

# 25th GENERAL REPORT OF THE CPT



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

1 January - 31 December **2015**

COUNCIL OF EUROPE



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# Activities during the period 1 January to 31 December 2015

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## Visits

1. The CPT organised 17 visits totalling 160 days during the year 2015. Ten of the visits (totalling 108 days) formed part of the CPT's annual programme of periodic visits for 2015 and seven (52 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. Periodic visits were carried out to Armenia, Bosnia and Herzegovina, France, Germany, Luxembourg, Malta, the Republic of Moldova, Serbia, Sweden and Switzerland.

The main objective of the visits was to review the measures taken by the relevant authorities to implement recommendations made by the Committee after previous visits to the country. To this end, the CPT examined the treatment and conditions of detention of persons held in police establishments and prisons. Particular attention was paid to specific issues such as overcrowding and

the provision of health care, as well as to specific categories, for instance, life-sentenced prisoners (Republic of Moldova), prisoners held in high-security units (Bosnia and Herzegovina, Switzerland) and inmates held in solitary confinement in prisons for prolonged periods (Germany). For the first time, the CPT assessed the conditions of "radicalised" prisoners (France).

Visiting delegations also continued to pay attention to the treatment and conditions of juveniles (notably in Bosnia and Herzegovina, Malta, Luxembourg, the Republic of Moldova, Serbia and Switzerland) and foreign nationals detained under aliens legislation (Luxembourg, Malta).

Moreover, in most of the countries visited (Armenia, Bosnia and Herzegovina, France, Germany, Malta, Republic of Moldova, Serbia and Switzerland), delegations visited civil and/or forensic psychiatric establishments in order to examine the treatment and legal safeguards offered to patients admitted on an involuntary basis. In the Republic of Moldova and Serbia, visits were also carried out to social care homes.

3. In line with standard practice, the CPT announced its programme of periodic visits for the following year. In the course of 2016, the Committee intends to examine the treatment of persons deprived of their liberty in the following ten countries: Azerbaijan, Italy, Latvia, Liechtenstein, Lithuania, the Netherlands, Portugal, the Russian Federation, Spain and the United Kingdom.

### Ad hoc visits

4. In the course of 2015, the CPT carried out ad hoc visits to Azerbaijan, Bulgaria, Greece, Hungary, Kosovo<sup>1</sup> and Turkey. In addition, it monitored a removal operation by air (return flight) from Italy to Lagos (Nigeria).

5. During the ad hoc visit to **Azerbaijan** in June, the CPT's delegation reviewed the situation of sentenced prisoners. To this end, it visited Penitentiary Establishments Nos. 6 and 14, as well as the Correctional Establishment for Juveniles in Baku.

6. The objective of the ad hoc visit to **Bulgaria** in February was two-fold. Firstly, the delegation wished to gauge the commitment of the Bulgarian authorities to implement recommendations made by the CPT, some of them dating back to the Committee's first visit carried out in 1995, as regards the ill-treatment of persons in police custody and the legal safeguards in this respect. Secondly, in the context of an ongoing procedure under Article 10, paragraph 2, of the European Convention on the

Prevention of Torture or Inhuman and Degrading Treatment or Punishment [hereinafter: "the Convention"] (for further details, see paragraph 12), the delegation examined the implementation of the CPT's long-standing recommendations concerning the ill-treatment of prisoners by staff, inter-prisoner violence, prison overcrowding, material conditions of detention and prison health-care staffing levels, as well as discipline, segregation and contact with the outside world. The visit was also the occasion to review the treatment and detention conditions of persons held at Sofia, Burgas and Varna Prisons, as well as at Sofia Investigation Detention Facility.

7. The purpose of the visit to **Greece** in April was to examine the progress made in implementing the recommendations contained in the report on the CPT's visit of April 2013. To this end, the treatment of persons deprived of their liberty by the police and the practical application of the safeguards surrounding their detention were examined. Another specific focus of the visit was to look into the effectiveness of investigations concerning allegations of ill-treatment by law enforcement officials. In addition, the delegation examined the treatment and conditions of detention of inmates in several prison establishments, including Korydallos Prison Hospital. It also reviewed the situation of foreign nationals, notably unaccompanied minors, held in immigration detention facilities and police stations.

8. In the context of the mass arrival of irregular migrants, the CPT carried out an ad hoc visit to **Hungary** in October, in order to examine the treatment and conditions of detention of foreign nationals deprived of their liberty under aliens legislation or the

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1. 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.

recently amended criminal legislation according to which, *inter alia*, crossing the border fence or damaging it constitutes a criminal offence. Attention was also paid to the legal safeguards offered to the detainees concerned. To this end, the delegation visited several detention centres for foreigners, police detention facilities and a prison. In addition, the delegation visited two so-called “transit zones” located at the border with Serbia.

9. In April, the CPT carried out its third visit to **Kosovo**<sup>2</sup>, on the basis of an agreement signed in 2004 between the Council of Europe and the United Nations Interim Administration Mission in Kosovo (UNMIK). The purpose of the visit was to review the measures taken by the relevant authorities following the recommendations made by the Committee after its previous visit (in 2010). In this connection, particular attention was paid to the treatment and conditions of detention of persons in police custody and the situation in penitentiary establishments (including the regime for juvenile offenders, remand prisoners and inmates held in a new high-security prison and the provision of health care). The delegation also examined the treatment and legal safeguards offered to forensic psychiatric patients.

10. The purpose of the June ad hoc visit to **Turkey** was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation and to assess the implementation of the ongoing legislative and infrastructural reforms in this area. For this

purpose, the CPT’s delegation visited seven removal centres in different parts of the country, as well as the holding facility in the transit zone of Istanbul Atatürk Airport. The visit took place at a very challenging time for Turkey when the country was facing an ever-increasing influx of foreign nationals (mainly from Syria, Afghanistan, Iraq and Iran).

11. Finally, for the third time, the CPT monitored a removal operation by air. In the context of an ad hoc visit to **Italy** in December, the delegation examined the treatment of foreign nationals during a return flight from Rome to Lagos (Nigeria). The flight was part of a Joint Return Operation which was 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 foreign nationals concerned had been deported from Italy (“Organising Member State”) as well as from Belgium and Switzerland (“Participating Member States”).

## Public statements

12. On 26 March 2015, the Committee issued a public statement concerning **Bulgaria** under Article 10, paragraph 2, of the Convention;<sup>3</sup> the text of the statement is reproduced in Appendix 8.

Since 1995, the CPT has carried out ten visits to Bulgaria, during which major shortcomings have been identified,

2. 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.

3. “If the Party fails to co-operate or refuses to improve the situation in the light of the Committee’s recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter”.

especially as concerns the police and penitentiary establishments. Regrettably, the vast majority of these recommendations have remained unimplemented, or only partially implemented. In the course of the visits carried out in 2010, 2012 and 2014, the CPT's delegations witnessed a lack of decisive action by the authorities leading to a steady deterioration of the situation of persons deprived of their liberty. Subsequently, the CPT decided to set in motion the procedure set out in Article 10, paragraph 2, of the Convention.

From the findings made in the course of the February 2015 ad hoc visit to Bulgaria (see paragraph 6), the CPT could not but conclude that little or no progress had been achieved in the implementation of key recommendations repeatedly made by the CPT. As a result, the Committee decided to resort to the exceptional measure of making a public statement.<sup>4</sup>

The Committee's aim in making this public statement was to motivate and assist the Bulgarian authorities, and in particular the Ministries of the Interior and Justice, to take decisive action in line with the fundamental values to which Bulgaria, as a member state of the Council of Europe and the European Union, has subscribed. In the statement, the Committee stresses its commitment to continuing its dialogue with the Bulgarian authorities (see also paragraphs 17 and 24).

### High-level talks with national authorities

13. It is standard practice for CPT visiting delegations to hold talks with

4. This is the seventh time the CPT has made a public statement since it was set up in 1989.

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.

14. 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 took place on five occasions during 2015.

15. On 27 January, the President of the CPT held consultations in Kyiv (**Ukraine**) with the Minister of Justice, Mr Pavlo Petrenko, in order to discuss issues of major concern related to the findings of the CPT's most recent visits to the country (in particular the allegations received of severe ill-treatment and/or torture of prisoners by prison officers in certain colonies). During the talks, the Minister provided updated information on the action already taken by the relevant Ukrainian authorities to combat the phenomena of ill-treatment and intimidation in colonies. He also indicated that he and his Ministry were determined to vigorously pursue those actions in close co-operation with the CPT.

16. On 30 and 31 March, the President of CPT held high-level talks in Skopje with national authorities of "**the former Yugoslav Republic of Macedonia**". The purpose of the talks was to present the findings and recommendations contained in the CPT's report on the October 2014 periodic visit to the country. The President met the Minister of Justice, Adnan Jashari, the Director of the Directorate for the Execution of Sanctions, Lidija Gavrilovska, and other officials to discuss the situation in the prisons. In particular, the treatment of prisoners and the conditions of detention at Idrizovo and Skopje Prisons were

discussed, as well as the implementation of the forthcoming national strategy on development of the penitentiary system. Further, talks were held with the Deputy Minister of Health, Jovica Andovski, on the treatment of patients in psychiatric institutions and the transfer of the responsibility for prison health care to this ministry. The situation of irregular migrants, notably those detained at the Reception Centre for Foreigners, was discussed with officials from the Border Affairs and Migration Sector of the Ministry of the Interior. Moreover, the state of co-operation between the CPT and the national authorities was the focus of discussions with the State Secretary of Foreign Affairs, Elena Kuzmanovska.

17. The President of the CPT met the Minister of Justice and the Deputy Minister of the Interior of **Bulgaria** in Sofia on 26 November to discuss follow-up to the public statement issued earlier in the year (see paragraph 12), including the “Action Plan for the execution of the recommendations of the Committee for the Prevention of Torture and the final judgments of the European Court of Human Rights in the cases of *Velikova group, Neshkov and Others, Harakchiev and Tolumov, Kehayov group*”.

18. Several high-level talks with national authorities were held in order to discuss issues related to recent country visits, in particular, with Koen Geens, Minister of Justice of **Belgium**, on 2 March in Strasbourg (in the margins of the CPT’s 25<sup>th</sup> anniversary conference), as well as with Maxim Travnikov and Alu Alkhanov, Deputy Ministers of Justice of the **Russian Federation**, on 24 April in Moscow.

19. On 27 October, a Council of Europe delegation led by the CPT’s Secretariat held discussions in Athens (**Greece**) with the Secretary General for Crime Policy,

the Director General of Correctional Policy and other senior Ministry and prison officials, at the invitation of the Ministry of Justice, Transparency and Human Rights. A senior adviser to the Minister of Health also attended the meeting. The three themes discussed related to areas where the CPT had made recommendations for action in its most recent visit reports, notably prison health care and the operation of Korydallos Prison Hospital, prison staff training, and the complaints systems in prisons. The importance of developing a strategic plan for the recovery of the prisons into which the other elements could be inserted was also stressed. This activity represented a more hands-on connection between the monitoring work of the CPT and the development of possible Council of Europe prison-related co-operation programmes to address the areas identified by the CPT as requiring improvement. The CPT considers it important to be proactive in facilitating support for member states’ efforts to implement its recommendations and, where appropriate, to draw on the Council of Europe’s expertise in providing support for prison reform.

## Plenary meetings and activities of subgroups

20. The CPT held three one-week plenary meetings (in March, June/July and November), in the course of which a total of 17 visit reports were adopted.

21. During the June/July plenary meeting, the CPT held an exchange of views with representatives of the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) of the Council of Europe. Various issues relevant to the CPT’s work were discussed, such as drug treatment and HIV prevention in prisons.

22. The two standing subgroups of the CPT, the Medical Group and the Jurisprudence Group, 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.

23. Ad hoc working groups can also be established to examine specific topics. For instance, one such working group analysed issues related to the monitoring of the deportation of foreign nationals by air (return flights), and a delegation of the CPT took part in a return flight in December (see paragraph 11).

### Contacts with other bodies

24. The CPT continued to promote contact with other bodies *within the Council of Europe*. For instance, on 23 November, the CPT's President attended an informal meeting of the Presidents of 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.

Further, co-operation was reinforced with the Parliamentary Assembly, in the form of three exchanges of views; one in Paris on 18 March with the Assembly's Committee on Legal Affairs and Human Rights, one in Strasbourg with the Committee on Social Affairs,

Health and Sustainable Development on "Putting an end to coerced sterilisations and castrations", and one in Sofia on 27 November with the Standing Committee on issues of common interest. Furthermore, an exhibition displaying photographs of the CPT's work in the field was held during the autumn session of the Parliamentary Assembly (28 September to 2 October).

Reference has already been made to the CPT's exchange of views with representatives of the Pompidou Group during the plenary meeting in June/July. Further, as in previous years, regular contacts were maintained with the Council of Europe Commissioner for Human Rights and staff of his Office on matters of common interest.

Representatives of the CPT took part in a number of Council of Europe activities, in particular the meetings of the Working Group of the Council for Penological Co-operation (PC-CP) in April and September; the second and third meetings of the Council of Europe Drafting Committee on prison overcrowding, held in March and October respectively; a meeting of the Committee of Experts on the operation of European Conventions on co-operation in criminal matters (PC-OC) in November to discuss assurances required as regards prison standards in extradition procedures with non-European states in particular; the 20<sup>th</sup> Council of Europe Conference of Directors of Prison and Probation Services on radicalisation and other strategic challenges, held in Bucharest on 9 and 10 June; and a Round Table on the implementation of the CPT's recommendations and the pilot judgment *Neshkov and Others v. Bulgaria* in Sofia, on 9 and 10 July, organised by the Department for the Execution of Judgments of the European Court

of Human Rights, together with the Government Agent Office of Bulgaria.

25. Co-operation with bodies *outside the Council of Europe* was also pursued. During a number of periodic and/or ad hoc visits, CPT delegations met representatives of the field missions of the United Nations High Commissioner for Refugees (UNHCR), the Organization for Security and Co-operation in Europe (OSCE), the European Union and the International Committee of the Red Cross (ICRC). Regular contact with the UNHCR office in Strasbourg was maintained and, as part of sustaining the ongoing dialogue with the ICRC, detailed discussions were held in Geneva in May between the Executive Secretary and the Heads of Divisions of the CPT's Secretariat and senior ICRC officials.

The CPT continued to have regular consultations and contacts with the United Nations Subcommittee on Prevention of Torture (SPT) as well as with the National Preventive Mechanisms (NPMs) set up under the Optional Protocol to the United Nations Convention against Torture (OPCAT). During many periodic and/or ad hoc visits, representatives of NPMs were met by CPT delegations. In addition, representatives of the Committee attended various events organised by NPMs, for instance the Seminar on Torture Prevention organised by the Swedish NPM in Stockholm on 1 October and the Conference on strengthening the follow-up of NPM Recommendations in the EU, held in Vienna on 29 April.

From 2 to 5 March, a representative of the CPT attended the 4<sup>th</sup> meeting of the Open-ended Intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners in Cape Town (under the auspices of the

Commission on Crime Prevention and Criminal Justice of the United Nations Office on Drugs and Crime – UNODC).

From 28 to 30 January, a member of the CPT attended the World Congress on Juvenile Justice in Geneva (organised by the Swiss Federal Department of Foreign Affairs, the Swiss Federal Office of Justice and the *Terre des Hommes* Foundation).

Further, the CPT had regular consultations and contacts with the European Union Agency for Fundamental Rights (FRA) in Vienna and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) in Warsaw. Moreover, a member of the CPT took part in the meeting organised by the European Commission on "The challenges of health protection in prisons – how the EU can assist in improving the health situation of the prison population in Europe" in Luxembourg on 7 May. Representatives of the CPT also attended two workshops organised by the Technical Assistance and Information Exchange instrument of the European Commission (TAEIX) in Podgorica: the first on prevention of torture and ill-treatment, on 7 and 8 September and the second on medical examination of prisoners in cases of ill-treatment on 10 and 11 December.

Reference should also be made to the CPT's participation in a number of events organised by non-governmental organisations, such as the International Conference on forced return organised by the Latvian Centre for Human Rights, held in Riga on 26 and 27 May, and the 2<sup>nd</sup> Jean-Jacques Gautier NPM Symposium on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons deprived of their liberty, organised

by the Association for the Prevention of Torture (APT) on 3 June in Geneva.

On 3 June, a representative of the CPT participated in a workshop in Kyiv on life imprisonment (organised by the Directorate General of Human Rights and Rule of Law of the Council of Europe together with the State Penitentiary Service of Ukraine and the Kharkiv Human Rights Group).

Finally, within the framework of the programme "Strengthening democratic reform in the southern Neighbourhood", a member of the CPT attended a seminar on 1 December in Rabat aimed at presenting the key Human Rights Conventions of the Council of Europe (organised jointly by the Council of Europe and the Inter-Ministerial Human Rights Delegation of Morocco).

### **Conference "The CPT at 25: taking stock and moving forward"**

26. On 2 March 2015, the CPT organised a conference in Strasbourg to mark its 25<sup>th</sup> anniversary. The conference brought together more than 200 professionals working in the field (such

as lawyers, police and prison specialists and doctors) and academics, as well as representatives from national and international monitoring bodies, civil society and government officials from many Council of Europe member states.

Opening statements were made by Koen Geens (Minister of Justice of Belgium, representing the Chairmanship of the Committee of Ministers of the Council of Europe), Gabriella Battaini-Draroni (Deputy Secretary General of the Council of Europe), Anne Brasseur (President of the Parliamentary Assembly) and Josep Casadevall (Vice-President of the European Court of Human Rights). The keynote speech was given by Jean-Marie Delarue (former Controller General of Places of Deprivation of Liberty, France).

Five panels addressed the issues of ill-treatment and combating impunity in police and prison contexts, the provision of health care in prisons, juveniles in detention, solitary confinement, and standards on psychiatry.

The speeches and concluding remarks have been published on the CPT's website (<http://www.cpt.coe.int/en/conferences/cpt25.htm>).





” Authorising publication of documents related to visits can be seen as an important means of co-operating with the Committee

# Publication highlights

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## Introduction

27. Eighteen CPT visit reports were published in 2015, 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. As of 31 December 2015, 336 of the 383 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.

28. The CPT 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 authorities of Azerbaijan and the Russian Federation. So far, only two out of the nine reports on the CPT's visits to Azerbaijan have been made public. In 2013, the Russian Federation agreed to the publication of the visit reports on the CPT's 2011 ad hoc visit to the North Caucasian region, as well as on the 2012 periodic visit to the Russian Federation, while out of the remaining 19 visit reports, 18 have not yet been published. The Committee is keen to pursue its work in these countries, through close

co-operation with the authorities and informed dialogue with all other relevant interlocutors. Obviously, the publication of the CPT's reports would greatly facilitate this process.

29. In December 2015, the Bulgarian authorities informed the CPT of their decision to authorise in advance the publication of all future CPT visit reports and related government responses, unless they decide in a given case to postpone publication for a period of up to six months. During the same month, a similar decision to introduce an automatic publication procedure of CPT reports and government responses was taken by the Luxembourg authorities.

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 decisions by the Bulgarian and Luxembourg authorities, and invites other states to follow the same approach.<sup>5</sup>

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5. Similar requests for "automatic publication" had been made by the Moldovan authorities in 2011 (see the CPT's 21<sup>st</sup> General Report, CPT/Inf (2011) 28, paragraph 27) and the Ukrainian authorities in 2014 (see the CPT's 24<sup>th</sup> General Report, CPT/Inf (2015) 1, paragraph 50).

## Selected publications

30. 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 ad hoc visit to Bulgaria in February 2015 and response of the Bulgarian authorities**

*(treatment and conditions of detention in investigation detention facilities and prisons)*

31. The CPT begins the report by stressing that it is extremely concerned by the fact that the vast majority of its long-standing recommendations, especially with respect to the police and prisons, remain unimplemented or only partially implemented.

The Committee recalls that, in the light of the facts found during the 2015 visit, a public statement concerning Bulgaria was issued on 26 March 2015. The CPT's aim in making this public statement was to motivate and assist the Bulgarian authorities, and in particular the Ministries of the Interior and Justice, to take decisive action in line with the fundamental values to which Bulgaria, as a member state of the Council of Europe and the European Union, has subscribed.

32. The report concludes that persons detained by the police in Bulgaria continue to run a significant risk of being ill-treated, both at the time of apprehension and during subsequent questioning. Further, there has been no progress as regards the practical implementation of the legal safeguards against police ill-treatment.

The CPT calls upon the Bulgarian authorities to take the additional necessary

steps to create an atmosphere in which the right thing to do for police officers is to report ill-treatment by colleagues. Moreover, the Committee reiterates its recommendations that the Bulgarian authorities take the necessary measures to ensure that legal provisions guaranteeing the safeguards against ill-treatment are applied in practice. In their response, the Bulgarian authorities indicate a number of steps taken to address the concerns raised in the report.

33. Many allegations of deliberate physical ill-treatment (usually consisting of slaps, punches, kicks and truncheon blows) were again received at all the prisons visited, including the Sofia Investigation Detention Facility, and Burgas, Sofia, and Varna Prisons. Inter-prisoner violence remained widespread and appeared to occur as a form of punishment of fellow prisoners or to be racially motivated (primarily against Roma prisoners).

Furthermore, the delegation heard allegations that, following incidents with custodial staff, prisoners had not been examined by a doctor. The CPT recommends that the Bulgarian authorities take action to ensure that all prisoners are properly medically screened following a violent episode within a prison and that the results of this screening are accurately recorded.

The Committee also recommends that whenever injuries which are consistent with allegations of ill-treatment or inter-prisoner violence are recorded by a doctor, the record is immediately brought to the attention of the relevant authorities and a preliminary investigation initiated.

In their response, the Bulgarian authorities acknowledge the findings of the CPT and express their utmost concern with

respect to the incidents of ill-treatment in prisons. The response further outlines a range of measures taken or planned by the authorities to address the issue, including, *inter alia*, reinforcing internal oversight mechanisms, setting up a register for injuries inflicted in detention facilities, and instructing health-care staff to immediately inform the relevant prosecutor's office of identified injuries.

34. Despite the efforts of the Bulgarian authorities to further reduce overcrowding, it remained a problem in prisons and closed-type prison hostels and there was still no progress as regards the construction or renovation of the prison estate that would allow for the capacity of the prison to be expanded. As regards material conditions of detention, the three prisons visited by the delegation demonstrated an ever-worsening and advanced state of dilapidation and insalubrity.

Furthermore, corruption remained endemic in the Bulgarian prison system and the vast majority of prisoners interviewed claimed that they were asked to pay custodial, administrative, and/or medical staff for being granted various privileges or even for many services provided for by the law.

In their response, the Bulgarian authorities refer to the measures proposed by the working group set up in response to the pilot judgment of the European Court of Human Rights, *Neshkov and Others v. Bulgaria* (concerning detention conditions in prisons and the effectiveness of the remedies by which prisoners are able to seek redress for those conditions), such as an individual approach as regards the initial allocation of sentenced prisoners, changes in the procedure of conditional release, the implementation of electronic monitoring and the introduction of a preventive remedy.

The Committee was also provided with information on refurbishment carried out in Sofia Prison and on plans to open two closed-type prison hostels in 2016.

As regards combating corruption, the Bulgarian authorities inform the Committee that the Directors of all three prisons visited have been changed and that a number of measures to fight corruption have been or will be undertaken.

35. The situation as regards the development of a proper regime of activities for persons held both in investigation detention facilities and in prisons was still very unsatisfactory. The CPT urges the Bulgarian authorities to intensify their efforts to develop the programme of activities for both sentenced and remand prisoners, notably as regards work, educational and vocational activities.

In their response, the Bulgarian authorities inform the Committee that possibilities to increase the range of activities for prisoners are being sought, including through co-operation with other ministries and non-governmental organisations.

36. The accessibility and quality of the health-care services in all the establishments visited were as poor as in previous visits, and medical confidentiality was still not being respected. The staffing situation rendered the provision of health care virtually impossible. The CPT calls upon the Bulgarian authorities to take urgent steps to reinforce the health-care services and, more generally, to develop a comprehensive long-term strategy for the provision of health care in the prison system.

In their response, the Bulgarian authorities acknowledge the long-standing problems as regards the provision of health care in prisons and inform the

Committee that a strategy for improving the health-care services in prisons is under preparation. Furthermore, the authorities indicate that the CPT's recommendations are reflected in the new internal rules for medical care in prison, adopted in October 2015.

*Report and response published in November 2015 (CPT/Inf (2015) 36 and CPT/Inf (2015) 37)*

## **Report on the periodic visit to the Czech Republic in April 2014 and response of the Czech authorities**

*(treatment and conditions of detention in police establishments and prisons, situation of juveniles, high-security and life-sentenced prisoners, situation of foreign nationals held under aliens legislation, treatment of and legal safeguards offered to persons held under the measure of "security detention", situation of involuntary psychiatric patients, surgical castration of sex offenders)*

37. As regards the police, the majority of persons interviewed by its delegation stated that they had been treated in a correct manner whilst in police custody. However, a number of allegations were received from detained persons of excessive use of force at the time of apprehension and physical ill-treatment during police questioning. In addition, several persons claimed that they had been subjected to verbal abuse by police officers.

Despite a specific recommendation made after previous visits, the practice of handcuffing detained persons to fixed objects in police establishments persisted, and the CPT calls upon the Czech authorities to take effective measures to stamp out such practices. Further, the CPT expresses serious misgivings about the fact that persons detained by the police were routinely subjected to a

strip-search. The Committee formulates specific recommendations regarding the circumstances of and procedures for searching detained persons in police establishments.

In their response, the Czech authorities underline that the prevention of unprofessional and unacceptable practices will continue to be the subject of periodic training of police officers and personnel. As regards strip-searches, methodological guidelines will be drawn up with the aim of avoiding routine strip-searches and regulating the manner in which strip-searches should be carried out.

38. No allegations of ill-treatment by staff or violence amongst inmates were received at the Bělá-Jezová Detention Centre for Foreigners. Material conditions were found to be generally satisfactory, and foreign nationals were offered a wide range of activities. The CPT acknowledges the efforts made by the management to accommodate the special needs of children held in the Centre together with their parents. At the same time, the Committee stresses that the placement of juveniles with their parents in a detention centre should only occur as a last resort and for the shortest possible time. The Centre was generally well-staffed. However, most of the staff did not speak any foreign languages, and many members of staff had received no specific training in how to work in a multi-ethnic environment.

39. In respect of prisons in general, the delegation received a few allegations of physical ill-treatment and verbal abuse, including of a racist nature, by custodial staff. Further, inter-prisoner violence appeared to be a problem at Valdice Prison, despite the efforts made by the management of the establishment. As regards juvenile prisoners, the CPT expresses its grave concern regarding the frequency of allegations of physical

ill-treatment received at Všehrdy Prison. Following repeated requests by the CPT to carry out an inquiry, the Czech authorities informed the Committee that the Director of the prison had been dismissed and that disciplinary and criminal proceedings had been initiated against a number of staff.

The material conditions were on the whole acceptable at Litoměřice Remand Prison and Valdice Prison, and the delegation gained a generally favourable impression of the regime offered to sentenced prisoners at Valdice Prison. That said, the CPT expresses its serious concern about the fact that the overwhelming majority of remand prisoners at Litoměřice Remand Prison were not offered any regular out-of-cell activities. The situation of one juvenile who had *de facto* been held in a solitary-confinement regime for some three months gave rise to particular concern.

The report describes a number of improvements regarding the situation of life-sentenced prisoners at Valdice Prison. The CPT stresses that further measures are required to render the regime satisfactory; it also reiterates its recommendation to integrate life-sentenced prisoners into the general prison population. Further, the Committee once again expresses its misgivings about the systematic handcuffing of life-sentenced prisoners and their guarding by a dog during movements outside the detention unit. Moreover, it recommends that immediate steps be taken to put an end to collective strip-searches, as well as to the use of guard dogs within detention areas.

In their response, the Czech authorities inform the Committee that efforts will continue to improve the possibilities for out-of-cell activities for remand prisoners. Information is also provided on the steps being taken to further improve

the situation of life-sentenced prisoners, including the abolition of the rule requiring their segregation from the rest of the prison population, and on changes which will be initiated to the rules concerning strip-searching of prisoners.

40. As regards the situation in the security detention facility, many inmates interviewed by the delegation at Brno Remand Prison made no allegations of ill-treatment by staff. However, the delegation did receive some allegations of inmates being slapped and/or verbally abused by members of the custodial staff. Moreover, several allegations were heard that inmates with learning disabilities had been compelled by custodial staff to dance, bark, eat grass and drink water from a bucket. If confirmed, such actions would, in the CPT's view, amount to degrading treatment.

Material conditions in the security detention facility were generally very good. That said, the CPT encourages the Czech authorities to further develop the regime provided to inmates in order to ensure that they can spend more time out of their rooms. As regards health care, the delegation gained a generally positive impression of the range of therapeutic and recreational activities. However, the Committee is concerned that all contact between the psychiatrist/psychologist and inmates was conducted through metal bars.

In their response, the Czech authorities assure the Committee that prison officers and staff are and will be regularly trained and reminded to comply strictly with all legal standards and instructions. Efforts will also be made to enable contact between psychiatrists/psychologists and inmates to take place without partitioning.

41. During its visit to Kosmonosy Psychiatric Hospital, the delegation received no allegations of ill-treatment of patients by staff. Living conditions in the hospital were on the whole satisfactory, and staffing levels appeared to be generally adequate for the number of patients and care provided. The delegation also gained a generally positive impression of the psychiatric treatment. That said, the CPT recommends that anti-androgen treatment be subjected to written consent by patients. Several recommendations are also made as regards the duration of mechanical restraint, the recording of instances of chemical restraint and the supervision of patients under restraint. Further, the CPT once again expresses its serious misgivings about the use of net-beds and reiterates its recommendation that net-beds be withdrawn from service in psychiatric hospitals in the Czech Republic.

42. Moreover, the Committee urges the Czech authorities to put a definitive end to the use of surgical castration in the context of treatment of sex offenders.

In their response, the Czech authorities state that, to avoid any ambiguity, methodological guidelines concerning the necessity to provide consent to anti-androgen treatment will be adopted as soon as possible. Information is also provided on legislative amendments concerning the use of means of restraint, including its recording. As regards surgical castration, the authorities maintain their position that the relevant legislation fully complies with the European Convention on Human Rights. However, the authorities state that they will continue to ensure that legal guarantees are strictly observed in practice and that these will be strengthened if necessary.

*Report published in March 2015 (CPT/Inf (2015) 18), response published in August 2015 (CPT/Inf (2015) 29)*

## **Report on the periodic visit to Finland in September/October 2014 and response of the Finnish authorities**

*(safeguards offered to persons detained by the police, situation of remand prisoners in police establishments and of foreign nationals held under aliens legislation, inter-prisoner violence and intimidation, situation and regime of the prisoners held in high-security and closed units, situation of civil involuntary and forensic patients)*

43. In the report, the CPT expresses its concern about the lack of sufficient progress in the implementation of many of its long-standing recommendations, for example, those regarding the practice of holding remand prisoners in police establishments and the practice of “slopping out” in prisons, the regime for prisoners segregated in high-security and closed units, and legal safeguards in the context of involuntary psychiatric hospitalisation.

44. The CPT’s delegation received no allegations of physical ill-treatment of persons detained by the police; on the contrary, most of the persons interviewed by the delegation, who were or had recently been in police custody, stated that the police had treated them in a correct manner.

The report addresses some issues relating to police establishments, especially as regards material conditions. The Committee underlines that none of the police establishments visited, including Pasila “police prison”, offered conditions suitable for holding persons in excess of the police custody period (i.e. 96 hours). In particular, there was insufficient access to natural light in cells, no possibility of proper daily outdoor exercise, no activities and no proper health-care services. The Committee reiterates

its long-standing recommendation that the practice of holding remand prisoners in police cells be discontinued.

45. Regarding the fundamental safeguards against ill-treatment, the CPT's delegation found that detained persons were generally afforded the right of access to a lawyer and were provided with information on their rights in writing shortly after apprehension. By contrast, delays in notification of custody remained widespread, especially when the apprehended person was a foreign national without residence in Finland. Further, access to health care in police custody also remained problematic.

In their response, the Finnish authorities describe, *inter alia*, the steps being taken to improve access to a doctor in police custody, reduce delays in notification of custody and refurbish "police prisons". They also inform the CPT of the progress of the working group to reduce recourse to and shorten the duration of remand detention in "police prisons". According to the authorities, relevant legislative steps could be taken in the spring of 2016 and enter into force at the beginning of 2017.

46. The delegation received no allegations of ill-treatment at Metsälä Detention Unit for Foreigners. Material conditions and activities were on the whole adequate. As regards health care, the CPT calls upon the authorities to ensure prompt systematic medical screening of all foreign nationals upon arrival.

As regards the Konnunsuo Detention Unit for Foreigners, located in a former prison, the material conditions were generally adequate. However, the whole environment remained unavoidably carceral and there was very limited

space envisaged for association. The CPT recommends that these problems be addressed. In their response, the Finnish authorities provide information on steps being taken to improve conditions of detention in the above-mentioned establishment.

47. The report outlines in detail various issues related to prisons, in particular the phenomenon of inter-prisoner violence and intimidation, as well as the situation of prisoners held in high-security and closed units. The CPT recommends that a suitable programme of purposeful activities be provided to prisoners held in conditions of high security or segregated by court order. Overall, the Committee noted that material conditions for the mainstream prison population were good in the prisons visited. That said, the delegation observed that there were still many cells without a toilet at Helsinki and Kerava Prisons. The CPT calls upon the Finnish authorities to completely eliminate the practice of "slopping out" in prisons. Regarding health-care services in prisons, the CPT reiterates its assessment from the 2008 visit that there is an insufficient doctors' presence in the prisons visited and recommends that this be increased.

In their response, the Finnish authorities refer to ongoing legal reforms with respect to prisons, steps being taken to prevent a resurgence in overcrowding and inter-prisoner violence, and progress in eliminating the practice of "slopping out". Further, they provide details of steps being taken to improve the regime, activities and placement and review procedures in high-security and closed units, address the CPT's recommendations concerning segregation of remand prisoners on court order, and broaden the offer of activities for prisoners. The authorities inform the

Committee of the transfer of responsibility for prison health-care services from the Ministry of Justice to the administrative branch of the Ministry of Social Affairs and Health as of 1 January 2016 and, in this context, of ongoing efforts to increase health-care staffing levels in prisons. The response also contains information on efforts to recruit additional custodial staff and to improve complaints and disciplinary procedures. In the context of the latter, the authorities inform the CPT of the reduction in the maximum permitted period of placement in disciplinary isolation from 15 to 10 days.

48. The CPT's delegation also visited Niuvanniemi Hospital where it focused on the safeguards governing involuntary psychiatric hospitalisation and treatment. The Committee found the living conditions, treatment, activities and staffing to be generally good. As regards safeguards, the CPT remains concerned by the very limited progress in addressing its long-standing recommendations aimed at improving the legislative framework. It recommends that amendments be made to provide for an obligatory independent expert psychiatric opinion in the context of involuntary hospitalisation measures and the review of these measures. The Committee is also concerned by the inefficiency of judicial reviews of involuntary hospitalisation measures. It again calls on the Finnish authorities to ensure that there is a meaningful and expedient court review of these measures and that psychiatric patients have an effective right to be heard in person by the judge during the involuntary hospitalisation procedure.

In their response, the Finnish authorities provide an update of the comprehensive

reform of the mental health legislation including the review procedures.

*Report published in August 2015 (CPT/Inf (2015) 25), response published in October 2015 (CPT/Inf (2015) 33)*

### **Report on the removal operation by air of foreign nationals to Nigeria organised on 17 October 2013 by the Dutch authorities in co-operation with Frontex**

*(treatment of foreign nationals during removal operations, including preparation, execution and hand-over to the local authorities, and debriefing-related issues)*

49. The report examines in detail the treatment of foreign nationals during a removal operation by air to Lagos (Nigeria) and the conditions under which the removal operation took place. The return flight was part of the 2013 Programme of Joint Return Operations (JRO), 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) and involved, in addition to the Netherlands (the "Organising Member State"), Bulgaria, Germany, Slovenia and Spain (as "Participating Member States"). The operation concerned a total of 18 detainees and involved 57 escorts of five different nationalities. It was the first such removal operation monitored by the CPT.

50. As regards the preparation phase of the removal operation, the report praises the overall quality of the work performed by the Dutch Repatriation and Departure Service (DT&V) and by the Royal Military Constabulary (KMAR). The report stresses the importance of

providing information in advance to persons being removed and their lawyers. The CPT comments favourably on the procedures in place in the Netherlands although it recommends that access to legal advice be maintained until the moment of departure (i.e. until the doors of the aircraft are closed) and that a “last call procedure” be put in place before the disembarkation of the detainees in the country of destination. As regards staff training prior to departure, the CPT welcomes the KMAR custom of organising short practice sessions for the escort staff before every charter removal flight. It, however, highlights the need to improve ground staff communication skills, facilitating thereby the handling of difficult/resistant detainees. The Committee also takes note of the efforts made to ensure good medical/nursing coverage during the removal operation. That said, the CPT supports the principle that every person being forcibly removed by air be given the opportunity to undergo a medical examination a few days prior to his/her departure. The Committee recommends in particular that a medical examination be systematically carried out whenever the prolonged use of force or means of restraint during removal is expected or highly likely. It also comments on the need for a fast, smooth and adequate transfer of medical information between health-care professionals at every stage of the removal process.

51. As regards the execution phase of the removal operation, the report describes the conditions during the first flight segment (Rotterdam to Madrid) as generally good. The Dutch and German escorts made genuine efforts to reduce stress and relieve the atmosphere by engaging in dialogue with their respective detainees. One small incident

(involving a detainee being returned by Slovenia and his escorts), which involved an allegedly prolonged use of means of restraint, was quickly dealt with by the determined and skilful intervention of the Dutch back-up team, thus preventing a further escalation of the problem. In the CPT’s view, this incident highlighted the need for further detailed discussions among Frontex member states with a view to developing precise rules on the use of means of restraint.

Two further incidents occurred during the second flight segment (Madrid to Lagos), the first of which gave the CPT’s delegation the opportunity to observe a particularly skilful, empathetic and professional intervention by a Spanish escort staff member. On arrival, the handover to the Nigerian authorities which took place on the aircraft was carried out smoothly.

52. The report examines several other issues related to the CPT’s mandate, such as the use of force, the role of national monitoring bodies, staff-related issues and complaints procedures. In addition, it raises technical issues such as the inclusion in future readmission agreements of explicit references to the possibility for national or international monitoring bodies to observe removal operations, including the handover procedure to the local immigration authorities.

53. The response of the Dutch Government to the CPT’s report can be described as globally positive. The Dutch authorities indicate that they are prepared to include a reference to the desire for monitoring to be carried out by international monitoring bodies when carrying out negotiations on readmission agreements. They also confirm that an Immigration and Naturalisation Service

(IND) officer who is familiar with the case at hand waits on the stairs to the aircraft until the actual moment of departure, in order to deal with any last-minute applications for admission. However, the authorities indicate that they are not ready to act on the CPT's recommendation concerning the setting up of a "last call procedure" before disembarkation in the country of destination.

As regards medical/nursing coverage, the authorities indicate that they are acting upon the Committee's recommendations, both to ensure the presence of medical/nursing staff from the time of departure from the detention location, and to ensure better communication of medical information between all the health-care professionals involved in the process (including in the detention centres and on board the aircraft). As regards a pre-departure medical examination carried out at the detainee's request and "fit to fly" certificates, the authorities comment that these are not standard procedures and further state that they adhere to the International Air Transport Association guidelines (i.e. that all passengers are fit to fly in principle unless there are medical reasons to the contrary). The authorities also react positively to the CPT's comment expressing the need for a fully-equipped emergency kit on board every official flight.

Moreover, the authorities also highlight their efforts to ensure a better exchange of knowledge and experience, including training, between KMAR escorts and the special escort teams of the DV&O agency (*De Dienst Vervoer en Ondersteuning*).

*Report and response published in February 2015 (CPT/Inf (2015) 14 and CPT/Inf (2015) 15)*

## **Report on the ad hoc visit to Spain in July 2014 and response of the Spanish authorities**

*(treatment of foreign nationals in the Aluche (Madrid) and Zona Franca (Barcelona) detention centres for foreigners (CIEs) and treatment of irregular migrants attempting to enter the enclave of Melilla)*

54. At the Zona Franca CIE, allegations of both physical ill-treatment and verbal abuse of detained persons by specific police officers were received, and at the Aluche Centre, allegations of insults by police officers were heard. The CPT recommends that the Spanish authorities act to eradicate physical ill-treatment at the Zona Franca CIE and remind staff at both centres that foreign nationals should be treated with respect. Further, in the light of the frequent acts of violence and intimidation among persons detained at the Zona Franca CIE, the Committee urges the Spanish authorities to establish and implement an anti-violence strategy. By contrast, at Aluche, violence among detainees was appropriately managed.

In the report, the CPT welcomes the adoption of Royal Decree 162/2014 of 14 March 2014, which introduces several changes to improve the functioning of the CIEs such as specialised compulsory staff training modules, judicial supervision and an increase in the period of outdoor exercise for detained persons. However, the report is again critical of the carceral environment at both CIEs (e.g. barred windows, gated corridors and cells) which is inappropriate for persons detained under aliens legislation. Recommendations are made to address this situation and to ensure that foreign nationals held in multiple-occupancy

cells at the Aluche CIE are provided with at least 4m<sup>2</sup> of living space per person. Moreover, the CPT reiterates its recommendation, dating back to its 2011 periodic visit, that the authorities improve the range of activities on offer to persons accommodated in CIEs.

The Committee found, in general, that the health-care services in both CIEs were sufficiently resourced, and that foreign nationals had rapid access to a doctor. However, it recommends that regular consultations with a dentist and a psychiatrist be available at both CIEs and that measures be taken at the Zona Franca CIE to guarantee confidentiality during all medical examinations.

Furthermore, the CPT recommends that all police officers assigned to work in CIEs receive training in inter-cultural communication, physical techniques of restraint and prevention of ill-treatment. They should also not openly carry truncheons within the detention areas.

The report recalls the necessity to respect fundamental safeguards in the course of an operation of forced return and expulsion of a foreign national (e.g. the possibility to inform a lawyer of a deportation order and the recording of every recourse to means of restraint).

In their response, the Spanish authorities provide an account of the various training activities in place for law enforcement officers working at Aluche and Zona Franca CIEs in the field of human rights protection and the development of inter-personal skills. They also refer to measures introduced in order to improve the quality of the provision of health care of detained persons and to preserve the confidentiality of their medical examinations.

55. The report also describes aspects of the treatment of foreign nationals

in the border fence area with Morocco in Melilla. The Committee recalls that on the basis of the principle of *non-refoulement*, the jurisprudence of the European Court of Human Rights and CPT standards, states cannot deport a migrant before having carried out proper screening with a view to identifying persons in need of protection, assessing those needs and taking appropriate action. The Committee recommends that adequate guarantees to this effect be provided in the national legislation and that Spanish law enforcement officials be instructed accordingly.

In Melilla, several allegations were received of excessive use of force by members of the *Guardia Civil* when apprehending irregular migrants at the border. Reference is made to the incident of 15 October 2014 during which an irregular migrant was subjected to repeated baton blows and totally inappropriate treatment. The CPT requested that a prompt and effective inquiry be carried out into this specific incident. Further, the Committee recommends that members of the *Guardia Civil* receive appropriate training in professional techniques which minimise harm to any individual whom they are seeking to apprehend.

The Committee is particularly concerned by the credible allegations of physical violence, sometimes of a severe nature, perpetrated by members of the Moroccan Auxiliary Forces (MAF) on foreign nationals. They described being kicked and punched and receiving blows with wooden sticks and branches by members of the MAF. These violent acts occurred after the foreign nationals had been apprehended by the MAF between the border fences, within Spanish territory, or once they had been returned to Morocco. It was also alleged that MAF officers actively shook the fence to force any

irregular migrants, who were still hanging on, to fall down. In light of the risk of ill-treatment, the CPT recommends that the Spanish authorities take the necessary steps to ensure that no foreign national is handed over to MAF officials. Further, these forces should not be allowed to enter Spanish territory to apprehend and forcibly return irregular migrants to Morocco, outside any legal framework. The Committee notes that no allegations of ill-treatment were made regarding members of the Moroccan Gendarmerie.

In their response, the Spanish authorities provide details in relation to the incident of 15 October 2014 asserting that the irregular migrant in question simulated unconsciousness. Further, they indicate that the MAF are, under special circumstances, allowed to enter Spanish territory in order to protect themselves from the flux of irregular migrants.

*Report and response published in April 2015  
(CPT/Inf (2015) 19 and CPT/Inf (2015) 20)*

## **Report on the periodic visit to Turkey in June 2013 and response of the Turkish authorities**

*(treatment of persons detained by law enforcement agencies and prison conditions)*

56. As had been the case during the 2009 visit, the great majority of persons met by the CPT's delegation stated that they had been treated in a correct manner whilst in police/gendarmerie custody. However, in the Diyarbakır and Şanlıurfa areas, the delegation received a number of allegations from detained persons (including juveniles) of recent physical ill-treatment by police officers. Most of these allegations concerned excessive use of force at the

time of apprehension or slaps, punches or kicks during police questioning. In some cases, the medical examination of the persons concerned and/or the consultation of medical files by the delegation revealed injuries which were consistent with the allegations of ill-treatment made. The Committee recommends that all law enforcement officials in the Diyarbakır and Şanlıurfa areas be reminded, through a formal statement from the relevant authorities, that they must be respectful of the rights of persons in their custody and that the ill-treatment of such persons will be the subject of severe sanctions. Recommendations are also made regarding the conduct of investigations into allegations of ill-treatment by police/gendarmerie officers and on improving the implementation in practice of safeguards against ill-treatment, such as access to a lawyer and a doctor.

57. Particular attention was paid during the 2013 visit to the situation of persons deprived of their liberty in the context of public demonstrations which were ongoing at the time of the visit in different parts of the country (so-called "Gezi protests"); for that purpose, the CPT's delegation interviewed many demonstrators who had been taken into police custody in Ankara and Istanbul. In both cities, many allegations were received from detained demonstrators that they had been subjected to excessive use of force at the time of apprehension (such as kicks, punches and blows with sticks or batons – including to the head or face – after having been brought under control). Further, several persons claimed that police officers had broken down the doors to the rooms in which they were hiding (in a hotel or on the premises of a political

party) and, without prior warning, had thrown tear gas cartridges into the room before dragging them down the stairs to the entrance and then to the police van, while subjecting them to beatings. A significant number of persons interviewed displayed visible injuries which were consistent with the allegations made. The CPT recommends that a firm message be delivered to all law enforcement officials throughout Turkey who are involved in crowd control operations, reminding them that all forms of ill-treatment of persons deprived of their liberty are not acceptable and will be punished accordingly. Further, the Committee expresses serious misgivings about the apparent use of tear gas grenades within a confined space.

In their response, the Turkish authorities provide information on criminal and disciplinary inquiries launched in relation to alleged ill-treatment and/or excessive use of force during police operations carried out in the context of the Gezi protests in Ankara and Istanbul.

58. The great majority of prisoners interviewed by the delegation at the prisons visited stated that they had been treated by staff in a correct manner. However, at Sincan Juvenile Prison, the delegation received a number of allegations of recent physical ill-treatment of juveniles by staff. Most of those allegations concerned slaps, kicks, punches and blows with a plastic pipe on the hands and/or the soles of the feet, as a form of corporal punishment for misbehaviour. A large number of allegations of a similar nature were also heard from juveniles at Şanlıurfa E-type Prison (where some of them also claimed to have received so-called “welcome beatings”) and to a lesser extent

at Gaziantep E-type Prison. Further, the delegation received many allegations of physical ill-treatment by staff from adult prisoners (mainly sex offenders) at Gaziantep and Şanlıurfa E-type Prisons.

In their response to a specific recommendation made by the CPT, the Turkish authorities inform the Committee that they have instructed the management and staff of all relevant prison establishments to demonstrate diligence and sensitivity in their approach towards juvenile inmates.

59. The delegation observed disturbing levels of overcrowding in some of the prisons visited, in particular at Gaziantep and Şanlıurfa E-type Prisons. These two establishments, as well as Diyarbakır E-type Prison, were found to be in a poor state of repair. Further, the overwhelming majority of adult prisoners in all the prisons visited were not being offered a regime worthy of the name; the regime provided to remand prisoners was particularly underdeveloped. In contrast, as regards juvenile prisoners, serious efforts were being made to involve as many of them as possible in activities suitable for their age (with the exception of Şanlıurfa E-type Prison where the vast majority of juveniles had to spend practically the whole day in their living units). In its report, the CPT also expresses concern about the serious shortage of doctors and nurses in all the prisons visited.

In their response, the Turkish authorities provide information on measures taken, *inter alia*, to combat prison overcrowding and improve conditions of detention in certain prisons.

*Report and response published in January 2015 (CPT/Inf (2015) 6 and CPT/Inf (2015) 7)*

## Reports on the ad hoc visits to Ukraine in February and September 2014 and responses of the Ukrainian authorities

*(treatment by law enforcement officials of “Maidan” demonstrators and persons detained in the context of “anti-terrorism” operations, situation in colonies)*

60. The first publication concerns the report on the **February 2014 ad hoc visit** to Ukraine and the related response of the Ukrainian Government. The main objective of the visit was to examine the manner in which anti-Government demonstrators (referred to as “Maidan” demonstrators) were apprehended and treated by law enforcement officials in the context of two public order operations in January 2014 (in Kyiv and Dnipropetrovsk) and February 2014 (in Kyiv).

The report stresses that, in the CPT’s view, the deliberate ill-treatment of “Maidan” demonstrators by or with the acquiescence of law enforcement officials prior to their handover to police convoy officers or investigators, was an accepted means of enforcing law and order during the public order operations at issue. In several instances, the alleged ill-treatment was of such severity that it could be considered as amounting to torture. The report also contains detailed information on a number of individual cases of alleged ill-treatment by law enforcement officials.

61. The second publication concerns the report on the **September 2014 ad hoc visit** to Ukraine and the related response of the Ukrainian authorities. The main objective of this visit was to review the treatment of prisoners by staff at two correctional colonies in the Kharkiv area, namely Colonies Nos. 25 and 100. Further, as a follow-up to the February

2014 visit, the delegation reviewed 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. In this connection, particular attention was paid to specific cases which had been identified by the Committee during the February 2014 visit. Moreover, the delegation examined the situation of persons who had been detained by law enforcement officials in Kyiv and Kharkiv in the context of ongoing “anti-terrorism” operations.

62. The majority of persons detained in the context of “anti-terrorism” operations who were interviewed by the delegation stated that they had been treated correctly whilst in the hands of law enforcement officials. Further, the delegation received no allegations of ill-treatment by custodial staff at the detention facility of the State Security Service (SBU) in Kyiv and the pre-trial establishments (SIZOs) in Kyiv and Kharkiv. That said, some allegations were received of excessive use of force by SBU officers at the time of apprehension and/or of ill-treatment during subsequent questioning by SBU officers. In addition, a few allegations were heard of excessive use of force by soldiers at the time of apprehension.

63. As regards the investigations into allegations of ill-treatment by law enforcement officials during the “Maidan” events, a consultation of relevant criminal investigation files revealed that, in all five cases examined by the delegation, investigators and prosecutors had carried out many essential investigative steps. However, a number of shortcomings were identified (e.g. a lack of forensic medical examinations, delays in

judges approving certain investigative actions). Further, it became apparent that investigations had reached a deadlock, since investigators had not identified any law enforcement official as a potential perpetrator. Overall, the investigations that had been carried out by investigative prosecutors did not seem to meet the requirements of effectiveness as defined by the case-law of the European Court of Human Rights and the relevant standards of the CPT. The Committee also reiterates its recommendation that steps be taken without any further delay to ensure that members of special forces and other uniformed police officers are always identifiable, through the wearing of a clearly visible identification number on the outside of their uniform or on their helmet.

64. At Colonies Nos. 25 and 100, the delegation once again received a significant number of allegations of severe physical ill-treatment and/or torture of prisoners by prison officers; it appeared that, in both establishments, physical ill-treatment was used as a tool to maintain internal order. Further, the delegation was struck by the overall climate of fear in both establishments and the reluctance of prisoners to be interviewed. Many allegations were received that prisoners had been warned by staff not to say anything negative to the delegation. At Colony No. 100, allegations were also received that prisoners had been beaten up by prison officers after they had complained to a prosecutor or a representative of the Parliamentary Commissioner of Human Rights. Moreover, the CPT expressed concern about the frequency of allegations received in both colonies regarding corruption and exploitation of prisoners for economic reasons.

In the visit report, the CPT welcomes the measures taken by the Ukrainian authorities after the visit regarding the allegations of ill-treatment and/or intimidation of prisoners in Colonies Nos. 25 and 100 (e.g. inspections of both colonies by representatives of the General Prosecutor's Office, as well as by a joint commission of the Ministry of Justice and the State Penitentiary Service; dismissal of the Directors of both colonies; issuance by the Minister of Justice of a detailed set of instructions to the Directors of all prisons regarding the measures to be taken to prevent ill-treatment and intimidation of prisoners). On the basis of all the information at its disposal, the CPT decided to close the procedure under Article 10, paragraph 2, of the Convention establishing the Committee, which had been set in motion in March 2013. The Committee also emphasises that it will continue to monitor closely the situation of prisoners in the above-mentioned colonies (as well as in other prison establishments) and will not hesitate to re-open the procedure under Article 10, paragraph 2, at any moment, if it becomes apparent that the present process of improvement is not sustained and that the actions taken so far are not vigorously pursued at all levels.

65. During its visit to Colony No. 100, the CPT also reviewed the regime and security measures applied to prisoners sentenced to life imprisonment. Regrettably, most of the specific recommendations repeatedly made by the Committee after previous visits regarding the situation of life-sentenced prisoners had not been implemented. In particular, it remained the case that the prisoners concerned were usually locked up in their cells for 23 hours per day, were not allowed to have contact with life-sentenced prisoners from other

cells, were systematically handcuffed during all movement outside their cells and were kept under constant video surveillance (CCTV) in their cells. The CPT calls upon the Ukrainian authorities to implement without further delay its long-standing recommendations in this regard.

66. In their responses to the above-mentioned reports, the Ukrainian authorities provide updated information on the criminal proceedings which have been initiated regarding allegations of ill-treatment of demonstrators

by law enforcement officials during the “Maidan” events between November 2013 and February 2014, as well as on the measures taken to prevent instances of ill-treatment and intimidation of prisoners by prison officers in Colonies Nos. 25 and 100 and in other penitentiary establishments.

*Report on the February 2014 visit and response published in January 2015 (CPT/Inf (2015) 3 and CPT/Inf (2015) 4)*

*Report on the September 2014 visit published in April 2015 (CPT/Inf (2015) 21) and response published in July 2015 (CPT/Inf (2015) 24)*





” In several countries, the CPT observed that life-sentenced prisoners were subjected to a very impoverished regime and draconian security measures

# Situation of life-sentenced prisoners

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## Preliminary remarks

67. In the 11<sup>th</sup> General Report on its activities in 2000, the CPT briefly addressed the issue of life-sentenced and other long-term prisoners. In particular, it expressed concern that such prisoners were often not provided with appropriate material conditions, activities and human contact, and that they were frequently subjected to special restrictions likely to exacerbate the deleterious effects of their long-term imprisonment. The Committee considers that the time is ripe to review the situation of life-sentenced prisoners in Europe based upon the experience it has built up on visits over the last 15 years and taking also into consideration developments at the European and universal levels, notably Recommendation Rec (2003) 23 of the Committee of Ministers of the Council of Europe on the management by prison administrations of life sentence and other long-term prisoners.<sup>6</sup>

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6. See also the European Prison Rules (2006) and the recently revised United Nations Standard Minimum Rules on the Treatment of Prisoners (*Nelson Mandela Rules* - 2015).

## Life sentences

68. For the CPT, a life sentence is an indeterminate sentence imposed by a court in the immediate aftermath of a conviction for a criminal offence which requires the prisoner to be kept in prison either for the remainder of his or her natural life or until release by a judicial, quasi-judicial, executive or administrative process which adjudges the prisoner to no longer present a risk to the public at large. The minimum period required to be served before a prisoner may first benefit from conditional release varies from country to country, the lowest being 12 years (e.g. Denmark and Finland) and 15 years (e.g. Austria, Belgium, Germany, Switzerland) and the highest being 40 years (e.g. Turkey, in the case of certain multiple crimes). The majority of countries imposing life sentences have a minimum period of between 20 and 30 years. In the United Kingdom jurisdictions, the minimum period to be served in prison is determined at the time of sentence by the trial judge; the law does not provide for an absolute minimum period in this regard.

Several other countries (e.g. Bulgaria, Lithuania, Malta, the Netherlands and, for certain crimes, Hungary, the Slovak Republic and Turkey) do not have a system of conditional release in respect of life-sentenced prisoners, so that life may literally mean life (see also paragraph 73). On the other hand, it is noteworthy that a number of Council of Europe member states do not have life sentences on the statute book.<sup>7</sup> Instead, for the most serious crimes they have long determinate sentences usually ranging from 20 to 40 years.

## History of the concept of life imprisonment

69. Throughout history, life imprisonment has been intrinsically linked with the death penalty and has progressively become an alternative punishment for the most serious crimes. However, the initial purpose of this substitution was not to mitigate the situation of the convicted person. On the contrary, the medieval view, which persisted for many centuries, was that life-long imprisonment in combination with hard labour and solitary confinement would be seen by offenders as a worse alternative to death. In the same vein, one of the arguments for the retention of the death penalty was precisely that life imprisonment with hard labour was so severe that it would cause more suffering to the individual concerned and be more cruel than capital punishment. From today's perspective, the view that persons serving a life sentence (or for that matter any other sentence) should

be additionally punished by the particular severity of conditions in prison is manifestly unacceptable. However, such a view is still deeply entrenched in the public opinion in various European countries.

The concept of life imprisonment was introduced in the 1990s in many member states of the Council of Europe following the ratification of Protocol 6 to the European Convention on Human Rights abolishing the death penalty. The last execution in a Council of Europe member state took place in 1997 and, since 2013, Europe has been a death-penalty free zone in law (with the exception of Belarus).<sup>8</sup> However, in many countries it was considered that the public would support the abolition of the death penalty only if its replacement was considered sufficiently punitive. Consequently, persons sentenced to death had their sentences commuted to life imprisonment but little detailed planning appears to have been carried out in relation to the implementation of the life sentences. At the same time, over the 25 years of the CPT's existence, there has been a marked increase in the number of life sentences imposed. This seems mainly to be the result of two factors, the abolition or suspension of the death penalty throughout Europe and sentencing policies across member states in respect of serious crimes. The latest available statistics<sup>9</sup> show that there were a total of some 27,000 life-sentenced prisoners in Council of Europe member states in 2014. On the basis of a sample of 22 countries in respect of which relevant data are available for a longer period, the num-

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7. For example, Andorra, Bosnia and Herzegovina, Croatia, Montenegro, Portugal, San Marino, Serbia, Slovenia and Spain. Further, in practice, life sentences have never been imposed in Iceland and Liechtenstein.

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8. A moratorium has been introduced in the Russian Federation.

9. Council of Europe Annual Penal Statistics (SPACE) 2004.8 and 2014.7.

ber of life-sentenced prisoners had increased by 66% from 2004 to 2014. Further, in 2014, there were about 7,500 inmates held in indeterminate detention for security or public protection reasons in various member states of the Council of Europe (in particular the United Kingdom (England and Wales), Germany, Italy and Switzerland).

70. In the 1990s, the former communist countries of central and eastern Europe specified a period of imprisonment of 20 to 35 years as a blanket minimum for all commuted sentences and new life sentences, without any individual factors being taken into account until this period had elapsed. Equally, many states failed to develop regimes for life-sentenced prisoners tailored to their individual situation. Rather, all such sentenced prisoners were considered to be “dangerous” and in need of ongoing strict control. Now, 20 to 25 years later, as some prisoners start to approach the moment when they may apply for conditional release, there is a realisation that little has been done to give such prisoners a realistic hope of release back into the community. Indeed, long periods of negative treatment in prison, severely restricting the right to maintain relationships with family and friends outside, and a total lack of preparation for release or planning of reintegration are likely to impair seriously the ability of prisoners to function in the outside community.

Some of the above-mentioned countries have come to recognise the need to prepare life-sentenced prisoners for release. These countries, as well as those which abolished the death penalty much earlier, have established judicial, quasi-judicial, administrative or executive measures for considering the release of life-sentenced prisoners on an individual basis. Regimes

have been developed to address the individual behaviour of the prisoners, offering them education and work. Further, contacts with the outside world, especially with families where possible, have been fostered and outside public and charitable agencies have become involved with them as they progress through their sentence. All this serves both to preserve their “humanity” during the sentence and to prepare them for release. Managing life-sentenced prisoners presents challenges to prison administrations to maintain a positive atmosphere, particularly in the first decade of a life sentence but also as some of these prisoners move into old age. The experience of these states provides a good source of knowledge in proposing techniques to maintain respect for the rights of prisoners facing indeterminate sentences, even though the indeterminacy on its own, no matter how long it may last, creates particular psychological pressures for the prisoner.

### **The CPT’s findings during visits**

71. The CPT has visited a large number of prison establishments across Europe in which life-sentenced prisoners were accommodated. The conditions under which such prisoners were being held varied significantly from one establishment to another. In many countries, life-sentenced prisoners were usually held together with other sentenced prisoners and benefited from the same rights in terms of regime (work, education and recreational activities) and contact with the outside world as other sentenced prisoners.

However, in a number of countries – including Armenia, Azerbaijan, Bulgaria, Georgia, Latvia, Moldova, Romania, the Russian Federation, Turkey (prisoners

sentenced to aggravated life imprisonment only) and Ukraine<sup>10</sup> – life-sentenced prisoners were as a rule kept separate from other sentenced prisoners. In several countries, the CPT observed that life-sentenced prisoners were also subjected to a very impoverished regime and draconian security measures. By way of example, life-sentenced prisoners were locked up in their cells (alone or in pairs) for 23 hours per day, were not allowed to associate even with life-sentenced prisoners from other cells (including during outdoor exercise), were not allowed to work outside their cell or were not offered any purposeful activities at all. Further, in several countries, life-sentenced prisoners were systematically handcuffed and/or strip-searched whenever they left their cells. In some establishments, the prisoners concerned were additionally escorted by two officers and a guard dog during any movement outside their cell.

Moreover, in a number of establishments visited, prisoners were subjected to anachronistic rules, the sole aim of which was to further punish and humiliate the prisoners concerned (e.g. prohibition to lie down on the bed during the day, obligation to recite the relevant article of the criminal code under which they had been convicted, each time an officer opened the cell door, obligation to wear a prison uniform of a distinct colour, etc.). In the CPT's view, such practices clearly have a dehumanising humiliating effect and are unacceptable.

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10. In some countries (e.g. the Czech Republic, Lithuania and the Slovak Republic), life-sentenced prisoners must serve a certain period (between 10 and 15 years) in a separate unit before they may be transferred to an ordinary detention unit where they can associate with other sentenced prisoners.

It is also noteworthy that, in some countries, the entitlements of life-sentenced prisoners to contacts with the outside world (in particular as regards visits) were extremely limited and significantly lower than those of other sentenced prisoners.

72. In some of the above-mentioned countries, steps have been taken in recent years by the prison authorities to alleviate the detention conditions of life-sentenced prisoners, in particular, by offering the prisoners work and other purposeful activities (including more association with other life-sentenced prisoners) and by following a more individualised approach when it comes to the imposition of security measures. However, much remains to be done to render the situation satisfactory. Regrettably, policies regarding the execution of sentences are still all too often based on the presumption that life-sentenced prisoners are by definition particularly dangerous and that the regime applied to such prisoners should in one way or another also have a punitive character.

The CPT wishes to stress once again that there can be no justification for the systematic handcuffing or strip-searching of prisoners, all the more so when it is applied in an already secure environment. The Committee has also repeatedly stated that the use of dogs inside the detention area is unacceptable. In this connection, the Committee wishes to emphasise that the experience in various European countries has shown that *life-sentenced prisoners are not necessarily more dangerous than other prisoners* (see also paragraph 76). Further, as a matter of fact, life-sentenced prisoners – as indeed all prisoners – *are sent to prison as a punishment and not to receive punishment*.

## “Life means life”

73. As indicated above, in several Council of Europe member states, a person may be sentenced to life imprisonment without any prospect of conditional release. This is known as an “actual or whole life sentence”. The CPT has criticised the very principle of such sentences in several visit reports, expressing serious reservations regarding the fact that a person sentenced to life imprisonment is considered once and for all to be dangerous and is deprived of any hope of conditional release (except on compassionate grounds or by pardon). The Committee maintains that to incarcerate a person for life without any real prospect of release is, in its view, inhuman. It is also noteworthy that even persons who are convicted by the International Criminal Court (or special international tribunals) of the most serious crimes such as genocide, war crimes and crimes against humanity may in principle benefit at a certain stage from conditional (early) release.

Indeed, the CPT considers that a prison sentence which offers no possibility of release precludes one of the essential justifications of imprisonment itself, the possibility of rehabilitation. While punishment and public protection are important elements of a prison sentence, excluding from the outset any hope of rehabilitation and return to the community effectively dehumanises the prisoner. This is not to say that all life-sentenced prisoners should be released sooner or later; public protection is a crucial issue. However, all such sentences should be subject to a meaningful review at some stage, based on individualised sentence-planning

objectives defined at the outset of the sentence, and reviewed regularly thereafter. This would provide not only hope for the prisoner, but also a target to aim for which should motivate positive behaviour. It would thus also assist prison administrations in dealing with individuals who would otherwise have no hope and nothing to lose.

The European Court of Human Rights has in recent years examined a number of cases where domestic courts had imposed life sentences on prisoners with no possibility for early or conditional release and where, barring compassionate or highly exceptional circumstances, a whole life sentence meant precisely that. The most authoritative judgment of the Court to date, delivered by the Grand Chamber in *Vinter and Others v. the United Kingdom*,<sup>11</sup> states that it was incompatible with human dignity, and therefore contrary to Article 3 of the European Convention on Human Rights, for a state to deprive a person of their freedom without at least giving them a chance one day to regain that freedom.

Three main consequences can be drawn from the existing case-law of the Court. The *legislation* of member states must henceforth provide for a time during the serving of the sentence when there will be a *possibility* to review that sentence. Furthermore, member states must establish a *procedure* whereby the sentence will be reviewed. Finally, detention in prison must be organised in such a way as to enable life-sentenced prisoners to *progress towards their rehabilitation*.

11. See *Vinter and Others v. the UK* [GC], nos. 66069/09, 130/10 and 3896/10, 9 July 2013.

## The basic objectives and principles for the treatment of life-sentenced prisoners

74. In the CPT's view, the objectives and principles for the treatment of life-sentenced prisoners enunciated by the Committee of Ministers in Recommendation Rec (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners remains the most pertinent and comprehensive reference document for this group of prisoners. In summary, these principles are:

- ▶ *the individualisation principle*: each life sentence must be based on an individual sentence plan, which is tailored to the needs and risks of the prisoner;
- ▶ *the normalisation principle*: life-sentenced prisoners should, like all prisoners, be subject only to the restrictions that are necessary for their safe and orderly confinement;
- ▶ *the responsibility principle*: life-sentenced prisoners should be given opportunities to exercise personal responsibility in daily prison life, including in sentence planning;
- ▶ *the security and safety principles*: a clear distinction should be made between any risks posed by life-sentenced prisoners to the external community and any risks posed by them to other prisoners and persons working in or visiting the prison;
- ▶ *the non-segregation principle*: life-sentenced prisoners should not be segregated on the sole ground of their sentence, but be allowed to associate with other prisoners on the basis of risk assessments which take into account all relevant factors;

- ▶ *the progression principle*: life-sentenced prisoners should be encouraged and enabled to move through their sentence to improved conditions and regimes on the basis of their individual behaviour and co-operation with programmes, staff and other prisoners.

## Establishing these principles in practice

75. Prisons must be safe, secure and ordered, for the sake of all who become involved with them. Since being locked up, especially for an unknown period, is inherently damaging for almost all human beings, steps must be taken to minimise the damage. One important method of achieving this for life-sentenced prisoners is to give them a definite date for the first review for possible release, and a tailored individual programme which provides a realistic series of interventions for each prisoner leading towards that date. Of course, this programme will require regular review, but the objective should always be to engage the prisoner in its development and to provide the prisoner with staging posts and feedback on performance. As a result, such a programme should ensure that all life-sentenced prisoners are given the opportunity to address all aspects of their situation before the date of their first review. This should also entail time spent in less secure conditions, especially on leave in the community towards the end of the period, to ensure that the risk and needs management plan will function outside a secure environment. Continuity of care in the community is crucial to successful reintegration, and a plan for this should be established well before the release date.

## Individualisation

76. Meeting these general principles requires individualisation of sentence planning. The CPT proceeds from the knowledge, based on its own experience as well as that of many prison administrations, that life-sentenced prisoners are not necessarily more dangerous than other prisoners (see also paragraph 72); many of them have a long-term interest in a stable and conflict-free environment. Equally, those who start their sentence as dangerous may well become significantly less so, not just with the passage of time during lengthy sentences but also with targeted interventions and humane treatment. After the imposition of the life sentence, individualisation should continue through the process of sentence planning based on an assessment of the individual situation. This requires a lengthy preliminary assessment, preferably conducted in a dedicated place with appropriate staff in the form of experienced and specially trained prison officers, psychologists, educators and social workers. A psychiatrist should also be involved when there are indications of possible mental health issues. The task of that team, working in co-operation with the prisoner, is to develop as full an understanding as possible of the prisoner's situation, both inside a custodial environment and in the community, and the needs the prisoner has for particular interventions to render the stay in prison as beneficial as possible in terms of resolving identified needs and preparation for release. Use should be made of accredited risk and needs assessment instruments, supplemented

by professional judgment.<sup>12</sup> The resulting analysis and plan, which should be shared as far as possible with the prisoner, becomes a source document for all persons working with the prisoner. It should be reviewed on a regular basis, with feedback given to the prisoner.

## Implementing the sentence plan

77. *The guiding principles in implementing the sentence plan are very much the same as for all prisoners.* Prisoners should not be subject to any restrictions which are not required for the maintenance of good order, security and discipline within the prison. In particular, the level of security applied to each individual should be proportionate to the risk presented by the person. The nature of the offence is only one factor in assessing this. As a matter of principle, *the imposition of the detention regime of life-sentenced prisoners should lie with the prison authorities and always be based on an individual assessment of the prisoner's situation, and not be the automatic result of the type of sentence imposed* (i.e. the sentencing judge should not determine the regime).

78. Equally, except in the assessment phase, *life-sentenced prisoners should not routinely be kept apart from other sentenced prisoners*, although it would not be objectionable for long-term prisoners to be kept apart from very short-term prisoners. The length of sentence does not necessarily bear any relationship to the level of risk

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12. See Recommendation CM/Rec (2014) 3 of the Committee of Ministers of the Council of Europe to member States concerning dangerous offenders.

life-sentenced prisoners may represent inside a prison, and the principle of normalisation requires that life-sentenced prisoners can at least associate with other long-term prisoners who have a predetermined release date. The, albeit limited, turnover this can create refreshes the experience of prison for those who are to be incarcerated for a very long time.

Concentrating life-sentenced prisoners in a specialised prison also necessarily results in many such prisoners being kept very far from their families and outside contacts. A life sentence will in any event put a good deal of pressure on these relationships; compounding that by locating the prisoner a significant distance away from home reduces the possibility of maintaining what is a crucial element in promoting resocialisation. Further, no additional restrictions should be imposed on life-sentenced prisoners as compared to other sentenced prisoners when it concerns the possibilities for them to maintain meaningful contact with their families and other close persons. During the first years of imprisonment in particular, restrictions on contacts are likely to disrupt or even destroy such relationships. It is also important that life-sentenced prisoners have genuine access on as regular a basis as possible to visits, telephone calls, letters, newspapers, radio and television to maintain their sense of contact with the outside world.

79. Life-sentenced prisoners should have *access to as full a regime of activities as possible*, and normally in association with other prisoners. Work, education, sports, cultural activities and hobbies not only help pass the time, but are also crucial in promoting social and mental health well-being and imparting transferable skills which will be useful during

and after the custodial part of the sentence. The involvement of prisoners in these activities, in addition to their participation in offending behaviour interventions, represents a significant factor in the ongoing assessment of each person's performance. They allow staff of all grades to better understand prisoners and enable the staff to make informed judgments as to when it would be appropriate for the prisoner to progress through the regime and be trusted with lower security conditions. The possibility of such progression is crucial, for the management of the prison and for the prisoner. It motivates and rewards the prisoner, providing staging posts in their otherwise indeterminate world, and ensures a deeper relationship between the assessing staff and the prisoner, which contributes to *dynamic security*.

Indeed, the effective implementation of dynamic security should make a crucial contribution to the process of assessing when it is safe to allow the individual prisoner access to the community, initially in the form of escorted short leave, then moving on to unescorted overnight leave and finally to conditional release into the community. Good staff will have developed an in-depth understanding of the individual, which they can share with decision-making bodies and with those who will take over responsibility for supervision and support in the community. Many existing systems make poor use of staff, especially basic-grade security staff who usually spend by far the most time with the prisoners. They are often discouraged – or forbidden – from getting to know the prisoners and thus a great opportunity for developing positive relationships between staff and prisoners is lost. Such relationships, within appropriate parameters, not only enhance security

but can also help motivate prisoners to co-operate with regimes and give staff a much more positive experience of prison work than is available to a prison officer acting purely as a turn-key. Of course, this requires appropriate staff selection, training, supervision and support from other professionals in the system. But the benefits, as experienced by several member states and observed by the CPT, are manifest.

80. There are undoubtedly some life-sentenced prisoners who are very dangerous. However, the approach should be the same as for other sentenced prisoners and includes: detailed assessments of the individual situation of the prisoners concerned; risk management with plans to address the individual's needs and to reduce the likelihood of re-offending in the longer term, while affording the necessary level of protection to others; regular reviews of security measures. The objective, as with all dangerous prisoners, should be to reduce the level of dangerousness by appropriate interventions and return the prisoners to normal circulation as soon as possible.

## **Conclusion**

81. The CPT calls upon member states to review their treatment of life-sentenced

prisoners to ensure that this is in accordance with their individual risk they present, both in custody and to the outside community, and not simply in response to the sentence which has been imposed on them. In particular, steps should be taken by the member states concerned to abolish the legal obligation of keeping life-sentenced prisoners separate from other (long-term) sentenced prisoners and to put an end to the systematic use of security measures such as handcuffs inside the prison.

82. Further, all possible efforts should be made to provide life-sentenced prisoners with a regime tailored to their needs and help them reduce the level of risk they pose, to minimise the damage that indeterminate sentences necessarily cause, to keep them in touch with the outside world, offer them the possibility of release into the community under licence and ensure that release can be safely granted, at least in the overwhelming majority of cases. To this end, procedures should be put in place which allow for a review of the sentence. Obviously, having a purely formal possibility to apply for release after a certain amount of time is not sufficient; member states must ensure, notably through the way they treat life-sentenced prisoners, that this possibility is real and effective.



” The 4m<sup>2</sup> per prisoner standard may still lead to cramped conditions when it comes to cells for a low number of inmates

# Living space per prisoner in prison establishments

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83. In December 2015, the CPT published a document<sup>13</sup> on its standards regarding the minimum living space that a prisoner should be afforded in a cell. While these standards have been frequently used by the CPT since the 1990s in a large number of visit reports, they had so far not been brought together in a single document. In recent years, interest in these standards has increasingly been expressed, both at the national level (among prison authorities, national detention monitoring bodies such as national preventive mechanisms established under the OPCAT, domestic courts, NGOs, etc.) and at the international level, not least because of the widespread problem of prison overcrowding and its consequences.

84. The CPT's **minimum standards** for personal living space in prison establishments are as follows:

- ▶ 6m<sup>2</sup> of living space for a single-occupancy cell;
- ▶ 4m<sup>2</sup> of living space per prisoner in a multiple-occupancy cell.

These minimum standards of living space should **exclude the sanitary facilities** within a cell. Consequently, a single-occupancy cell should measure 6m<sup>2</sup> plus the space required for a sanitary annexe (usually 1m<sup>2</sup> to 2m<sup>2</sup>). Equally, the space taken up by the sanitary annexe should be excluded from the calculation of 4m<sup>2</sup> per person in multiple-occupancy cells. Further, in any cell accommodating more than one prisoner, the sanitary annexe should be fully partitioned.

Additionally, the CPT considers that any cell used for prisoner accommodation should measure at least 2m between the walls of the cell and 2.5m between the floor and the ceiling.

85. The 4m<sup>2</sup> per prisoner standard may still lead to cramped conditions when it comes to cells for a low number of inmates. Indeed, given that 6m<sup>2</sup> is the minimum amount of living space to be afforded to a prisoner accommodated in a single-occupancy cell, it is not self-evident that a cell of 8m<sup>2</sup> will provide satisfactory living space for two prisoners. In the CPT's view, it is appropriate at least to strive for more living space than this. Thus, the CPT has decided

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13. "Living space per prisoner in prison establishments: CPT standards" (CPT/Inf (2015) 44), published on 15 December 2015.

to promote “desirable” standards regarding multiple-occupancy cells of up to four inmates by adding 4m<sup>2</sup> per additional inmate to the minimum living space of 6m<sup>2</sup> of living space for a single-occupancy cell:

- ▶ 2 prisoners: at least 10m<sup>2</sup> (6m<sup>2</sup> + 4m<sup>2</sup>) of living space + sanitary annexe;
- ▶ 3 prisoners: at least 14m<sup>2</sup> (6m<sup>2</sup> + 8m<sup>2</sup>) of living space + sanitary annexe;
- ▶ 4 prisoners: at least 18 m<sup>2</sup> (6m<sup>2</sup> + 12m<sup>2</sup>) of living space + sanitary annexe.

In other words, it would be desirable for a cell of 8 to 9m<sup>2</sup> to hold no more than one prisoner, and a cell of 12m<sup>2</sup> no more than two prisoners.

86. The CPT expects that the above-mentioned minimum living space standards will be systematically applied in

all prison establishments in Council of Europe member states, and hopes that more and more countries will strive to meet the CPT’s “desirable” standards for multiple-occupancy cells, in particular when constructing new prisons.

87. The CPT seeks to provide **guidelines** to practitioners and other interested parties, by clearly stating the CPT’s minimum standards regarding living space for prisoner(s) in a given cell. Ultimately, it is for the courts to **decide** whether a particular person has experienced suffering that has reached the threshold of inhuman or degrading treatment within the meaning of Article 3 of the ECHR, taking into account all kinds of factors, including the individual’s personal constitution. The number of square metres available per person is but one factor, albeit often a very significant or even decisive one.





” The composition of the CPT underwent important changes, mainly as a direct result of the biennial renewal of its membership

# Organisational matters

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## CPT membership

88. On 31 December 2015, the CPT comprised 42 members. The seats in respect of Azerbaijan, Malta, Portugal, Romania and the Russian Federation were vacant.

Twenty-four of the CPT's members were men and 18 were women. Consequently, applying the "less-than-40%" criterion used by the Parliamentary Assembly in Resolution 1540 (2007)<sup>14</sup>, neither sex is currently under-represented in the Committee.

89. In the course of 2015, the composition of the CPT underwent important changes, mainly as a direct result of the biennial renewal of its membership.

A total of eight new members were elected, namely Dagmar Breznoščáková (Slovak Republic), Matthias Halldórsson (Iceland), Vassilis Karydis (Greece), Marie

Lukasová (Czech Republic), Arta Mandro (Albania), Philippe Mary (Belgium), Katja Šugman Stubbs (Slovenia) and Elisabetta Zamparutti (Italy).

Further, nine members were re-elected: Joan Cabeza Gimenez (Andorra), Marzena Ksel (Poland), Maria Rita Morganti (San Marino), Costakis Paraskeva (Cyprus), Jari Pirjola (Finland), Ilvija Pūce (Latvia), Vytautas Raškauskas (Lithuania), Ivona Todorovska ("the former Yugoslav Republic of Macedonia") and Olivera Vulić (Montenegro).

In parallel, 11 members left the CPT on the expiry of their terms of office on 19 December 2015: Celso José Das Neves Manata (Portugal), Maité De Rue (Belgium), Dan Dermengiu (Romania), Haritini Dipla (Greece), Andreana Esposito (Italy), Lətif Hüseynov (Azerbaijan), Natalia Khutorskaya (Russian Federation), Alfred Koçobashi (Albania), Anna Lamperová (Slovak Republic), Andrés Magnússon (Iceland) and Jan Pfeiffer (Czech Republic). In addition, Ivan Mifsud (Malta) resigned on 12 February 2015. The CPT wishes to warmly thank all the aforementioned members for their contribution to the Committee's work.

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14. See Resolution 1540 (2007), sub-paragraph 7.2 of the Council of Europe's Parliamentary Assembly on improving selection procedures for CPT members: "[...] lists of candidates shall include at least one man and one woman, except when all candidates on the list are of the sex under-represented on the CPT (less than 40%) [...]".

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

90. The next biennial renewal of the CPT's membership is due to take place at the end of 2017, the terms of office of 24 members of the Committee expiring on 19 December 2017. 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 2017 at the latest. If the election procedure for all the seats can be completed before the end of 2017, this will greatly facilitate the planning of the CPT's activities for the following year.

The spread of professional experience within the CPT's membership remains on the whole satisfactory; the Committee possesses in particular a significant number of psychiatrists. However, it still needs more members with first-hand knowledge and experience in dealing with police and/or prison matters (notably prison health care specialists) as well as prosecutors and forensic doctors. Members with specific experience of working with juveniles deprived of their liberty would also be an asset.

In an increasing number of countries, lists of candidates for vacant seats in the Committee are being drawn up in a manner that meets the requirements of Parliamentary Assembly Resolution 1540 (2007) on improving selection procedures for CPT members. The Committee hopes that this will soon be the case in all countries. As the Parliamentary Assembly emphasised in its Resolution 1923 (2013) on reinforcing the selection processes for members of key Council of Europe human rights monitoring mechanisms, "at the national level, selection procedures

must be transparent and open to competition, including through public calls for candidatures". Indeed, this is the only way of ensuring that all persons placed on lists of candidates are capable of making an effective contribution to the CPT's activities.

### **Bureau of the CPT**

91. Elections for the Bureau were held at the Committee's March 2015 plenary meeting, on the expiry of the previous Bureau's two-year term of office. Mykola Gnatovskyy (Ukraine) was elected President, Maïté De Rue (Belgium) was elected 1st Vice-President and Wolfgang Heinz (Germany) 2nd Vice-President. After the expiry of Maïté De Rue's term of office on 19 December 2015, in accordance with Rule 7 of the Committee's Rules of Procedure, Wolfgang Heinz became Acting 1st Vice-President and Antonius Maria Van Kalmthout (Netherlands), the Committee member having precedence in accordance with Rule 3 of the Rules of Procedure, became Acting 2nd Vice-President (pending the election of a new 1st Vice-President).

### **Secretariat of the CPT**

92. Despite some improvements since the last reporting period, the staffing situation of the CPT Secretariat remained under strain in 2015. In particular, the Deputy Executive Secretary continued to be absent for most of the year, without being replaced. Further, one experienced administrator left the Secretariat to take up other duties within the Council of Europe, and two administrators were on extended leave for personal reasons during the whole of 2015. Replacements for the administrators concerned have been recruited on a temporary basis. In addition, an

experienced principal administrator returned to the CPT's Secretariat in October 2015 on a temporary basis.

Inevitably, the aforementioned developments had an adverse effect on the operational capacities of the Committee, despite the professionalism and commitment of all Secretariat staff. The CPT

hopes that the staffing situation will become more stable in 2016. On a positive note, the Committee welcomes the fact that the Council of Europe budget and programme of activities for the years 2016-2017 makes provision for the reinforcement of the CPT's staff with one additional post of administrator.



” ... 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 and 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 foreign nationals, 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*
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
Slovak Republic	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

\* 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 map is not an official 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	Luxembourg	Slovak Republic
Andorra	Finland	Malta	Slovenia
Armenia	France	Republic of Moldova	Spain
Austria	Georgia	Monaco	Sweden
Azerbaijan	Germany	Montenegro	Switzerland
Belgium	Greece	Netherlands	"The former
Bosnia and Herzegovina	Hungary	Norway	Yugoslav Republic of
Bulgaria	Iceland	Poland	Macedonia"
Croatia	Ireland	Portugal	Turkey
Cyprus	Italy	Romania	Ukraine
Czech Republic	Latvia	Russian Federation	United Kingdom
Denmark	Liechtenstein	San Marino	
	Lithuania	Serbia	

### 47 states; prison population: 1 602 046 prisoners

(Main source: Council of Europe Annual Penal Statistics (SPACE I – 2014.1); data as at 1 September 2014)

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.



## 4. CPT members

in order of precedence (as at 31 December 2015)<sup>15</sup>

Name	Elected in respect of	Term of office expires
Mr Mykola GNATOVSKYY, President	Ukraine	19/12/2017
Mr Wolfgang HEINZ, Acting 1st Vice-President	Germany	19/12/2017
Mr Antonius Maria VAN KALMTHOUT, Acting 2nd Vice-President	Netherlands	19/12/2017
Mr George TUGUSHI	Georgia	19/12/2017
Mr Xavier RONSIN	France	19/12/2017
Ms Olivera VULIĆ	Montenegro	19/12/2019
Ms Maria Rita MORGANTI	San Marino	19/12/2019
Ms Ilvija PŪCE	Latvia	19/12/2019
Ms Marzena KSEL	Poland	19/12/2019
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
Mr Joan CABEZA GIMENEZ	Andorra	19/12/2019
Mr Jari PIRJOLA	Finland	19/12/2019
Mr Djordje ALEMPIJEVIĆ	Serbia	19/12/2017
Mr Vytautas RAŠKAUSKAS	Lithuania	19/12/2019
Mr Costakis PARASKEVA	Cyprus	19/12/2019
Ms Ivona TODOROVSKA	“the former Yugoslav Republic of Macedonia”	19/12/2019
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
Ms Katja ŠUGMAN STUBBS	Slovenia	19/12/2017
Mr Matthías HALLDÓRSSON	Iceland	19/12/2019
Mr Vassilis KARYDIS	Greece	19/12/2019
Mr Philippe MARY	Belgium	19/12/2019
Ms Arta MANDRO	Albania	19/12/2019
Ms Elisabetta ZAMPARUTTI	Italy	19/12/2019
Ms Dagmar BREZNOŠČÁKOVÁ	Slovak Republic	19/12/2019
Ms Marie LUKASOVÁ	Czech Republic	19/12/2019

15. On this date, the seats in respect of Azerbaijan, Malta, Portugal, Romania and the Russian Federation were vacant.



## 5. CPT Secretariat

(as at 31 December 2015)

Mr Jeroen SCHOKKENBROEK, Executive Secretary

Secretariat: Ms Corinne GOBERVILLE, Personal assistant

Ms Antonella NASTASIE, Assistant to the Committee

Mr Fabrice KELLENS, Deputy Executive Secretary

### Central section

Mr Marco LEIDEKKER, Principal Administrative Officer

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

Ms Nadine SCHAEFFER, Assistant

## Divisions responsible for visits<sup>16</sup>

Division 1		
Mr Michael NEURAUTER, Head of Division		
Mr Petr HNATIK		
Mr Julien ATTUIL		
Mr Sebastian RIETZ		
Ms Yvonne HARTLAND, Administrative Assistant		
<b>Secretariat</b>		
Ms Nelly TASNADI		
Albania	Germany	Norway
Austria	Hungary	San Marino
Belgium	Kosovo <sup>17</sup>	Slovak Republic
Czech Republic	Latvia	Switzerland
Estonia	Lithuania	Turkey
France	Luxembourg	

Division 2		
Mr Borys WODZ, Head of Division		
Mr Elvin ALIYEV		
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 PENEAU		
Andorra	Italy	Serbia
Bosnia and Herzegovina	Liechtenstein	Spain
Croatia	Malta	"The former Yugoslav
Cyprus	Montenegro	Republic of Macedonia"
Greece	Netherlands	United Kingdom
Ireland	Portugal	

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

17. 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 (as at 31 December 2015)

### Visits carried out in pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

States	Periodic visits	Ad hoc visits	Reports sent	Reports published	Reports not published
Albania	5	6	11	9	2
Andorra	3	0	3	3	0
Armenia	4	5	8	8	0
Austria	6	0	6	6	0
Azerbaijan	3	6	9	2	7
Belgium	6	1	8 <sup>a</sup>	7 <sup>a</sup>	1
Bosnia and Herzegovina	4	3	6	5	1
Bulgaria *	6	4	10	10	0
Croatia	4	0	4	4	0
Cyprus	6	0	6	6	0
Czech Republic	5	2	7	7	0
Denmark	5	1	6	6	0
Estonia	4	1	5	5	0
Finland	5	0	5	5	0
France	6	6	11	11	0
Georgia	5	2	7	7	0
Germany	6	2	7	7	0
Greece	6	6	12	11	1 <sup>k</sup>
Hungary	5	3	7	7	0
Iceland	4	0	4	4	0
Ireland	6	0	6	6	0
Italy	6	5	10	10	0
Latvia	4	3	7	7	0
Liechtenstein	3	0	3	3	0
Lithuania	4	1	5	5	0
Luxembourg *	4	1	5	5	0
Malta	5	3	7	7	0
Republic of Moldova *	6	8	13	10 <sup>b</sup>	3 <sup>c</sup>
Monaco	2	0	2	2	0
Montenegro	2	0	2	2	0
Netherlands	5	5	12 <sup>d</sup>	12 <sup>d</sup>	0
Norway	4	1	5	5	0
Poland	5	0	5	5	0
Portugal	6	3	9	9	0
Romania	5	5	9 <sup>e</sup>	9 <sup>e</sup>	0
Russian Federation	6	18	21 <sup>f</sup>	3	18
San Marino	4	0	4	4	0
Serbia	4 <sup>g</sup>	0	4 <sup>g</sup>	3 <sup>g</sup>	1 <sup>k</sup>
Slovak Republic	5	0	5	5	0
Slovenia	4	0	4	4	0
Spain	6	8	14	14	0
Sweden	5	1	6	5	1 <sup>k</sup>
Switzerland	6	1	7	6	1 <sup>k</sup>
"The former Yugoslav Republic of Macedonia"	5	6	11	10	1 <sup>k</sup>
Turkey	6	20	24 <sup>h</sup>	23 <sup>i</sup>	1 <sup>k</sup>
Ukraine *	6	6	12	12	0
United Kingdom	7	10	18 <sup>j</sup>	18 <sup>j</sup>	0

\* States having agreed to an automatic publication procedure.

(a) Including one report on the visit to Tilburg Prison (Netherlands) in 2011.

(b) Covering 11 visits.

(c) Two reports concerning visits to the Transnistrian region and one report concerning a visit to Prison No. 8 in Bender.

(d) Including a separate report on the visit to Tilburg Prison in the context of the periodic visit in 2011. Also including two separate reports covering the 1994 visit to the Netherlands Antilles and to Aruba.

(e) Covering the 10 visits.

(f) Covering the 24 visits.

(g) Including one visit organised in September 2004 to Serbia and Montenegro.

(h) Covering the 26 visits.

(i) Covering 25 visits.

(j) Including two separate reports covering the 2010 visit to Jersey and Guernsey.

(k) Report only recently transmitted to the authorities.

## Monitoring of the situation of persons convicted by international tribunals and serving their sentence in a State Party to the Convention

### 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>18</sup>:

Three visits carried out in 2007, 2010 and 2015 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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18. 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 January - December 2015

### Periodic visits

#### Armenia

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05/10/2015 - 15/10/2015

#### Police establishments

- ▶ Detention Centre of Yerevan City Police Department
- ▶ Kentron District Police Division, Yerevan
- ▶ Shengavit District Police Division, Yerevan
- ▶ Akhuryan Police Division
- ▶ Ani Police Division, Maralik
- ▶ Armavir Police Division
- ▶ Ashtarak Police Division
- ▶ Dilidjan Police Division
- ▶ Echmiadzin Police Division
- ▶ Hrazdan Police Division
- ▶ Mush Police Division, Gyumri
- ▶ Sevan Police Division
- ▶ Spitak Police Division
- ▶ Talin Police Division

#### Military establishments

- ▶ Isolator of the Military Police Headquarters, Yerevan

#### Prisons

- ▶ Armavir Prison
- ▶ Artik Prison (remand prisoners)
- ▶ Nubarashen Prison
- ▶ Vanadzor Prison
- ▶ Yerevan-Kentron Prison
- ▶ Central Prison Hospital (psychiatric ward)

#### Psychiatric establishments

- ▶ Nubarashen Republican Psychiatric Hospital
- ▶ Gyumri Mental Health Centre

## Bosnia and Herzegovina

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29/09/2015 - 09/10/2015

### Police establishments

#### *Federation of Bosnia and Herzegovina*

- ▶ Konjic Police Station, Canton of Herzegovina-Neretva
- ▶ Mostar Centar Police Station, Canton of Herzegovina-Neretva
- ▶ Novo Sarajevo Police Station, Canton of Sarajevo
- ▶ Tuzla Judicial Police Headquarters
- ▶ Zenica Centar Police Station, Canton of Zenica-Doboj

#### *Republika Srpska*

- ▶ Banja Luka Centre for Public Security
- ▶ Bijeljina Centre for Public Security
- ▶ Doboj Police Station
- ▶ Istočno Sarajevo Police Station

#### *Brčko District*

- ▶ Brčko Police Station
- ▶ Brčko Border Police Station

### Prosecutor's offices and court facilities

#### *Federation of Bosnia and Herzegovina*

- ▶ Holding cells at Tuzla Cantonal Prosecutor's Office

#### *Republika Srpska*

- ▶ Holding cells at Banja Luka District Prosecutor's Office
- ▶ Holding cells at Doboj District Prosecutor's Office
- ▶ Holding cells at Banja Luka District Court

### Prisons

#### *Federation of Bosnia and Herzegovina*

- ▶ Mostar Prison
- ▶ Orašje Prison (remand section)
- ▶ Sarajevo Remand Prison
- ▶ Tuzla Prison
- ▶ Zenica Prison

#### *Republika Srpska*

- ▶ Banja Luka Prison
- ▶ Bijeljina Prison
- ▶ Doboj Prison (remand section)
- ▶ Foča Prison
- ▶ Istočno Sarajevo Prison (targeted interviews)

### Psychiatric establishments

#### *Federation of Bosnia and Herzegovina*

- ▶ Koševo Pyschiatric Clinic, University of Sarajevo Clinical Center
- ▶ Jagomir Cantonal Psychiatric Hospital, Sarajevo

## France

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15/11/2015 - 27/11/2015

### Law enforcement establishments

- ▶ Albi Police Headquarters
- ▶ Alençon Police Headquarters
- ▶ Aulnay-sous-Bois Police Station
- ▶ Local Reception and Investigation Service, 8<sup>th</sup> administrative district, Paris
- ▶ Local Reception and Investigation Service, 9<sup>th</sup> administrative district, Paris
- ▶ Police Headquarters, 14<sup>th</sup> administrative district, Paris
- ▶ Toulouse Police Headquarters
- ▶ Toulouse-Mirail Police Station
- ▶ Albi Local Gendarmerie Brigade
- ▶ Alençon Local Gendarmerie Brigade
- ▶ Cugnaux Local Gendarmerie Brigade
- ▶ Toulouse-Mirail Gendarmerie Investigation Brigade

### Prisons

- ▶ Condé-sur-Sarthe Prison
- ▶ Fresnes Remand Prison, including the Regional Medico-Psychological Service (SMPR)
- ▶ Nîmes Remand Prison
- ▶ Villepinte Remand Prison

### Psychiatric establishments

- ▶ Gérard Marchant Hospital, Toulouse, including the Specially Adapted Psychiatric Hospital Unit for Prisoners (UHSA) and the "Marcel Riser" Long-Term Care Unit (USLD)
- ▶ University Hospital Centre of Toulouse (targeted visit to the UF1 unit for psychiatric treatment without consent)
- ▶ "Louis Crocq" Unit for Difficult Patients (UMD), Albi

## Germany

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25/11/2015 - 07/12/2015

### Bavaria

- ▶ Donauwörth Police Station (*Polizeiinspektion*)
- ▶ Munich Police Headquarters (*Polizeipräsidium, Polizeiinspektion ED 6*)
- ▶ Kaisheim Prison
- ▶ Wasserburg am Inn Forensic Psychiatric Clinic

### Berlin

- ▶ Berlin South-West Police Station (*Gewahrsam Südwest*)
- ▶ Moabit Prison (targeted visit focusing on remand detention)
- ▶ Plötzensee Prison Hospital (targeted visit focusing on special security measures)
- ▶ St Joseph Psychiatric Hospital, Berlin-Weißensee

### Brandenburg

- ▶ Brandenburg an der Havel Forensic Psychiatric Clinic

## **Lower Saxony**

- ▶ Hannover-Schützenplatz Police Headquarters (*Polizeikommissariat*)
- ▶ Hannover-Mitte Police Station (*Polizeiinspektion*)
- ▶ Celle Prison
- ▶ Rosdorf Prison (targeted visit to interview inmates held in preventive detention)

## **Saxony-Anhalt**

- ▶ Magdeburg Police Headquarters (*Polizeidirektion Sachsen-Anhalt Nord*)

## **Thuringia**

- ▶ Tonna Prison

## **Luxembourg**

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28/01/2015 - 02/02/2015

### **Police establishments**

- ▶ Regional Police Headquarters, Luxembourg City (Glesener Street)
- ▶ Police Station at Luxembourg Central Railway Station
- ▶ Regional Police Headquarters, Esch-sur-Alzette
- ▶ Airport Police Directorate, Luxembourg International Airport (including the waiting area premises)

### **Prisons**

- ▶ Luxembourg Prison, Schrassig

### **Establishments for the detention of juveniles**

- ▶ State Socio-Educational Centre for Boys, Dreibern
- ▶ State Socio-Educational Centre for Girls, Schrassig

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

- ▶ Holding Centre, Findel

### **Other facilities**

- ▶ Holding cells of the District Court, Courts of Justice, Luxembourg
- ▶ Secure rooms at Luxembourg Central Hospital

## **Malta**

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03/09/2015 - 10/09/2015

### **Police establishments**

- ▶ General Police Headquarters and Lock-up, Floriana
- ▶ Valletta Lock-up below the Courts of Justice, Victoria Lock-up (Gozo)
- ▶ Mosta Police Station
- ▶ Mdina Police Station
- ▶ Rabat Police Station
- ▶ St Julian's Police Station

- ▶ Sliema Police Station
- ▶ Valletta Police Station
- ▶ Victoria (Gozo) Police Station

### **Prisons**

- ▶ Corradino Correctional Facility, including the Young Offenders' Unit and the Forensic Psychiatric Units at Mount Carmel Hospital

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

- ▶ Malta International Airport Detention Area
- ▶ Safi Barracks Detention Centre for Immigrants
- ▶ The Reception Centre at Hal Far

### **Psychiatric establishments**

- ▶ Mount Carmel Hospital

### **Establishments for the detention of juveniles**

- ▶ Fejda and Jeanne Antide Homes for Girls
- ▶ St. Joseph's Home for Boys

### **Social care establishments**

- ▶ Santa Maria project for drug and alcohol rehabilitation

## **Republic of Moldova**

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*14/09/2015 - 25/09/2015*

### **Police establishments**

- ▶ Chişinău Police department
- ▶ Bălţi Police Station
- ▶ Cimişlia Police Station
- ▶ Donduseni Police Station
- ▶ Drochia Police Station
- ▶ Edinet Police Station
- ▶ Hincesti Police Station
- ▶ Soroca Police Station

### **Prisons**

- ▶ Prison No. 6, Soroca
- ▶ Prison No. 7 for women, Rusca
- ▶ Prison No. 10 for juveniles, Goian
- ▶ Prison No. 13, Chişinău
- ▶ Prison No. 16, Pruncul Prison Hospital
- ▶ Prison No. 17, Rezina (units for life-sentenced prisoners)
- ▶ Prison No. 11, Bălţi (recently arrived prisoners)

### **Psychiatric establishments**

- ▶ Bălţi Psychiatric Hospital

### **Social care establishments**

- ▶ Psychoneurological Home, Brinzeni (Edinet)

## Serbia

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26/05/2015 - 05/06/2015

### Police establishments

- ▶ Metropolitan Police Headquarters, 29 November Street, Belgrade
- ▶ Bečej Police Station
- ▶ Holding Premises of the Border Police at Belgrade International Airport "Nikola Tesla"
- ▶ Mladenovac Police Station
- ▶ Niš District Police Station
- ▶ Novi Sad District Police Station
- ▶ Pančevo District Police Station
- ▶ Ruma Police Station
- ▶ Srboboran Police Station

### Prisons

- ▶ Belgrade District Prison
- ▶ Niš Penal Correctional Institution
- ▶ Pančevo District Prison
- ▶ Sremska Mitrovica Penal Correctional Institution
- ▶ Valjevo Juvenile Correctional Institution
- ▶ Prison Hospital, Belgrade

### Psychiatric establishments

- ▶ Vršac Special Psychiatric Hospital

### Social care establishments

- ▶ Veternik Social Care Home

## Sweden

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18/05/2015 - 28/05/2015

### Police establishments

- ▶ Arlanda Airport Police Department, Stockholm
- ▶ Norrmalm Police Department, Stockholm
- ▶ Södermalm Police Department, Stockholm
- ▶ Sollentuna Police Department, Stockholm
- ▶ Solna Police Department, Stockholm
- ▶ Borlänge Police Department
- ▶ Falun Police Department
- ▶ Lund Police Department
- ▶ Malmö Police Department
- ▶ Sundsvall Police Department
- ▶ Växjö Police Department

### Prisons

- ▶ Falun Remand Prison
- ▶ Kronoberg Remand Prison, Stockholm

- ▶ Malmö Remand Prison
- ▶ Saltvik Prison
- ▶ Sollentuna Remand Prison
- ▶ Växjö Remand Prison
- ▶ Norrtälje Prison (special unit for persons detained under aliens legislation)

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

- ▶ Migration Agency Detention Centre, Märsta

### **Psychiatric establishments**

- ▶ Regional Forensic Psychiatric Clinic, Växjö

## **Switzerland**

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13/04/2015 - 24/04/2015

### ***Canton of Aargau***

- ▶ Lenzburg Prison (inmates subject to institutional therapeutic treatment or preventive detention, including those held in the high-security unit)

### ***Canton of Basel-City***

- ▶ Kannenfeld Police Station
- ▶ Basel University Psychiatric Clinic for Adults
- ▶ Forensic Psychiatric Clinic (including the separate unit for juveniles and young adults)

### ***Canton of Bern***

- ▶ Bern Police Headquarters (Waisenhausplatz 32)
- ▶ Bern-Neufeld Police Station (Neubrückestrasse 166)
- ▶ Bern-Ostring Police Station (Brunnadernstrasse 42)
- ▶ Hindelbank Female Prison (inmates subject to institutional therapeutic treatment or preventive detention, including those held in the high-security unit)

### ***Republic and Canton of Geneva***

- ▶ Geneva Police Headquarters (boulevard Carl-Vogt 17-19)
- ▶ Police Station at Cornavin Railway Station, Geneva
- ▶ Geneva-Pâquis Police Station (rue de Berne 6)
- ▶ Champ-Dollon Prison

### ***Republic and Canton of Neuchâtel***

- ▶ La Chaux-de-Fonds Police Station (Hôtel-de-Ville)
- ▶ SISPOL Police Station, La Chaux-de-Fonds
- ▶ Neuchâtel Police Headquarters (rue des Poudrières)
- ▶ "La Promenade" Prison, La Chaux-de-Fonds

### ***Canton of Ticino***

- ▶ Lugano Police Station
- ▶ "La Farera" Judicial Prison
- ▶ "La Stampa" Cantonal Prison

### ***Canton of Schwyz***

- ▶ Schwyz Cantonal Prison

## Ad hoc visits

### Azerbaijan

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15/06/2015 - 22/06/2015

#### Prisons

- ▶ Penitentiary Establishment (Prison) No. 6, Baku
- ▶ Prison No. 14, Qizildash

#### Establishments for the detention of juveniles

- ▶ Correctional Establishment for Juveniles, Baku

### Bulgaria

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13/02/2015 - 20/02/2015

#### Prisons

- ▶ Sofia Investigation Detention Facility (G.M. Dimitrov Boulevard)
- ▶ Sofia Prison
- ▶ Varna Prison
- ▶ Burgas Prison

### Greece

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14/04/2015 - 23/04/2015

#### Police establishments

##### *Attica Region*

- ▶ Agios Pantaleimonas Police Station, Athens
- ▶ Alexander Street Police Headquarters, Athens
- ▶ Amygdaleza Special holding facility for unaccompanied minors
- ▶ Kypseli Police Station, Athens
- ▶ Omonia Police Station, Athens
- ▶ Petrou Ralli Special holding facility for irregular migrants

##### *Crete*

- ▶ Heraklion Regional Police Headquarters

##### *Central Macedonia Region*

- ▶ Demokratias Police Station, Thessaloniki
- ▶ Monasteriou General Police Headquarters, Thessaloniki
- ▶ Sindos Police Station, Thessaloniki

##### *Peloponnese Region*

- ▶ Corinth Pre-departure centre
- ▶ Tripoli Police Station
- ▶ Kalamata Police Station

## Prisons

- ▶ Alikarnassos Prison, Heraklion
- ▶ Korydallos Men's Judicial Prison (visited to interview specific prisoners)
- ▶ Korydallos Female Remand Prison (visited to interview specific prisoners)
- ▶ Korydallos Prison Hospital
- ▶ Nafplio Judicial Prison
- ▶ Special Juvenile Detention Facility in Corinth Judicial Prison
- ▶ Diavata Judicial Prison, Thessaloniki

## Hungary

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21/10/2015 - 27/10/2015

### Police establishments

- ▶ Detention Facility of the Csongrád County Police Headquarters, Szeged (Párizsi körút)
- ▶ Detention Facility of the Border Police, Szeged (Moszkvai körút)
- ▶ Police Station at Kálvária sugárút, Szeged
- ▶ Guarded Shelter of the Border Police Station, Kiskunhalas (Unit at Mártírok útja and Units 1 and 2 at Kárpát utca)

### Prisons

- ▶ Szeged Strict and Medium Regime Prison (Nagyfa unit)

### Detention centres for foreign nationals

- ▶ Guarded Reception Centre for Asylum Seekers, Békéscsaba
- ▶ "Transit zone", Rózske
- ▶ "Transit zone", Tompa

## Italy

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16/12/2015 - 18/12/2015

### Detention centres for foreign nationals

- ▶ CIE (Centro di Identificazione ed Espulsione) Ponte Galeria, Rome

### Return flights

- ▶ Charter flight from Italy to Lagos (Nigeria) on 17 December 2015, co-ordinated 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 Italy, the "Organising Member State", Belgium and Switzerland took part in the Frontex mission as "Participating Member States".

## Turkey

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16/06/2015 - 23/06/2015

### Detention centres for foreign nationals

- ▶ Ankara Removal Centre
- ▶ Aydın Removal Centre
- ▶ Edirne Removal Centre
- ▶ Istanbul-Kumkapı Removal Centre
- ▶ Izmir Removal Centre
- ▶ Tekirdağ Removal Centre
- ▶ Van Removal Centre
- ▶ Holding facility in the transit zone of Istanbul Atatürk Airport

## Kosovo<sup>19</sup>

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15/04/2015 - 22/04/2015

### Police stations

- ▶ Gračanica/Graçanicë Police Station
- ▶ Leposavić/Leposaviq Police Station
- ▶ Mitrovicë/Mitrovica South Police Station
- ▶ Obiliq/Obilić Police Station
- ▶ Pejë/Peć Police Station
- ▶ Prishtinë/Priština Police Station No. 1

### Prisons

- ▶ Dubrava Prison
- ▶ High Security Prison at Gërdoc-Podujeva/Grdovac-Podujevo
- ▶ Lipjan/Lipljan Correctional Centre for Women and Juveniles
- ▶ Gjilan/Gnjilane Detention Centre
- ▶ Mitrovica/Mitrovicë Detention Centre
- ▶ Pejë/Peć Detention Centre
- ▶ Prishtinë/Priština Detention Centre

### Psychiatric establishments

- ▶ Forensic Psychiatric Institute at Prishtinë/Priština University Hospital
- ▶ Admission Ward of the Psychiatric Clinic at Prishtinë/Priština University Hospital (legal safeguards offered to civil patients)

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19. 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.

## 8. Public statement concerning Bulgaria

**(made on 26 March 2015)**

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out ten visits to Bulgaria since 1995. In the course of those visits, delegations of the Committee have visited all but one prison, several investigation detention facilities (IDFs) and numerous police establishments in the country.

2. Major shortcomings have been identified during the above-mentioned visits, especially as concerns the police and penitentiary establishments. Repeated recommendations have been made over the last 20 years concerning these two areas.

In its reports, the CPT has many times drawn the Bulgarian authorities' attention to the fact that the principle of co-operation between State Parties and the CPT, as set out in Article 3 of the Convention establishing the Committee, is not limited to steps taken to facilitate the tasks of a visiting delegation. It also requires that decisive action be taken to improve the situation in the light of the CPT's recommendations.

The vast majority of these recommendations have remained unimplemented, or only partially implemented. In the course of the Committee's visits to Bulgaria in 2010, 2012, 2014, and 2015, the CPT's delegations witnessed a lack of decisive action by the authorities leading to a steady deterioration in the situation of persons deprived of their liberty.

3. In the report on its 2012 visit, the Committee expressed its extreme concern about the lack of progress observed in the Bulgarian prison system

and stressed that this could oblige the CPT to consider having recourse to Article 10, paragraph 2, of the European Convention on the Prevention of Torture or Inhuman and Degrading Treatment or Punishment.<sup>20</sup>

This procedure was set in motion after the March/April 2014 visit; indeed, the Committee's findings during that visit demonstrated a persistent failure by the Bulgarian authorities to address certain fundamental shortcomings in the treatment and conditions of detention of persons deprived of their liberty. The visit report highlighted a number of long-standing concerns, some of them dating back to the very first periodic visit to Bulgaria in 1995, as regards the phenomenon of ill-treatment (both in the police and the prison context), inter-prisoner violence, prison overcrowding, poor material conditions of detention in IDFs and prisons, inadequate prison health-care services and low custodial staffing levels, as well as concerns related to discipline, segregation and contact with the outside world.

4. The responses of the Bulgarian authorities to the report on the CPT's 2014 visit and to the letter by which the Committee has informed the authorities of the opening of the procedure set out in Article 10, paragraph 2, of the Convention have, to say the least, not alleviated the CPT's concerns. In particular, the responses were succinct, contained very little new information

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20. If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

and failed to address the majority of the Committee's recommendations, usually merely quoting the existing legislation and/or explaining the lack of action by referring to budgetary constraints. Further, most of the information contained in the CPT's report as concerns ill-treatment and inter-prisoner violence was simply dismissed.

The 2015 visit was therefore an opportunity for the Committee to assess the progress in the implementation of its long-standing recommendations and to review, in particular, the treatment and detention conditions of persons held at Sofia, Burgas and Varna Prisons, as well as at Sofia IDF (located on G.M. Dimitrov Boulevard).<sup>21</sup>

Regrettably, the findings made during the aforementioned visit demonstrate that little or no progress has been achieved in the implementation of key recommendations repeatedly made by the CPT.<sup>22</sup>

For these reasons, the Committee has been left with no other choice but to make a public statement, pursuant to Article 10, paragraph 2, of the Convention; it took this decision at its 86<sup>th</sup> plenary meeting in March 2015.

## Police ill-treatment

5. In the course of the 2015 visit, the Committee's delegation received a significant number of allegations of deliberate physical ill-treatment of persons detained by the police; the number of such allegations had not decreased since the 2014 visit but was even on the rise in Sofia and Burgas.

The alleged ill-treatment generally consisted of slaps, kicks, and in some cases truncheon blows. The delegation concluded that men and women (including juveniles) in the custody of the police continued to run a significant risk of being ill-treated, both at the time of apprehension and during subsequent questioning.

6. Very little progress, if any, has been made as regards the legal safeguards against police ill-treatment, and the CPT's key recommendations in this sphere are still to be implemented. In particular, access to a lawyer remained an exception during the initial 24 hours of police custody and the *ex officio* lawyers did not perform their function as a safeguard against ill-treatment. Further, persons in police custody were still rarely put in a position to notify promptly a person of their choice of their detention, and were not systematically informed of their rights from the outset of their custody.

7. The Committee has long stressed the crucial role played by health-care staff and more particularly medical doctors in the prevention of ill-treatment. The findings of the CPT's delegation during the 2015 visit demonstrate that the existing specific rules as regards medical confidentiality and the recording of injuries continue to be routinely ignored in practice.

Injuries observed on persons admitted to IDFs were usually not recorded in the medical documentation. Medical screening prior to the admission of detained persons to IDFs was extremely cursory (consisting merely of an interview, without a proper medical examination) and it was performed in the presence of police officers, with detainees usually being handcuffed.

21. All these establishments have been visited regularly by the CPT since 1995.

22. These findings are summarised below, in paragraphs 5 to 16.

## Detention in the Ministry of Justice's establishments

8. The situation as regards physical ill-treatment of prisoners by staff remains alarming in the three prisons visited in 2015. Many allegations of deliberate physical ill-treatment (usually consisting of slaps, punches, kicks and truncheon blows) were again heard at Sofia and Burgas Prisons and, at Varna Prison, the Committee's delegation was flooded with such allegations. In a number of cases, the delegation found medical evidence consistent with the allegations received.

9. At Sofia IDF, a clear deterioration was noted with a significant rise in the number of allegations of deliberate physical ill-treatment (slaps, punches and kicks) of inmates, including juveniles, by staff.

10. The findings of the CPT's 2012 and 2014 visits show that inter-prisoner violence remains omnipresent at Sofia and Burgas Prisons; such episodes were again witnessed by the delegation during the 2015 visit. Frequent occurrences of inter-prisoner violence were also reported at Varna Prison.

11. As described in the reports on the visits carried out in 2012 and 2014, and as acknowledged by the Bulgarian authorities, corruption remains endemic in the Bulgarian prison system. In the three prisons visited in the course of the 2015 visit, the delegation was again inundated with allegations of prisoners being asked to pay custodial, administrative, and/or medical staff for many services provided for by the law (e.g. transfers to prison hostels, early release, access to medical care, transfers to hospitals, procurement of goods, access to education/vocational training, work, etc.) or for being granted various privileges (such as leave and additional or open-type visits). This situation brings in its wake discrimination, violence, insecurity and, ultimately, a loss of respect for authority.

12. Overcrowding remains a very problematic issue in the Bulgarian prison system. For example, at Burgas Prison, the vast majority of inmates had less than 2 m<sup>2</sup> of living space in multiple-occupancy cells, with the notable exception of the remand section. The situation at Sofia Prison remained similar to that observed in the past, with most inmates having just a little more than 2 m<sup>2</sup> of living space per person.

13. The material conditions at Sofia, Burgas, and Varna Prisons remained characterised by an ever-worsening state of dilapidation. In particular, most of the sanitary facilities in these three prisons were totally decrepit and unhygienic, and the heating systems functioned for only a few hours per day. The majority of prisoners still did not benefit from ready access to a toilet during the night and had to resort to buckets or bottles to comply with the needs of nature. The kitchens at Burgas and Varna Prisons (and the dining hall at Varna Prison) remained filthy and unhygienic and infested with vermin, with leaking and over-flowing sewage pipes, and walls and ceilings covered in mould. Most parts of the establishments visited were unfit for human accommodation and represented a serious health risk for both inmates and staff. To sum up, in the Committee's view, the material conditions alone in the three prisons visited could be seen as amounting to inhuman and degrading treatment.<sup>23</sup>

14. The vast majority of inmates (including almost all the remand prisoners) in the three prisons visited in the course of the 2015 visit still had no access to organised out-of-cell activities and were left in a state of idleness for up to 23 hours per day.

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23. See also the judgment of the European Court of Human Rights of 27 January 2015 in the case of *Neshkov and Others v. Bulgaria* (applications nos. 36925/10, 21487/12, 72893/12, 73196/12, 77718/12 and 9717/13).

15. Regarding health care, the accessibility and quality of the medical services in all the prisons visited (and the IDF in Sofia) were as poor as they had been in the past. Further, the quality of medical recording had even worsened. It is noteworthy in this respect that the keeping of the register on traumatic injuries had been discontinued at Sofia and Burgas Prisons shortly after the CPT's 2014 visit. The confidentiality of medical examinations and documentation was not respected. In addition, in prisons, the initial medical examination hardly ever took place within the first 24 hours after the inmates' arrival, as recommended by the Committee. Such screening is essential, particularly to prevent the spread of transmissible diseases and suicides, and for recording injuries in good time.

16. It should be added that no progress was observed during the 2015 visit as regards other issues of concern to the CPT, such as prison staffing levels, discipline and segregation, and contact with the outside world.

## **Concluding remarks**

17. In its previous reports, the Committee has taken due note of the repeated assurances given by the Bulgarian authorities that action would be taken to improve the situation of persons placed in the custody of the police, or held in establishments under the responsibility of the Ministry of Justice. However, the findings of the 2015 visit demonstrate again that little or nothing has been done as regards all the above-mentioned long-standing problems. This state of affairs highlights a persistent failure by the Bulgarian authorities to address most of the fundamental shortcomings in the treatment and conditions of detention of persons deprived of their liberty, despite the

specific recommendations repeatedly made by the Committee. The CPT is of the view that action in this respect is long overdue and that the approach to the whole issue of deprivation of liberty in Bulgaria should radically change.

18. The Committee fully acknowledges the challenges that the Bulgarian authorities are facing. In the CPT's view, there is a real need to develop a comprehensive prison policy, instead of concentrating exclusively on material conditions (which, as should be stressed, have only improved to an extremely limited extent). Having in place a sound legislative framework is no doubt important. However, if laws are not backed by decisive, concrete and effective measures to implement them, they will remain a dead letter and the treatment and conditions of persons deprived of their liberty in Bulgaria will deteriorate even further. As regards the treatment of persons detained by law enforcement agencies, resolute action is required to ensure the practical and meaningful operation of fundamental safeguards against ill-treatment (including the notification of custody, access to a lawyer, access to a doctor, and information on rights).

The Committee's aim in making this public statement is to motivate and assist the Bulgarian authorities, and in particular the Ministries of the Interior and Justice, to take decisive action in line with the fundamental values to which Bulgaria, as a member state of the Council of Europe and the European Union, has subscribed. In this context, the CPT's long-standing recommendations should be seen as a tool that helps the Bulgarian authorities to identify shortcomings and make the necessary changes. In furtherance of its mandate, the Committee is fully committed to continuing its dialogue with the Bulgarian authorities to this end.

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 25th 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/>).

**[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.

