlawful coercive acts in the implementation of their duties. In this context possibilities are being explored to develop an information system and a database of breaches of the law committed by police officials or against them.

88. In the process of solving the problem of police violence, the criteria for the selection of officials of the Ministry of Internal Affairs have been continuously streamlined. The Ministry employs Bulgarian citizens without any distinction as to their ethnic or religious characteristics. Officials of Turkish, Roma, Armenian, Jewish, etc. origin have worked and still work in the Ministry of Internal Affairs services. The established practice in regions populated by compact groups with a different ethnic self-consciousness is to attract predominantly people of that ethnic group. These officials enjoy all rights provided for by the Law on the Ministry of Internal Affairs and they are appraised on the basis of their professional performance.

89. All possibilities of studying and adapting the positive European experience are fully utilized in the work with the personnel. The year 1997 marked the successful start of the British Know-How Fund Programme of Cooperation with the National Police Service and the Ministry of Internal Affairs. The projects were realized in the Regional Directorates of Internal Affairs in Plovdiv and Sliven. The joint work covered activities concerning minorities, minors, prevention and public relations, and formation of a new system of management of uniformed police regional units. The Programme is actively engaged in the training of personnel of the Ministry of Internal Affairs working in areas populated by compact groups of Romas and other ethnic minorities in the country. Projects for the integration of persons of Roma origin in the Ministry of Internal Affairs services are also under way with the support of the British Know-How Fund.

90. The 1997-2000 period saw activities along the following lines aimed at the prohibition and termination of acts of torture and inhuman and cruel treatment and punishment on the part of police officials:

(a) Police officials were familiarized in depth with the activities and functions of CPT;

(b) Regional police units were provided with information on the European Convention for the Prevention of Torture and an adequate organization was created for them to study the Convention within the framework of the academic year;

(c) Managers at all levels and police personnel were briefed on the results of the inspections made by CPT and measures were taken to redress the shortcomings found in a due time;

(d) Work instructions for police officials engaged in police proceedings and implementation of their duties were brought into line with the provisions of the European Convention and the findings of CPT;

(e) Drafts of new internal documents bearing upon police work have been drawn up in compliance with the spirit of the Convention's requirements and the possibility for openness and monitoring by international bodies, for instance, a draft instruction on the use of auxiliary aids by police personnel, as well as a draft of an internal document regarding the procedure for the placement, regime, rights and obligations of persons in custody at isolation facilities of the Ministry of Internal Affairs, health-care establishments, etc.;

(f) In March 2000 the Director of the National Police Service submitted to the management of the Ministry of Internal Affairs a special act entitled "Measures for limiting and prohibiting breaches of the law by officials of the National Police Service and police violence". This act stated, inter alia, that there was a direct relationship between the professional strain on officials and police violence which, in many cases, was a result of professional exhaustion and post-traumatic dysfunctions affecting the work of police officials. It proposed a great number and diversity of organizational/managerial, control/methodological and preventive measures (including training of personnel).

91. In connection with the further improvement of police work, training and qualifications of police officials, experts of the Ministry of Internal Affairs are working out a Code of Conduct of the Policeman and a programme of promotion of a new motivation of officials of the Ministry of Internal Affairs, enhancement of their qualifications, and consolidation and improvement of the social status. A Centre of the Higher Officer Training and Research Institute is to be set up to organize education on human rights problems, work with minority groups, ill-treatment of and discrimination against women and children, as well as to work out a programme of activities of the Centre. A joint project with the Assistance Centre for Torture Survivors - ACET is under way including training of police officials on the topics "Human rights and good police practices" and "Police investigation and human rights". Police officials will attend practical seminars organized within the framework of a project of the World Organization against Torture (OMCT).

92. Under the Council of Europe programme "Activities for the development and consolidation of democratic stability" (ADACS) and the Council of Europe Intergovernmental Programme of Activities in 2000, the Ministry of Internal Affairs will work for the realization of the following projects:

(a) Organization of a seminar for officials of the National Police Service within the framework of "Police and Human Rights Week" to introduce the European Convention on Human Rights and the practices of the European Court of Human Rights;

(b) A two-week training module in the sphere of human rights;

(c) Specialized training on procedures of internal control and prevention of police violence with a view to acquiring the necessary skills for effective investigation of cases of police violence and exercise of control for the prevention of torture and inhuman and degrading treatment;

(d) Preparation of training kits on human rights including a manual to aid the lecturer, a textbook containing methods of discussion and audio-visual materials.

93. After the adoption of the new legislation on the Ministry of Internal Affairs in 2000, the relevant by-laws will be updated to include all major issues with regard to the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

IV. CONCLUSION

94. As is known, the problem relating to violations of human rights and in particular torture and other cruel, inhuman or degrading treatment or punishment is not an isolated problem but a universal one. It exists with varying intensity and seriousness in every State in the world irrespective of its economic condition and extent of development of democracy and civil society.

95. To corroborate this, it suffices to refer to the seventh report of the United Nations Special Rapporteur, Sir Nigel Rodley, submitted to the Commission on Human Rights in 1999. It is evident from the report that the situation in Bulgaria causes less concern than in a number of other countries which took more space in the report.

96. Regardless of all measures, it would be difficult to imagine that it would be possible in any country to eliminate altogether all cases of torture, if only because of the fact that there would always be public officials to commit such acts owing to defects in the system of values or to insufficient mental stability and internal inhibitions. Therefore, the efforts of the Government of the Republic of Bulgaria are aimed at eliminating the objective prerequisites leading to the commission of acts of torture. Bearing in mind the geographical, historical, demographic, economic and other factors relating to Bulgaria, one is likely to think that the process of preventing and reducing cases of torture will take more time. In this vein, the adoption by the Government of the necessary legislative and other measures, including the recommendations of the Committee, will continue, in implementation of its obligations under the Convention.
