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# amnesty international

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## Concerns in Europe and Central Asia January – June 2003

### BULGARIA

This country entry has been extracted from a forthcoming Amnesty International report, *CONCERNS IN EUROPE AND CENTRAL ASIA: January - June 2003* (AI Index: EUR 01/013/2003), to be issued in **October** 2003. Anyone wishing further information on other Amnesty International concerns in Europe and Central Asia should consult the full document.

#### ***Discrimination of people with mental disabilities***

In January Lydia Shuleva, the Deputy Prime Minister and Minister for Labour and Social Policy, wrote to AI in connection with the organization's report *Bulgaria: Far from the eyes of society; Systematic discrimination of people with mental disabilities* (AI Index: EUR 15/005/2002) published in October 2002. She acknowledged that the institutions for children and adults with mental disabilities, for which the ministry is responsible, were a serious problem and that the government had made its resolution a priority. Furthermore, she described the government's efforts to improve the existing legislation in the field of social care and assistance, to introduce new regulations regarding the provision of services and care and to invest considerable resources in improving material conditions in social care homes. AI urged the Deputy Prime Minister to demonstrate more publicly the government's political will to deal with the discrimination of people with mental disabilities in Bulgaria. The organization also expressed concern that some of the measures already implemented did not appear to have been sufficiently well conceived and directed at the declared objectives of providing adequate living conditions and care, as well as greater integration into the community for people with disabilities currently cared for in institutions.

As an example of a measure which failed to address even the basic needs of people in institutions Amnesty International described the transfer of 70 men from Dragash Voyvoda who had been moved to other institutions in the system in September 2002, following a decision to close down this social care home. The remaining 70 residents were to be cared for by the same number of staff in Dragash Voyvoda before eventually being transferred to a refurbished facility in a similarly remote and inappropriate location. Amnesty International urged the Deputy Prime Minister to reconsider further transfers of residents from one institution to another, particularly as other closures of social care homes had been planned for 2003. The organization appealed to the authorities to take every opportunity to implement in practice their declared objective of deinstitutionalization; reintegrate people with disabilities into the community in such a way that they would be adequately cared for and supported by community-based services.

In April representatives of Amnesty International and the Bulgarian Helsinki

Committee visited four of the five institutions to which the men of Dragash Voyvoda had been transferred.<sup>1</sup> They established that the living conditions for former Dragash Voyvoda residents in the new institutions could be described as only marginally better. All of the men remained without rehabilitation or any therapy other than drugs. Such conditions and treatment are in violation of Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which prohibit torture or inhuman or degrading treatment or punishment. It was also established that at least 18 of the 70 men had mental health disorders and yet had been sent to institutions established to care for people with intellectual disabilities. A letter from the Ministry of Labour and Social Policy of 11 February specified that all 70 men had been diagnosed as “mentally retarded<sup>2</sup> who could not be adequately cared for in Dragash Voyvoda”<sup>3</sup>.

Placing people with different needs in the same institution, coupled with neglecting to ensure people’s physical safety and mental well-being and adequate care and services, had tragic consequences for one former Dragash Voyvoda resident. Vasil Malinov, a 32-year-old man with severe learning disabilities, paraplegic and mute, was moved to Batoshevo. He was placed in a room with four other men, some of whom reportedly suffered serious mental illness. Mixing people with hugely different needs in social care homes is not uncommon in Bulgaria and Batoshevo was no exception in this respect. Around 100 residents of Batoshevo were housed in two buildings which were locked during the night when a nurse and an orderly were reportedly the only staff on duty. On the morning of 18 March the staff found Malinov, looking bruised and battered. He was sent to a near-by town where the doctor reportedly prescribed cold compresses for contusions to the chest. Vasil Malinov was then returned to the same room where three days later he was found dead. In June AI published a report, *Bulgaria: Where are the men of Dragash Voyvoda?* (AI Index: EUR 15/005/2003) urging the government to address the appalling situation in institutions such as Dragash Voyvoda and the homes to which some of its residents have been transferred. The organization reiterated to the Bulgarian authorities its recommendation that only those measures which lead to the full reintegration of people with mental disabilities into society as appropriate, would be in line with international human rights standards and best professional practice.

There were other incidents in social care homes which appeared to have resulted from lack of adequate legal and professional procedures and practices which would safeguard residents from abuse. On 16 April the Ministry of the Interior reported that two weeks earlier a 41-year-old man from the social care home in Podgumer, near Sofia, had died in a hospital. An autopsy reportedly established that the death occurred as a result of aspirated blood which caused bronchopneumonia. A police investigation established that the man had been strangled by another resident. On 24 June surgeons in Sofia amputated the hand of a 3-year-old boy from the social care home "St. Ivan Rilski". The operation was carried out in order to remove dead tissue in the right hand, apparently caused by tying with a rope. The boy who reportedly suffers from cerebral palsy had been placed in the institution at birth and was described by the doctors as undernourished. The social care home staff initially denied tying the boy to the bed. Later, however, it was reported that a nurse had tied the boy’s hand with a piece of rope to the bed in order to prevent him from putting it in his mouth. Four nurses and orderlies were reportedly suspended from duty and five other staff members faced disciplinary sanctions.

### ***Staff training in Rusokastro and Fakia***

Recognizing that staff training is critical to improvement of care and services for people with

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<sup>1</sup> They were denied access to Batak, an institution where the conditions appeared to be as appalling as in Dragash Voyvoda.

<sup>2</sup> This out-dated term is still being used to refer to people with intellectual disabilities.

<sup>3</sup> Officially Dragash Voyvoda had been set up to care for people with mental health disorders.

mental disabilities, AI, with support from the Bulgarian Helsinki Committee, organized a training program in two institutions in the Burgas region - the Social Care Home for Men with Mental Disabilities in Rusokastro and the Social Care Home for Children with Mental Disabilities in Fakia. The training took place from 7 to 11 April in Rusokastro and Fakia, near Burgas, and participants included a psychiatrist, two specialists in providing services to people with challenging behaviour, a social worker as well as staff of the AI's International Secretariat and the Bulgarian Helsinki Committee. This was also an opportunity for AI to assess further training needs in the two institutions

A meeting organized and facilitated by AI in Burgas with the mayors of two municipalities responsible for the two institutions and the director of the regional authority for social support, convened at the end of the training, demonstrated the commitment of all local stakeholders to a program of mental health care reform which would be in line with international human rights standards and best professional practices.

A representative of a UK-based charity who visited Fakia in late April wrote to AI: "I visited Fakia shortly after we spoke and was very impressed at the work undertaken by your organisation. I have been visiting this home for several years, yet this time it was more of a pleasure to go around."

### ***Ill-treatment of Roma***

There were several reports that Roma had been ill-treated by police officers. In a number of incidents the officers also allegedly resorted to their firearms in circumstances which are not permitted by internationally recognized principles.

On 15 March at around 4pm in the mountains close to Lukovit, two Romani men, A.A. and K.M., who had gathered firewood in the forest and were carrying it in two carts, were stopped by two police officers and seven or eight forest guards. A third man who had been with A.A. and K.M. managed to avoid being apprehended. A police officer reportedly hit K.M. with his rifle butt making him fall to the ground and lose consciousness. Later K.M. was handcuffed and allegedly beaten all over his body. An officer reportedly poured water over him and prodded him with an electric baton. In the meantime A.A. was ordered to unload the wood and to dig a pit which he was told would serve as "a grave for the two of you". After he finished a police officer reportedly beat A.A. The carts were then set on fire and the officers started pushing K.M. towards the flames but stopped when they heard a car approaching. Two other Romani men, S.M. and V.R. from Lukovit, who had been alerted about the situation by the man who managed to escape, had driven to the site. As they stopped the car they were reportedly assaulted by the officers and guards who broke the windshield with rifle butts and batons. They reportedly pulled S.M. out of the car while V.M. drove off. S.M. was allegedly hit on the head and shot in the shoulder with a rubber bullet. Shortly afterwards another car arrived containing S.N., L.T. and V.V. Even before the car came to a halt they were shot at, injuring S.N. in the arm. After the car stopped, S.N. and L.T. were reportedly pulled outside, beaten and then deliberately shot at in the back with rubber bullets. Forensic medical certificates issued to V.R., S.N., L.T. and K.M. described injuries consistent with the allegations of ill-treatment and shooting. A complaint about the incident has been filed with the Pleven Military Prosecutor.