

# 24th GENERAL REPORT OF THE CPT

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



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” After a quarter of a century and some 370 visits, the CPT has reached a certain level of maturity, in terms of accumulated experience and consolidated working methods



## 25 years of the CPT

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**T**he European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has reached its 25-year milestone. Following the entry into force of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“the Convention”) on 1 February 1989, the setting up of a small secretariat and the election of its first members, the CPT held its inaugural meeting in November 1989. The first ever on-site monitoring activity took place half a year later, when a delegation visited Austria in May 1990.

The CPT has evolved significantly since those early days. Five years ago, on the occasion of its 20th anniversary, the CPT’s 19th General Report described the main developments. The Committee’s geographical scope has gradually expanded from an initial 15 states parties to the Convention to the current 47. Over the years, the CPT has progressively widened the range of places of deprivation of liberty it visits, covering not only police establishments and prisons, but also psychiatric hospitals, detention facilities for foreigners held under aliens legislation, juvenile detention centres and social care homes. The CPT has in recent years begun monitoring return flights and examining the treatment of foreign nationals during their deportation by air. In the course of its monitoring activities, the CPT has developed a corpus of standards on many issues covered by its work, such as safeguards against ill-treatment, conditions of detention, health care and combating impunity, to name just a few. In this

year of the 25th anniversary of the UN Convention on the Rights of the Child, the substantive section of this General Report contains a freshly updated version of the CPT’s standards in respect of juveniles deprived of their liberty under criminal legislation.

Compared to the first decade of its existence, the CPT now makes much more use of the possibility it has to carry out ad hoc visits including, if necessary, visits organised at very short notice. This trend is likely to continue in the coming years. The importance of having the capacity to respond rapidly to newly emerging situations has again been underscored by the recent developments in Ukraine, where the CPT carried out two such visits in the year 2014 alone.

All these developments underline the fact that it has been possible for the Convention mechanism to evolve considerably within the framework of the Convention and illustrate the foresight of its drafters.

Not only has the CPT itself evolved, but so has the overall environment in which it operates. New European, international and national actors have emerged, such as the Council of Europe Commissioner for Human Rights, the Subcommittee on Prevention of Torture (SPT) and the National Preventive Mechanisms (NPMs) established on the basis of the Optional Protocol to the Convention against Torture (OPCAT) of the United Nations. The Committee welcomes wholeheartedly these developments since they have created opportunities for partnerships and synergies, in other words for

strengthening the forces at work for the prevention of torture and other forms of ill-treatment. The CPT is also very pleased to note that, within the Council of Europe, the European Court of Human Rights makes increasing reference in its judgments to both the Committee's standards and the specific findings in its visit reports.

Nevertheless, the work of the CPT has not been immune to the increased instability in Europe and the economic crisis. Across the continent, austerity measures have been adopted which can be prejudicial to the vulnerable population that persons deprived of their liberty represent, and in particular as regards the conditions under which they are held.

As already signalled in the 19th General Report, there are particular problems posed by unresolved conflict zones, geographical areas where the CPT encounters difficulties in exercising its mandate or is even prevented from doing so. These problems not only persist but even seem to be spreading. There is a clear need to redouble efforts to enable the Committee to carry out its monitoring role unimpeded in all such areas. The principle of co-operation enshrined in the Convention should form the basis for finding, in good faith, solutions with the member states concerned, in the sole interest of upholding the protection of individuals against all forms of ill-treatment.

Large numbers of irregular migrants arrive in Europe every year. Without minimising the challenges this poses for receiving countries, it is a fact that the treatment of foreign nationals deprived of their liberty under aliens legislation in certain parts of Europe is not acceptable, leading to situations that CPT reports have described as inhuman and degrading.

Another, more general, issue should be mentioned here. It is a matter of concern to the Committee that, in respect of several states parties, it has been obliged to repeat recommendations made in the context of earlier visits, having found no significant improvement or, in some cases, even a worsening of the situation. In the same vein, the responses of some states parties limit themselves to merely invoking the domestic legislative framework, whereas the CPT's recommendations in question pointed to the need for practical improvements, policy changes or even the amendment of legislation. Clearly, the effectiveness of a preventive mechanism based on facts found during visits will depend very much on co-operation and meaningful dialogue with the states parties concerned. Fortunately, there are numerous examples of precisely that: of states parties taking CPT reports seriously and implementing concrete measures to remedy the problems found.

Like other monitoring bodies, national or international, the CPT has also encountered situations where detained persons faced intimidation or retaliatory action on the part of the authorities before or after these persons were in contact with the CPT. Any such action is clearly incompatible with the obligations of the states parties under the Convention and strikes at the very heart of the preventive mechanism which the Committee embodies. This General Report contains a statement setting out the CPT's position on the phenomena of intimidation and reprisals.

Co-operation with the national authorities is central to the Convention, since the aim is to strengthen the protection of persons deprived of their liberty from ill-treatment rather than to condemn states for abuses. Reports that are issued by the Committee are the starting point for an

ongoing dialogue with the state concerned. Enhancing such a dialogue has become one of the key priorities for the CPT in recent years, through the organisation of high-level talks with Ministers of the country concerned and meetings with Permanent Representatives to the Council of Europe in Strasbourg. The Committee has also provided written feedback to governments regarding their responses and requested them to send, on a regular basis, follow-up information on their implementation of the CPT's recommendations.

In cases of failure to co-operate or to improve a serious situation, the CPT has the possibility to use its power under Article 10, paragraph 2, of the Convention to make a public statement. However, the CPT continues to believe that this power should be exercised only as a last resort. It much prefers that other ways and means be used to bring about the necessary changes. In particular, there should be no hesitation in requesting the expert assistance and other forms of targeted co-operation that the Council of Europe has to offer its member states in many of the areas covered by the CPT's mandate. The CPT stands ready to facilitate and accompany such efforts. Obviously, a speedy publication of CPT reports and responses by states parties will make it easier for potential beneficiaries, donors and implementers to launch well-designed projects that effectively address the objective needs identified in the Committee's reports.

It is probably not an exaggeration to say that after a quarter of a century and some 370 visits, the CPT has reached a certain level of maturity, in terms of

accumulated experience and consolidated working methods. Maturity does not necessarily imply wisdom, however, and the Committee continues to welcome constructive criticism of its work and standards, as well as ideas and suggestions for its work in the future. It hopes that the Conference which will be held in Strasbourg on 2 March 2015 in the context of its 25th anniversary will provide a good opportunity for such a discussion.

Finally, on the occasion of its anniversary, the CPT wishes to pay tribute to all those who over the years have contributed directly to the genesis, development and further consolidation of the monitoring system of the Convention: the initiators and drafters of the Convention, the CPT's past members, those who have served in the Committee's Bureau as President or Vice-President, the experts that have assisted the Committee, the Secretariat and in particular its Executive Secretary from 1989 to 2014, Trevor Stevens, and last but not least the NGO and academic communities.

All these contributors would certainly agree that, when it comes to preventing ill-treatment, anniversaries or even achievements obtained so far cannot be allowed to lead to complacency. The findings in the CPT's own visit reports show how necessary it is to pursue this work vigorously, based on strong co-operation with the states parties. Reducing the risk of men, women and children being exposed to torture or other forms of ill-treatment, whether in Europe or other parts of the world, will be an enduring battle. The CPT is determined to play its part in that fight.



” The CPT organised 25 visits totalling 226 days during the 17-month period covered by this General Report



# Activities during the period 1 August 2013 to 31 December 2014

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## Visits

1. The CPT organised 25 visits totalling 226 days during the 17-month period covered by this General Report.<sup>1</sup> Fourteen of the visits (totalling 151 days) formed part of the CPT's annual programmes of periodic visits for 2013 and 2014, and eleven (75 days) were ad hoc visits which the Committee considered were required in the circumstances. Details of all these visits (dates and places of deprivation of liberty visited) are provided in Appendix 7.

## Periodic visits

2. The 14 periodic visits were carried out to Albania, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, Georgia, Ireland, Romania, the Slovak Republic, "the former Yugoslav Republic of Macedonia" and Ukraine.

3. The situation in a broad range of places of deprivation of liberty was examined in each of these countries. It should be noted that CPT visiting delegations are paying increased attention to the treatment and conditions of detention

of juveniles; the situation of this particularly vulnerable category of persons was explored in detail during many of the visits (in particular, in Albania, Austria, Bulgaria, the Czech Republic, Denmark and Ireland). Further, in several countries (e.g. Albania, the Czech Republic, the Slovak Republic and Ukraine) the CPT examined the treatment, regime and security measures applied to life-sentenced prisoners and inmates held in high-security units. Particular attention was paid to the treatment of persons detained under aliens legislation in a number of other countries (including Austria, Cyprus, Denmark, Finland and "the former Yugoslav Republic of Macedonia"). The issue of legal safeguards surrounding involuntary placement in psychiatric establishments was also examined in detail in the course of many of the visits (for instance, in Albania, Cyprus, the Czech Republic, Denmark, Georgia, Romania and "the former Yugoslav Republic of Macedonia").

4. In line with standard practice, the CPT announced its programme of periodic visits for the following year. In the course of 2015, the Committee intends to examine the treatment of persons deprived of their liberty in the following ten countries: Armenia, Bosnia and Herzegovina, France, Germany, Luxembourg, Malta, the Republic of Moldova, Serbia, Sweden and Switzerland.

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1. The Committee has decided that future general reports on its activities should cover calendar years. As a transitional measure, the 24th General Report on the CPT's activities covers the period from 1 August 2013 to 31 December 2014.

## Ad hoc visits

5. The CPT carried out 11 ad hoc visits during the period covered by this General Report. The countries visited were Armenia, Azerbaijan, Germany, Latvia, the Caribbean part of the Kingdom of the Netherlands, the Russian Federation, Spain, Ukraine (in February and September 2014) and the United Kingdom (Gibraltar). In addition, the CPT monitored a return flight from the Netherlands.

6. The main objective of the May 2014 ad hoc visit to **Armenia** was to review the measures taken by the authorities vis-à-vis life-sentenced prisoners and, in particular, two such prisoners who were being held at Yerevan-Kentron Prison, in the light of specific recommendations made by the Committee after previous visits. For this purpose, the CPT's delegation carried out targeted visits to Kentron and Nubarashen Prisons in Yerevan. In addition, the delegation went to the Prison Hospital in Yerevan in order to interview one life-sentenced prisoner and to have consultations with medical staff. Moreover, it paid a visit to the construction site of Armavir Prison which in the future is intended to accommodate life-sentenced prisoners with other inmates.

7. The purpose of the November 2013 ad hoc visit to **Azerbaijan** was to examine the implementation of recommendations made by the CPT after previous visits concerning the treatment and living conditions of persons deprived of their liberty in psychiatric hospitals and social care homes. To this end, the CPT's delegation carried out follow-up visits to Ganja Psychiatric Hospital and Psychoneurological Boarding Home No. 8 in Göygöl. It also visited a psychiatric hospital and a boarding home located in other parts of the country.

8. The principal focus of the ad hoc visit to **Germany** in November/December 2013 was the treatment and conditions of detention of persons held in preventive detention (*Sicherungsverwahrung*). Another objective of the visit was to review the procedures for the imposition of special security measures and, in particular, the use of mechanical restraint (*Fixierung*) and the placement of agitated and/or violent inmates in a specially secured room (*besonders gesicherter Haftraum*). In the course of the visit, the CPT's delegation also monitored the situation of a prisoner convicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) who is serving his sentence in Germany (see also paragraph 19). Moreover, the delegation held consultations with representatives of the Federal Ministry of Justice and Consumer Protection regarding the issue of surgical castration of sex offenders.

9. The CPT gained a generally positive impression of the conditions of detention in the unit for preventive detention at Freiburg Prison (Baden-Württemberg), and the conditions in the newly constructed unit for preventive detention at Diez Prison (Rhineland-Palatinate) were found to be of a very high standard. However, the CPT concluded that the existing resources for treatment measures for persons in preventive detention in Baden-Württemberg and Rhineland-Palatinate were insufficient to meet the requirements of the relevant federal and *Länder* legislation, namely to have a system of programmes which is tailored to the therapeutic needs of inmates and which motivates them to engage themselves in therapeutic activities.

As regards the resort to mechanical restraint (*Fixierung*), the CPT observed significant improvements compared to the situation found during previous visits

to Germany. No instances of *Fixierung* or only very few had occurred in recent years in any of the prisons visited, and whenever such instances did occur it was usually for relatively short periods.

Whilst acknowledging that the use of surgical castration in the context of treatment of sex offenders has drastically diminished in recent years throughout Germany (only two cases during the period from 2010 to 2012), the CPT reiterates its recommendation that a definitive end be put to this practice and that the relevant legal provisions be amended accordingly.

In their response, the German authorities provide information on steps taken or envisaged to implement the CPT's recommendations.<sup>2</sup>

10. In the course of the ad hoc visit to **Latvia** in September 2013, the CPT's delegation reviewed the action taken by the Latvian authorities to implement recommendations made by the Committee after the 2011 periodic visit, in particular as regards the situation in prisons (including the regime for life-sentenced prisoners and the provision of health care) and conditions of detention in police establishments. The report on this visit and the response of the Latvian authorities were published on 11 March 2014 and will be commented upon in the section "Publication highlights" (see paragraphs 67 to 70).

11. In May 2014, the CPT organised its sixth visit to the **Caribbean part of the Kingdom of the Netherlands**, focusing on the conditions of detention in the four prison establishments located on the islands of Aruba, Bonaire, Curaçao and Sint Maarten. The CPT's delegation

also reviewed the situation of persons detained by the police. In addition, on Aruba and Curaçao, the delegation looked into the treatment of involuntary patients in psychiatric facilities and of irregular migrants in immigration detention centres. The situation of juveniles deprived of their liberty was also examined.

12. The main objective of the ad hoc visit to the **Russian Federation** in November/December 2014 was to review the situation of prisoners serving a life sentence, in particular the regime and security measures applied to them. To that end, the CPT's delegation visited two penitentiary establishments in the regions of Orenburg Perm where life-sentenced prisoners are held. In addition, the delegation went to several pre-trial establishments (SIZOs) in Moscow in order to interview *inter alia* certain Ukrainian nationals remanded in custody on charges of planning terrorist attacks in the Autonomous Republic of Crimea, Ukraine, or of murder of Russian nationals in eastern Ukraine.

13. The ad hoc visit to **Spain** in July 2014 focused on the situation of foreign nationals deprived of their liberty under aliens legislation. In this context, the CPT's delegation went to the Spanish exclave in Melilla, located on the northern coast of Africa, in order to examine the treatment of foreign nationals by the *Guardia Civil* at the fenced border with Morocco. To this end, the delegation interviewed numerous foreign nationals in the Melilla Centre for the Temporary Stay of Migrants (*Centro de Estancia Temporal de Inmigrantes*). The delegation also carried out follow-up visits to the detention centres for foreigners (*Centros de Internamiento de Extranjeros*) in Madrid (Aluche) and Barcelona (Zona Franca) as well as to the holding facilities of the Immigration Service at Adolfo Suárez Madrid-Barajas Airport.

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2. The report on the 2013 ad hoc visit and the response of the German authorities were made public on 24 July 2014.

14. During the reference period, the CPT carried out one periodic visit (see section “Publication highlights”, paragraphs 91 to 95) and two ad hoc visits to **Ukraine**.

15. The February 2014 ad hoc visit was triggered by numerous reports of ill-treatment of persons apprehended by Internal Affairs special forces in the context of the “Maidan” protests at Independence Square that broke out at the end of 2013. During the visit, the CPT’s delegation examined the manner in which detained protestors were treated by law enforcement officials and/or other individuals assisting them. In Kyiv, interviews were held with a number of persons apprehended in January 2014 who had allegedly been ill-treated. Further, the delegation spoke with many of the persons apprehended by Internal Affairs/ Security Service special forces and/or other persons supporting them in the course of extremely violent law enforcement operations which began on the first day of the visit and ended with a considerable number of deaths. In the Dnipropetrovsk Region, the delegation interviewed a number of persons apprehended during the law enforcement operations conducted in late January 2014. The delegation also had an opportunity to go to the site where the so-called “anti-Maidan” protest camp was located and where a number of persons were allegedly being held by unidentified private individuals or public officials before being handed over to members of Internal Affairs special forces.

16. One of the objectives of the September 2014 ad hoc visit to Ukraine was to review the treatment of prisoners in two correctional colonies in the Kharkiv area, namely Colonies Nos. 25 and 100. During previous visits, in particular to Colony No. 25, the CPT had heard many allegations of severe physical

ill-treatment of prisoners by prison officers. In 2013, the Committee had also received clear indications that, shortly after the previous visit to Colony No. 25, prisoners had been subjected to corporal punishment and other reprisals for purportedly having complained to the CPT’s delegation.

Another objective of the September visit was to examine the situation of persons who had been detained in the context of ongoing “anti-terrorism” operations. For this purpose, the delegation interviewed a considerable number of such persons at the pre-trial establishments (SIZOs) in Kyiv and Kharkiv as well as at the detention facility of the State Security Service in Kyiv. The visit also provided an opportunity to review the action taken by prosecutors to investigate allegations of ill-treatment of detained persons by law enforcement officials during the “Maidan” events in Kyiv between November 2013 and February 2014.

17. In November 2014, the CPT visited the **United Kingdom**, where it examined the treatment and conditions of detention of one person convicted by the Special Court for Sierra Leone (SCSL) (see also paragraph 20).

The CPT also carried out its first visit to the British Overseas Territory of Gibraltar. The visit provided an opportunity to assess the conditions of detention and treatment of persons held in prison and to look at the safeguards in place for persons deprived of their liberty by the police. The CPT’s delegation also visited the court holding cells and establishments under the authority of the Gibraltar customs’ enforcement agency and the United Kingdom Ministry of Defence. Further, the delegation examined the situation of civil involuntary and forensic patients in a psychiatric hospital and visited two social care homes.

18. In the context of its monitoring activities of return flights, the CPT examined the treatment of foreign nationals during a removal operation by air from the **Netherlands**, co-ordinated and co-financed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). The monitoring took place in the context of an ad hoc visit to the Netherlands from 16 to 18 October 2013 and involved the presence of a CPT delegation on a charter flight to Lagos (Nigeria). In addition to the Netherlands, the Organising State, the following States took part in the FRONTEX mission: Bulgaria, Germany, Slovenia and Spain.

### **Monitoring of the situation of persons convicted by international tribunals**

19. One of these monitoring activities is regulated by an exchange of letters between the International Criminal Tribunal for the former Yugoslavia (ICTY) and the CPT dated 4 and 24 November 2000.<sup>3</sup> Following the completion of its mandate, the ICTY was succeeded by the Mechanism for International Criminal Tribunals (MICT) on 1 July 2013 which is now responsible for supervising the enforcement of sentences rendered by the Tribunal. At present, the CPT has agreed to monitor the treatment and conditions of detention of any persons convicted by the ICTY who are serving their sentences in Albania, Portugal, Ukraine and the United Kingdom, as well as of certain persons convicted by the Tribunal and serving their sentences in Germany.

3. The exchange of letters is reproduced in the CPT's 11th General Report, CPT/Inf (2001) 16, Appendix 5.

As already indicated (see paragraph 8), during the ad hoc visit to Germany in November/December 2013, the CPT's delegation monitored the situation of a prisoner sentenced to life imprisonment by the ICTY who is serving his sentence in Germany.

20. Another monitoring activity flows from an Exchange of Letters between the Residual Special Court for Sierra Leone and the CPT dated 20 January and 5 February 2014, and an Agreement between the United Nations and the United Kingdom Government, dated 10 July 2007.

As already indicated (see paragraph 17), in the context of its ad hoc visit to the United Kingdom in November 2014, the CPT's delegation examined the treatment and conditions of detention of one person convicted by the Special Court for Sierra Leone (SCSL). This visit was carried out on 18-19 November 2014.

### **High-level talks with national authorities**

21. It is standard practice for CPT visiting delegations to hold talks with the national authorities, at both the outset and the end of the visit. The end-of-visit talks usually involve the participation of Ministers and are the occasion for the delegation to present its preliminary observations.

The CPT has also continued to seek to intensify its ongoing dialogue with certain states by means of high-level talks outside the framework of a given visit. Such talks have taken place on two occasions during the period covered by this General Report.

22. On 13 and 19 December 2013, representatives of the CPT had talks in Kyiv, **Ukraine**, with the Minister and

Deputy Minister of Internal Affairs and the Deputy Minister of Justice, as well as with senior officials of these Ministries. Consultations were also held with the Prosecutor General.

The high-level talks were organised in the aftermath of police interventions on 30 November 2013 at Independence Square (“Maidan”) and on 1 December 2013 on Bankova Street in Kyiv. The main objective of the talks was to obtain details about all the persons deprived of their liberty in the context of the then ongoing demonstrations in Kyiv and the investigations which had been initiated following complaints of detained demonstrators about ill-treatment by law enforcement officials. In addition, discussions were held on the action taken by the relevant authorities to prevent future instances of ill-treatment and/or excessive use of force during police interventions.

23. On 24 September 2014, representatives of the CPT participated in a round table in Moscow organised by the Ministry of Justice of the **Russian Federation** in co-operation with the CPT. The event was held following the publication of the Committee’s reports on two visits to the country, namely the 2011 ad hoc visit to the North Caucasian region of the Russian Federation and the 2012 periodic visit to the country. It provided a useful opportunity to meet and discuss issues of common interest with Maxim Travnikov, Deputy Minister of Justice, and senior officials from the Ministries of Justice, the Interior and Foreign Affairs, as well as from the Federal Service for the Execution of Sentences, the Investigative Committee, the Federal Drug Control Service, the Office of the Human Rights Commissioner and the Council of Public Monitoring Commissions.

The discussions focused on the implementation by the Russian authorities of

the recommendations made by the CPT in the past: in particular those referred to in the two aforementioned visit reports. Special attention was paid to the treatment of persons deprived of their liberty by law enforcement agencies and the situation of inmates held in pre-trial detention, as well as to the provision of health care in penitentiary establishments and the conditions of detention of prisoners sentenced to life imprisonment. The issue of investigations into allegations of ill-treatment by law enforcement and prison officers was also addressed in detail.

### Plenary meetings and activities of subgroups

24. The CPT held four one-week plenary meetings during the period covered by this General Report, in November 2013 and in March, July and November 2014. A total of 22 visit reports were adopted by the Committee at these meetings.

25. At its March 2014 plenary meeting, the Committee had an exchange of views with judges of the European Court of Human Rights, including the Court’s President, Dean Spielmann. The exchange of views focused on three topics: (a) the extra-territorial application of the European Convention on Human Rights and its implication on the CPT’s activities, (b) recent developments in the Court’s case-law as regards the “effectiveness” of investigations, in particular concerning the criterion of “independence”, and (c) prisoners sentenced to “actual” life imprisonment (i.e. without the possibility of conditional release).

26. In view of the influx of new members in 2014 and in order to refresh the skills of all members, a half-day during the plenary meetings in July and November 2014 was devoted to training in the techniques of visiting police stations and psychiatric

institutions and interviewing persons deprived of their liberty.

27. The two standing subgroups of the CPT, the Medical Group and the Jurisprudence Group, have continued to meet on the Sunday before each plenary meeting. The Medical Group examines substantive issues of a medical nature related to the CPT's mandate and organises training sessions on the specific tasks that medical members of visiting delegations are required to perform. The task of the Jurisprudence Group is to advise the CPT on innovations and possible inconsistencies in the Committee's standards as reflected in visit reports and to identify areas where there is room for development of those standards.

28. Ad hoc working groups can also be established to examine specific topics, and one such group was tasked with reviewing the CPT's existing standards regarding juveniles deprived of their liberty. The document prepared by this group formed the basis of the substantive section contained in this General Report (see paragraphs 96 to 132).

Another ad hoc group working on the monitoring of the deportation of foreign nationals by air (return flights) has pursued its work, and a delegation of the CPT took part in a return flight (see paragraph 18).

### **Contacts with other bodies**

29. On 17 December 2013 and 2 December 2014, the CPT's President attended the informal meetings of the Presidents of Council of Europe monitoring bodies organised by the Secretary General with the aim of ensuring a better co-ordination of the activities of the different monitoring mechanisms operating within the Council of Europe. In November 2014, the CPT's President

also had exchanges of views with two intergovernmental bodies of the Council of Europe – the European Committee for Social Cohesion, Human Dignity and Equality and the Steering Committee for Human Rights.

Reference has already been made to the CPT's broad-ranging exchange of views with judges of the European Court of Human Rights in March 2014. Further, as in previous years, regular contacts have been maintained with the Council of Europe Commissioner for Human Rights and members of his Office on matters of common interest.

30. CPT members have taken part in a number of activities organised within the framework of the Council of Europe. Reference might be made in this context to the participation of the CPT's President at a high-level conference on the implementation of the Council of Europe Strategy for the Rights of the Child (2012-2015) held in Dubrovnik in March 2014 and at a conference on immigration detention in Europe held in Strasbourg in November 2013, as well as to the participation of the CPT's 1st and 2nd Vice-Presidents at, respectively, an expert meeting on prison health care in Europe organised in Strasbourg in May 2014 and the 19th Conference of Directors of Prison and Probation Services held in Helsinki in June 2014. Further, a member of the CPT has been taking part in the preparation of an Additional Protocol to the Oviedo Convention, addressing the protection of human rights and dignity of persons with mental disorders in the context of involuntary treatment and placement.

31. The CPT has also continued to seize opportunities for promoting synergy with bodies outside the Council of Europe. This includes regular contacts during visits with field missions of the European Union, the International Committee of

the Red Cross (ICRC), the Organization for Security and Co-operation in Europe (OSCE) and the United Nations High Commissioner for Refugees (UNHCR).

In November 2013, the CPT's President had a meeting with the Chairman of the UN Committee against Torture (CAT), Claudio Grossman, and the Chairperson of the UN Subcommittee on Prevention of Torture (SPT), Malcolm Evans, during which they agreed on various ways of increasing the synergy between the monitoring bodies.

32. The CPT is also actively engaging with the National Preventive Mechanisms (NPMs) set up under the Optional Protocol to the UN Convention against Torture (OPCAT). The Committee's delegations have had consultations with these mechanisms during many visits. In addition, CPT representatives have regularly attended activities organised by the NPMs in various countries. Reference should also be made to the CPT's participation in a number of events organised by non-governmental organisations, such as an expert meeting on reprisals after detention monitoring visits, organised in Geneva in January 2014 by the Association for the Prevention of Torture (APT).

33. During its November 2013 plenary meeting, the CPT had an exchange of views with the UN Special Rapporteur on Torture, Juan Méndez, on various topics, such as solitary confinement and revision of the UN Standard Minimum Rules for the Treatment of Prisoners. It is also worth mentioning that the CPT was represented at the 3rd Meeting of the UN Intergovernmental Expert Group on Standard Minimum Rules for the Treatment of Prisoners, held in Vienna in March 2014.

34. Within the framework of the Programme "Strengthening democratic reform in the southern Neighbourhood", financed by the European Union and implemented by the Council of Europe, representatives of the CPT participated in two information seminars: in Tunis from 4 to 5 September and Rabat from 8 to 9 September 2014. The aim was to share the experience and working methods of the Committee as regards setting up a national preventive mechanism in Tunisia and Morocco following their ratification of the OPCAT.

The Tunisian Minister of Justice, and civil servants from the Ministries of Justice, the Interior and Health, as well as representatives of civil society and international non-governmental organisations, attended the seminar in Tunis. Civil servants from the Ministries of Justice and the Interior, as well as representatives of the National Human Rights Council, its 13 regional committees and civil society, attended the seminar in Rabat.

### National or regional conferences on the occasion of the 25th anniversary of the CPT

35. The first plenary meeting of the CPT took place in November 1989. In order to mark the 25th anniversary of the creation of the CPT, a number of events were organised in various countries, on the initiative of CPT members and/or with their active involvement.

36. On 8 October 2014, a half-day conference on the 25 years of the CPT was organised in **Helsinki (Finland)** by the Parliamentary Ombudsman. One of the objectives was to raise awareness of the CPT's work in Finland, which was very timely as the CPT's periodic visit to Finland had been carried out only a few



weeks earlier. Further, the event took place on the day on which Finland deposited its ratification instrument to OPCAT. Jari Pirjola, CPT member in respect of Finland, chaired the conference and opened the event by introducing the concept of “prevention”.

The keynote speech on the CPT, looking at success stories and future challenges, was given by Hugh Chetwynd from the CPT’s Secretariat. The other main speakers included Erkki Tuomioja, Minister for Foreign Affairs, Kimmo Sasi, Member of Parliament and Vice-Chair of the Finnish delegation to the Parliamentary Assembly of the Council of Europe and Petri Jääskeläinen, Ombudsman of Finland. Presentations by Ulla Mohell, CPT liaison officer, and Veronica Pimenoff (psychiatrist and CPT expert) provided details concerning the work of the CPT in the field.

The event was attended by some 70 participants, including senior officials from various ministries (mainly responsible for detention/prison-related issues), police officials, prison directors, directors of social institutions, regional authorities, NGOs, and lawyers (representing asylum seekers).

37. On 16 October 2014, the conference “Nothing justifies torture” took place at the University of **Warsaw (Poland)**. In addition to marking the 25th anniversary of the CPT, it also highlighted the 20th anniversary of the ratification by Poland of the European Convention for the Prevention of Torture. The conference was jointly organised by the Ministry of Justice of Poland, the Helsinki Foundation for Human Rights, the Council of Europe *Acquis* Unit and Human Rights Department of the Faculty of Law and Administration of Warsaw University, the Council of Europe Office in Warsaw and the CPT.

Speakers included Cezary Grabarczyk, Minister of Justice of Poland, Lətif Hüseynov, President of the CPT, Natalia Sevostianova, Government Plenipotentiary for the European Court of Human Rights and Danuta Przywara, President of the Helsinki Foundation for Human Rights. The event was attended by some 120 participants (representatives of government administration, judges, prosecutors, police officers, prison service staff, representatives of NGOs, and professors and students of the law faculty). Some guests from Ukraine also attended the conference.

The aim of the conference was to present achievements in the field of prevention of torture and ill-treatment, as well as challenges involved in the implementation of CPT recommendations. Marzena Ksel, CPT member in respect of Poland and 1st Vice-President, chaired a session on the role of the CPT in shaping standards in places of detention. Concrete examples were discussed, such as the minimum standard of living space in Polish prisons.

The conference conclusions were drawn by Adam Bodnar, Vice-President of the Helsinki Foundation, and Borys Wódcz from the CPT’s Secretariat.

38. On 28 October 2014, a conference on “the effects of international monitoring mechanisms to prevent torture and ill-treatment of persons deprived of their liberty” took place in **Oslo (Norway)**. It was organised by the Norwegian Ministry of Foreign Affairs, the Parliamentary Ombudsman and the CPT.

The conference was opened by Bård Glad Pedersen, State Secretary, Norwegian Ministry of Foreign Affairs. The morning session presented an overview of the various international monitoring mechanisms (CPT, SPT, other UN bodies). International speakers included Manfred

Nowak, former UN Special Rapporteur on Torture, Malcolm Evans, Chair of the SPT, Trevor Stevens, former Executive Secretary of the CPT, and Barbara Bernath, member of the Bureau of the APT.

The afternoon session focused on the national follow-up of international recommendations, and included presentations and discussions by Jøran Kallmyr, State Secretary at the Norwegian Ministry of Justice and Public Security, Helga Fastrup Ervik, NPM Division Head at the Norwegian Parliamentary Ombudsman, Elin Saga Kjørholt, Norway's National Institution for Human Rights, Thomas Horn, Norwegian Bar Association, and Bjørn Engesland, Secretary General of the Norwegian Helsinki Committee and Head of the Norwegian NGO forum. The conference was closed by Parliamentary Ombudsman Aage Thor Falkanger.

Georg Høyer, CPT member in respect of Norway, gave a presentation on health-care services for persons deprived of their liberty.

The event was attended by some 150 participants from various ministries, from the police and prison services, the Ombudsman's Office, the Norwegian Centre for Human Rights, universities and various NGOs.

39. An international conference on "Global, regional and national mechanisms for the prevention of torture and inhuman or degrading treatment: learning from one another" was held in **Riga (Latvia)** on 12-13 November 2014. It was organised by the Latvian Centre for Human Rights and supported by the European Commission, the CPT and the Open Society Foundation. The conference was opened by Jānis Iesalnieks, Parliamentary Secretary for Justice of Latvia, Lātif Hüseynov, President of the CPT, and Anhelita Kamenska, Director of the

Latvian Centre for Human Rights, and was chaired by Ilvija Pūce, CPT member in respect of Latvia.

The first day of the conference aimed at assessing the impact of the CPT and other human rights mechanisms on the developments in prisons and police detention facilities in Latvia. Keynote speakers included the President of the CPT and Silvia Casale (former President of the CPT and former Chair of the SPT). Representatives of the Ministries of the Interior and Justice of Latvia gave presentations on the impact of the CPT and other Council of Europe mechanisms on the Latvian police and prison systems. The first day also focused on monitoring of places of detention at national level. In this connection, a presentation was given by Ineta Piļāne, Office of the Ombudsman. Moreover, with a view to raising awareness of monitoring of places of detention under the OPCAT (to which Latvia is not a party), different models of NPMs which currently exist in various European countries were discussed. Presentations were given by Mari Amos, member of the SPT, Ivan Šelih, Head of the Slovenian NPM, Vincent Delbos, Controller at the French NPM, and Kristina Brazevič, staff member of the Lithuanian NPM. This first part of the conference was attended by more than 100 participants, including representatives of various ministries and staff from the police and prison services, the Ombudsman's Office, and civil society actors.

The second day of the conference focused on practical issues related to prisons and police establishments. Michael Neurauter from the CPT's Secretariat provided details of the CPT's work and presented relevant standards and key concerns of the Committee regarding the situation in Latvian prisons and police establishments. Further, Alan Mitchell

(medical doctor and CPT expert) gave a presentation on relevant standards of the CPT in the field of prison health care. This second part of the conference was attended by some 80 police and prison officers and managers, representatives of the Ombudsman's Office and various civil society actors.

40. In addition, other events included presentations by CPT members or staff in the context of the Committee's 25th anniversary.

The South-East European OPCAT Forum "A preventive approach to eradicating torture, preventing torture and fighting impunity", organised by the Ombudsman of the Republic of Serbia, took place in **Belgrade (Serbia)** on 27 and 28 November 2014. It included a

keynote speech by Mykola Gnatovskyy, CPT member in respect of Ukraine and 2nd Vice-President, as well as a presentation on the role of medical experts in preventing and investigating ill-treatment by Djordje Alempijević, CPT member in respect of Serbia.

An event entitled "Reflections on the 30th anniversary of the Convention against Torture (CAT)" was organised by the European Commission and the European External Action Service in **Brussels (Belgium)** on 3 December 2014. Jeroen Schokkenbroek, Executive Secretary of the CPT, participated in a round table discussion at this event, which served as a platform for exchanging good practice and ideas on how to move forward towards the aim of eradicating torture.



”The competent authorities must be determined to carry out an effective investigation into every potential case of intimidation or reprisal against a detained person

# The phenomena of intimidation and reprisals: a major challenge for the CPT's work

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41. Over the 25 years of its existence, the CPT, like other anti-torture bodies, has on occasion faced attempts to hamper its work through the targeting of those very persons whose situation it is meant to improve. Paradoxically, the more its work is perceived as effective, the more detained persons may be at risk of intimidation before or during visits or reprisals after visits. The CPT has observed a direct correlation between the prevalence of ill-treatment in a given place and the risks of intimidation and reprisals inmates actually face. It is also clear that a potential victim of ill-treatment who has little or no opportunity to seek redress faces greater risks of intimidation or retaliatory action when entering into direct contact with the CPT.

42. The phenomena of intimidation and reprisals have been encountered in different types of establishments (i.e. police detention facilities, prisons, detention centres for foreigners, psychiatric establishments), and have been described by the CPT in the published reports on its visits to a number of countries, including Armenia, Azerbaijan, Bulgaria, Greece, Hungary, the Republic of Moldova, the Russian Federation, Spain, “the former Yugoslav Republic of Macedonia” and Ukraine. The CPT has come across various forms of threats or action, such as undue

restrictions on basic entitlements, solitary confinement for fabricated disciplinary or security reasons, transfer or placement in less favourable conditions of detention, withdrawal of support for (early) release, and assaults or other ill-treatment by or at the instigation of public officials. This phenomenon can affect a large group of inmates at a time, in the form of collective punishment, include direct pressure on relatives or concern members of staff suspected of having revealed information about reprehensible behaviour by colleagues.

43. Despite understandable fears of reprisal, many detained persons interviewed by CPT delegations during visits have shown considerable courage in describing the reality of what has happened to them. By doing so, they have enormously helped the Committee to obtain significant results in preventing and combating torture and other forms of ill-treatment in places of deprivation of liberty, sometimes at great cost to themselves. They should never be left without protection and their contribution should be positively recognised by the national authorities.

Likewise, public officials who have acted as “whistle-blowers” during CPT visits should also be strongly supported and protected.

44. Intimidation or retaliatory action against a detained person for seeking to communicate or for having communicated with the CPT may not only violate the human rights of such persons, but it also strikes, in all cases, at the very heart of the preventive mechanism embodied by the Committee. It is without any doubt one of the most serious failures of co-operation under Article 3 of the Convention establishing the CPT.<sup>4</sup> In this context, the Committee and its delegations have made a point of placing the responsibility for preventing any act of reprisal after visits on the national authorities. On many occasions, the CPT has made it clear that any intimidation or retaliatory action against a detained person before or after contact with one of its delegations may also result in the Committee exercising its power to make a public statement under Article 10, paragraph 2, of the Convention.

45. Ukraine offers a powerful illustration of success stories but also of failures in addressing the issue. The Ukrainian authorities have shown that, with determination and constant vigilance, including from the highest political level, much can be achieved. Regrettably, the CPT's findings have also shown that, on a number of occasions, detained persons have had to suffer intimidation or reprisals, sometimes in their most severe forms. By way of example, a Committee delegation

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4. In the majority of the states parties to the Convention, any such action in relation to communications with the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) or the National Preventive Mechanism (NPM) established under the Optional Protocol of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) would also constitute a breach of international obligations (cf. Articles 15 and 21 (1) of the OPCAT).

was struck by the testimony of a prisoner it met for the second time in late 2012. He had allegedly been subjected to severe beatings after a previous visit to the establishment and been made to shout to other inmates – while blows were being inflicted upon him – that he would never again complain to the CPT. Due to the seriousness and prevalence of the problem, the Committee decided in March 2013 to open the procedure enabling it to make a public statement in relation to this matter. Ukraine has since remained under close scrutiny.

46. The CPT is doing its utmost to reduce the risks of intimidation and reprisals, including by interviewing detained persons in private (as provided for in Article 8, paragraph 3, of the Convention). In the Committee's view, it is essential that, when carrying out their tasks, all international and national monitoring bodies should, as far as possible, interact with each other, to ensure that no cases of intimidation or reprisal are left undetected.<sup>5</sup> However, they may well be fighting a losing battle if not all the relevant authorities are committed to taking effective action, through combining preventive, dissuasive and repressive measures.

In particular, it must be made clear to all staff working in places of detention that the highest authorities will remain vigilant to ensure that every person who wishes to communicate or has communicated with the Committee will not be subjected to any kind of intimidation or reprisals and that the confidentiality of any such communication will be strictly

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5. See the "public statement" issued by the Association for the Prevention of Torture (APT) on 6 February 2014 and the briefing paper published by the APT on this matter (for further details, see the APT's website: <http://www.apr.ch>).

observed. A concrete measure that may usefully be taken in this context is to adopt a rule prohibiting the management and staff of establishments from recording the names of persons interviewed by the Committee. Moreover, places identified as presenting a higher risk of intimidation or retaliatory action must be the subject of increased attention and more frequent independent monitoring. Where appropriate, the reassignment of members of staff to other duties or the transfer of potential victims of reprisals, with their consent, to other establishments where their safety would be better guaranteed, should also be considered.

In addition, decisive action must be taken to ensure that all staff working in places of detention understand that any form of intimidation against a detained person with a view to preventing him or her from communicating, or any retaliatory action for having communicated with the CPT (or any other monitoring bodies active in preventing and combating torture) will be severely punished. The range of penalties at the disposal of the competent authorities should be as broad as possible. The introduction of specific offences in law might also be a useful tool. In this connection, the Committee noted with interest the adoption in France of a new law introducing specific penalties (i.e. heavy fines and

imprisonment) for hampering the work of the NPM by using threats or other means (such as sanctioning a person on the sole ground of having entered into contact with the NPM or of having provided information to the latter) and monitoring confidential communications between detained persons and the NPM.<sup>6</sup> In particular in countries where the phenomena of intimidation and reprisals have been recurrent, as demonstrated in the Committee's reports, the adoption of similar legal provisions that are applicable both to the NPM and to international monitoring bodies (such as the CPT) should be considered.

Finally, in order for penalties and other measures to have a strong deterrent effect, appropriate complaints procedures must be in place. The competent authorities must also be – and be seen to be – determined to carry out an effective investigation into every potential case of intimidation or reprisal against a detained person. Everything possible should be done, in the context of such investigations, to counter the risk of further intimidation and protect witnesses and “whistle-blowers”.

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6. See Law No. 2014-528 of 26 May 2014 amending Law No. 2007-1545 of 30 October 2007 establishing the General Controller of Places of Deprivation of Liberty.



”The CPT remains seriously concerned that in several cases patients had been immobilised for periods from one to three months



# Publication highlights

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## Introduction

47. Twenty-three CPT visit reports were published during the 17-month period covered by this General Report, confirming once again the well-established trend of states deciding to lift the veil of confidentiality and place the Committee's findings in the public domain. At the time of writing, 317 of the 363 reports drawn up so far have been published. A state-by-state table showing the current situation as regards publication of CPT visit reports is set out in Appendix 6.

48. Special mention should be made of the publication of the report on the CPT's 2012 periodic visit to the Russian Federation. This publication, in December 2013, follows that in January 2013 of the report on the CPT's visit to the North Caucasian region in April/May 2011. The Committee is keen to pursue its work in the Federation, through both close co-operation with the Russian authorities and informed dialogue with all the other relevant interlocutors. Obviously, the publication of the CPT's reports greatly facilitates this process. A recent example was the round table organised by the Russian authorities in Moscow on 24 September 2014, which focused on the implementation by the Russian authorities of the recommendations made by the CPT in the past, and, in particular, in the two aforementioned visit reports (see also paragraphs 84 to 88). The Committee trusts that this positive development marks the beginning of a new policy of the Russian Federation and that further publications, such as the

report and response on the July 2013 visit, will follow shortly.

49. The CPT also hopes that the clear message given by the Committee of Ministers in February 2002, encouraging "all Parties to the Convention to authorise publication, at the earliest opportunity, of all CPT visit reports and of their responses", will be heeded by the Azerbaijani authorities. So far, only two out of the eight reports on the CPT's visits to Azerbaijan have been made public. In particular, publication of the report on the Committee's most recent periodic visit to Azerbaijan, in 2011, as well as of the reports on the ad hoc visits in 2012 and 2013, would be a very positive step.

50. In November 2014, the Ukrainian authorities informed the CPT of their decision taken in July 2014 to authorise in advance the automatic publication of all future preliminary observations on visits, visit reports and related government responses, unless they decide in a given case to postpone publication for a period of up to six months.

As the CPT has repeatedly emphasised, authorising publication of documents related to visits can be seen as an important means of co-operating with the Committee. The CPT therefore welcomes the above-mentioned decision by the Ukrainian authorities, and invites other states to follow this example of introducing an automatic publication procedure.<sup>7</sup>

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7. A similar request for "automatic publication" had been made by the Moldovan authorities in 2010 (cf. the CPT's 21st General Report, CPT/Inf (2011) 28, paragraph 27).

## Selected publications

51. In this section, a closer look is taken at some of the visit reports and government responses published during the period covered by the General Report.

### **Report on the periodic visit to Cyprus in September/October 2013 and response of the Cypriot authorities**

*(police ill-treatment, immigration detention and the treatment of unaccompanied minors, and prison conditions)*

52. The report highlights that the CPT's delegation received a number of allegations of physical ill-treatment by police officers, mostly in respect of foreign nationals. The alleged ill-treatment occurred after apprehension, during transportation or in the context of interviews at a police station; it consisted primarily of slaps, punches and kicks to the head and body. The allegations mainly concerned members of the Immigration and Aliens Police (YAM) and of the Crime Investigation Department (CID) and in a few cases the delegation was able to gather medical evidence that was consistent with the allegations. In addition, a few patients also alleged police ill-treatment during transportation to Athalassa Psychiatric Hospital. The CPT recommended that the Cypriot authorities firmly remind police officers that any form of ill-treatment of detained persons was not acceptable and would be punished accordingly. Further, the CPT underlined that where it was deemed essential to handcuff a person at the time of apprehension or during the period of custody, the handcuffs should under no circumstances be excessively tight and should be applied only for as long as is strictly necessary.

The report states that certain safeguards to prevent ill-treatment could be strengthened, notably the right of persons held in police custody to enjoy in practice the possibility to meet and speak in private with a lawyer from the very outset of their deprivation of liberty. Further, with regard to access to a doctor, detained persons should not be systematically handcuffed while being transported to a health-care facility and medical confidentiality should be respected. As regards the conditions of detention in police stations, the report criticises the holding of persons for several days or more in police stations designated as suitable for periods of up to 24 hours only. Further, the CPT calls upon the authorities to review the system of remand detention on police premises with a view to substantially reducing its duration (i.e. not beyond four days).

The response from the Cypriot authorities outlines action taken, including the creation of a Police Code of Conduct by the police in collaboration with the Ombudsman; an expanded mandate established for, and new instructions issued by, the Attorney General to refine and expedite the procedure to address allegations of police misconduct and to strengthen the investigatory process.

53. As regards foreign nationals detained under aliens legislation, a number of allegations of physical ill-treatment and verbal abuse of detainees by custodial staff at the Menoyia Detention Centre were received. The report refers to allegations of the inappropriate use of tear gas within the Centre and the Cypriot authorities are asked to put in place comprehensive procedures concerning the use of tear gas. Recommendations are also made to reduce the official capacity of the Centre, to introduce a range of purposeful activities and to develop

the role of the staff. In addition, the lack of health-care resources is criticised as well as the lack of a systematic medical assessment upon admission and medical confidentiality.

More generally, the CPT recommends that irregular migrants no longer be detained in police stations but in the Menoyia Detention Centre which has been specially designed with the intention of meeting their specific needs.

The CPT's delegation met two unaccompanied minors held in police stations for prolonged periods in conditions akin to solitary confinement. The Committee recommends that unaccompanied children, who are deprived of their liberty as a last resort, only be held in centres designed to cater to their specific needs, staffed with properly trained men and women and offering a range of constructive activities. Further, all unaccompanied minors should be provided with a guardian. The CPT also recommends that women with children only be detained in exceptional circumstances, as a last resort and for the shortest possible time, and that the primary carer and the child be accommodated together in a facility catering to their specific needs.

The response from the Cypriot authorities states that detention orders will not be issued to single mothers with children under 8; all minors will undergo medical age assessment tests and will be hosted in suitable establishments or in the care of Social Welfare Services. Information is also provided in respect of the Menoyia Detention Centre.

54. As regards Nicosia Central Prisons, the report calls upon the Cypriot authorities to adopt and implement a coherent strategy to combat overcrowding as the closed part of the prison held 523 inmates for only 324 places.

Relations between the staff and prisoners were generally positive. Nevertheless, a few allegations of physical ill-treatment (punches, kicks and baton blows) by staff were received, notably in relation to the ending of a peaceful protest by inmates on 15 August 2013. At the request of the CPT, the authorities initiated an independent investigation into the incident. The report is also critical of the practice of prison officers carrying out cell searches wearing hoods and bearing no means of identification. As regards the conditions of detention, recommendations are made to ensure that not more than one person is held in a cell of 7m<sup>2</sup> and that vigorous steps are taken to increase the range of purposeful activities for inmates, particularly for young offenders and juveniles.

In their response, the Cypriot authorities outline the new procedures put in place to tackle the issue of ill-treatment. In relation to juveniles, the authorities highlight the introduction of specific training for those staff working with juveniles and mixed-gender staffing throughout various areas of the prison. As regards visits, the CPT welcomes the Cypriot authorities' decision to offer all prisoners open visits, with closed visits only being imposed for security-related issues.

The report also makes recommendations to improve medical screening of newly arrived prisoners, medical confidentiality and the recording of injuries. Further, in the light of the numerous incidents of suicide and self-harm, the report recommends that a comprehensive suicide prevention and management approach be introduced. In their response, the Cypriot authorities state that the requirements for a medical screening examination of every prisoner within 24 hours of arrival and for a single comprehensive health-care record for each prisoner have been introduced. Additionally, the authorities

highlight the imminent introduction of a trauma register and special injuries form. The response further specifies that the authorities have taken a series of suicide prevention measures, including the preparation of guidelines, training of staff and the establishment of a wing for vulnerable prisoners.

55. As regards the psychiatric institutions visited, some complaints of physical ill-treatment by staff were received, consisting of slaps, verbal threats and other disrespectful behaviour in the male chronic and male admissions' wards at Athalassa Psychiatric Hospital. Recommendations are made to improve patients' living conditions, to review the use of certain types of medication, to increase staffing levels, and to strengthen the safeguards and policies surrounding the use of seclusion and means of restraint. Further, involuntary placement and discharge procedures should grant patients more rights, and measures should be taken to ensure that the Mental Health Supervisory Committee fully complies with its mandate. In their response, the Cypriot authorities provide some information on the steps taken to address these recommendations.

*Report and response published  
in December 2014, CPT/Inf (2014) 31  
and CPT/Inf (2014) 32*

## **Report on the periodic visit to Denmark in February 2014**

*(inter-prisoner violence, disciplinary and security measures in prisons, secure institutions for juveniles, restraint of psychiatric patients)*

56. The CPT's delegation found that relations between prison staff and inmates in the establishments visited were generally correct and that no allegations of deliberate ill-treatment were

received. However, the Committee is concerned about the inter-prisoner violence, intimidation and sexual exploitation at Ringe State Prison, and recommends in its report that a comprehensive anti-bullying strategy be put in place and that proactive measures be taken to prevent sexual exploitation of female prisoners.

The report states that disciplinary procedures are properly applied in prisons. Nevertheless, the CPT recommends that the legal provisions on discipline be revised to ensure that the maximum period of solitary confinement as a punishment should be no more than 14 days for a given offence, and preferably lower. The Committee adds that there should be a prohibition on sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of that maximum period. Any offences committed by a prisoner which might call for more severe sanctions should be dealt with through the criminal justice system. The report further notes the Committee's strong reservations as concerns any form of solitary confinement of juveniles and emphasises that a juvenile should not be placed in solitary confinement for disciplinary purposes for more than three days.

As regards security-related issues, the CPT recommends that the application of pepper spray in prisons and the use of observation cells, both for prisoners at risk of suicide or self-harm and for prisoners who are disruptive or violent, be reviewed. Further, the report is critical of the application of the measure of immobilisation in prisons and recommends that steps be taken to ensure that the relevant principles and minimum safeguards set out by the Committee are applied rigorously, notably as regards its appropriate use and duration.

The report also recommends that a comprehensive reception and induction process be introduced, notably in remand prisons, to ensure that prisoners are provided with information in a language that they can understand rather than relying on other inmates to tell them about the regime and rules. Further, the CPT states that there is a need to ensure that all inmates are properly interviewed and physically examined by health-care staff within 24 hours of admission to prison.

57. At Grenen and Sølager Secure Institutions for Juveniles, the CPT's delegation noted with concern that the majority of juveniles on remand had judicial restrictions placed on their contacts with the outside world, often for extensive periods. Such restrictions could include the total prohibition of visits, the prohibition of visits from persons other than the juvenile's parents or the requirement for visits to be supervised by the police or, if permitted, by staff of the secure institution. Only visits by the juvenile's lawyer could not be monitored. Also, phone calls could be prohibited or supervised and the content of letters could be checked and withheld. The Committee states that restrictions on contact with the outside world should be used sparingly and that their necessity should always be assessed on a case-by-case basis, in particular where juveniles are concerned. In the Committee's view, the imposition of such limitations should be the exception, not the rule.

More generally, the report comments favourably on the wide range of structured activities offered at both institutions, the supportive pedagogical approach taken by the personnel and the accommodation of juveniles in well-staffed small living units. However, the CPT considers that all newly admitted juveniles should be medically assessed

upon admission by a health-care professional. The report is also critical of the practice found at Grenen, where juveniles were usually confined to their rooms upon admission to the institution for up to a week or longer before being permitted to take outdoor exercise and to associate with other juveniles.

58. Particular attention was paid to the use of restraint in psychiatric hospitals. The report notes positively the constructive attitude and the overall acknowledgement, both by the central authorities and the staff in the hospitals visited, of the need to reduce the resort to physical immobilisation of patients to a bed (*fiksering*). However, the CPT remains seriously concerned that resort to immobilisation, and notably immobilisation lasting longer than 48 hours, had reached all-time peaks in 2012 and 2013 and that in several cases patients had been immobilised for periods from one to three months. It considers that this and other shortcomings found in the three psychiatric hospitals visited are at least partly due to low staffing levels and recommends that the number of nurses in particular be increased.

The CPT's delegation also examined the special coercive measure of "walking-restraint" at the Secure Department of Nykøbing Sjælland Psychiatric Hospital, which had been legalised in 2010. It found that the measure was applied with appropriate supervision and outside monitoring and with as much respect for the patient's dignity as possible. Nevertheless, the Committee stresses that the utmost care should be taken to ensure that "walking-restraint" is only applied to patients whose condition requires such a measure and that it be ended as soon as it is no longer necessary.

*Report published in September 2014,  
CPT/Inf(2014) 25*

## **Report on the periodic visit to Greece in April 2013 and response of the Greek authorities**

*(irregular migrants, prisons and police ill-treatment)*

59. The report describes the totally unacceptable conditions in which irregular migrants are held in police establishments all over the country for prolonged periods. For example, at Perama Police Station in Piraeus, two or more women were held for months in a dark, mouldy and dilapidated basement cell measuring a mere 5m<sup>2</sup> with no access to outdoor exercise or hygiene products. The CPT calls upon the Greek authorities to take urgent steps to transfer detained irregular migrants to specially designed centres and to no longer hold them in police stations.

As regards pre-departure centres, the CPT recognises them as a step in the right direction towards creating an immigration detention estate but it is critical of the security approach within these centres which treats detainees in many respects as criminal suspects. The report recommends that, in addition to improving the conditions, much more be done to provide a programme of activities given that many of these persons spend up to 18 months in pre-departure centres.

The CPT is particularly critical of the treatment of unaccompanied minors. The reports states that the Amygdaleza facility in Athens for unaccompanied minors was run like a police detention facility offering neither appropriate material conditions nor a supporting environment. It recommends that it no longer be used for the detention of minors. More generally, the report states that the interests of unaccompanied minors should be better protected.

In their response, the Greek authorities reiterate that police stations are only for short stays and that all necessary measures are being taken to provide conditions in accordance with Greece's obligations. Updated information is also provided on the development of the Action Plan on Asylum and Migration Management and the steps taken to improve conditions in the pre-departure centres. As regards the Amygdaleza facility for unaccompanied minors, the response states that efforts are being made to improve the material conditions and to provide constructive activities and better support mechanisms for minors.

60. As regards prison establishments, the CPT found that the measures taken to tackle overcrowding have not had a lasting effect. The report notes the cramped conditions of detention in the prisons visited as most of them were operating at between 200 and 300% of their capacity; in some establishments, prisoners had to share beds or sleep on mattresses on the floor. Further, there was a serious lack of hygiene in all the prisons visited. The report also highlights the lack of health-care staff in prisons and makes several recommendations to improve medical confidentiality, medical screening upon admission and drug treatment in prisons.

The report cites the lack of staff in the prisons as impeding efforts to maintain effective control, as stronger groups of prisoners exercise their powers unchecked over other inmates. For example, at Korydallos Men's Prison, a wing of some 400 inmates was staffed by only two prison officers during the day. The insufficient numbers of prison officers made it nearly impossible to provide appropriate activities for prisoners in any of the establishments visited. Overcrowding and lack of staff were primary reasons permitting the bullying and intimidation of juveniles

at the Avlona Special Detention Facility to continue unchecked. The report notes that the CPT's delegation had requested at the end of the visit that the juveniles be transferred to a safe environment, which the Greek authorities had subsequently arranged.

The response of the Greek authorities provides information on the action being taken to address overcrowding through increasing the capacity in the prison estate and through early release measures, for which all prisoners including foreign nationals are eligible, as well as the introduction of house arrest and expansion of community service. The Greek authorities reject the CPT's findings that the prisons are understaffed and that staff are not in a position to maintain effective control. On the other hand, they accept the shortcomings in the provision of health care in prisons and hope that new legislative acts providing for agreements with the National Health System will lead to improvements.

61. The report states that a great number of detailed coherent and consistent allegations of physical ill-treatment of persons by police officers were received. The allegations concerned mainly kicks, slaps, punches and blows with batons and other objects upon or after apprehension. Several cases are cited in the report. Further, the CPT notes the flaws in the current system of investigations into allegations of ill-treatment notably as regards the lack of promptness and thoroughness in carrying out investigations. It recommends that the mandate of the Office on Arbitrary Incidents be reviewed in order to ensure its independence and to strengthen its investigative and oversight capabilities. Recommendations are also made regarding the recruitment and training of police officers and on improving the application of safeguards

against ill-treatment such as access to a lawyer, access to a doctor and improving the conduct of interrogations. In their response, the Greek authorities highlight the strict criteria in place for the recruitment of police officers and refer to the training provided. They also state that the investigations into the cases raised by the CPT are ongoing. Information is provided on the various measures being taken to address racist or xenophobic violence and on the safeguards surrounding the detention of all persons apprehended by the police.

*Report and response  
published in October 2014,  
CPT/Inf (2014) 26 and CPT/Inf (2014) 27*

## **Report on the periodic visit to Hungary in April 2013 and response of the Hungarian authorities**

*(police custody and imprisonment including pre-trial detention and long prison sentences)*

62. The CPT received several complaints about excessive use of force by police officers at the time of apprehension and ill-treatment during police questioning (slaps, punches, kicks, kneeling and blows with batons). Moreover, the Committee's delegation heard some accounts of verbal abuse, including of a racist nature, by police officers. The report also refers to a case of police ill-treatment which reportedly took place at Izsák Police Station (Bács-Kiskun County) on 8 April 2013 and which may well have led to the death of the detained person. In their response, the Hungarian authorities indicate that criminal proceedings concerning this case are pending.

During the visit, a number of remand prisoners were being held in police detention facilities, sometimes for

prolonged periods. The CPT recommends that, in the interest of the prevention of ill-treatment, persons remanded in custody be promptly transferred to a prison establishment and only be returned to a police detention facility when there is absolutely no other alternative and for the shortest time possible.

63. As regards prisons, the CPT's delegation received no allegations of physical ill-treatment of prisoners by staff at Szeged Prison or at the Central Prison Hospital and the Unit for HIV-positive prisoners in Tököl; however, several such allegations were received at Somogy County Remand Prison in Kaposvár and Sopronkőhida Prison. A number of accounts of verbal abuse of a racist nature and disrespectful remarks were also heard in the various establishments visited. Furthermore, in some of the establishments visited, inter-prisoner violence was an issue. The CPT also expresses serious doubts about the effectiveness of investigations into complaints of ill-treatment by prison staff.

In the light of these findings, the CPT recommends that the national authorities redouble their efforts to combat ill-treatment by prison staff, review the system for investigating allegations of ill-treatment in order to make it more effective and protect the integrity of all prisoners, including against other inmates.

Since 2010, the responsibility for the administration of prisons has been placed, together with the police, under the authority of the Ministry of the Interior. The CPT is concerned that this approach may call into question the specificities of the respective tasks of police and prison officers; it is also not in line with the European Prison Rules. The Committee invites the Hungarian authorities to reconsider their position on this matter. In their response, the

Hungarian authorities state that the current organisational system has brought positive results, such as the promotion of a unified training system in the area of law enforcement and cost-effectiveness through the unification of technology and equipment.

The CPT also expresses serious concerns about the lack of effective action to combat overcrowding (which has doubled since the 2009 visit and stood at 144% of the official prison capacity in 2013). The CPT urges the authorities not to limit their response to a "balancing" programme whereby the Prison Service re-allocates prisoners nationwide to ensure a similar degree of overcrowding in each prison. Such an approach is ineffective and does not address the root causes of overcrowding in prisons.

Concerning the regime, many prisoners were still locked up in their cells for 23 hours a day, with little to occupy them. The CPT recommends that programmes of purposeful activities, tailored to the individual needs of the inmates, be further developed. In their response, the Hungarian authorities indicate that particular importance is being paid to this issue, including development of training, education and employment opportunities, and refer to the recent significant increase in the employment rate of prisoners.

The CPT's report also notes that efforts have been made to improve the situation of prisoners serving lengthy sentences at Szeged Prison. For example, the Special Regime Unit for these inmates aimed to function as a genuine induction unit and the delegation's findings indicate that the Unit helped many of those prisoners to come to terms with their sentences, in particular those serving actual life sentences. However, as regards prisoners sentenced to life imprisonment



without the possibility of early release, the Committee reiterates its serious reservations about the very concept according to which life-sentenced prisoners are considered once and for all to be a permanent threat to the community and are deprived of any hope of being granted release. In the CPT's opinion, it is inhuman to imprison a person for life without any realistic hope of release.

On a positive note, the CPT approves of the decline in the use of means of restraint (handcuffs, ankle-cuffs and body-belts) in the context of movement of prisoners within prisons, as compared with the 2009 visit. Nevertheless, it remains critical of their regular application to certain groups of prisoners which is excessive in practice, and recommends that steps be taken to further reduce their use.

*Report and response published in April 2014, CPT/Inf (2014) 13 and CPT/Inf (2014) 14*

## **Report on the periodic visit to Italy in May 2012 and response of the Italian authorities**

*(police ill-treatment, prison overcrowding, "41-bis" regime, judicial psychiatric hospitals)*

64. In its report, the CPT refers to a number of allegations of physical ill-treatment and/or excessive use of force by State Police and Carabinieri officers in particular in the Milan area. For example, an examination of the medical records at Milan-San Vittore Prison revealed that, during the two months preceding the visit, 18 persons who had been admitted to the prison with visible injuries had indicated to the prison doctor that the injuries resulted from ill-treatment by law enforcement officials. Nevertheless, no action had been taken by the judicial authorities to pursue the law enforcement

officials who had allegedly perpetrated this ill-treatment because the competent supervisory judge only informed the prosecutor's office if the prognosis for the recovery of the injuries in question was estimated by the prison doctor to exceed 20 days. The CPT recommends that the relevant provision of the Penal Code be amended so that the 20-day threshold set out in Section 582 of the Penal Code no longer applies in such cases.

In their response, the Italian authorities refer to the efforts invested in order to encourage prison doctors visiting newly admitted prisoners to submit a more rigorous description of injuries when dealing with allegations of ill-treatment inflicted by law enforcement officials.

65. As regards material conditions of detention in prisons, the report describes a varied picture at the different establishments visited. While the state of repair, hygiene and access to natural light at Florence-Sollicciano, Vicenza and some parts of Bari Prison were adequate, the situation left much to be desired at Palermo-Ucciardone Prison where the level of hygiene was very poor, prisoners were not provided with personal hygiene products and the windows were covered with metal shutters which reduced access to natural light to a minimum.

In terms of prison overcrowding, the most severe conditions were observed at Bari Prison where cells measuring less than 20 m<sup>2</sup> were accommodating up to eleven prisoners. Cramped conditions were also found at Palermo-Ucciardone Prison where it was not uncommon to observe cells measuring 22m<sup>2</sup> accommodating up to eight prisoners.

The Italian authorities in their response focus extensively on the efforts invested to increase the overall capacity of the prison estate as well as to promote a

more developed range of alternative measures to detention. Further, an account is given of the measures taken in order to improve the level of hygiene at Palermo-Ucciardone Prison as well as to reduce the in-cell occupancy rate at Bari Prison.

As had been the case in previous visits to Italy, the CPT paid particular attention to the situation of prisoners subjected to the special detention regime under section "41-bis" of the Penitentiary Act. The Committee analysed the additional restrictions imposed on these prisoners since 2009, notably the additional curtailment of visit entitlements. It concluded that rather than combatting more effectively the phenomenon of organised crime, there were reasons to believe that such restrictions could be considered as a tool to increase pressure on the prisoners concerned in order to induce them to co-operate with the justice system.

In their response, the Italian authorities state that consideration might be given to amending part of the above-mentioned restrictions, particularly in relation to the contacts with the outside world for prisoners subject to the "41-bis" regime.

66. The report notes that the situation in the Judicial Psychiatric Hospitals (OPGs) had not improved since the CPT's visit in 2008. In particular, low health-care staffing levels were observed at Barcellona Pozzo di Gotto OPG, where the number of psychiatrists and nurses was clearly insufficient for the needs of the psychiatric hospital. Other deficiencies included the lack of individualised treatment programmes for patients and of a thorough inquiry into the death of every psychiatric patient at that OPG.

The Italian authorities refer in their response to the obstacles and organisational constraints (related in particular

to the impossibility of creating alternative mental health structures at the regional level) which have resulted in the postponement of the closure of the OPGs and the delay of the planned transfer of forensic psychiatric patients to new facilities at the regional level.

*Report and response  
published in November 2013,  
CPT/Inf (2013) 32 and CPT/Inf (2013) 33*

### **Report on the ad hoc visit to Latvia in September 2013 and response of the Latvian authorities**

*(conditions of detention in police establishments and the situation in prisons, with a particular focus on the regime for life-sentenced prisoners and the provision of health care)*

67. The CPT's delegation carried out follow-up visits to the police detention facilities in Dobele, Jēkabpils, Jelgava and Saldus; these establishments displayed major deficiencies in terms of material conditions at the time of the Committee's 2011 periodic visit. The delegation noted that, with the exception of Jēkabpils Police Detention Facility where the situation had clearly improved, the general conditions of detention in the above-mentioned establishments had not improved (e.g. dilapidated and dirty cells, limited or no access to natural light, dim artificial lighting, inadequate ventilation, etc.). In contrast, the delegation observed excellent material conditions in the new police detention facility in Daugavpils; as stated in the report, this establishment could well serve as a model for other police detention facilities in Latvia. The report also highlights that many persons remanded in custody by a court are held in police establishments for extended periods of time (up to

several weeks) and the CPT recommends that such persons always be promptly transferred to a prison.

In their response, the Latvian authorities refer to a Norwegian grant project, in the context of which major renovation work is planned to be carried out at Jelgava and Saldus Detention Facilities in the course of 2014, as well as at a number of other police detention facilities. The authorities also indicate that they are considering closing down the detention facility in Dobeles.

68. The follow-up visits to Daugavgrīva and Jelgava Prisons mainly focused on the situation of life-sentenced prisoners. The two prisons hold all of the country's male life-sentenced prisoners and, at the time of the visit, they were accommodating respectively 43 and 10 such prisoners. At Daugavgrīva, the material conditions under which this category of inmates was being held were on the whole of a good standard (in particular in the new unit for inmates on the low regime level), while at Jelgava, conditions of detention in the unit for life-sentenced prisoners remained generally poor.

The CPT welcomes the efforts made at Daugavgrīva Prison to improve the regime offered to life-sentenced prisoners on the medium regime level (23 at the time of the visit). A tailoring workshop had been created, which was attended by 18 inmates throughout the day from Monday to Friday. Further, all life-sentenced prisoners on the medium regime level continued to benefit from an open-door policy, having unrestricted access throughout the day to an outdoor yard and an association room. However, the Committee remains seriously concerned by the lack of progress in both Daugavgrīva and Jelgava Prisons as regards the regime applied to life-sentenced prisoners on the low regime level

(i.e. more than half of all life-sentenced prisoners); these prisoners continued to be confined to their cells for 22 to 23 hours a day without being offered any purposeful activities. It is also a matter of concern that hardly any sports activities were available to life-sentenced prisoners in both establishments. The CPT calls upon the Latvian authorities to take steps at Daugavgrīva and Jelgava Prisons to devise and implement a comprehensive regime of out-of-cell activities (such as work, education, sport, recreation) for all life-sentenced prisoners, including those on the low regime level.

In their response, the Latvian authorities refer to plans to organise re-socialisation programmes and group sessions for life-sentenced prisoners at Jelgava and to provide these inmates with access to the establishment's gym, following the renovation of the latter in the first quarter of 2014. Further, information is provided about the employment opportunities provided by an outside company to seven life-sentenced prisoners on the low regime level at Jelgava Prison. More generally, reference is made in the response to discussions initiated by the Central Prison Administration concerning possible integration of life-sentenced prisoners into the mainstream prison population.

69. As was the case during previous visits, the delegation observed – in particular at Jelgava Prison – that the majority of life-sentenced prisoners were systematically handcuffed whenever they were taken out of their cells and that the decisions imposing the use of handcuffs were usually of a stereotyped nature with hardly any reasons given. The CPT stresses once again that the practice of handcuffing prisoners while being escorted by staff inside the prison may only be justified in highly exceptional

cases; it recommends that the Latvian authorities accordingly carry out a comprehensive individual risk assessment on the use of handcuffs.

Further, the Committee expresses misgivings about the fact that all life-sentenced prisoners at Daugavgrīva Prison were subjected to permanent CCTV surveillance inside their cells and underlines that any decision to impose such surveillance on a particular prisoner should always be based on an individual risk assessment and be reviewed on a regular basis.

The Latvian authorities indicate in their response that, in order to ensure a uniform and comprehensive approach to individual risk assessment in respect of life-sentenced prisoners, the Central Prison Administration intends to send an explanatory letter to the two prisons concerned during the first half of 2014.

70. Another issue addressed by the CPT's delegation during the visit was the provision of health care to prisoners. It found improvements in certain areas (e.g. supply of medication, access to specialist care, confidentiality during doctor-inmate consultations, etc.) as compared to the situation found during the previous visit and noted positively that there had been an increase in financial resources allocated to prison health-care services. That said, a number of deficiencies remained to be addressed, notably that relatively expensive medication (such as new-generation neuroleptics and antibiotics) had to be paid for by the prisoners themselves. Further, there could still be significant delays in arranging the transfer of inmates to the Prison Hospital. The Committee recommends that the Latvian authorities step up their efforts to further improve the provision of health care to prisoners, while ensuring greater participation of the Ministry of

Health in this area. In their response, the Latvian authorities provide information on steps taken to implement this recommendation. Reference is also made to the ongoing co-operation between the Ministries of Justice and Health, in particular to a joint draft action plan for the prevention of infectious diseases among prisoners (for 2014-2016).

*Report and response published in March 2014, CPT/Inf (2014) 5 and CPT/Inf (2014) 6*

### **Report on the periodic visit to Montenegro in February 2013 and response of the Montenegrin authorities**

*(police ill-treatment and fight against impunity, ill-treatment and inter-prisoner violence in prisons, prison health care, social welfare establishments)*

71. As had been the case during the 2008 visit, the CPT's delegation received many allegations of deliberate physical ill-treatment of persons deprived of their liberty by the police. The allegations consisted mainly of slaps, punches, kicks and blows with truncheons which were inflicted by police officers at the time of questioning with a view to extracting a confession or obtaining information. In some cases, the ill-treatment alleged was of such severity that it could be considered to amount to torture. The CPT calls upon the Montenegrin authorities at the highest level to deliver to police officers a clear message that physical ill-treatment is illegal and unprofessional and should be punished accordingly.

Further, the CPT stresses the need for the Montenegrin authorities to effectively tackle ill-treatment by police officers through a multifaceted approach which aims to change the existing police culture that views ill-treatment as acceptable and to ensure that any allegations of

ill-treatment are investigated promptly and thoroughly. The delegation examined one particular case where the police authorities had not responded to repeated requests by the Podgorica District Prosecutor for the names of members of a specific shift of special police officers who had allegedly been involved in beating a person in a police detention facility in Podgorica in 2008.

72. As regards prisons, some allegations of ill-treatment of inmates by staff were described in the report, consisting mainly of kicks, slaps or blows with truncheons to various parts of the body. A few inmates alleged that staff ill-treated them for no apparent reason other than the nature of their criminal offence. Episodes of inter-prisoner violence and intimidation were also not infrequent at the Institution for Sentenced Persons in Podgorica where several inmates alleged that they were victims of racketeering and threats of use of violence by a specific group of prisoners. The CPT recommends that a firm message be delivered to prison officers about the illegality and unacceptability of physical ill-treatment and that more efforts be invested in tackling and eradicating inter-prisoner violence and intimidation.

The staffing levels at the Health-Care Centre of the Spuž Prison Complex, which is responsible for the health-care needs of the prison population at the national level, were insufficient. Recommendations are put forward to reinforce staffing levels and the authorities are requested to provide information on the status of the project of building a special prison hospital. Recommendations are also made to improve the respect of medical confidentiality, access to specialist care and the need for the Health-Care Centre to be provided with modern and functional medical equipment.

In their response, the Montenegrin authorities provide information on the recruitment of additional health-care staff at the Spuž Prison Complex. They also agree with the Committee that the construction of a special prison hospital would improve the health-care protection of inmates and state that funding is being sought from EU pre-accession instruments for the construction of a special prison hospital in Podgorica.

73. The treatment provided to forensic psychiatric patients was a source of particular concern for the Committee. In particular, it found that the Forensic Psychiatric Unit of the Dobrota Special Psychiatric Hospital often refused to admit forensic patients with the most disturbed behaviour in the absence of the necessary security conditions. As a result, several forensic patients continued to be held in prison. For example, the report describes the case of a prisoner sentenced to a mandatory psychiatric treatment measure who had been met by the CPT in 2008 and, notwithstanding the recommendation made by the CPT at that time, was still being held in conditions of solitary confinement at the Remand Prison in Podgorica in 2013. In response to the Committee's immediate request, the Montenegrin authorities confirm in their response that the prisoner in question had been transferred to a forensic psychiatric facility in Serbia.

The report notes positively that no allegations of ill-treatment of residents by staff were received at the Komanski Most Institution for People with Special Needs. The CPT welcomes in particular that the institution had undergone a complete refurbishment programme since the 2008 visit and now offered its residents living conditions of a satisfactory standard. All residents' rooms had adequate lighting, heating and ventilation and

were of a sufficient size and the level of hygiene, including in the sanitary facilities was on the whole satisfactory.

*Report and response published in May 2014, CPT/Inf (2014) 16 and CPT/Inf (2014) 17*

### **Report on the periodic visit to Poland in June 2013 and response of the Polish authorities**

*(treatment of persons in police custody and prison conditions, with a focus on prison health care and prisoners classified as “dangerous”)*

74. The report begins by stressing that the principle of co-operation between states parties to the Convention and the Committee is not limited to facilitating the task of a visiting delegation, but requires that decisive action be taken to improve the situation in the light of the CPT’s recommendations. In this respect, the Committee notes with concern that after five periodic visits carried out to Poland, little action has been taken to implement several of the CPT’s long-standing recommendations, for example as regards the fundamental safeguards for persons deprived of their liberty by law enforcement agencies, the (still very impoverished) regime for remand prisoners and prison health-care services.

75. The majority of the persons met by the delegation who were, or had recently been, detained by the police indicated that they had been correctly treated. Nevertheless, a significant number of allegations of physical ill-treatment of persons taken into police custody (including from detained juveniles), both at the time of apprehension and during subsequent questioning (in some cases, with a view to extracting a confession or another statement) were received. The CPT calls upon the

Polish authorities to pursue rigorously their efforts to combat ill-treatment by police officers. The Committee stresses the need to promote a police culture where it is regarded as unprofessional to work and associate with colleagues who resort to ill-treatment. It also recalls that effective investigations capable of leading to the identification and punishment of those responsible for ill-treatment are essential. In their response, the Polish authorities refer to regular reminders sent to all police officers through various channels, clearly prohibiting ill-treatment of detainees, as well as to training programmes to address the phenomenon of police ill-treatment.

As regards safeguards in police custody, it remained the case that it was the exception rather than the rule for persons in police custody to benefit from access to a lawyer, and in the rare cases when they did have this opportunity, the meeting took place in the presence of police officers. Further, there was still no provision in Polish law allowing for the appointment of an *ex officio* lawyer before the stage of court proceedings. As regards access to a doctor, the confidentiality of medical examinations (and relevant medical documentation) was not respected in practice. In addition, injuries observed on persons brought to police detention facilities were not always duly recorded. As regards the right of notification of custody, many detained persons interviewed by the delegation were in practice not aware of this right. The Polish authorities indicated in their response that legislation was being revised to ensure the confidentiality of the meetings between a detained person and his/her lawyer.

76. In relation to the prisons visited, the delegation did not receive any allegations, nor gathered any evidence of, recent physical ill-treatment by staff at

Lublin, Szczecin, Warsaw-Grochów or Warsaw-Mokotów Remand Prisons and at the three prison hospitals visited. However, at Bydgoszcz Remand Prison, the delegation received some isolated allegations of physical ill-treatment by custodial staff.

Overcrowding remained a problem in all the prisons visited. The CPT called upon the Polish authorities to redouble their efforts to combat prison overcrowding by adopting policies designed to limit or modulate the number of persons sent to prison. The Committee also called upon the Polish authorities to revise as soon as possible the current norms fixed by legislation for living space per prisoner (i.e. 3 m<sup>2</sup>) so that, in all penitentiary establishments, there is at least 4 m<sup>2</sup> per inmate in multi-occupancy cells.

In their response, the Polish authorities state that emphasis has been placed on non-custodial measures for remand prisoners (such as an electronic monitoring system) and the development of alternatives to imprisonment. Reference is also made to measures taken or envisaged to renovate and expand the Polish prisons.

77. The situation as regards the provision of organised activities for inmates in the establishments visited was still generally very unsatisfactory, in particular for remand prisoners. The CPT again stressed that the aim should be to ensure that every prisoner is able to spend a reasonable part of the day (eight hours or more) outside his/her cell, engaged in purposeful activities of a varied nature (work, education, vocational training, sport, etc.).

78. As regards the so-called “dangerous” (“N” status) prisoners, the CPT welcomed the continued reduction in the number of such prisoners in recent years. Further, the quarterly reviews of the “N”

status had become much more meaningful since the 2009 visit. Having said that, it remains the case that the Polish authorities should refine the procedure for allocating a prisoner to “N” status with a view to ensuring that only those inmates who pose an ongoing high risk if accommodated in the mainstream of the prison population are accorded “N” status. Further, the Committee called upon the Polish authorities to fundamentally review the particularly restrictive regime applied to “N” status prisoners and develop individual plans aimed at providing appropriate mental and physical stimulation to such prisoners.

79. The health-care staff complement was on the whole adequate at Bydgoszcz, Szczecin and Warsaw-Mokotów Remand Prisons; however, this was certainly not the case at Lublin Remand Prison. Complaints about delays in gaining access to health care were heard in all the prisons. In addition, in Bydgoszcz, both at the Remand Prison and at the Prison Hospital, as well as at Warsaw-Grochów Remand Prison, complaints from prisoners were received about the quality of the health care provided. In their response, the Polish authorities referred to the result of the 2012 audit carried out by the Supreme Audit Office and concluding that “penitentiary establishments within their budgetary means have assured prisoners round-the-clock medical care and access to an immediate and comprehensive set of health-care services, despite the increased demand for such services”.

The Committee was concerned to note that medical examinations of prisoners often still took place in the presence of custodial officers. The Polish authorities indicated in their response that the relevant legal provision allowing for such a presence had been

declared unconstitutional by the Polish Constitutional Court in February 2014, and that the legislation would subsequently be amended.

80. The CPT also visited the Warsaw sobering-up centre, which made a positive impression on the delegation.

*Report and response published in June 2014, CPT/Inf (2014) 21 and CPT/Inf (2013) 22*

### **Report on the ad hoc visit to Portugal in May 2013 and response of the Portuguese authorities**

*(situation at Lisbon Central Prison, investigations into alleged ill-treatment)*

81. The CPT's delegation found that the situation at Lisbon Central Prison, in terms of both material conditions and the treatment of inmates by prison staff, had not improved in the 15 months since the February 2012 periodic visit to Portugal. Lisbon Central Prison continued to be affected by chronic overcrowding of almost 150% and very poor material conditions; damp cells, crumbling plaster, broken windows, a lack of artificial lighting and dilapidated mattresses were evident in most of the basement areas of the prison. The CPT comments that such conditions could be considered as amounting to inhuman and degrading treatment. The report recommends that strong action be taken to renovate the different wings, starting with the basement units. The Committee also recommends that the Portuguese authorities vigorously pursue their efforts to combat prison overcrowding, by placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures facilitating the reintegration into society of persons deprived of their liberty.

The report also refers to a number of credible allegations of ill-treatment of inmates by prison officers at Lisbon Central Prison and the CPT reiterates the importance of undertaking effective investigations into such allegations. Moreover, inter-prisoner violence was a serious issue on certain wings of the prison. Recommendations are made to improve the recording of physical injuries observed upon admission to the establishment or following a violent incident inside the prison and also to increase staffing levels.

Further, as regards the small numbers of juveniles held at Lisbon Central Prison, the CPT found that their safety was at risk in view of the level of violence in the prison and that they were not provided with purposeful activities or appropriate support. The report recommends that the juveniles be transferred to another establishment offering both an appropriate environment and a tailor-made regime. In their response, the Portuguese authorities concur with the CPT's concerns and affirm their policy to keep juveniles separate from adult offenders and in institutions close to their social and cultural background. Reference is made to a pilot project in three prisons.

As regards activities for prisoners at Lisbon Central Prison, almost 900 out of 1310 prisoners were not involved in any work or educational activities at the time of the visit. Moreover, educational activities were reserved for sentenced prisoners and registration for the different courses was only possible at the beginning of the academic year (i.e. September).

In their response, the Portuguese authorities refer to the steps being taken to expand the application of alternative measures to imprisonment and to the ongoing investment to improve prison conditions at Lisbon Central Prison.



Information is also provided on the measures being taken or under consideration to implement the CPT's recommendations concerning inter-prisoner violence, and to enhance the programme of activities in prison. The authorities also state that they have no objection to reducing the maximum duration of disciplinary confinement from 21 to 14 days but that this will require legislative amendments.

82. As regards Monsanto High Security Prison, where prisoners were confined alone in their cells for some 21 hours a day, recommendations are made to develop the range of purposeful activities and to promote better contacts between staff and prisoners. Further, the authorities are again requested to institute rigorous safeguards concerning the placement of prisoners, and any extension thereof, in the high-security estate.

The report also invites the Portuguese authorities to phase out the carrying of truncheons by custodial staff in detention areas at both Lisbon Central and Monsanto Prisons, stating that it is not conducive to promoting positive relations between staff and inmates. In parallel, steps should be taken to upgrade the skills of prison staff in handling high-risk situations without using unnecessary force, in particular by providing regular training in averting crises and defusing tension and in the use of safe methods of manual control and restraint.

83. In the course of the May 2013 visit, the CPT's delegation also examined in detail the investigation into a serious allegation of ill-treatment of a person by a National Republican Guard (GNR) officer, which it had raised in the report on the 2012 visit to Portugal. The Portuguese authorities had been requested to carry out an investigation into this case; however, the response of the authorities appeared to indicate that no effective

investigation had in fact been carried out. The 2013 report highlights a series of deficiencies undermining the effectiveness of the investigation of this case, notably as regards the promptness, thoroughness and independence of the investigation. Further, it raises concerns as to the flow of information between the GNR, the Inspectorate General of Home Affairs (IGAI) and the Public Prosecutor's Office. In their extensive response, the Portuguese authorities concur with the CPT's findings concerning the investigation into this specific case and refer to the steps being taken to ensure that the Public Prosecutor's Office and the relevant inspectorates are informed directly of any allegation of ill-treatment in the future.

*Report and response  
published in November 2013,  
CPT/Inf (2013) 35 and CPT/Inf (2013) 36*

### **Report on the periodic visit to the Russian Federation in May/June 2012 and response of the Russian authorities**

*(torture and ill-treatment by law enforcement officials, impunity, safeguards against ill-treatment, conditions of detention in law enforcement establishments and prisons)*

84. In the course of the visit, the CPT's delegation assessed progress made since previous visits and in particular the extent to which the Committee's recommendations have been implemented in the areas of police custody and pre-trial detention in Moscow and Leningrad Regions as well as in the Republics of Bashkortostan and Tatarstan. The delegation also visited a closed-type prison (*t'yurma*), in Vladimir Region, and paid a follow-up visit to Yagul Strict-Regime Colony No. 1 in the Republic of Udmurtia.

85. In Moscow and Saint Petersburg, most of the detained persons made no complaints about the manner in which they were treated by law enforcement officials; however, some allegations of recent physical ill-treatment were received. The delegation also received several accounts of recent physical ill-treatment in the Republic of Udmurtia, mainly referring to the time of initial interviews by operational officers. Numerous allegations of recent physical ill-treatment of persons, including juveniles, held by law enforcement officials were heard in the Republics of Bashkortostan and Tatarstan, as well as in Vladimir Region. In a number of instances, the alleged ill-treatment was of such severity as to amount to torture: infliction of electric shocks; asphyxiation with a gas mask or a plastic bag; extensive beating whilst handcuffed to a fixed object and/or blindfolded; forcing a person to bend forward in a chair in a foetal position, handcuffed behind his back, and placing a heavy object on his back – a method referred to as “*televizor*”; infliction of burns to the genitals.

In its report on the previous periodic visit in 2008, the CPT indicated that, if police ill-treatment remained unchallenged, it could easily become an almost accepted feature of police operating practice. A little less than four years later, notwithstanding the efforts to reform Internal Affairs structures, the frequency and consistency of the allegations suggested that methods of severe ill-treatment/torture continue to be used on a frequent basis by police and other law enforcement officials, in particular outside Moscow city and Saint Petersburg.

86. The CPT calls upon the Russian authorities to strengthen action to prevent ill-treatment by the police and members of other agencies (including the Federal Drug Control Service and the

Federal Security Service) and reiterates the importance of effective action by the investigating authorities when information indicative of possible ill-treatment comes to light. Concerning the formal safeguards against ill-treatment (in particular, notification of custody, access to a lawyer and access to a doctor), they still only became available from the moment of the first official interview by the investigator, i.e. several hours (and sometimes much longer) after the *de facto* apprehension and initial questioning by operational officers.

The CPT was also concerned by the fact that holding cells in police divisions were still frequently used for overnight stays (on occasion, for up to 48 hours). As observed on all the previous visits to the Russian Federation, none of these holding cells was suitable for holding persons for longer than a few hours. By contrast, most of the temporary detention centres (IVS) visited offered decent conditions of detention.

87. Turning to prisons, the CPT’s delegation received no allegations of ill-treatment of prisoners by staff at Federal-purpose pre-trial establishment (SIZO) No. 3 in Saint Petersburg and SIZO No. 1 in Kazan. In addition, no credible allegations of ill-treatment were heard at SIZO No. 4 in Moscow or at SIZO No. 1 (“Kresty”) in Saint Petersburg. As regards SIZO No. 1 in Ufa, most of the inmates interviewed made no complaints about the attitude of staff towards them. In contrast, at Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir, several consistent allegations of physical ill-treatment of inmates by staff were received. As for Strict-Regime Colony No. 1 in Yagul, many inmates interviewed stressed that there had been a clear improvement as regards the attitude of staff towards them since the CPT’s previous visit to

that establishment, in 2008. However, the delegation did hear a number of graphic and consistent accounts of deliberate and routine physical ill-treatment of newly admitted sentenced prisoners, as well as several credible allegations of physical ill-treatment by staff, including senior officials, of inmates on disciplinary segregation.

The CPT acknowledges that for many years the Russian authorities have made continued attempts to combat overcrowding and improve material conditions in pre-trial establishments. Encouraging results were observed during the 2012 visit and the Committee recommends that the Russian authorities pursue their efforts in this regard. The Committee is also pleased to note that steps are being taken to move away from the system of large-capacity dormitories/cells found in current establishments for sentenced prisoners towards a system of smaller living units. In this context, the CPT reiterates its long-standing recommendation that the Russian authorities formally amend the legislation in order to align the minimum standard of living space for sentenced prisoners with that for remand prisoners. The Committee also calls upon the Russian authorities to ensure that efforts aimed at reducing overcrowding and improving material conditions in SIZOs and establishments for sentenced prisoners go hand-in-hand with the introduction of programmes of structured out-of-cell activities.

As concerns prison health-care services, the delegation was informed of a pilot project, the main feature of which was that prison health-care staff were no longer administratively dependent on the directors of the establishments in which they were working. In this context, the Committee reiterates that a greater involvement of the Ministry of Health

in the provision of health-care services in prison would help to ensure optimal health care for prisoners.

88. In their response, the Russian authorities refer to various issues raised in the CPT's report and provide detailed updates on the legislative and organisational reforms of the law enforcement agencies, the investigative authorities and the prison system (including on the implementation of plans to construct new pre-trial establishments/units, relocate SIZO No. 1 in Ufa and on the improvement of prison health-care services). They also inform the Committee of steps taken to prevent further ill-treatment of prisoners and persons in police custody.

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### **Report on the periodic visit to the Slovak Republic in September/October 2013 and response of the Slovak authorities**

*(treatment of persons detained by the police, situation of female and juvenile prisoners, life-sentenced prisoners and inmates held in high-security units)*

89. The majority of the persons met by the delegation who were or had recently been detained by the police made no complaints in respect of their treatment by police officers. Nevertheless, the delegation did receive a number of consistent and credible allegations of physical ill-treatment by police officers (including from several juveniles), consisting of slaps, punches and kicks to various parts of the body. In addition, some detained persons were purportedly warned not to complain to their family or a lawyer about the ill-treatment to which

they had allegedly been subjected. The delegation also received a number of complaints about verbal abuse (including of a racist nature).

The CPT also describes certain individual cases of alleged police ill-treatment and makes several recommendations concerning requirements for an effective investigation into such allegations. In their response, the Slovak authorities provide an update on the investigations carried out into such cases.

Material conditions in custody cells in the police establishments visited were, on the whole, satisfactory. However, several of the police stations visited had small holding facilities destined for temporary placement of persons deprived of their liberty (so-called “designated areas”) which were occasionally used for overnight placement of apprehended persons. Some of them were cage-like cubicles, others were small rooms, equipped only with one or two fixed stools or a small bench. The Committee recommends that, due to their small size (sometimes a mere 2m<sup>2</sup>) and inadequate equipment, these facilities should not be used for holding persons for more than a few hours and never overnight. In their response, the authorities indicate that a new order will be issued to this effect by the Police President.

90. As regards prisons, the vast majority of prisoners interviewed by the CPT’s delegation made no allegations of physical ill-treatment by prison staff. That said, the delegation did receive a few allegations of physical ill-treatment and verbal abuse of inmates by members of staff in some of the establishments visited.

The Committee notes with concern that no systematic modification of the approach towards life-sentenced prisoners has been made since the 2009

visit. The CPT thus reiterates its recommendation that the Slovak authorities move away from the current policy of having life-sentenced prisoners locked up for most of the time in their cells. Instead, they should integrate them into the mainstream prison population and develop purposeful out-of-cell activities of a long-term nature. In their response, the Slovak authorities provide information on new rules (in force as from 1 January 2014) which allow life-sentenced prisoners to progress through the prisoner classification system with the ultimate aim of being placed in the general prison population.

Positive comments are made by the Committee about the regime offered to sentenced juveniles at Sučany Prison and sentenced women at Nitra-Chrenová. However, the regime for remand prisoners (including juveniles) and sentenced prisoners held at Prešov Prison was found to be unacceptable. Most of the prisoners concerned were usually locked up in their cells for up to 23 hours per day, without being offered any purposeful out-of-cell activities.

A total absence of organised activities was also observed by the CPT in the high-security department of Leopoldov Prison. The government response lists a number of measures which are expected to be implemented in the near future with the aim of remedying the situation. Further, the CPT was concerned to find once again that several prisoners accommodated in this department suffered from learning disabilities and/or showed clear signs of serious mental disorders. In the CPT’s view, a high-security department is not an appropriate place for managing such prisoners who should be cared for and treated in an environment which is suitably equipped and has sufficient

qualified staff to provide them with the necessary assistance.

In most of the prisons visited, material conditions of detention were on the whole adequate. However, some of the cells at Nitra Prison were in a very poor state of repair and their size was clearly insufficient for the number of inmates they could hold (e.g. up to six inmates in a cell of some 11 m<sup>2</sup>).

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CPT/Inf (2014) 29 and CPT/Inf (2014) 30*

## **Report on the periodic visit to Ukraine in October 2013**

*(torture and ill-treatment by law enforcement officials, impunity, safeguards against ill-treatment, treatment of prisoners, conditions of detention in prisons, reprisals)*

91. The main objective of the visit, which took place in the autumn of 2013 (prior to the beginning of the “Maidan” events and the government change which ensued) was to re-examine the situation of persons held by law enforcement officials as well as that of remand prisoners, in particular in the light of the provisions of the new Code of Criminal Procedure which entered into force in November 2012. For this purpose, the delegation paid visits to a number of police and penitentiary establishments in Kyiv, the Autonomous Republic of Crimea, Dnipropetrovsk Region, Odessa Region and Vinnytsia Region. The treatment of sentenced prisoners at Correctional Colony No. 81 in Stryzhavka (Vinnytsia Region) was also reviewed. Further, the delegation carried out a first-time visit to Prison No. 3 in Krivyi Rih (Dnipropetrovsk Region), which held various categories of inmate, including remand prisoners.

92. As regards the police, the CPT’s delegation found that the new Code of Criminal Procedure, combined with the new free legal aid system, had begun to show potential to combat the phenomenon of ill-treatment by law enforcement officials. The delegation’s findings clearly indicated that persons apprehended by police officers after the entry into force of the new Code ran a lower risk of being ill-treated than those who had been detained prior to that date. However, that risk remained high for detained persons who were not co-operative in the eyes of law enforcement officials and/or, in the regions in particular, refused to pay bribes. It also appeared that persons held by law enforcement officials outside the capital were even more likely to be subjected to severe ill-treatment or even torture.

The CPT has stressed that combating the phenomenon of ill-treatment should be more than ever a top priority for the Ukrainian authorities, which should build upon their initial, limited but encouraging results to implement all the Committee’s relevant recommendations and reduce the gap between the legal framework and practice. In particular, the authorities should drive change from the highest level and develop an ethical culture among police officers; and to ensure better identification of law enforcement officials; review limits and improve training on the use of physical force and “special means”; reduce reliance on confessional evidence and improve interviewing standards; combat unrecorded detentions; guarantee an effective right of notification of custody, improve the practical operation of the right of access to a lawyer and guarantee an effective right to be examined by a doctor.

93. Concerning prisons, a marked improvement was noted by the CPT in

the treatment of prisoners by prison staff – or by fellow inmates at the instigation of staff – at Correctional Colony No. 81 in Stryzhavka. During its previous visit to this establishment in December 2012, the CPT had found that the ill-treatment of inmates was common practice. However, the delegation did come across a few instances of alleged ill-treatment of inmates by staff and/or other prisoners in that colony and in some pre-trial establishments (SIZOs) visited.

The situation observed at Prison No. 3 in Krivyi Rih was of grave concern. The delegation heard numerous allegations and gathered other evidence that the establishment's staff used a group of inmates to physically ill-treat other prisoners. The purpose of this ill-treatment was apparently not only to maintain strict order and discipline, but also to obtain from the inmates concerned confessions to (additional) crimes they were suspected of having committed before imprisonment. This led the Committee to conclude that changes in the manner in which prisoners are treated should remain one of the highest priorities for the Ukrainian prosecuting and prison authorities.

As regards the long-standing issue of overcrowding in SIZOs, a major decrease in the number of inmates was observed, mostly as a result of the entry into force of the new Code of Criminal Procedure and a wider use of alternatives to imprisonment. However, localised overcrowding seen in all the SIZOs visited was a clear reminder that additional efforts should be pursued in this area. Further, the Committee noted that no decisive action had been taken to upgrade material conditions in most of the SIZOs visited or to introduce programmes of out-of-cell activities for adult remand prisoners. In the CPT's view, the cumulative effect of

these conditions and restrictions could well be considered, for many remand prisoners, as a form of inhuman and degrading treatment. In its report, the Committee makes a series of recommendations to address this issue.

The situation of male prisoners facing/sentenced to life imprisonment, which was the subject of severe criticism in the past, remained basically unchanged. The CPT calls upon the Ukrainian authorities to review once more the legislation and practice as regards this category of inmate, in the light of its previous recommendations.

94. When setting in motion, in March 2013, the procedure under Article 10, paragraph 2, of the Convention establishing the CPT, the Committee formed the hope that the Ukrainian authorities would do their utmost to stamp out any practices involving possible intimidation or retaliatory action against persons deprived of their liberty prior to, during and after visits to penitentiary and other establishments. In the light of the information at its disposal, the CPT was not convinced that all the necessary steps had been taken by the authorities to stamp out – once and for all – such practices.

Consequently, the Committee decided to keep open the procedure. In its report, the CPT urges the Ukrainian authorities to take further action, notably by reviewing the manner in which inquiries into these practices are carried out. Further, the authorities should consider making any type of sanction, intimidation or reprisal against any person deprived of his or her liberty for seeking to communicate or having communicated with the CPT (or any other body active in preventing and combating torture and other forms of ill-treatment) a specific criminal offence.

95. The CPT requested the Ukrainian authorities to provide within six months a response giving a full account of action taken to implement its recommendations. The Committee also requested information every two months (until the end of 2014) on the results of future inquiries into possible intimidation or retaliatory action against (former) prisoners held, at

the time of the 2012 and 2013 visits, in Correctional Colonies No. 25 in Kharkiv and No. 81 in Stryzhavka as well as in Prison No. 3 in Krivyi Rih, and a detailed account of concrete steps taken to obtain these results.

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CPT/Inf (2014) 15*



” Juveniles (whether on remand or sentenced) should as a rule not be held in institutions for adults



# Juveniles deprived of their liberty under criminal legislation

## 1. Preliminary remarks

96. In 1998, in its 9th General Report, the CPT set out the criteria which guide its work when visiting places where “juveniles” (i.e. persons under the age of 18<sup>8</sup>) are deprived of their liberty. In particular, it identified a number of safeguards which should be offered to all juveniles deprived of their liberty under criminal legislation and the conditions which should obtain in detention centres specifically designed for juveniles. The Committee considers that the time is ripe to review these standards based upon its visit experience since 1998 and taking into consideration developments at the European and universal levels, focusing at this stage on the deprivation of liberty of juveniles in the criminal law context.

At the outset, the CPT reiterates that its standards should be viewed as complementary to those set out in international instruments, notably the 1989 United Nations Convention on the Rights of

the Child and Recommendation CM/Rec (2008) 11 of the Committee of Ministers of the Council of Europe to member states on the European Rules for juvenile offenders subject to sanctions or measures (“European rules for young offenders”), which provides a detailed set of rules for the treatment of juvenile offenders in Europe.<sup>9</sup> The Committee subscribes wholeheartedly to the cardinal principles enshrined in Articles 3 and 37.b of the Convention on the Rights of the Child and in Rules 5 and 10 of the European Rules for juvenile offenders, namely that in all action concerning juveniles, their best interests shall be a primary consideration and that they should only be deprived of their liberty as a last resort and for the shortest possible period of time.

8. In the majority of Council of Europe member states, the minimum age of criminal responsibility is fixed at the age of 14 or 15 years, while, in a few countries, the minimum age ranges from eight to 13 years.

9. See also the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”), the 1990 United Nations Rules for the Protection of Juveniles Deprived of their Liberty (“Havana Rules”), the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency (“Riyadh Guidelines”) and the 2010 Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice.

## 2. Juveniles held in police custody

97. Bearing in mind its preventive mandate, the CPT's priority during visits is to seek to establish whether juveniles deprived of their liberty have been subjected to ill-treatment. Regrettably, deliberate ill-treatment of juveniles by law enforcement officials has by no means been eradicated and remains a real concern in a number of European countries. CPT delegations continue to receive credible allegations of detained juveniles being ill-treated. The allegations often concern kicks, slaps, punches or blows with batons at the time of apprehension (even after the juvenile concerned has been brought under control), during transportation or subsequent questioning in law enforcement establishments. It is also not uncommon for juveniles to become victims of threats or verbal abuse (including of a racist nature) whilst in the hands of law enforcement agencies.

98. It is the period immediately following apprehension when persons are most at risk of ill-treatment. Therefore, the CPT has advocated three fundamental safeguards (namely the rights of detained persons to notify a close relative or another person of their detention and to have access to a lawyer and a doctor), which should apply from the very outset of deprivation of liberty (i.e. from the moment a person is first obliged to remain with a law enforcement agency). Given their particular vulnerability, the CPT considers that juveniles held in police custody should always benefit from the following additional safeguards against ill-treatment:

- ▶ law enforcement officials should be under a formal obligation to ensure that a relative or another adult person trusted by the juvenile is notified of the fact that

a juvenile has been detained (regardless of whether the juvenile requests that this be done);

- ▶ a detained juvenile should never be subjected to police questioning or be requested to make any statement or to sign any document concerning the offence(s) he/she is suspected of having committed without the presence of a lawyer and, in principle, a trusted adult person (the option "does not wish to see a lawyer" should not apply to juveniles);
- ▶ a specific information sheet setting out the above-mentioned safeguards should be given to all juveniles taken into custody immediately upon their arrival at a law enforcement establishment. The information sheet must be child-friendly, written in simple and clear language and available in a variety of languages. Special care should be taken to ensure that juveniles fully understand the information.

99. The CPT considers that nobody should be held in law enforcement establishments for prolonged periods as such establishments normally do not provide suitable conditions and an appropriate regime. Moreover, experience has shown that persons in police custody are more vulnerable and often run a higher risk of being subjected to torture or other forms of ill-treatment. It follows that even greater efforts should be made to keep the detention in law enforcement establishments to a minimum for juveniles. In some countries, juveniles continue to be held in police stations for periods of ten days or more; such practices are unacceptable. The CPT considers that, as a rule, juveniles should not be held in a law enforcement establishment for more than 24 hours. Further, every effort should

be made to avoid placing juveniles in ordinary police cells but rather to hold them in a juvenile-friendly environment. To this end, it would be highly desirable for separate police units for juveniles to be established so that juveniles can be removed as quickly as possible from the general population of persons in police custody and accommodated in a specialised holding facility.

Regrettably, the Committee continues to find juveniles in police custody being accommodated together with adults in the same cells. Such a state of affairs is not acceptable. The vulnerability of juveniles means that as a matter of principle they should be accommodated separately from adults.

100. Further, law enforcement officials who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile delinquency should receive specialised initial and ongoing training.

### 3. Detention centres for juveniles

#### a. Introduction

101. The CPT has long advocated that all detained juveniles who are suspected or convicted of a criminal offence should be held in detention centres specifically designed for persons of this age, offering a non-prison-like environment and regimes tailored to their needs and staffed by persons trained in dealing with the young. Regrettably, this is still far from being the case in many Council of Europe member states. There has been progress in ensuring that juveniles who are sent to prison are not held together with adults but in juvenile-only units. However, all too often these units offer

not only poor material conditions but, due to a lack of trained staff, juvenile inmates are also provided with an impoverished regime, and support and supervision remain inadequate. This means that juveniles do not benefit from purposeful activities and training in life skills which are beneficial for reintegration into the community upon release.

On the other hand, the Committee has visited a number of juvenile establishments in several countries, which are indeed juvenile-centred and based on the concept of living units. These establishments are composed of small well-staffed units, each comprising a limited number of single rooms (usually no more than ten) as well as a communal area. Juveniles are provided with a range of purposeful activities throughout the day, and staff promote a sense of community within the unit. The CPT considers that this type of centre represents a model for holding detained juveniles in all European countries.

102. As indicated above, juveniles (whether on remand or sentenced) should as a rule not be held in institutions for adults but in facilities specially designed for this age group. The CPT considers that when, exceptionally, they are held in prisons for adults, juveniles should always be accommodated separately from adults, in a distinct unit. Further, adult prisoners should not have access to this unit. That said, the Committee acknowledges that there can be arguments in favour of juveniles participating in out-of-cell activities with adult prisoners, on the strict condition that there is appropriate supervision by staff. Such situations occur, for example, when there are very few or only one juvenile offender in an establishment; steps need to be taken to avoid juveniles being placed *de facto* in solitary confinement.

103. Juveniles detained under criminal legislation should, in principle, not be held with juveniles deprived of their liberty on other grounds. Male and female juveniles who are placed in the same institution should be accommodated in separate units, although they may associate for organised activities during the day, under appropriate supervision. Special attention should be paid to the allocation of juveniles belonging to different age groups in order to accommodate their needs in the best way. Appropriate measures should also be taken to ensure adequate separation between these age groups in order to prevent unwanted influence, domination and abuse.

The European Rules for young offenders state that young adult offenders may, where appropriate, be regarded as juveniles and dealt with accordingly. This practice can be beneficial to the young persons involved but requires careful management to prevent the emergence of negative behaviour. In this respect, the CPT considers that a case-by-case assessment should be carried out in order to decide whether it is appropriate for a particular inmate to be transferred to an adult institution after reaching the age of majority (i.e. 18 years), taking into consideration the remaining term of his/her sentence, his/her maturity, his/her influence on other juveniles, and other relevant factors.

## **b. Material conditions**

104. A well-designed juvenile detention centre should provide positive and personalised conditions of detention for young persons, respecting their dignity and privacy. All rooms should be appropriately furnished and provide good access to natural light and adequate ventilation.

Juveniles should normally be accommodated in individual bedrooms; reasons should be provided explaining why it is in the best interests of the juvenile to share sleeping accommodation with another inmate. Juveniles should be consulted before being required to share sleeping accommodation and should be able to state with whom they would wish to be accommodated.

Every effort should be made to avoid placing juveniles in large dormitories as the CPT's experience is that this puts juveniles at a significantly higher risk of violence and exploitation. Indeed, establishments with large dormitories should be phased out.

105. Further, juveniles should have ready access to sanitary facilities that are hygienic and respect privacy. In particular, attention should be paid to ensuring that female juveniles are provided with ready access to sanitary and washing facilities as well as to hygiene items, such as sanitary towels.

106. Juvenile offenders should also be allowed to wear their own clothing if it is suitable. Those who do not have suitable clothing of their own should be provided with non-uniform clothing by the establishment.

## **c. Regime**

107. Although a lack of purposeful activities is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Juvenile inmates should be provided throughout the day with a full programme of education, sport, vocational training, recreation and other purposeful out-of-cell activities.

108. Physical exercise should constitute an important part of the juveniles' daily programme. All juveniles should be allowed to exercise regularly, for at least two hours every day, of which at least one hour should be in the open air and, preferably, considerably more. Outdoor exercise yards should be spacious and suitably equipped to give juveniles a real opportunity to exert themselves physically (e.g. to practise sports); they should also be equipped with shelter against inclement weather.

109. Upon admission, an individualised plan should be drawn up for every juvenile, specifying the objectives, the time-frame and the means through which the objectives should be attained, in order to best utilise the time that the juvenile concerned spends in the detention centre, to develop skills and competences that assist him/her to reintegrate into society.

110. Education and vocational training offered to juveniles in detention should be similar to that in the community, provided by professional teachers/trainers, and juveniles in detention should obtain the same types of diplomas or certificates (after successfully completing their education) as juveniles who attend educational establishments in the community. Measures should be taken to avoid that school-leaving certificates bear any indication of the juvenile's institutional affiliation. Given the particularly difficult backgrounds of many juveniles, efforts need to be made to encourage and motivate them to attend educational classes/vocational training and to participate in workshops where they can learn skills to assist them upon their release. In a number of countries, the CPT has observed the practice of training juveniles in using computers (including the Internet) and/or of allowing selected detained juveniles to

attend schools in the outside community. Such practices should be encouraged.

111. The CPT also wishes to stress that female juveniles should under no circumstances receive less care, protection, assistance and training than male juveniles, despite the fact that their numbers are much lower and that detention centres are nearly always designed for male inmates. If necessary, additional measures should be taken to ensure equal treatment.

112. In various establishments visited, the CPT observed the existence of a differentiated incentive-based regime in which progress is rewarded to juveniles who are co-operative and display good behaviour, while inmates who display negative behaviour are demoted and subjected to various restrictions. In the CPT's view, a behavioural approach can be beneficial in encouraging juvenile inmates to abide by the norms of living within a group and pursue constructive paths of self-development. However, withdrawal of incentives due to non-compliance can quickly reach a level of deprivation which is incompatible with minimum requirements. In particular, steps should be taken to avoid the juveniles concerned being subjected to a regime which is akin to solitary confinement. In addition, there should be formal and transparent procedures in order to avoid "educational measures" becoming or being perceived as arbitrary.

#### **d. Health care**

113. When examining the issue of health-care services in prisons, the CPT has been guided in its work by a number of general criteria (access to a doctor; equivalence of care; patient's consent and confidentiality; preventive health care; professional independence and

professional competence). Moreover, in its 23rd General Report, the Committee set out in detail its standards regarding the role of prison health-care services in preventing ill-treatment (notably through the systematic recording of injuries and the provision of information to the relevant authorities). Naturally, all the aforementioned standards apply equally to detention centres for juveniles.

114. Having said that, the CPT always pays special attention to the specific medical needs of juveniles deprived of their liberty. It is particularly important that the health-care service offered to juveniles constitutes an integrated part of a multidisciplinary (medico-psycho-social) programme of care. This implies, *inter alia*, that upon admission all juveniles should benefit from a comprehensive individual medical, psychological and social needs assessment and that there is always close co-ordination between the work of an establishment's health-care team (doctors, nurses, psychologists, etc.) and that of other professionals, including specialised educators, social workers and teachers, who have regular contact with inmates. The goal should be to ensure that the health care delivered to juvenile inmates forms part of a seamless web of support and therapy.

115. All juveniles should be properly interviewed and physically examined by a medical doctor, or a qualified nurse reporting to a doctor, as soon as possible after their admission to the detention centre; preferably, on the day of arrival. If properly performed, such medical screening on admission should enable the establishment's health-care service to identify young persons with potential health problems (e.g. drug addiction, sexual abuse and suicidal tendencies). The identification of such problems at a sufficiently early stage will facilitate the taking

of effective preventive action within the framework of the establishment's medico-psycho-social programme of care.

116. It is also widely recognised that detained juveniles have a tendency to engage in risk-taking behaviour, especially with respect to drugs, alcohol and sexual practices, and that they are more likely to engage in self-harm. In consequence, in every detention centre for juveniles, there should be a comprehensive strategy for the management of substance abuse (including prevention and treatment) and the prevention of self-harm and suicide. The provision of health education about transmissible diseases is another important element of a preventive health-care programme. Juveniles with mental-health problems should be cared for by psychiatrists and psychologists specialising in the mental health of children and adolescents.

117. Particular attention should always be paid to the health-care needs of female juveniles: access to gynaecologists and education on women's health care should be provided. Pregnant juvenile girls and juvenile mothers in detention should receive appropriate support and medical care; as far as possible, alternatives to detention should be imposed. In this regard, the relevant standards on women deprived of their liberty which the CPT elaborated in its 10th General Report apply equally to detained female juveniles.<sup>10</sup>

118. Health-care staff should also play an active role in monitoring the quality and quantity of food. The juveniles' nutritional state should be assessed through, *inter alia*, drawing up a growth chart for those juveniles who are still in the growth phase.

<sup>10</sup>. See CPT/Inf (2000) 13, paragraphs 26 to 33.

## **e. Staffing issues**

119. The custody and care of juveniles deprived of their liberty is a particularly challenging task. It should be taken into account that many of them have suffered physical, sexual or psychological violence. The staff called upon to fulfil this task should be carefully selected for their personal maturity, professional integrity and ability to cope with the challenges of working with – and safeguarding the welfare of – this age group. More particularly, steps should be taken to ensure the regular presence of specialised educators, psychologists and social workers in detention centres for juveniles. They should be committed to working with young people, and be capable of guiding and motivating them. With a view to avoiding a prison-like environment, staff working in direct contact with juveniles should as a rule not carry batons, incapacitating sprays or other means of restraint. The practice observed by the CPT in a number of juvenile detention centres of custodial staff not wearing a prison uniform is to be encouraged. Mixed-sex staffing can have a beneficial effect in terms of the custodial ethos and foster a more caring and relaxed atmosphere.

120. All staff, including those with custodial duties, who are in direct contact with juveniles should receive professional training, both during induction and on an ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties. Particular attention should be given to staff training in the management of violent incidents, especially in verbal de-escalation to reduce tension and professional restraint techniques.

121. It is the responsibility of the establishments' administration to take special precautions to protect juveniles from

all forms of abuse, including sexual or other kinds of exploitation. Staff members should be alert to signs of bullying (including physical and sexual assault, verbal abuse, extortion, and theft of other juveniles' belongings) and should know how to respond accordingly and adopt a pro-active attitude to prevent such incidents from occurring.

## **f. Contact with the outside world**

122. The active promotion of good contact with the outside world can be especially beneficial for juveniles deprived of their liberty, many of whom may have behavioural problems related to emotional deprivation or a lack of social skills. Every effort should be made to ensure that all juvenile inmates are afforded the possibility to have contact with their families and other persons from the moment they are admitted to the detention centre. The concept of family should be interpreted liberally, so as to include contacts with persons with whom the juvenile has established a relationship comparable to that of a family member, even if the relationship has not been formalised. For the purpose of their social integration, juveniles should as far as possible also be allowed regular periods of leave (either escorted or alone).

123. Juveniles should benefit from a visiting entitlement of more than one hour every week, and they should also be able to receive visits at weekends. Short-term visits should be allowed, as a rule, under open conditions.

The CPT has observed in some countries that juveniles are authorised to benefit from long-term unsupervised visits. Except for cases when it is not in the juveniles' best interests, such an approach is particularly welcome in order to foster

the family life of the juvenile and his/her close relatives and the juvenile's reintegration into society.

124. All juveniles, including those on remand, should have frequent access to a telephone and the opportunity to exercise their right to correspondence at all times. If there are security concerns, particular telephone calls and correspondence could be monitored, and exceptionally prohibited. Any such decision should be based on a substantiated risk of collusion or other illegal activity, and be for a specified period.

In some establishments visited by the CPT, juveniles are allowed to communicate with family members on a regular basis by using free-of-charge Voice over Internet Protocol (VoIP) services. Such practices are highly welcome; however, they should not be considered as a substitute for visits.

125. Information on transfers, release, disciplinary sanctions and protective and security measures applied to a juvenile, as well as concerning any illness, injury or death, should be provided without delay to the parents or legal representative of the juvenile concerned.

## **g. Discipline and security**

126. Restorative conflict resolution should be given priority over formal disciplinary procedures and sanctions. Disciplinary sanctions, if applied, should be governed by the principle of proportionality and imposed in full compliance with the relevant formal disciplinary rules and procedures, and not take the form of an unofficial punishment. Any form of collective punishment is unacceptable.

In a number of establishments visited by the CPT, it was not uncommon for staff to administer a so-called "pedagogic slap" or other forms of physical chastisement to

juveniles who misbehaved. In this regard, the CPT recalls that corporal punishment is likely to amount to ill-treatment and must be strictly prohibited.

127. The CPT wishes to stress that a juvenile's contact with the outside world should never be denied as a disciplinary measure; nor should it be limited unless the disciplinary offence relates to such contact.

128. Any form of isolation of juveniles is a measure that can compromise their physical and/or mental well-being and should therefore be applied only as a means of last resort.

In the CPT's view, solitary confinement as a disciplinary measure should only be imposed for very short periods and under no circumstances for more than three days. Whenever juveniles are subject to such a measure, they should be provided with socio-educational support and appropriate human contact. A member of the health-care staff should visit the juvenile immediately after placement and thereafter on a regular basis, at least once per day, and provide him/her with prompt medical assistance and treatment.

129. As regards solitary confinement for protection or preventive purposes, the CPT recognises that such a measure may, in extremely rare cases, be required in order to protect particularly vulnerable juveniles or to prevent serious risks to the safety of others or the security of the prison, provided that absolutely no other solution can be found. Every such measure should be decided by a competent authority, based on a clear procedure specifying the nature of the confinement, its duration, the grounds on which it may be imposed and providing a regular review process, as well as the possibility for the juvenile concerned to appeal against the decision



to an independent external authority. The juveniles concerned should always be provided with appropriate human contact and benefit from daily visits by a member of the health-care staff.

Likewise, the placement of a violent and/or agitated juvenile in a calming-down room should be a highly exceptional measure. Any such measure should not last for more than a few hours and should never be used as an informal punishment. Mechanical restraint should never be used in this context. Every placement of a juvenile in a calming-down room should be immediately brought to the attention of a doctor in order to allow him/her to look after the health-care needs of the juvenile concerned. In addition, every such placement should be recorded in a central register as well as in the juvenile's individual file.

## **h. Information on rights**

130. Upon admission, all juveniles should be given a copy of the rules governing everyday life in the institution and a written description of their rights and obligations in a language and manner they can understand. Juveniles should also be given information on how to lodge a complaint, including the contact details of the authorities competent to receive complaints, as well as the addresses of any services which provide legal assistance.

For those juveniles who are illiterate or who cannot understand the language in the written form, the above-mentioned information should be conveyed in a manner enabling full comprehension.

## **i. Complaints and inspection procedures**

131. Effective complaints and inspection procedures are basic safeguards against ill-treatment in all places of detention, including detention centres for juveniles.

Juveniles (as well as their parents or legal representatives) should have avenues of complaint open to them within the establishments' administrative system and should be entitled to address complaints – on a confidential basis – to an independent authority. Complaints procedures should be simple, effective and child-friendly, particularly regarding the language used. Juveniles (as well as their parents or legal representatives) should be entitled to seek legal advice about complaints and to benefit from free legal assistance when the interests of justice so require.

132. The CPT also attaches particular importance to regular visits to all detention centres for juveniles by an independent body, such as a visiting committee, a judge, the children's Ombudsman or the National Preventive Mechanism (established under the Optional Protocol to the United Nations Convention against Torture – OPCAT) with authority to receive – and, if necessary, take action on – juveniles' complaints or complaints brought by their parents or legal representatives, to inspect the accommodation and facilities and to assess whether these establishments are operating in accordance with the requirements of national law and relevant international standards. Members of the inspection body should be proactive and enter into direct contact with juveniles, including by interviewing inmates in private.



”The period covered by this General Report has seen considerable changes in the composition of the CPT

# Organisational matters

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## CPT membership

133. As at 31 December 2014, the CPT has 46 members. The seat in respect of Slovenia is currently vacant.

Twenty-eight of the CPT's members are men and 18 are women. Consequently, the proportion of women among the CPT's membership falls short of 40%. It is recalled that Resolution 1540 of the Parliamentary Assembly stipulates that a list of candidates which does not include at least one man and one woman will be rejected, except when all candidates on the list are of the sex under-represented in the CPT (i.e. less than 40%). The Committee therefore hopes that future lists of candidates will include more women.

134. The period covered by this General Report has seen considerable changes in the composition of the CPT, as a result in particular of the biennial renewal of the Committee's membership.

A total of thirteen new members have been elected, namely Per Granström (in respect of Sweden), Inga Harutyunyan (Armenia), Nico Hirsch (Luxembourg), Mark Kelly (Ireland), Goran Klemenčič (Slovenia), Esther Marogg (Liechtenstein), Alexander Minchev (Bulgaria), Ömer Müslümanoğlu (Turkey), Therese Maria Rytter (Denmark), Dubravka Salčić (Bosnia and Herzegovina), Davor Strinović (Croatia), Hans Wolff (Switzerland) and Victor Zaharia (Republic of Moldova).

Further, the following twelve members were re-elected: Djordje Alempijević (Serbia), Régis Bergonzi (Monaco), Mykola Gnatovskyy (Ukraine), Wolfgang Heinz (Germany), Georg Høyer (Norway), Julia Kozma (Austria), James McManus (United Kingdom), Anna Molnár (Hungary), Xavier Ronsin (France), George Tugushi (Georgia), Marika Väli (Estonia) and Antonius Maria Van Kalmthout (the Netherlands).

In parallel, 13 members left the CPT during the reporting period. On 19 December 2013, Marija Definis-Gojanović (Croatia), Yakin Ertürk (Turkey), Isolde Kieber (Liechtenstein), Stefan Krakowski (Sweden), Nadia Polnareva (Bulgaria), Ana Racu (Republic of Moldova), Jørgen Worsaae Rasmussen (Denmark), Jean-Pierre Restellini (Switzerland), Vincent Theis (Luxembourg) and Branka Zobec Hrastar (Slovenia) ceased to be CPT members on the expiry of their terms of office. In addition, three members resigned because of other professional commitments: Seán Aylward (Ireland) on 14 August 2013, Arman Tatoyan (Armenia) on 26 November 2013 and Goran Klemenčič (Slovenia) on 25 September 2014. The CPT wishes to warmly thank all the aforementioned members for their contribution to the Committee's work.

A list of all current CPT members is set out in Appendix 4.

135. The next biennial renewal of the CPT's membership is due to take place at the end of 2015, the terms of office of 21 members of the Committee expiring on 19 December 2015. The CPT trusts that all the national delegations concerned in the Parliamentary Assembly will put forward candidates in good time, so as to enable the Bureau of the Assembly to transmit the lists of names to the Committee of Ministers by the end of June 2015 at the latest. If the election procedure for all the seats can be completed before the end of 2015, this will greatly facilitate the planning of the CPT's activities for the following year.

136. The spread of professional experience within the CPT's membership remains on the whole satisfactory. However, the Committee still requires more members with first-hand knowledge of police and prison matters and of working in forensic establishments. In this respect, it should also be kept in mind that the mandate of four psychiatrists among the current membership will expire at the end of 2015. Members with specific experience of working with juveniles deprived of their liberty would also be an asset.

### **Bureau of the CPT**

137. During the period covered by the present report, the composition of the Committee's Bureau remained unchanged; it consists of Lətif Hüseynov (Azerbaijan) – President, Marzena Ksel (Poland) – 1st Vice-President and Mykola Gnatovskyy (Ukraine) – 2nd Vice-President. Elections for the Bureau of the CPT will be held at the Committee's March 2015 plenary meeting, on the expiry of the current Bureau's two-year term of office.

### **Secretariat of the CPT**

138. In the course of the reporting period, the composition of the CPT's Secretariat has undergone significant changes.

In February 2014, the CPT's long-serving Executive Secretary, Trevor Stevens, left the CPT's Secretariat following his decision to retire from the Council of Europe. The CPT wishes to express its most sincere gratitude and the highest appreciation for the outstanding professionalism and personal commitment with which Mr Stevens managed the CPT's Secretariat since its establishment 25 years ago.

The new Executive Secretary, Jeroen Schokkenbroek, an experienced human rights lawyer and long-serving staff member of the Council of Europe, took up his duties in July 2014. Before his appointment, he had been, most recently, the Secretary General's Special Advisor to Ukraine, the the Secretary General's Special Representative for Roma issues and, prior to that, Head of the Council of Europe's Human Rights Development Department.

139. The CPT's Secretariat has continued to face significant understaffing. One administrator remained on extended leave for personal reasons during the entire reference period. Further, two posts of administrators became vacant following the assignment of Thobias Bergmann (on 1 October 2013) and Johan Friestedt (on 1 September 2014) to other services of the Council of Europe. In addition, the Committee's Deputy Executive Secretary, Fabrice Kellens, who had also acted as Executive Secretary *ad interim* in the first half of 2014, was on leave during the second half of 2014. Inevitably, this challenging staffing situation has had an adverse impact on the operational

capacities of the Committee, despite the professionalism and commitment of all Secretariat staff.

140. In spring 2014, an external competition for staff with experience of working in CPT-related fields was opened by the Council of Europe, in order to fill the existing vacancies and to create a reserve list for any future recruitment within the CPT's Secretariat. These procedures were completed in June 2014 and, in autumn 2014, three new administrators, Dalia Žukauskienė, Francesca Gordon and Janet Foyle, joined the CPT's Secretariat on fixed-term contracts. Sebastian Rietz

and Berber Biala-Hettinga worked in the CPT's Secretariat on a temporary basis during part of the reference period.

141. Finally, the CPT wishes to reiterate its hope that in due course it will be possible for its Secretariat to be reinforced by another B4 post, thereby enabling all three of the operational divisions to have the benefit of such an official. As experience has shown, these staff members can perform a range of support tasks, thereby ensuring that optimal use is made of the existing complement of administrators, which the CPT is not seeking to have increased.



” ... unlimited access  
to any place where  
persons are deprived  
of their liberty ...

# Appendices

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## 1. The CPT's mandate and *modus operandi*

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was set up under the 1987 Council of Europe Convention of the same name (hereinafter "the Convention"). According to Article 1 of the Convention:

"There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment... The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment."

The work of the CPT is designed to be an integrated part of the Council of Europe system for the protection of human rights, placing a proactive non-judicial mechanism alongside the existing reactive judicial mechanism of the European Court of Human Rights.

The CPT implements its essentially preventive function through two kinds of visits – periodic and ad hoc. Periodic visits are carried out to all Parties to the Convention on a regular basis. Ad hoc visits are organised in these States when they appear to the Committee "to be required in the circumstances".

When carrying out a visit, the CPT enjoys extensive powers under the Convention: access to the territory of the State concerned and the right to travel without restriction; unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction; access to full

information on places where persons deprived of their liberty are being held, as well as to other information available to the State which is necessary for the Committee to carry out its task.

The Committee is also entitled to interview in private persons deprived of their liberty and to communicate freely with anyone whom it believes can supply relevant information.

Each Party to the Convention must permit visits to any place within its jurisdiction "where persons are deprived of their liberty by a public authority". The CPT's mandate thus extends beyond prisons and police stations to encompass, for example, psychiatric institutions, detention areas at military barracks, holding centres for asylum seekers or other categories of foreigners, and places in which young persons may be deprived of their liberty by judicial or administrative order.

Two fundamental principles govern relations between the CPT and Parties to the Convention – co-operation and confidentiality. In this respect, it should be emphasised that the role of the Committee is not to condemn States, but rather to assist them to prevent the ill-treatment of persons deprived of their liberty.

After each visit, the CPT draws up a report which sets out its findings and includes, if necessary, recommendations and other advice, on the basis of which a dialogue is developed with the State concerned. The Committee's visit report is, in principle, confidential; however, most of the reports are eventually published at the State's request.

## 2. Signatures and ratifications of the Convention establishing the CPT

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) was opened for signature by the member States of the Council of Europe on 26 November 1987. Since 1 March 2002, the Committee of Ministers of the Council of Europe has been able to invite any non-member State of the Council of Europe to accede to the Convention.

Member States of the Council of Europe	Date of signature	Date of ratification	Date of entry into force
Albania	02/10/1996	02/10/1996	01/02/1997
Andorra	10/09/1996	06/01/1997	01/05/1997
Armenia	11/05/2001	18/06/2002	01/10/2002
Austria	26/11/1987	06/01/1989	01/05/1989
Azerbaijan	21/12/2001	15/04/2002	01/08/2002
Belgium	26/11/1987	23/07/1991	01/11/1991
Bosnia and Herzegovina	12/07/2002	12/07/2002	01/11/2002
Bulgaria	30/09/1993	03/05/1994	01/09/1994
Croatia	06/11/1996	11/10/1997	01/02/1998
Cyprus	26/11/1987	03/04/1989	01/08/1989
Czech Republic	23/12/1992	07/09/1995	01/01/1996
Denmark	26/11/1987	02/05/1989	01/09/1989
Estonia	28/06/1996	06/11/1996	01/03/1997
Finland	16/11/1989	20/12/1990	01/04/1991
France	26/11/1987	09/01/1989	01/05/1989
Georgia	16/02/2000	20/06/2000	01/10/2000
Germany	26/11/1987	21/02/1990	01/06/1990
Greece	26/11/1987	02/08/1991	01/12/1991
Hungary	09/02/1993	04/11/1993	01/03/1994
Iceland	26/11/1987	19/06/1990	01/10/1990
Ireland	14/03/1988	14/03/1988	01/02/1989
Italy	26/11/1987	29/12/1988	01/04/1989
Latvia	11/09/1997	10/02/1998	01/06/1998
Liechtenstein	26/11/1987	12/09/1991	01/01/1992
Lithuania	14/09/1995	26/11/1998	01/03/1999
Luxembourg	26/11/1987	06/09/1988	01/02/1989
Malta	26/11/1987	07/03/1988	01/02/1989
Republic of Moldova	02/05/1996	02/10/1997	01/02/1998
Monaco	30/11/2005	30/11/2005	01/03/2006
Montenegro			06/06/2006 <sup>11</sup>
Netherlands	26/11/1987	12/10/1988	01/02/1989
Norway	26/11/1987	21/04/1989	01/08/1989
Poland	11/07/1994	10/10/1994	01/02/1995
Portugal	26/11/1987	29/03/1990	01/07/1990
Romania	04/11/1993	04/10/1994	01/02/1995
Russian Federation	28/02/1996	05/05/1998	01/09/1998
San Marino	16/11/1989	31/01/1990	01/05/1990
Serbia	03/03/2004	03/03/2004	01/07/2004
Slovakia	23/12/1992	11/05/1994	01/09/1994
Slovenia	04/11/1993	02/02/1994	01/06/1994
Spain	26/11/1987	02/05/1989	01/09/1989
Sweden	26/11/1987	21/06/1988	01/02/1989
Switzerland	26/11/1987	07/10/1988	01/02/1989
“The former Yugoslav Republic of Macedonia”	14/06/1996	06/06/1997	01/10/1997
Turkey	11/01/1988	26/02/1988	01/02/1989
Ukraine	02/05/1996	05/05/1997	01/09/1997
United Kingdom	26/11/1987	24/06/1988	01/02/1989

11. On 14 June 2006, the Committee of Ministers of the Council of Europe agreed that the Republic of Montenegro was a Party to the Convention with effect from 6 June 2006, the date of the Republic's declaration of succession to the Council of Europe Conventions of which Serbia and Montenegro was a signatory or party.



### 3. The CPT's field of operations



Note: This is an unofficial representation of States bound by the Convention. For technical reasons it has not been possible to show the entire territory of certain of the States concerned.

#### States bound by the Convention

Albania	Estonia	Lithuania	San Marino
Andorra	Finland	Luxembourg	Serbia
Armenia	France	Malta	Slovakia
Austria	Georgia	Republic of Moldova	Slovenia
Azerbaijan	Germany	Monaco	Spain
Belgium	Greece	Montenegro	Sweden
Bosnia and Herzegovina	Hungary	Netherlands	Switzerland
Bulgaria	Iceland	Norway	"The former Yugoslav Republic of Macedonia"
Croatia	Ireland	Poland	Turkey
Cyprus	Italy	Portugal	Ukraine
Czech Republic	Latvia	Romania	United Kingdom
Denmark	Liechtenstein	Russian Federation	

### 47 States; prison population: 1 737 081 prisoners

(Main source: Council of Europe Annual Penal Statistics (SPACE I - 2012); data as at 1 September 2012)

It should be noted that, as well as prisons, the CPT's mandate covers all other categories of places where persons are deprived of their liberty: police establishments, detention centres for juveniles, military detention facilities, immigration holding centres, psychiatric hospitals, social care homes, etc.



*Some members of the CPT do not appear in this photograph.*

## 4. CPT members

in order of precedence - as at 31 December 2014<sup>12</sup>

Name	Elected in respect of	Term of office expires
Mr Lətif HÜSEYNOV, President	Azerbaijan	19/12/2015
Ms Marzena KSEL, 1st Vice-President	Poland	19/12/2015
Mr Mykola GNATOVSKYY, 2nd Vice-President	Ukraine	19/12/2017
Mr Celso José DAS NEVES MANATA	Portugal	19/12/2015
Mr Antonius Maria VAN KALMTHOUT	Netherlands	19/12/2017
Mr George TUGUSHI	Georgia	19/12/2017
Ms Haritini DIPLA	Greece	19/12/2015
Mr Wolfgang HEINZ	Germany	19/12/2017
Mr Xavier RONSIN	France	19/12/2017
Ms Olivera VULIĆ	Montenegro	19/12/2015
Mr Dan DERMENGIU	Romania	19/12/2015
Ms Maria Rita MORGANTI	San Marino	19/12/2015
Ms Ilvija PŪCE	Latvia	19/12/2015
Ms Anna LAMPEROVÁ	Slovak Republic	19/12/2015
Mr Georg HØYER	Norway	19/12/2017
Ms Anna MOLNÁR	Hungary	19/12/2017
Ms Marika VÄLI	Estonia	19/12/2017
Ms Julia KOZMA	Austria	19/12/2017
Mr Régis BERGONZI	Monaco	19/12/2017
Mr James McMANUS	United Kingdom	19/12/2017
Ms Natalia KHUTORSKAYA	Russian Federation	19/12/2015
Mr Joan CABEZA GIMENEZ	Andorra	19/12/2015
Mr Andrés MAGNÚSSON	Iceland	19/12/2015
Mr Jan PFEIFFER	Czech Republic	19/12/2015
Mr Jari PIRJOLA	Finland	19/12/2015
Mr Alfred KOÇOBASHI	Albania	19/12/2015
Ms Andreana ESPOSITO	Italy	19/12/2015
Mr Djordje ALEMPIJEVIĆ	Serbia	19/12/2017
Ms Maité DE RUE	Belgium	19/12/2015
Mr Ivan MIFSUD	Malta	19/12/2015
Mr Vytautas RAŠKAUSKAS	Lithuania	19/12/2015
Mr Costakis PARASKEVA	Cyprus	19/12/2015
Ms Ivona TODOROVSKA	“the former Yugoslav Republic of Macedonia”	19/12/2015
Ms María José GARCÍA-GALÁN SAN MIGUEL	Spain	19/12/2017
Mr Davor STRINOVIĆ	Croatia	19/12/2017
Mr Nico HIRSCH	Luxembourg	19/12/2017
Mr Alexander MINCHEV	Bulgaria	19/12/2017
Mr Hans WOLFF	Switzerland	19/12/2017
Mr Victor ZAHARIA	Republic of Moldova	19/12/2017
Ms Esther MAROGG	Liechtenstein	19/12/2017
Mr Per GRANSTRÖM	Sweden	19/12/2017
Ms Dubravka SALČIĆ	Bosnia and Herzegovina	19/12/2017
Mr Ömer MÜSLÜMANOĞLU	Turkey	19/12/2017
Ms Therese Maria RYTTER	Denmark	19/12/2017
Ms Inga HARUTYUNYAN	Armenia	19/12/2019
Mr Mark KELLY	Ireland	19/12/2019

12. On this date, the seat in respect of Slovenia was vacant.



*Some members of the CPT's Secretariat do not appear in this photograph.*

## 5. CPT secretariat

### Central section

Mr Jeroen SCHOKKENBROEK, Executive Secretary

Mr Fabrice KELLENS, Deputy Executive Secretary

#### Secretariat

Ms Antonella NASTASIE

Ms Corinne GOBERVILLE

Ms Nadine SCHAEFFER

Mr Patrick MÜLLER, Research, information strategies and media contacts

Ms Claire ASKIN, Archives, publications and documentary research

Ms Morven TRAIN, Administrative, budgetary and staff questions

## Divisions responsible for visits<sup>13</sup>

Division 1		
Mr Michael NEURAUTER, Head of Division Mr Elvin ALIYEV Mr Petr HNATIK Mr Julien ATTUIL Ms Yvonne HARTLAND, Administrative Assistant		
<b>Secretariat</b> Ms Nelly TASNADI		
Albania	Germany	San Marino
Austria	Hungary	Slovak Republic
Belgium	Latvia	Switzerland
Czech Republic	Lithuania	Turkey
Estonia	Luxembourg	Kosovo <sup>4</sup>
France	Norway	
Division 2		
Mr Borys WODZ, Head of Division Ms Isabelle SERVOZ-GALLUCCI Ms Almut SCHRÖDER Ms Dalia ŽUKAUSKIENĖ		
<b>Secretariat</b> Ms Natia MAMISTVALOVA		
Armenia	Georgia	Romania
Azerbaijan	Iceland	Russian Federation
Bulgaria	Republic of Moldova	Slovenia
Denmark	Monaco	Sweden
Finland	Poland	Ukraine
Division 3		
Mr Hugh CHETWYND, Head of Division Mr Cristian LODA Ms Francesca GORDON Ms Janet FOYLE Ms Françoise ZAHN, Administrative Assistant		
<b>Secretariat</b> Ms Diane PÉNEAU		
Andorra	Italy	Serbia
Bosnia and Herzegovina	Liechtenstein	Spain
Croatia	Malta	"The former Yugoslav Republic of Macedonia"
Cyprus	Montenegro	United Kingdom
Greece	Netherlands	
Ireland	Portugal	

13. The Executive and Deputy Executive Secretaries are directly involved in the operational activities of the divisions concerning certain countries

14. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## 6. Publication of CPT visit reports

### Visits carried out in pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (as at 31 December 2014)

States	Periodic visits	Ad hoc visits	Reports sent	Reports published
Albania	5	6	11	9
Andorra	3	0	3	3
Armenia	3	5	8	6
Austria	6	0	5	5
Azerbaijan	3	5	8	2
Belgium	6	1	8 <sup>a</sup>	7 <sup>a</sup>
Bosnia and Herzegovina	3	3	6	5
Bulgaria	6	3	9	8
Croatia	4	0	4	4
Cyprus	6	0	6	6
Czech Republic	5	2	7	6
Denmark	5	1	6	6
Estonia	4	1	5	5
Finland	5	0	4	4
France	5	6	11	11
Georgia	5	2	6	6
Germany	5	2	7	7
Greece	6	5	11	11
Hungary	5	2	7	7
Iceland	4	0	4	4
Ireland	6	0	5	5
Italy	6	4	10	10
Latvia	4	3	7	7
Liechtenstein	3	0	3	3
Lithuania	4	1	5	5
Luxembourg	3	1	4	4
Malta	4	3	7	7
Republic of Moldova	5	8	13	10 <sup>b</sup>
Monaco	2	0	2	2
Montenegro	2	0	2	2
Netherlands	5	5	11 <sup>c</sup>	9 <sup>c</sup>
Norway	4	1	5	5
Poland	5	0	5	5
Portugal	6	3	9	9
Romania	5	5	9 <sup>d</sup>	8 <sup>e</sup>
Russian Federation	6	18	20 <sup>f</sup>	3
San Marino	4	0	4	3
Serbia	3 <sup>g</sup>	0	3 <sup>g</sup>	3 <sup>g</sup>
Slovak Republic	5	0	5	5
Slovenia	4	0	4	4
Spain	6	8	14	13
Sweden	4	1	5	5
Switzerland	5	1	6	6
"The former Yugoslav Republic of Macedonia"	5	6	10	10
Turkey	6	19	23 <sup>h</sup>	22 <sup>i</sup>
Ukraine	6	6	11	10
United Kingdom	7	10	17 <sup>j</sup>	17 <sup>j</sup>

- (a) Including one report on the visit to Tilburg Prison (Netherlands) in October 2011.
- (b) Covering 11 visits.
- (c) Including a separate report on the visit to Tilburg Prison in the context of the periodic visit in October 2011.
- (d) Covering the 10 visits.
- (e) Covering 9 visits.
- (f) Covering the 23 visits.
- (g) Including one visit organised in September 2004 to Serbia and Montenegro.
- (h) Covering the 25 visits.
- (i) Covering 24 visits.
- (j) Covering 16 visits.

## **Monitoring of the situation of persons convicted by international tribunals and serving their sentence in a member state**

### **Germany:**

Two visits carried out in 2010 and 2013 in pursuance of an Exchange of Letters dated 7 and 24 November 2000 between the International Criminal Tribunal for the former Yugoslavia (ICTY) and the CPT, and an Enforcement Agreement concluded between the ICTY and the Government of the Federal Republic of Germany.

### **Portugal:**

One visit carried out in 2013 in pursuance of an Exchange of Letters dated 7 and 24 November 2000 between the ICTY and the CPT, and the Agreement between the United Nations and the Portuguese Government on the Enforcement of Sentences of the ICTY.

### **United Kingdom:**

Three visits carried out in 2005, 2007 and 2010 in pursuance of an Exchange of Letters dated 7 and 24 November 2000 between the ICTY and the CPT, and the Agreement between the United Nations and the Government of the United Kingdom of Great Britain and Northern Ireland on the Enforcement of Sentences of the ICTY.

One visit carried out in 2014 in pursuance of an Exchange of Letters between the Residual Special Court for Sierra Leone and the CPT dated 20 January and 5 February 2014, and an Agreement between the United Nations and the United Kingdom Government dated 10 July 2007.

## **Visits carried out on the basis of specific agreements**

### **Kosovo:<sup>15</sup>**

Two visits carried out in 2007 and 2010 on the basis of an agreement signed in 2004 between the Council of Europe and the United Nations Interim Administration Mission in Kosovo (UNMIK), and an exchange of letters concluded in 2006 between the Secretaries General of the Council of Europe and the North Atlantic Treaty Organization (NATO).

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15. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## 7. Countries and places of detention visited by CPT delegations; August 2013-December 2014

### Periodic visits

#### Albania

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04/02/2014-14/02/2014

##### Police establishments

- ▶ Tirana Regional Police Directorate
- ▶ Police Station No. 1, Tirana
- ▶ Police Station No. 2, Tirana
- ▶ Elbasan Police Station
- ▶ Korca Police Station
- ▶ Peqin Police Station
- ▶ Pogradec Police Station
- ▶ Saranda Police Station
- ▶ Vlora Police Station

##### Prisons

- ▶ Elbasan Pre-Trial Detention Facility
- ▶ Saranda Pre-Trial Detention Facility
- ▶ Korca Prison
- ▶ Peqin Prison
- ▶ Prison No. 313, Tirana
- ▶ Prison No. 302, Tirana (recently-arrived prisoners)
- ▶ Prison Hospital, Tirana
- ▶ Zaharia Special Facility for Ill Inmates, Kruja

##### Psychiatric establishments

- ▶ Vlora Psychiatric Hospital

#### Austria

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22/09/2014-01/10/2014

##### Police establishments

- ▶ Feldkirch Police Station
- ▶ Krems an der Donau District Police Station
- ▶ Leibnitz Police Station
- ▶ Vienna-Fuhrmannsgasse District Police Station
- ▶ Graz Police Detention Centre (*Polizeianhaltezentrum - PAZ*)
- ▶ Vienna-Hernalser Gürtel PAZ
- ▶ Vordernberg Detention Centre for Foreigners



## Prisons

- ▶ Feldkirch Prison
- ▶ Graz-Karlau Prison
- ▶ Graz-Jakomini Prison
- ▶ Stein Prison (Units for involuntary forensic placement - *Massnahmenvollzug*)
- ▶ Vienna-Josefstadt Prison

## Psychiatric establishments

- ▶ Otto-Wagner Psychiatric Hospital and Nursing Centre, Vienna

## Belgium

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24/09/2013-04/10/2013

### Police establishments

- ▶ "Amigos" Police Station (Brussels)
- ▶ Anderlecht Police Station (Brussels)
- ▶ Forest Police Station (Brussels)
- ▶ Mortsel Police Station
- ▶ Saint-Hubert Police Station
- ▶ Tournai Police Station
- ▶ Turnhout Police Station
- ▶ Federal Police Premises at Brussels-National Airport

### Courts

- ▶ Holding cells of the Portalis Court of Justice, Brussels

### Prisons

- ▶ Antwerp Prison
- ▶ Forest Prison (Brussels)
- ▶ Merksplas Prison (in particular the psychiatric unit)
- ▶ Tournai Prison

### Detention centres for juveniles

- ▶ Federal Detention Centre for juveniles, Saint-Hubert

### Psychiatric establishments

- ▶ Psychiatric Department at Brugmann University Hospital (Brussels)
- ▶ "Broeders Alexianen" psychiatric centre, Boechout (in particular the involuntary patient admissions department)

## Bulgaria

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24/03/2014-03/04/2014

### Police establishments

- ▶ Belene District Police Directorate
- ▶ Byala Slatina District Police Directorate

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

### **Prisons**

- ▶ Belene Prison
- ▶ Burgas Prison
- ▶ Sofia Central Prison
- ▶ Vratsa Prison
- ▶ Boychinovtsi Correctional Home

### ***Investigation detention facilities at:***

- ▶ 42, Dimitrov Boulevard, Sofia
- ▶ Burgas
- ▶ Vratsa

## **Cyprus**

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24/09/2013-01/10/2013

### **Police establishments**

#### ***Famagusta Division***

- ▶ Ayia Napa Police Station

#### ***Larnaca Division***

- ▶ Aradippou Police Station
- ▶ Larnaca Central Police Station

#### ***Limassol Division***

- ▶ Limassol Central Police Station
- ▶ Yermasoyia Police Station

#### ***Nicosia Division***

- ▶ Ayios Dometios Police Station
- ▶ Lakatamia Police Station
- ▶ Omorfita Police Station
- ▶ Pera Chorio Nisou Police Station

## **Detention centres for foreign nationals**

- ▶ Menoyia Detention Centre for Illegal Immigrants
- ▶ Holding facilities for immigration detainees at Larnaca Airport

## **Prisons**

- ▶ Nicosia Central Prisons

## **Psychiatric establishments**

- ▶ Athalassa Psychiatric Hospital, Nicosia
- ▶ Inpatient Unit for Adolescents with Psychiatric-Psychosocial Problems at Archbishop Makarios III Hospital, Nicosia
- ▶ Psychiatric Clinic of Nicosia General Hospital

## **Social care establishments**

- ▶ Nea Eleousa Institution for persons with severe mental retardation, Nicosia
- ▶ Latsia Youth Hostel, Nicosia

## **Czech Republic**

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01/04/2014-10/04/2014

## **Police establishments**

- ▶ Brno Emergency and Escort Unit of the Regional Police Directorate
- ▶ Jičín Police Headquarters
- ▶ Litoměřice Police Headquarters
- ▶ Lovosice Police Station
- ▶ Mladá Boleslav I Police Station
- ▶ Mladá Boleslav II Police Station
- ▶ Most Police Headquarters
- ▶ Prague-Kongresová Emergency and Escort Unit of the Regional Police Directorate

## **Detention centres for foreign nationals**

- ▶ Bělá pod Bezdězem-Jezová Detention Centre for Foreigners

## **Prisons**

- ▶ Brno Remand Prison and Security Detention Facility
- ▶ Litoměřice Remand Prison
- ▶ Prague-Pankrác Remand Prison (remand sections)
- ▶ Valdice Prison
- ▶ Všehrady Prison (unit for juveniles)

## **Psychiatric establishments**

- ▶ Kosmonosy Psychiatric Hospital

## Denmark

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04/02/2014-13/02/2014

### Police establishments

- ▶ Aarhus Police Headquarters
- ▶ Odense Police Headquarters
- ▶ Bellahøj Police Station, Copenhagen
- ▶ City Police Station, Copenhagen
- ▶ Roskilde Police Headquarters

### Prisons

- ▶ Western Prison (*Vestre Faengsel*), Copenhagen
- ▶ Copenhagen Police Headquarters Prison (*Politigårdens Faengsel*)
- ▶ Aarhus Remand Prison (*Arresthuset*)
- ▶ Odense Remand Prison (*Arresthuset*)
- ▶ Ringe State Prison
- ▶ Vridsløselille Prison (high security section A1)

### Establishments for the detention of juveniles

- ▶ Secure Institution for Juveniles Sølager, Hundested and Skibby
- ▶ Secure Institution for Juveniles Grenen, Grenaa

### Detention centres for foreign nationals

- ▶ Ellebæk (formerly "Sandholm") Prison and Probation Establishment for Asylum-seekers and Others Deprived of their Liberty

### Psychiatric establishments

- ▶ Psychiatric Centre Amager, Copenhagen
- ▶ Nykøbing Sjælland Psychiatric Hospital
- ▶ Mental Health Centre Sct. Hans, Roskilde

## Finland

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22/09/2014-02/10/2014

### Police establishments

- ▶ Espoo Police Station
- ▶ Helsinki Police Department (Police Prison in Pasila)
- ▶ Imatra Police Station
- ▶ Kuopio Police Station
- ▶ Lahti Police Station
- ▶ Lappeenranta Police Station
- ▶ Vantaa Police Station

### Border guard detention facilities

- ▶ Border Guard detention facility at Vantaa Airport, Helsinki

## **Detention centres for foreign nationals**

- ▶ Metsälä Detention Unit for Foreign Nationals, Helsinki
- ▶ Detention Unit for Foreign Nationals, Joutseno

## **Prisons**

- ▶ Helsinki Prison
- ▶ Kerava Prison
- ▶ Riihimäki Prison
- ▶ Vantaa Prison

## **Psychiatric establishments**

- ▶ Nuivanniemi Psychiatric Hospital, Kuopio

## **Other establishments**

- ▶ Töölö Custodial Facility for Intoxicated Persons, Helsinki

## **Georgia**

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01/12/2014-11/12/2014

## **Police establishments**

- ▶ Temporary Detention Isolator for the Adjara and Guria regions (Batumi)
- ▶ Chkhorotsku Temporary Detention Isolator
- ▶ Khobi Temporary Detention Isolator
- ▶ Kobuleti Temporary Detention Isolator
- ▶ Temporary Detention Isolator for the Imereti, Racha-Lechkhumi and Kvemo Svaneti regions (Kutaisi)
- ▶ Poti Temporary Detention Isolator
- ▶ Samtredia Temporary Detention Isolator
- ▶ Senaki Temporary Detention Isolator
- ▶ Temporary Detention Isolator for the Samegrelo and Zemo Svaneti regions (Zugdidi)

## **Military establishments**

- ▶ Hauptvakhts of the Second Regional Division of the Military Police Department (Samegrelo and Zemo Svaneti regions), Senaki

## **Prisons**

- ▶ Pre-trial and Closed-type Penitentiary Establishment No. 3, Batumi
- ▶ Pre-trial and Closed-type Penitentiary Establishment No. 7, Tbilisi
- ▶ Pre-trial and Closed-type Penitentiary Establishment No. 8, Gldani (Tbilisi)
- ▶ Pre-trial, Semi-open and Closed-type Penitentiary Establishment No. 9 ("Matrosov Prison"), Tbilisi
- ▶ Prison Referral Hospital No. 18, Gldani (Tbilisi)

## **Psychiatric establishments**

- ▶ Psychiatric Hospital, Bediani
- ▶ The National Mental Health Centre named after Academician Bidzina Naneishvili ("Kutiri Psychiatric Hospital"), Kutiri, Khoni

## Ireland

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16/09/2014 - 26/09/2014

### Police establishments

- ▶ Castlerea Garda Station
- ▶ Bridewell Garda station, Dublin
- ▶ Coolock Garda station, Dublin
- ▶ Kevin Street Garda station, Dublin
- ▶ Mountjoy Garda station, Dublin
- ▶ Pearse Street Garda station, Dublin
- ▶ Santry Garda station, Dublin
- ▶ Store Street Garda station, Dublin
- ▶ Henry Street Garda station, Limerick
- ▶ Ballymun Garda Station, Dublin
- ▶ Dublin Airport Garda Station, Dublin

### Prisons

- ▶ Castlerea Prison
- ▶ Cloverhill Prison (recently-arrived prisoners and prisoners on special regimes)
- ▶ Dóchas Women's Centre
- ▶ Limerick Prison (female section)
- ▶ Midlands Prison (recently arrived prisoners, prisoners on special regimes, complaints system, use of special observation cells, health care)
- ▶ Mountjoy Prison
- ▶ Portlaoise Prison (prisoners on special regimes)
- ▶ Wheatfield Prison (juvenile section and prisoners on special regimes)

### Establishments under the Ministry of Children and Youth Affairs

- ▶ Oberstown Detention Schools

## Romania

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05/06/2014-17/06/2014

### Police establishments

- ▶ Central detention facility (No. 1), Bucharest Municipal Police Headquarters, George Georgescu Street
- ▶ Detention facility No. 10, Bucharest Police Station Section 19, Amurgului Street
- ▶ Detention facility No. 11, Bucharest Police Station Section 22, Braşov Street
- ▶ Detention facility No. 12, Bucharest Regional Transport Police
- ▶ Afumati Police Station, Ilfov district
- ▶ Cernica Police Station, Ilfov district
- ▶ Detention facility of Arad Police Department, Arad
- ▶ Police station of the Arad Police Inspectorate
- ▶ Detention facility of Bihor Police Department, Oradea

## **Prisons**

- ▶ Arad Prison
- ▶ Oradea Prison
- ▶ Târgșor Prison
- ▶ Bucharest-Rahova Prison (recently-arrived prisoners)
- ▶ Bucharest-Rahova Prison Hospital

## **Psychiatric establishments**

- ▶ Săpoca Psychiatric Hospital with security measures

## **Social care establishments**

- ▶ Neuropsychiatric Centre for Recovery and Rehabilitation No. 2 in Bucharest

## **Slovak Republic**

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24/09/2013–03/10/2013

## **Police establishments**

- ▶ Operational Centre of Košice Regional Police Directorate
- ▶ Operational Centre of Nitra Regional Police Directorate
- ▶ Operational Centre of Žilina Regional Police Directorate
- ▶ Operational Centre of Komárno District Police Directorate
- ▶ Operational Centre of Košice – okolie District Police Directorate
- ▶ Operational Centre of Nové Zámky District Police Directorate
- ▶ Operational Centre of Topoľčany District Police Directorate
- ▶ Kežmarok Sub-District Police Department
- ▶ Košice – Dargovských hrdinov Sub-District Police Department
- ▶ Košice – Sídlisko KVP Sub-District Police Department
- ▶ Levoča Sub-District Police Department
- ▶ Nitra Sub-District Police Department
- ▶ Nové Zámky Sub-District Police Department
- ▶ Piešťany Sub-District Police Department
- ▶ Prešov – South Sub-District Police Department
- ▶ Žilina – West Sub-District Police Department

## **Prisons**

- ▶ Košice Prison
- ▶ Košice – Šaca Prison
- ▶ Leopoldov Prison (unit for life-sentenced prisoners and the high-security department)
- ▶ Nitra – Chrenová Female Prison
- ▶ Nitra Prison
- ▶ Prešov Prison
- ▶ Sučany Juvenile Prison

## “The former Yugoslav Republic of Macedonia”

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07/10/2014-17/10/2014

### Police establishments

- ▶ Bitola Police Station
- ▶ Kičevo Police Station
- ▶ Kriva Palanka Police Station
- ▶ Kumanovo Police Station
- ▶ Ohrid Police Station
- ▶ Prilep Police Station
- ▶ Skopje Gazi Baba Police Station
- ▶ Struga Police Station
- ▶ Veles Police Station

### Detention centres for foreign nationals

- ▶ Reception Centre for Foreigners, Skopje

### Prisons

- ▶ Idrizovo Prison
- ▶ Kumanovo Prison
- ▶ Ohrid Prison
- ▶ Skopje Prison (remand section)
- ▶ Tetovo Prison
- ▶ Tetovo Education Correctional Institution (located in Veles)

### Psychiatric establishments

- ▶ Demir Hisar Psychiatric Hospital
- ▶ Skopje Psychiatric Hospital (Bardovci) – targeted visit to Ward II for male patients

### Social care establishments

- ▶ Demir Kapija Social Care home
- ▶ Public Institution for caring, upbringing and educating children and adolescents “Ranka Milanovic”, Skopje

## Ukraine

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09/10/2013-21/10/2013

### Police establishments

#### Kyiv City

- ▶ Podil'ske District Internal Affairs Directorate, Kyiv
- ▶ Svyatoshinske District Internal Affairs Directorate, Kyiv
- ▶ Golosyivske District Internal Affairs Directorate, Kyiv
- ▶ Kyiv Temporary Detention Isolator (ITT)



### ***Autonomous Republic of Crimea***

- ▶ Alushta City Internal Affairs Division
- ▶ Central District Internal Affairs Division, Simferopol
- ▶ Alushta ITT
- ▶ Simferopol ITT
- ▶ Yalta ITT

### ***Dnipropetrovsk Region***

- ▶ Zhovtnevyi District Internal Affairs Division, Dnipropetrovsk
- ▶ Line Internal Affairs Division, Dnipropetrovsk Railway Station
- ▶ Saksaganskyi District Internal Affairs Division, Krivyi Rih
- ▶ Dnipropetrovsk ITT
- ▶ Krivyi Rih ITT
- ▶ Special reception centre for persons under administrative arrest in Dnipropetrovsk

### ***Odessa Region***

- ▶ Malinovskiy District Internal Affairs Division of Odessa City Directorate and Khmel'nitskyi District Internal Affairs Sub-Division
- ▶ Primorskyi District Internal Affairs Division of Odessa City Directorate
- ▶ Suvorovskiy District Internal Affairs Division of Odessa City Directorate
- ▶ Odessa ITT

### ***Vinnitsia Region***

- ▶ Vinnitskyi District Internal Affairs Division, Vinnitsia
- ▶ 2nd Sub-Division of Vinnitsia City Internal Affairs Division
- ▶ Vinnitsia ITT

### **Prisons**

- ▶ Kyiv pre-trial establishment (SIZO)
- ▶ Dnipropetrovsk SIZO
- ▶ Odessa SIZO
- ▶ Simferopol SIZO
- ▶ Closed-Type Prison No. 3, Krivyi Rih
- ▶ Closed-Type Prison No. 1, Vinnitsia (recently arrived prisoners)
- ▶ Stryzhavska Correctional Colony No. 81

## Ad hoc visits

### Armenia

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20/05/2014-23/05/2014

#### Prisons

- ▶ Yerevan-Kentron Prison (life-sentenced prisoners)
- ▶ Yerevan-Nubarashen Prison (Unit for life-sentenced prisoners)
- ▶ Yerevan Prison Hospital

### Azerbaijan

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19/11/2013-26/11/2013

#### Psychiatric establishments

- ▶ Ganja Psychiatric Hospital
- ▶ Salyan Interregional Psychiatric Hospital, Şorsulu

#### Social care establishments

- ▶ Göygöl Psychoneurological Boarding Home No. 8, Qırıqlı
- ▶ Psychoneurological Boarding Home No. 1, Şamaxı

### Germany

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25/11/2013-02/12/2013

#### Prisons

- ▶ Hohenasperg Sociotherapeutic Institution (Baden-Württemberg)
- ▶ Berlin-Tegel Prison (use of means of restraint and other special security measures)
- ▶ Berlin-Plötzensee Prison Hospital (use of means of restraint and other special security measures)
- ▶ Hohenasperg Prison Hospital (use of means of restraint and other special security measures)

#### *Units for preventive detention at:*

- ▶ Diez Prison (Rhineland-Palatinate)
- ▶ Frankfurt Prison III for Women (Hessen)
- ▶ Freiburg Prison (Baden-Württemberg)

### Latvia

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12/09/2013-17/09/2013

#### Police establishments

- ▶ Daugavpils State Police Detention Facility
- ▶ Dobeles State Police Detention Facility

- ▶ Jēkabpils State Police Detention Facility
- ▶ Jelgava State Police Detention Facility
- ▶ Saldus State Police Detention Facility

### **Prisons**

- ▶ Daugavgrīva Prison (units for life-sentenced prisoners)
- ▶ Jelgava Prison
- ▶ Riga Central Prison
- ▶ Prison Hospital, Olaine

## **Netherlands**

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16/10/2013-18/10/2013

### **Detention centres for foreign nationals**

- ▶ Rotterdam Detention Centre
- ▶ Amsterdam Prison Psychiatric Centre

### **Return flights**

- ▶ Charter flight from the Netherlands to Lagos (Nigeria) on 17 October 2013, coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). In addition to the Netherlands, the Organising State, the following States took part in this removal operation: Bulgaria, Germany, Slovenia and Spain.

## **Netherlands (Caribbean part)**

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12/05/2014-22/05/2014

### **Aruba**

- ▶ Correctional Institution Aruba (KIA)
- ▶ Police Stations Noord, San Nicolas and Santa Cruz
- ▶ Immigration Detention 'Centro Dakota'
- ▶ Psychiatric ward (PAAZ) of Dr. Horacio Oduber Hospital

### **Bonaire**

- ▶ Correctional Institution Dutch Caribbean (JICN), Location Bonaire

### **Curaçao**

- ▶ Center for Detention and Correction Curaçao (SDKK)
- ▶ Police Stations Barber and Rio Canario
- ▶ Immigration detention centre 'Illegalen Barakken'
- ▶ Judicial Youth Institute Curaçao
- ▶ Psychiatric clinic 'Klinika Capriles'

### **Sint Maarten**

- ▶ Point Blanche Prison
- ▶ Philipsburg Central Police Station and Remand Centre
- ▶ Simpson Bay Remand Centre

## Russian Federation

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24/11/2014-01/12/2014

### Prisons

#### *Orenburg Region*

- ▶ Colony No. 6, Sol-Iletsk

#### *Perm Region*

- ▶ Colony No. 2, Solikamsk

#### *Moscow City*

- ▶ SIZO No. 2 ("Lefortovo")
- ▶ SIZO No. 5
- ▶ SIZO No. 6

## Spain

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14/07/2014-18/07/2014

### Detention centres and other establishments for foreign nationals

- ▶ Aluche, Madrid
- ▶ Zona Franca, Barcelona
- ▶ Holding facilities of the Immigration Service at Adolfo Suárez Madrid-Barajas Airport
- ▶ Centre for the Temporary Stay of Migrants, Melilla

## Ukraine

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18/02/2014-24/02/2014

### Police establishments

#### *Kyiv City*

- ▶ Darnits'ke District Internal Affairs Directorate
- ▶ Desnyans'ke District Internal Affairs Directorate
- ▶ Obolons'ke District Internal Affairs Directorate
- ▶ Shevchenskivs'ke District Internal Affairs Directorate
- ▶ Pechers'ke District Internal Affairs Directorate
- ▶ Kyiv Temporary Detention Isolator (ITT)

#### *Dnipropetrovsk Region*

- ▶ Babushkins'kyi District Internal Affairs Division, Dnipropetrovsk
- ▶ Dnipropetrovsk ITT

### Prisons

- ▶ Kyiv SIZO
- ▶ Dnipropetrovsk SIZO
- ▶ Krivyi Rih Prison No. 3

## Ukraine

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10/09/2014-16/09/2014

### State Security Service establishments

- ▶ Detention facility of the State Security Service (SBU), Kyiv

### Prisons

- ▶ Correctional Colony No. 25
- ▶ Correctional Colony No. 100
- ▶ Kyiv SIZO
- ▶ Kharkiv SIZO

## United Kingdom (British Overseas Territory of Gibraltar)

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13/11/2014-17/11/2014

### Police establishments

- ▶ New Mole House Police Station

### Immigration and Customs Enforcement establishments

- ▶ Port and land border facilities

### Court facilities

- ▶ Supreme and Magistrates' Court holding cells

### Prisons

- ▶ HM Prison Windmill Hill

### Psychiatric establishments

- ▶ King George V Psychiatric Hospital

### Social care establishments

- ▶ Dr. Giraldi Home
- ▶ Tangiers View Children's Home (visit with a view to determining whether any of the children were deprived of their liberty)

### Military establishments

- ▶ Royal Gibraltar Regiment

## **Monitoring of the situation of persons convicted by international tribunals**

### **United Kingdom**

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*18/11/2014-19/11/2014*

The CPT's delegation visited the United Kingdom, where it examined the treatment and conditions of detention of one person convicted by the Special Court for Sierra Leone (SCSL).



*Photograph taken on the occasion of the CPT's first plenary meeting (November 1989)*

The CPT carries out visits to places of detention, in order to assess how persons deprived of their liberty are treated. These places include prisons, juvenile detention centres, police stations, holding centres for immigration detainees, psychiatric hospitals, social care homes, etc.

After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information. The CPT also requests a detailed response to the issues raised in its report. These reports and responses form part of the ongoing dialogue with the States concerned.

The CPT is required to draw up every year a general report on its activities, which is published. This 24th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website (<http://www.cpt.coe.int/>).

ENG

[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



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