

22nd GENERAL REPORT OF THE CPT

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

1 August 2011 - 31 July 2012



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The CPT is required to draw up every year a general report on its activities, which is published. This 22nd 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/>.

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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.

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Activities during the period 1 August 2011 to 31 July 2012



Visits

1. The CPT organised 18 visits totalling 146 days during the twelve-month period covered by this General Report. Ten of the visits (totalling 102 visit days) formed part of the CPT's annual programmes of periodic visits for 2011 and 2012, and eight (44 days) were ad hoc visits which the Committee considered were required by the circumstances. Details of all these visits (dates and places of deprivation of liberty visited) are provided in Appendix 7.

Periodic visits

2. The ten periodic visits were carried out to Andorra, Azerbaijan, Estonia, Italy, Latvia, the Netherlands, Portugal, the Russian Federation, Slovenia and Switzerland. The situation in a range of places of deprivation of liberty was examined in each of these countries.

The treatment of persons in police custody was a focus of many of the visits. Further, particular attention was given during certain visits to persons held in high-security prison units (Estonia, Italy, Portugal), life-sentenced prisoners (Azerbaijan, Latvia) and involuntary psychiatric patients, both forensic (Italy, the Netherlands, Switzerland) and civil (Azerbaijan, Estonia, Portugal, Slovenia).

3. In the course of the periodic visit to the Netherlands, the CPT visited for the first time a place of deprivation of liberty which by virtue of a bilateral international agreement is within the jurisdiction of two States, namely Belgium and the Netherlands. The Committee's visit to the establishment concerned, Tilburg Prison, was therefore notified simultaneously to the Belgian and Dutch Governments and the visit report has been forwarded to both of these States, so that the authorities of each can reply in respect of the matters for which they are responsible.

Ad hoc visits

4. The eight ad hoc visits carried out by the CPT during the period covered by this General Report were to Armenia, Belgium, Bulgaria, Malta, Spain, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

5. The purpose of the ad hoc visit to **Armenia** in December 2011 was to review progress in the light of the recommendations contained in the report on the CPT's periodic visit to the country in 2010, in particular as regards the treatment of persons sentenced to life imprisonment. Conditions of detention of the small number of lifers held in Yerevan-Kentron Prison had been found to be extremely poor in 2010, and the Committee's delegation returned to the establishment to examine whether the necessary improvements had been made. The delegation also reviewed the situation in the unit for life-sentenced prisoners at Nubarashen Prison, which was accommodating more than 100 such inmates at the time of the visit.

The report on the 2011 visit, published on 3 October 2012, makes clear that much remains to be done to improve the situation of life-sentenced prisoners (see also paragraph 58 below).

6. The ad hoc visit to **Belgium** in April 2012 focussed on prison overcrowding and the consequences of industrial action by prison staff. These two often inter-related questions had already been addressed during previous visits to Belgium and have given rise to a series of recommendations. The 2012 visit was triggered on the one hand by reports which the CPT had recently received of an alarming level of overcrowding at Forest Prison (Brussels) and on the other hand by industrial action during the first half of April by staff of that establishment and of other prisons, in particular at Andenne. In addition to visiting Andenne and Forest Prisons, the CPT's delegation held extensive talks about the underlying issues with the Belgian authorities at the federal, regional and municipal levels.

The visit also provided an opportunity to examine the implementation of recently-enacted legislation (the "Salduz Act"), which makes provision for the first time in Belgium for a right of access to a lawyer during police custody.

7. Prison-related issues were also at the centre of the ad hoc visit to **Bulgaria** in May 2012. The delegation examined steps taken to improve the treatment and conditions of detention of prisoners in the light of recommendations made after previous visits, with particular emphasis on the situation at Burgas and Varna Prisons. The CPT had recently received reports of very poor conditions of detention at Burgas Prison, an establishment last visited by the Committee in 2002. As regards Varna Prison, it had been the subject of several recommendations in the report on the CPT's 2010 visit, which was published on 15 March 2012 (see also paragraph 62 below), but reports subsequently received pointed to ever-worsening conditions at the establishment.

8. The main objective of the September 2011 ad hoc visit to **Malta** was to examine the current situation in the prison system, having regard to the recommendations made after the CPT's periodic visit in 2008. For this purpose, the Committee's delegation visited Corradino Correctional Facility. Conditions in the Lyster and Safi Barracks Detention Centres for foreigners were also reviewed, as was the situation of mentally ill prisoners and immigration detainees held at Mount Carmel Psychiatric Hospital.

In addition, the delegation held consultations with the Maltese authorities on the right of access to a lawyer during police custody.

9. During the ad hoc visit to **Spain** in June 2012, the CPT's delegation examined the treatment and conditions of detention of persons held in Barcelona Prison for Men ("La Modelo"). Built at the very beginning of the 20th century, Modelo Prison is the main pre-trial establishment in Catalonia. With an official capacity of 1,100, the establishment has long suffered from high levels of overcrowding, and it has been the subject of numerous recommendations covering a variety of issues in reports on previous CPT visits.

10. The ad hoc visit to “**the former Yugoslav Republic of Macedonia**” in November 2011 concentrated on the situation at Idrizovo Prison, the country’s largest penitentiary establishment. In the report on its last periodic visit in 2010 (published on 25 January 2012), the CPT expressed concern about the level of inter-prisoner violence observed at Idrizovo, a problem compounded by inadequate staffing levels, and also severely criticised once again conditions of detention in the establishment. The delegation carrying out the ad hoc visit examined the steps which had been taken in the light of the recommendations made after that periodic visit. Targeted follow-up visits were also made to Skopje Remand Prison and the remand section of Tetovo Prison, particular attention being given to the conditions of detention of juveniles on remand.

11. The ad hoc visit to **Turkey** in June 2012 was triggered by the allegations of ill-treatment of juvenile prisoners held at Pozantı Prison (Adana Province) which had come to light earlier in the year. The CPT’s delegation visited Ankara-Sincan Juvenile Prison, to which all the juveniles previously held at Pozantı had been transferred, as well as Istanbul-Maltepe Juvenile Prison and the juvenile units of Diyarbakır and Gaziantep E-type Prisons.

The delegation also discussed with the Turkish authorities the fires which had broken out in June in several prisons in central and south-eastern Turkey, resulting in a number of severe casualties.

12. The treatment of persons deprived of their liberty by the police was the focus of the ad hoc visit organised to **Ukraine** in November/December 2011. The persistence of ill-treatment by the police had been highlighted in previous CPT reports. Unfortunately, as is made clear in the preliminary observations of the delegation that carried out the ad hoc visit, which were published on 12 March 2012, the information gathered indicates that the phenomenon of police ill-treatment remains widespread (see also paragraph 77 below).

The Committee’s delegation also examined the health care being provided to certain persons held at the main pre-trial establishment (SIZO) in Kyiv at the time of the visit, including Valeriy Ivashenko, Yuriy Lutsenko and Yulia Tymoshenko. The delegation expressed concern about the considerable delays observed in arranging specialised medical examinations outside the SIZO. The possible need for additional interventions to be explored in a specialised hospital setting was also flagged.

High-level talks with national authorities

13. In line with standard practice, CPT delegations have continued to hold talks with the national authorities, at both the outset and the end of visits. The Committee wishes to emphasise the importance of the participation of the relevant Ministers, in particular at the end-of-visit talks; this is when the delegation presents its preliminary remarks including observations concerning any situations where there is an urgent need to improve the treatment of persons deprived of their liberty.

14. On 30 August 2011, CPT representatives held talks in Moscow on the Committee's findings during its ad hoc visit in April/May 2011 to the North Caucasian region. The talks related in particular to the activities of law enforcement agencies and investigations into possible ill-treatment by members of those agencies. Separate meetings were held with the Minister of the Interior of the Russian Federation, Rashid Nurgaliyev, and the Chairman of the Investigative Committee, Alexander Bastrykin. Shortly afterwards, on 2 September, talks were held in Yessentuki with Deputy Prime Minister Alexander Khloponin, Plenipotentiary Representative of the President of the Russian Federation in the North Caucasian Federal District.

15. Further high-level talks were held with the Russian authorities on 21 May and on 4 and 5 June 2012. In addition to the follow-up to the CPT's findings during its 2011 visit to the North Caucasus, the discussions related to broader issues of cooperation between the Committee and the Russian authorities as well as the publication of CPT reports.

The CPT's representatives met Mr Bastrykin once again on 21 May in Moscow, and this was followed by a meeting in the capital on 4 June with the First Deputy Minister of Internal Affairs, Alexandr Gorovoy. On 5 June, in Saint Petersburg, the representatives had talks with the Minister of Justice of the Russian Federation, Alexandr Kononov.

16. On 10 February 2012, CPT representatives had talks in Strasbourg with senior Turkish officials about the situation of Abdullah Öcalan and other prisoners held at Imralı F-type High-Security Closed Prison, particular attention being paid to the possibility in practice for these persons to receive visits from their relatives and lawyers. Further discussions on this subject took place in Ankara on the occasion of the Committee's ad hoc visit to Turkey in June 2012.

Plenary meetings and activities of subgroups

17. The CPT held three one-week *plenary meetings* during the twelve months covered by this General Report, in November 2011 and in March and July 2012. A total of 18 visit reports were adopted by the Committee at these meetings, nine of them drawn up under the expedited drafting procedure (according to which draft visit reports prepared by visiting delegations that are circulated at least two weeks before a plenary meeting are taken as approved without debate, save for paragraphs in respect of which a discussion has been specifically requested in advance).

18. At its November 2011 plenary meeting, the CPT had an exchange of views with judges of the European Court of Human Rights, including the Court's President, Sir Nicolas Bratza. The exchange of views focussed on two topics, namely access to a lawyer during police custody and the provision of health care to prisoners (including application of the principle of "equivalence of care").

In view of the influx of new members at the end of 2011 and in order to refresh the skills of all members, time was set aside at the plenary meetings in March and July 2012 for training in the techniques of visiting places of deprivation of liberty and interviewing detained persons.

19. A great deal of the CPT's work is carried out by *subgroups*, first and foremost the delegations given responsibility for the carrying out of visits but also two permanent entities, the Jurisprudence and Medical Groups, and ad hoc working groups set up to examine specific topics.

20. The Jurisprudence and Medical Groups have continued to meet on the eve of each plenary meeting. 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 identify areas where there is room for development of the standards. The Medical Group examines the 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.

21. An ad hoc group examining the possible involvement of the CPT in the monitoring of the deportation of foreign nationals by air ("return flights") has pursued its work and a delegation of the Committee recently participated in a return flight. In this connection, the CPT would like to thank the many States which responded to a letter seeking information on this subject sent by its President in December 2011.

Following the ad hoc visit to Belgium in April 2012, another ad hoc working group has been established, tasked with examining the phenomenon of strikes and other forms of industrial action by prison staff from the standpoint of the CPT's mandate.

Contacts with other bodies

22. The CPT has continued its efforts to promote synergy with other bodies, both within and outside the Council of Europe. The Committee is particularly keen to develop good working relations with the national preventive mechanisms (NPMs) now being established across Europe, and this matter will be addressed in detail in the following section of this General Report.

23. Reference has already been made to the Committee's exchange of views with judges of the European Court of Human Rights in November 2011. Such meetings have now become an established practice and are a reflection of the close links between the work of the Court and the CPT's activities. In this connection, it is interesting to note that the Committee's visit reports or standards have now been cited in close to 350 of the Court's judgments.

Regular contacts have also been maintained with the outgoing and incoming Commissioners for Human Rights, Thomas Hammarberg and Nils Muižnieks, and members of the Commissioner's Office, so as to ensure as far as possible

that the CPT and the Commissioner build on each other's work in areas covered by the Committee's mandate.

Similarly, it is important for the CPT and the International Committee of the Red Cross (ICRC) to sustain an ongoing dialogue, in view of the multiple points of contact between their respective mandates. In December 2011, the CPT's President had a broad-ranging exchange of views with the President of the ICRC, Mr Jakob Kellenberger, and this was followed by detailed discussions in May 2012 between the Heads of Division in the CPT's secretariat and senior ICRC officials.

24. During the period covered by this General Report, CPT members have taken part in numerous activities organised within the framework of the Council of Europe. Specific mention might be made of the participation of the CPT's President at the Conference on the Prevention of Human Rights Violations held in Kyiv in September 2011, the participation of the 2nd Vice-President at the 16th Conference of Directors of Prison Administration held in Strasbourg in October 2011, and the regular attendance of CPT representatives at activities organised by the European NPM Project (see also paragraph 36 below).

25. Outside of the Council of Europe, the CPT has participated in various events organised within the framework of the European Union, the United Nations and the World Health Organisation. For example, the CPT's President addressed the Conference "Dignity and rights of irregular migrants" organised by the European Union Agency for Fundamental Rights in Warsaw in November 2011, and had an exchange of views with the COSCE Working Party of the Council of the European Union in Brussels on 20 April 2012. Reference should also be made to the CPT's active participation at the Regional Consultation for Europe on prevention of torture, organised in Geneva in December 2011 by the Office of the United Nations High Commissioner for Human Rights and aimed at reinforcing cooperation between the UN and regional human rights mechanisms.

In addition, the CPT has been represented at a number of major events organised by non-governmental organisations, such as the Global Forum on the OPCAT "Preventing Torture, Upholding Dignity: from Pledges to Actions", organised in Geneva in November 2011 by the Association for the Prevention of Torture.

26. In its 21st General Report, the CPT referred to Parliamentary Assembly Recommendation 1968 (2011) on "Strengthening torture prevention mechanisms in Europe", in which the Assembly made a number of proposals concerning the Committee. The CPT is grateful to the Committee of Ministers for having given it the possibility to make comments on those proposals. The reply to the Recommendation subsequently adopted by the Committee of Ministers on 15 February 2012 corresponds very much to the CPT's views (see also paragraph 88 below).²

2. The texts of Recommendation 1968 (2011) and of the Committee of Ministers' reply are reproduced in Appendix 8.

Relations between the CPT and National Preventive Mechanisms (NPMs)



Preliminary remarks

27. A system of independent oversight of places where persons are deprived of their liberty is a fundamental safeguard against ill-treatment. Consequently, as from the outset of its activities, the CPT has been recommending the establishment of independent *national* structures able to carry out visits on a regular basis to prisons, police establishments and the like. Indeed, provided they possess the necessary knowledge and powers and are adequately resourced, monitoring mechanisms at national level – be they visiting boards, Ombudsman offices or similar entities – can intervene more frequently, and more rapidly, than any international body.

28. The entry into force, in June 2006, of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) created a fresh perspective regarding the monitoring of places of detention and the prevention of torture. First, this treaty established a new independent international monitoring mechanism, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), with very similar powers to the CPT but at universal level. It is incumbent on the CPT and the SPT to seize all opportunities for cooperation and the sharing of know-how, and in this regard there are regular exchanges of views between the two bodies and their respective secretariats.

29. However, another aspect of the OPCAT, the so-called “second pillar”, is arguably even more significant. States adhering to the Optional Protocol are obliged to provide at the domestic level for national preventive mechanisms (NPMs) possessing extensive monitoring powers in relation to places of detention. In the European context, 31 member States of the Council of Europe have already ratified the OPCAT and to date 25 countries have set up or designated an NPM, a development which is in line with the CPT’s long-standing recommendation referred to above. And it is now standard practice for the Committee to expressly encourage those States which have not already done so to ratify the OPCAT and set up an NPM. The NPMs are natural partners for the CPT. In fact, the effectiveness of efforts to assist States in Europe to prevent torture and other forms of ill-treatment will in future depend to a large extent on the quality of the interaction between the Committee and these mechanisms.

30. In the following paragraphs, the CPT sets out some provisional thoughts on how it sees its future relations with NPMs and, more specifically, on the means of promoting synergy between the Committee and these emerging actors at national level. The CPT would welcome comments on this section of its General Report.

Types of NPMs and key requirements

31. From the observation of NPMs already operating within Europe, three main models can be identified:

- **Ombudsman/Ombudsman plus:** in countries following this approach (e.g. Albania, Estonia, Georgia, Spain), the pre-existing functions of the Ombudsman institution are extended to encompass the NPM mandate. In certain countries (e.g. Republic of Moldova, Slovenia), the NPM mandate is carried out by the Ombudsman office together with civil society actors (NGOs).
- **Stand-alone single body model:** that is the establishment of a specific body exclusively devoted to carrying out the NPM mandate. Examples of this approach are the mechanisms established in France, Liechtenstein and Switzerland.
- **Multi-body model:** in certain countries (e.g., the Netherlands and the United Kingdom), several existing inspectorates and/or specialised independent institutions have been jointly designated as the NPM, with one institution having a coordinating role.

32. NPM structures inevitably reflect the specific characteristics of each country, which no doubt explains why they are often quite different in terms of organisational make-up, budgetary means, and even powers and competences. It is certainly not for the CPT to promote one particular model over another.

33. However, the Committee is attentive to whether a given mechanism, whatever its form, meets the key requirements as laid down in the OPCAT and subsequently elaborated upon by the SPT in its Guidelines on NPMs. Those requirements include the functional independence of the mechanism and of its personnel, adequate resources, experienced and diversified membership, as well as a mandate and powers which are in accordance with the OPCAT (Articles 19 and 20) and clearly set out in a constitutional or legislative text. It should be noted in this regard that the degree of interaction between the CPT and a given NPM will inevitably depend to a large extent on the Committee's perception of that mechanism's real level of independence.

34. When the CPT encounters situations in which the above-mentioned requirements do not appear to be met, it will raise the matter with the national authorities. For example, the Committee has commented in several visit reports on the apparent inadequacy of the resources placed at the disposal of the NPM in the country concerned. Similarly, in one report the CPT highlighted a specific case in which an NPM did not enjoy ready access to police holding facilities and/or custody registers (in clear contravention of Article 20 of the OPCAT), and made recommendations designed to avoid any repetition of such a situation. By acting in this way the CPT hopes to provide concrete support to NPMs, many of which are still at an early stage of their development and trying to make their mark.

35. Of course, the mere fact of an NPM being OPCAT-compliant is not a guarantee of success. Possessing the relevant powers and adequate resources is one thing, making the most effective use of them quite another.

Exchange of knowledge

36. In recent years, the CPT has taken an active part in a number of events aimed at fostering among the different monitoring bodies mandated to prevent ill-treatment a coherent approach in terms of both standards and working methods. This has occurred in particular in the framework of the European NPM Project, which comprised both thematic workshops and onsite exchanges of experience. The Committee has also participated in conferences on the establishment of NPMs at national level. Additionally, CPT members have been involved in their private capacity in training activities in their own country and in third countries. All this has resulted in valuable experience-sharing on prevention of torture and other forms of ill-treatment, and more specifically on the most effective methods of conducting visits to places of deprivation of liberty.

37. The CPT will continue to participate in such events, which beyond the knowledge exchanged serve more generally to promote synergy between the national and international partners in the field of prevention of ill-treatment. In this context, the Committee is envisaging the organisation of regular exchanges of views on topical issues with representatives of established and operational NPMs.

38. On substantive issues, the CPT has gradually developed its own set of “measuring rods”. This has been done not only on the basis of the Committee’s empirical findings during visits, but also in the light of some key reference points, such as Council of Europe recommendations relating to the deprivation of liberty and the case law of the European Court of Human Rights, as well as relevant UN human rights instruments and related jurisprudence. These general criteria³ provide a basis for assessment and the recommendations contained in CPT reports. A similar process of standards development can be expected in countries which have ratified the OPCAT, as the NPMs gradually develop their activities, and this brings with it the risk of diverging approaches and interpretations vis-à-vis given situations. Regular exchanges of views of the kind just referred to will help to counter this risk. It may well not be possible to arrive at common standards in all areas, but everything should be done to facilitate the coherence of action proposed. If the CPT and NPMs issue contradictory recommendations, this can only undermine their respective efforts to prevent ill-treatment.

39. Equally, the precise manner in which one goes about the business of visiting the different types of places of deprivation of liberty should be the subject of a continuous sharing of experience and knowledge, so as to promote as far as possible consistent methodologies. The CPT could make available internal tools it has developed in this area.

3. Which are reproduced in part in the publication “CPT standards”; CPT/Inf (2002) 1 – Rev.2011

40. To borrow a phrase used at the November 2009 Strasbourg Conference on new partnerships for torture prevention in Europe, organised jointly by the CPT and the Association for the Prevention of Torture, the aim should be to “support and inspire each other”. Entered into in this spirit of building on each other’s accumulated experience, the exchange of knowledge can only deepen the impact of monitoring bodies, be they national, regional or universal.

CPT/NPM interaction in the context of visits

41. A visit by the CPT, whether periodic or ad hoc, is a key moment for relations – and more specifically cooperation – between the Committee and the NPM in the country concerned.

Before and during the visit

42. Before a periodic visit gets underway, the information gathered by the relevant NPM and its conclusions and annual reports can be invaluable to the CPT for the purposes of identifying the main themes of the visit and the particular places that should be visited. There needs to be continuous communication between the Committee’s secretariat and NPMs, increasing in intensity in the months preceding the visit. The publication by the CPT, at the end of each year, of the list of countries in which a periodic visit will take place in the following year should facilitate this process. Of course, information received from an NPM might also trigger an ad hoc visit by the CPT.

43. A meeting between the CPT’s delegation and representatives of the NPM should be organised at the outset of a visit. In this way, the delegation can be updated on the most recent information at the NPM’s disposal. In return, the delegation could indicate the places of deprivation of liberty it intends to visit, thereby reducing the risk of unnecessary duplication of work while the delegation is in the country (it being understood, of course, that the delegation may decide during the visit to alter its programme and go to other places). This meeting can also provide the occasion for a general discussion of the NPM’s work in the country in question and of any difficulties it may be encountering. Based on this discussion, the delegation may raise certain areas of concern with the national authorities, at the end-of-visit talks and/or in the visit report.

44. During the visit, the CPT’s delegation acts autonomously according to its defined priorities and the needs encountered on the ground. However, the Committee welcomes the presence of a representative of the NPM during its delegation’s meetings with the national authorities. Representation of the NPM is particularly useful at the end-of-visit talks, when the delegation will provide its preliminary remarks as well as any observations of an urgent nature. In this way, NPMs can be directly informed, without delay, of the CPT’s concerns and as appropriate take prompt action. Consequently, the CPT hopes that States Parties will give favourable consideration to requests from the NPM to be present at such meetings.

After the visit

45. It is axiomatic that an NPM is ideally placed to ensure follow-up to a CPT visit and, more specifically, to monitor the implementation of recommendations made by the Committee. However, the rule of confidentiality which applies to the CPT's visit reports until such time as they are authorised for publication by the State concerned can act as a brake on exploiting this obvious avenue for synergy. At the same time, a State which has ratified both the Convention establishing the CPT and the OPCAT surely has every interest in seeing the CPT and NPM work hand in hand. For this reason, the CPT believes that serious consideration should be given by States to the possibility of transmitting to the NPM without delay the Committee's visit report, on the condition that it is treated as confidential until such time as the State has agreed to its publication (a similar proviso could be applied vis-à-vis the presence of an NPM at end-of-visit talks).

46. Once the NPM is in possession of the full visit report, whether upon the report's publication or, hopefully, at an earlier stage, the CPT intends to consult with the mechanism on how it can best help the Committee take forward its recommendations. A meeting between CPT representatives and the NPM could be organised on this subject in the country concerned (and as soon as the visit report is in the public domain, other relevant actors could be associated with these discussions). In fact, in a number of countries, NPMs are already taking the initiative and pursuing the implementation of the CPT's recommendations; the CPT encourages all NPMs to proceed in this way and to provide relevant follow-up information to the Committee.

47. Reference must also be made to the risk of reprisals against detained persons who have been interviewed by a CPT delegation, a risk which on occasion is all too real. By virtue of their powers and capacity to ensure an immediate presence, NPMs are well placed to counter that risk, and the CPT will when necessary provide the NPM in the country concerned with the relevant information.

Some specific issues

Individual communications addressed to the CPT

48. The CPT receives a considerable number of communications from detained persons, or their relatives or friends, raising issues about their treatment and conditions of detention. These communications help the Committee to obtain an accurate picture of the overall situation in a given country and to identify any worrying trends. However, the CPT generally does not seek to intervene in individual cases; the Committee's role is not that of an Ombudsperson, nor does it have the resources to perform such an activity.

49. When appropriate, the attention of the persons who sent the communication is drawn to an independent body at national level which could examine the matter raised, and that body might be an NPM. The question has been raised whether the CPT should not itself take the initiative to transmit individual communications to the relevant NPM (save for those cases when from the content of the communication, it is clear that this would be contrary to the wishes of the person concerned). This question will most likely be answered on a country by country basis, in the light, *inter alia*, of the relationship that is gradually developed between the CPT and each NPM.

Simultaneous membership of the CPT and an NPM

50. Within the CPT, there are now several members who are members of and even heading the NPM in their country. The question has been raised whether this does not involve a conflict of interest. For its part, the CPT does not see this situation as problematic, provided that the NPM concerned is OPCAT-compliant and, in particular, enjoys functional independence. It should be emphasised in this regard that a CPT member does not play an active role in relation to the Committee's activities in the country in respect of which he/she has been elected. More specifically, a CPT member never takes part in a visit by the Committee to that country, and he/she does not intervene in the subsequent discussion of the draft visit report.

51. In addition, the CPT derives considerable benefit from the expertise of members with NPM experience when assessing the situation in other European countries. Their presence enriches the diversity of views within the Committee and provides for a larger spectrum of professionals with direct knowledge of on-site monitoring.

Joint participation in visits

52. The possibility has been mooted of NPM members joining the CPT's delegation during a visit to their country, or of CPT members being invited to participate in an NPM visit. The CPT is not in favour of such scenarios. To begin with, the rule of confidentiality which applies to the Committee's activities would pose significant problems as regards the participation of NPM members in one of its visits. More fundamentally, the Committee considers that to mix up the functions of national and international preventive mechanisms could prove to the detriment of both. The strength of the tripartite monitoring system (NPMs, CPT, SPT) now in place – the assistance and support that each part can provide to the others – lies precisely in the mechanisms remaining, and being seen to remain, quite separate. "United in our goals, distinct in our roles" should be the motto to adopt.

Publication highlights



Introduction

53. Fifteen CPT visit reports were published during the period covered by this General Report, at the request of the States concerned. At the time of writing, 274 of the 319 reports so far drawn up have been placed in the public domain.

54. As the CPT has emphasised in previous general reports, authorising publication of visit reports can be seen as one of the most important means of cooperating with the Committee, in view of the increased impact this will give to its work. Moreover, the sooner authorisation is given, the greater that impact will be. In this connection, the CPT welcomes the fact that the Belgian, Dutch, Moldovan and Norwegian authorities have recently requested the publication of reports concerning their countries, without awaiting the drawing up of their responses.

Similarly, the CPT appreciates the decision of the Ukrainian authorities to request publication, in March 2012, of the preliminary observations made by the delegation which carried out the ad hoc visit to Ukraine at the end of 2011.

55. A State-by-State table showing the current situation as regards publication of CPT visit reports is set out in Appendix 6. In the light of the recent high-level talks (see paragraph 15), the CPT is confident that the Russian authorities will soon revise the approach they have followed to date and begin to request publication of the Committee's reports. The CPT also hopes that the Azerbaijani authorities will agree to the publication of those visit reports which have not yet been placed in the public domain.

The CPT is puzzled by the continuing absence of authorisation to publish the report transmitted to NATO more than five years ago on the Committee's visit in 2007 to places of deprivation of liberty in Kosovo⁴ under the authority of KFOR. This is in marked contrast to the approach of UNMIK, which has requested the publication of the reports on both of the CPT's visits to Kosovo⁴, in 2007 and 2010.

Selected publications

56. In this section, a closer look is taken at some of the visit reports, government responses and other documents published during the last twelve months.

4. 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.

Reports on the periodic and ad hoc visits to Armenia in May 2010 and December 2011 and responses of the Armenian authorities

(treatment of persons in police custody, situation of remand and sentenced prisoners, living conditions in psychiatric/social care establishments)

57. During the 2010 visit, the CPT's delegation heard a significant number of allegations of police ill-treatment. In several instances, the severity of the ill-treatment alleged was such that it could be considered as amounting to torture (e.g. extensive beating; infliction of electric shocks with stun batons; blows to the soles of the feet). In the report on that visit, the Committee has recommended that a firm message of "zero tolerance" of ill-treatment be delivered to all police officers. Further, training on advanced crime investigation methods should be developed and safeguards against ill-treatment (such as the rights of notification of custody, of access to a lawyer and of access to a doctor) reinforced. The Committee has also recommended that increased emphasis be placed on the structural independence of the Special Investigation Service (SIS).

In its response, the Armenian Government makes particular reference to police and criminal procedure reforms, improved police training and action taken against police officers in the case of professional misconduct.

58. In the prison field, most inmates interviewed during the 2010 and 2011 visits indicated that they were being treated in a correct manner by staff. However, in the course of the 2010 visit, the delegation heard a few allegations of physical ill-treatment by staff at Nubarashen Prison. The information gathered during that visit shed light on several areas of concern, in particular: prison overcrowding, impoverished programmes of activities for prisoners, allegations of corrupt practices by prison staff and public officials associated with the prison system, and reliance on an informal inmate hierarchy to maintain good order in prisons. Further, the situation of life-sentenced prisoners remained unsatisfactory and prompted the CPT to return to Armenia in 2011 in order to examine progress made in respect of this category of inmate, in particular at Kentron Prison. In the report on the 2011 visit, the CPT reached the same conclusion as in the report on its 2010 visit, namely that conditions under which life-sentenced prisoners are accommodated at Kentron Prison could be considered as amounting to inhuman treatment. Both reports contain a series of specific recommendations aimed at remedying the problems found in the prisons visited.

In response, the Armenian authorities refer to measures being taken to combat prison overcrowding, including by placing increased emphasis on alternatives to imprisonment and by making early release mechanisms more efficient. Further, the building of new prisons, within the framework of a "prison infrastructure reform programme", is expected to decrease overcrowding, improve conditions of detention for various categories of inmate and reduce the risks of inter-prisoner intimidation. The authorities also indicate that the legal provisions on the

segregation of prisoners serving life sentences will be reviewed after a fully-fledged individual risk assessment procedure is put in place.

59. As regards psychiatric and social care institutions, the CPT has noted that new regulations on the use of means of restraint have been adopted by the Ministry of Health. That said, almost no improvements were observed during the 2010 visit with respect to the provision of psychiatric care and the implementation of legal safeguards for involuntary hospitalisation of civil psychiatric patients; several recommendations made in previous reports have been reiterated. Further, the Committee has made a number of recommendations aimed at improving living conditions in the various institutions visited. In their response, the Armenian authorities provide information on measures taken to improve the situation in psychiatric and social care institutions.

*Reports and responses published in August 2011, CPT/Inf (2011) 24
and CPT/Inf (2011) 25, and October 2012, CPT/Inf (2012) 23
and CPT/Inf (2012) 24*

Report on the periodic visit to Bulgaria in October 2010 and response of the Bulgarian authorities

(treatment of persons detained by the police, conditions in investigation detention facilities (IDFs) and prisons, situation of psychiatric patients and persons with mental disabilities)

60. The majority of the persons interviewed by the CPT's delegation said that they had been correctly treated by the police. Nevertheless, a considerable number of persons alleged physical ill-treatment at the time of their apprehension, and some allegations were also received of ill-treatment during police questioning. In a few isolated cases, the delegation heard accounts of the infliction of electric shocks. While welcoming a ministerial instruction aiming at setting up special rooms equipped for making electronic (audio and video) recording of questioning in all police directorates, the CPT has recommended that a code of conduct for police interviews be drawn up and that police officers receive specific training in recognised interviewing techniques. A firm message of "zero tolerance" of ill-treatment should also be delivered to all police staff.

In their response, the Bulgarian authorities refer to an order issued by the Minister of the Interior shortly after the CPT's visit, introducing measures to prevent ill-treatment of detained persons. Information is also provided on the training received by police officers, with an emphasis on the protection of human rights.

61. The delegation found that with the notable exception of the facility in Plovdiv, material conditions in the IDFs visited still did not meet the necessary standards. It also remained the case that the vast majority of persons held in IDFs were confined to their cells for 23 hours a day, for weeks or even months

on end. In their response, the Bulgarian authorities describe measures taken to tackle these problems but also stress that progress is hindered by a lack of funds.

62. At Plovdiv and Varna Prisons, the delegation received a number of allegations of physical ill-treatment of prisoners by staff (punches, kicks, abusive resort to truncheons). In their response, the Bulgarian authorities indicate that prison staff are regularly reminded – including in the context of training – that physical force and truncheons can only be applied when necessary to maintain security and good order. The report also highlights that inter-prisoner violence was rife at both prisons, a situation in relation to which overcrowding and low staffing levels were contributing factors. The CPT has recommended the establishment of a national strategy to combat this phenomenon and identified key elements of such a strategy.

63. No allegations were received of physical ill-treatment of patients by staff at Karvuna Psychiatric Hospital. However, at the forensic ward of Lovech Psychiatric Hospital, the delegation heard several allegations of physical ill-treatment of patients (including blows with a wooden stick) and of the use of insulting language by certain orderlies. Shortly after the visit, the Bulgarian authorities informed the CPT that, following an internal inquiry, an orderly implicated in the alleged beatings had been dismissed while another staff member had received a warning.

64. The delegation found that living conditions were generally acceptable at the Home for men with intellectual retardation in Oborishte. Further, some improvements had been made at the Home for men with psychiatric disorders in Pastra, as compared to the situation observed by the Committee in 2003. However, the living conditions in Block 3 of the Pastra Home, which was accommodating half of the residents, were unacceptable. In their response, the Bulgarian authorities indicate that the residents concerned have now been transferred elsewhere and that Block 3 has been taken out of service.

*Report and response published in March 2012, CPT/Inf (2012) 9
and CPT/Inf (2012) 10*

Report on the periodic visit to France in November/December 2010 and response of the French authorities

(treatment of persons detained by law enforcement officials, conditions in prisons, facilities for “difficult” psychiatric patients and prisoners suffering from psychiatric disorders)

65. Most persons interviewed by the CPT’s delegation had no complaints about the way they were treated when detained by law enforcement officials. However, some allegations were received of excessive use of force at the time of apprehension and of blows inflicted shortly afterwards; further, a number

of persons complained of unduly tight handcuffing. All of these allegations concerned the National Police. In its report, the CPT recommends that a message of “zero tolerance” of ill-treatment be delivered regularly to officers of the National Police. In their response, the French authorities provide information on the actions taken (instructions, reminders, training) to ensure that law enforcement officials comply with the law and professional ethics in the course of their duties. In reaction to recommendations by the CPT, they also inform the Committee of steps taken or envisaged to improve conditions of detention in police and gendarmerie cells and in administrative holding centres for foreign nationals.

66. The report notes that the Police Custody Act of 14 April 2011 has introduced significant improvements as regards access to a lawyer during police custody. Nevertheless, the CPT expresses concern about the possibilities offered to postpone for a given period a lawyer’s presence during questioning and even, in relation to persons suspected of certain offences, any contact whatsoever between the detained person and a lawyer. The Committee has emphasised that any postponement should only concern a lawyer chosen by the detained person; in such cases, the detained person must be granted access to another lawyer, who could, for example, be appointed by the chair of the Bar Association.

67. The delegation received no allegations of deliberate ill-treatment of inmates by prison staff in Le Havre and Poissy Prisons; nevertheless, at Le Havre, some cases of excessive use of force by staff when dealing with incidents were drawn to its attention. The delegation also noted that there was an appreciable risk of inter-prisoner violence in that establishment. Further, the conditions under which prisoners are transferred to local health-care establishments and receive medical treatment continue to be of concern to the Committee. In response, the French authorities refer to training for junior prison staff at Le Havre Prison on the appropriate use of force. They also inform the Committee of the work of Health-Justice coordination bodies in relation to transfers of prisoners to local health-care facilities. As regards prison overcrowding, another issue raised by the CPT in the report, the French authorities provide details on action taken to develop non-custodial measures and plans to increase the overall capacity of the prison estate.

68. In the field of psychiatry, the CPT has recommended that urgent action be taken in respect of persons awaiting placement in units for difficult patients and prisoners suffering from psychiatric disorders. It emerged during the visit that these categories of patients were generally kept for prolonged periods, often under restraint, in seclusion rooms in general psychiatry departments. In response, the French authorities inform the Committee of the envisaged setting-up of psychiatric intensive care units at the Paul Guiraud hospital complex and of the planned increase of the number of places available in units for difficult patients in order to better meet the needs of the patients concerned. They also indicate that, pending the construction of further psychiatric hospital units

for prisoners, a document is under preparation with a view to preventing abusive resort to isolation and restraint vis-à-vis prisoners hospitalised in general psychiatry departments and that the necessary adjustments to the current organisation of care are under consideration.

*Report and response published April 2012, CPT/Inf (2012) 13
and CPT/Inf (2012) 14*

Report on the periodic visit to Germany in November/December 2010 and response of the German authorities

(“Fixierung”⁵, immigration detainees in prisons, preventive detention and surgical castration)

69. The CPT’s delegation found that in certain *Länder*, persons in police custody could still be subject to *Fixierung*. For example, at Cologne Police Headquarters (North Rhine-Westphalia), agitated detained persons could be shackled with hand- and ankle-cuffs to metal bars embedded in concrete platforms. The Committee has recommended that the police authorities of all *Länder* follow the approach of the Federal Police and the police service of Saxony and put an end to the use of *Fixierung* in police establishments. As regards prisons, resort could be had to *Fixierung* in all of the establishments visited, with the exception of Leipzig Prison (Saxony). Particular concern is expressed in the report about the prolonged periods for which prisoners were on occasion subjected to this measure (e.g. up to three days at Herford Juvenile Prison and up to five days at Cologne Prison) and the equipment used in certain prisons (e.g. at Herford and Cologne, metal rings anchored to the floor together with hand/ankle-cuffs). The CPT reiterates that the aim should be to abandon resort to *Fixierung* in non-medical settings and has spelt out the precepts which in the meantime should be strictly adhered to whenever resort is had to this measure in prisons.

In their response, the German authorities point out that in many *Länder* the practice of *Fixierung* has been completely abolished in a police context and that, where the practice still exists, its application is subject to stringent prerequisites and the measure is used only in rare, exceptional cases. As regards the prison context, the German authorities are of the view that a general abolition of *Fixierung* of inmates is not practicable. However, they state that the precepts identified by the CPT are observed and, more specifically, that the equipment used in nearly all of the *Länder* consists exclusively of strap systems.

70. The delegation noted that immigration detainees were still being held in prisons in Baden-Württemberg, Bavaria and Saxony. The CPT has stressed once again that a prison is by definition not an appropriate place in which to detain someone who is neither suspected nor convicted of a criminal offence. It is recommended that the authorities in the *Länder* concerned take the necessary

5. The term “*Fixierung*” refers to the practice of physically fixing a person in a supine position, usually by the arm(s), leg(s) and/or trunk, on a bed/mattress by means of straps or metal cuffs.

measures to ensure that immigration detainees are accommodated instead in centres specifically designed for that purpose, meeting the criteria set out by the Committee.

In their response, the German authorities underline that in nearly all of the *Länder* concerned, immigration detainees are kept separate from prisoners and that in some, detention pending deportation is enforced in entirely distinct facilities. Given the low numbers involved, the current situation is considered appropriate; the authorities argue in particular that accommodation in a prison allows detainees to benefit from the various care services (such as psychologists, health care or social welfare staff). As for the recommendations made in the visit report concerning material conditions, the regime and visits at the unit for immigration detainees at Munich-Stadelheim Prison, the German authorities state that renovation work has been carried out, recreational activities enhanced and the visit entitlement increased from one hour to four hours per month.

71. As regards the situation of persons subject to preventive detention ("*Sicherungsverwahrung*"), the delegation found that the differentiation between preventive detention and the execution of prison sentences, as enshrined in German law (*Abstandsgebot*), was not being effectively implemented at Freiburg Prison at the time of the visit. The conditions of detention of the persons concerned were scarcely better than those of sentenced prisoners and there was a shortage of psychological care and therapeutic activities. This was acknowledged by the establishment's management, and steps were already being taken to improve the situation.

The CPT's visit took place at a time when the entire system of preventive detention in Germany was undergoing major reform, in the light of recent judgments of the European Court of Human Rights and the German Constitutional Court. In their response, the German authorities describe in detail the new projects of the different *Länder* for the enforcement of preventive detention.

72. The report notes that surgical castration is applied to sentenced sex offenders in a few *Länder*; in rare cases. The CPT makes clear its fundamental objections to the use of surgical castration as a means of treatment of sex offenders and has recommended that this intervention be discontinued, in that context, in all *Länder*. In their response, the German authorities state that they do not share the CPT's views and, in particular, refer to scientific evidence of the effectiveness of surgical castration to prevent reoffending. Nevertheless, they indicate that it is currently being reviewed whether this issue should be discussed in the context of a debate involving representatives of several disciplines, and also with regard to ethical aspects.

*Report and response published February 2012, CPT/Inf (2012) 6
and CPT/Inf (2012) 7*

Report on the periodic visit to Serbia in February 2011 and response of the Serbian authorities

(treatment of persons in police custody, prison overcrowding, conditions in the Special Prison Hospital and psychiatric establishments)

73. The CPT's delegation received several allegations of ill-treatment by police officers, including in respect of juveniles, consisting of slaps, punches, kicks and abusive resort to truncheons at the time of apprehension or when suspects were being questioned in police stations. The Committee has recommended that police officers throughout Serbia be reminded that all forms of ill-treatment of persons deprived of their liberty are not acceptable and will be the subject of severe sanctions. Recommendations have also been made aimed at strengthening safeguards against ill-treatment, in particular as regards access to a lawyer from the very outset of deprivation of liberty, the proper documenting of the period spent in police custody, and the medical screening of persons remanded to prison; on the last point, the report stresses that prison health-care services can make a significant contribution to the prevention of ill-treatment through the systematic recording of injuries and the provision of information to the relevant authorities.

In their response, the Serbian authorities describe the work of the Sector of Internal Control of the Ministry of the Interior in the field of monitoring the work of law enforcement officials and provide statistics on complaints filed by citizens and investigations against police officers for alleged criminal offences of ill-treatment and torture during the period 2008 to 2011. Reference is also made to a plan for the construction and renovation of police detention facilities, taking account of the CPT's recommendations.

74. Overcrowding was observed in all the prisons visited and in particular at Belgrade District Prison, where it was not uncommon to find four inmates being accommodated in cells measuring some 9m². The situation at Belgrade District Prison was further aggravated by the establishment's overall state of dilapidation. The CPT has called upon the Serbian authorities to redouble their efforts to combat prison overcrowding and to be guided in this respect by the relevant recommendations of the Council of Europe's Committee of Ministers. A comprehensive and fully budgeted refurbishment programme for Belgrade District Prison, with precise timetables, is also required.

In their response, the Serbian authorities, referring to the 2010-2015 Action Plan for the Reduction of Prison Overcrowding, provide information on the steps taken in this field, including the planned construction of three new prisons (Pančevo, Kragujevac and Medvedja) and the increasing recourse to alternative measures of detention. Further, 1.35 million Euros have been earmarked in 2012 for refurbishment work at Belgrade District Prison, and more funds will be allocated for this purpose in 2013 and 2014.

75. During a follow-up visit to the Special Prison Hospital in Belgrade, the CPT's delegation found that the combination of severe overcrowding, dilapidated facilities, lack of staff and limited therapeutic options was leading to conditions that could be considered as inhuman and degrading. The Serbian authorities emphasise in their response that refurbishment of the hospital has been set as a priority and provide details on the work to be carried out during the period 2012 to 2014.

76. At Gornjia Toponica Special Psychiatric Hospital, the delegation observed that there was a considerable risk of inter-patient violence, a situation linked to low staff presence on the wards. As for psychiatric treatment, it was based essentially on pharmacotherapy; the range of psycho-social rehabilitative activities was very limited, mainly as a result of understaffing. It was also found that certain patients had not had access to outdoor exercise for more than seven months; however, the report notes the prompt action taken by the Hospital's Director to remedy this state of affairs. The CPT has recommended that efforts be made to expand the range of therapeutic options, to involve more patients in psycho-social rehabilitative activities and to draw up an individual treatment plan for each patient; this will require increasing the number and attendance hours of the relevant categories of staff.

In their response, the Serbian authorities refer to new regulations aimed at enhancing the programme of occupational and social rehabilitation and which will involve the introduction of individual treatment plans.

*Report and response published in June 2012, CPT/Inf (2012) 17
and CPT/Inf (2012) 18*

Preliminary observations made by the CPT's delegation at the end of the ad hoc visit to Ukraine in November/December 2011

(treatment of persons in police custody, conditions of detention in police and pre-trial establishments, health care provided to certain persons held at the Kyiv SIZO)

77. The CPT's delegation received numerous allegations from detained persons, including women and juveniles, that they had been subjected to physical ill-treatment at the time of arrest or during subsequent questioning by police officers. In a number of cases, the alleged ill-treatment was of such a severity that it could be considered to amount to torture (e.g. infliction of electric shocks; asphyxiation with a plastic bag or gas mask; suspension in a hyper-extended position; death threats with a gun put to the head). In some cases, the allegations made were supported by medical evidence.

The information gathered during the visit suggests that the phenomenon of police ill-treatment remains widespread and that persons run a significant risk of being subjected to ill-treatment while in the hands of the police, in particular, when they do not rapidly confess to the criminal offence(s) of which they are suspected.

78. The delegation observed a number of practices which are likely to hinder efforts to combat ill-treatment and foster a climate of impunity. They include: medical examinations of detained prisoners being performed in the presence of police officers; the return of remand prisoners to police establishments for investigative purposes; the holding of detained persons in temporary holding facilities beyond the initial 72-hour limit provided for by law; cases of persons who allege ill-treatment while in police custody being reported back to the same police establishment for investigation; the non-application of existing legal safeguards (e.g. access to a lawyer) at the outset of the de facto deprivation of liberty, in particular during informal questioning by operational staff.

79. Material conditions of detention were generally satisfactory in the police establishments visited.

The delegation also gained a positive impression of the situation in the units for juveniles at the Kyiv and Kharkiv SIZOs. In contrast, conditions of detention were quite simply appalling in many of the other units of the two SIZOs. Numerous cells were in a poor state of repair and had only very limited or no access to natural light. In addition, the delegation expressed concern about the severe overcrowding observed in both establishments. By way of example, at the Kharkiv SIZO, the delegation found a cell measuring some 45 m² which was accommodating 44 prisoners at the time of the visit. There were only 28 beds available which meant that prisoners were obliged to sleep in turns.

80. The delegation examined the health care provided to certain persons being held at the Kyiv SIZO, including Valeriy Ivashenko, Yuriy Lutsenko and Yulia Tymoshenko. The delegation expressed concern that in respect of each of these three persons, considerable delays had occurred in arranging specialised medical examinations outside the SIZO. While noting that symptomatic treatment was being provided to Mr Ivashenko and Ms Tymoshenko, the delegation commented that if their condition did not improve in the very near future, it would be desirable for additional interventions to be explored, if necessary in a specialised hospital setting.

Preliminary observations published in March 2012, CPT/Inf (2012) 8

(N.B. The full report of the CPT on the visit was transmitted to the Ukrainian authorities on 30 March 2012)

Report on the visit to Kosovo⁶ in June 2010 and response of the United Nations Interim Administration Mission in Kosovo (UNMIK)

(treatment of persons in police custody, prison conditions, situation of persons held in psychiatric/social welfare establishments)

81. The CPT's delegation received numerous allegations of physical ill-treatment by officers of the Kosovo⁶ Police. In addition to excessive use of force at the time of apprehension, the ill-treatment alleged included slaps, punches, kicks and beating on the soles of the feet by police officers attempting to obtain confessions during questioning. In a number of cases, medical evidence was gathered which was fully consistent with the allegations made. Overall, it appeared that the situation as regards the treatment of persons detained by the Kosovo⁶ Police was no better and possibly worse than that observed during the Committee's 2007 visit.

In a detailed response transmitted by UNMIK, information is provided on steps taken in the light of the CPT's recommendations. For instance, all members of the Kosovo⁶ Police were instructed to undergo a two-day training course on human rights and standard operating procedures were reviewed. Further, EULEX⁷ monitors conduct random checks on arrested persons and are required to report any instances of ill-treatment.

82. As in 2007, the delegation received many allegations of physical ill-treatment and/or excessive use of force – slaps, kicks, punches, abusive resort to truncheons, etc. – by members of the special intervention group at Dubrava Prison (which remains the largest prison in Kosovo⁶). In addition, a number of accounts of physical ill-treatment by the establishment's custodial staff were received, and some allegations of inter-prisoner violence were heard. Further, the report notes that corruption and favouritism appeared to be endemic at Dubrava Prison.

In response to the CPT's recommendations on these matters, it is pointed out that two prison officers who had displayed inappropriate behaviour were removed from the intervention group at Dubrava Prison and that in future the activities of the group will be closely monitored by EULEX staff. Information is also provided on steps being taken to develop a strategy to combat inter-prisoner violence. It is accepted that corruption does exist at Dubrava Prison, but not to the extent indicated in the CPT's report; staff members found to have been involved in corruption have been dismissed, and some have faced criminal prosecution.

6. 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. European Union Rule of Law Mission in Kosovo.

83. The report notes that material conditions of detention have significantly improved in most of the prison establishments visited, appropriate action having been taken in the light of the recommendations made by the CPT in the report on its 2007 visit. The delegation also gained a very favourable impression of the regime offered to female and juvenile prisoners at Lipjan/Lipljan Correctional Centre, and found that efforts had been made in the other establishments visited to provide sentenced prisoners with purposeful out-of-cell activities. However, the regime for remand prisoners remained impoverished in all the establishments visited, with inmates usually locked up in their cells all day, apart from access to daily outdoor exercise (for two to three hours).

84. The delegation received no allegations and found no other indications of ill-treatment of patients/residents by staff, or of violence among patients/residents, in the psychiatric/social welfare establishments visited. Further, living conditions at the Shtime/Štimlje Integration Centre for Mental Health had improved considerably as compared to the situation observed in 2007. However, the forensic unit at the Psychiatric Clinic of Prishtinë/Priština University Hospital remained in a poor state of repair and patients were not able to benefit from outdoor exercise.

According to the response, a new forensic psychiatric clinic was being constructed which should become operational in January 2013. In the meantime, steps had been taken to ensure that all forensic patients whose state of health so permits are offered outdoor exercise every day.

*Report and response published in October 2011, CPT/Inf (2011) 26
and CPT/Inf (2011) 27*

Organisational matters



CPT membership

85. At the time of publication of this General Report, the CPT has 44 members. The seats in respect of Bosnia and Herzegovina, Spain and “the former Yugoslav Republic of Macedonia” are currently vacant.

Twenty six of the CPT’s members are men, and eighteen are women. Consequently, applying the “less-than-40%” criterion used by the Parliamentary Assembly when examining lists of candidates, at present neither sex is under-represented in the Committee.

86. The period covered by this General Report has seen considerable changes in the composition of the CPT, as a result in particular of the biennial renewal of the Committee’s membership which became effective at the end of 2011.

A total of sixteen persons left the CPT during that period, including some of the Committee’s most experienced members. On 19 December 2011, Tim Dalton (elected in respect of Ireland), Mario Felice (Malta), Eugenijus Gefenas (Lithuania), Pétur Hauksson (Iceland), Dajena Kumbaro (Albania), Sonja Kurtén-Vartio (Finland), Petros Michaelides (Cyprus), Marc Nève (Belgium), Vladimir Ortakov (“the former Yugoslav Republic of Macedonia”), Mauro Palma (Italy), Joan-Miquel Rascagneres (Andorra), Anna Šabatová (Czech Republic), Elena Sereda (Russian Federation) and Arman Vardanyan (Armenia) ceased to be CPT members on the expiry of their terms of office. Further, Baltasar Garzon Réal (Spain) resigned from the Committee on 28 February 2012, and Ivan Janković (Serbia) on 18 December 2011.

In parallel, fourteen new CPT members have been elected: Djorde Alempijević (Serbia), Sean Aylward (Ireland), Joan Cabeza Gimenez (Andorra), Maité De Rue (Belgium), Andreana Esposito (Italy), Natalia Khutorskaya (Russian Federation), Alfred Koçobashi (Albania), Andrés Magnússon (Iceland), Ivan Mifsud (Malta), Costakis Paraskeva (Cyprus), Jan Pfeiffer (Czech Republic), Jari Pirjola (Finland), Vytautas Raškauskas (Lithuania) and Arman Tatoyan (Armenia).

And the following eight members were re-elected to the Committee: Celso José Das Neves Manata (Portugal), Dan Dermengiu (Romania), Haritini Dipla (Greece), Lətif Hüseynov (Azerbaijan), Marzena Ksel (Poland), Maria Rita Morganti (San Marino), Ilvija Pūce (Latvia) and Olivera Vulić (Montenegro).

A list of the CPT’s members is set out in Appendix 4 and abridged curricula vitae are posted on the Committee’s website.

87. The procedure to fill the 22 seats in the CPT which will fall vacant on 19 December 2013 has now been set in motion. The Committee hopes 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 forward the lists of names to the Committee of Ministers by the end of June 2013 at the latest. If the election procedure for all the seats can be completed before the

end of 2013, this will greatly facilitate the planning of the CPT's periodic visits for the following year.

88. Replying on 15 February 2012 to Parliamentary Assembly Recommendation 1968 (2011) on strengthening torture prevention mechanisms in Europe, the Committee of Ministers made the following observations as regards the election process for CPT members: "...the key requirement is that the procedures in place ensure that persons elected to the Committee fully meet the requirements set out in Article 4 of the Convention. The Committee of Ministers agrees that Assembly Resolution 1540 (2007) contains many elements that could be useful for member States in the conception of their national selection procedures (public calls for candidatures, consultations on candidates with both State and non-governmental bodies, and interviews with shortlisted candidates to assess their qualifications, motivation and availability, as well as language skills). The goal should be that all persons placed on lists of candidates forwarded by the national delegations to the Assembly are capable of making an effective contribution to the CPT's activities".

The CPT welcomes this clear stand by the Committee of Ministers and trusts that steps will be taken in States which have not already done so to introduce national selection procedures which meet the requirements set out in Resolution 1540. It can not be said too often that the effectiveness of the CPT will ultimately depend on the quality of its members.

89. There remains on the whole a good spread of professional expertise within the CPT's membership, and the Committee possesses in particular many members with experience in the fields of prisons and psychiatry. However, the Committee still needs more members with first-hand knowledge of law enforcement agencies (police/gendarmerie), and some additional members with specific knowledge of the treatment of juveniles deprived of their liberty would be desirable. Of course, given the nature of its mandate, it is essential for the CPT to have a sufficient number of medical members with relevant forensic skills (in particular as regards the observing and recording of physical injuries); in this connection, it should be kept in mind that two of the forensic doctors among the current membership will leave the Committee on 19 December 2013 on the expiry of their third term of office.

Bureau of the CPT

90. The 1st Vice-President of the CPT, Vladimir Ortakov, ceased to be a member of the Committee on 19 December 2011. Since then, the Bureau has consisted of Lətif Hüseynov, President, Haritini Dipla, Acting 1st Vice-President, and Jean-Pierre Restellini, Acting 2nd Vice-President. Elections for the Bureau of the CPT will be held at the Committee's March 2013 meeting.

CPT secretariat

91. The composition of the CPT's secretariat has remained quite stable over the last twelve months, as compared to the significant changes experienced during the two previous years. However, two of the administrators directly involved in on-site monitoring have recently taken extended leave for personal reasons and in the short term this will act as a brake on the development of the Committee's visiting activities. Both of the officials concerned are due to return in the course of 2013.

92. The CPT welcomes the decision of the Committee of Ministers, taken in the context of the 2012-2013 Budget and on the proposal of the Secretary General, to reinforce the Committee's secretariat by an additional B4 post. This goes some way to meeting the Committee's long-standing request that each of the three operational divisions in its secretariat be provided with a B4 official; until recently, only one of the divisions had the benefit of such an official. The CPT hopes that in due course it will be possible to deploy the third B4 post to the Committee's secretariat.

It should be stressed once again that these B4 officials will be able to perform a range of support tasks, thereby ensuring that optimal use is made of the existing complement of administrators (which the CPT is not seeking to have increased).

Appendices



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 (ETS.126, hereinafter “the Convention”).

According to Article 1 of the Convention:

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

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

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

When carrying out a visit, the CPT enjoys extensive powers under the Convention: access to the territory of the State concerned and the right to travel without restriction; unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction; access to full information on places where persons deprived of their liberty are being held, as well as to other information available to the State which is necessary for the Committee to carry out its task.

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

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

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

After each visit, the CPT draws up a report which sets out its findings and includes, if necessary, recommendations and other advice, on the basis of which a dialogue is developed with the State concerned. The Committee’s visit report is, in principle, confidential; however, almost all States have chosen to waive the rule of confidentiality and publish the report.

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 ⁸ |
| 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 |

8. 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

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



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

47 States, prison population: 1 861 246 prisoners

(*Main source:* Council of Europe Annual Penal Statistics (SPACE I – 2010); data as at 1 September 2010)

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, holding centres for aliens, psychiatric hospitals, homes for the elderly, etc.

4. CPT members

in order of precedence – as at 1 October 2012⁹

| Name | Elected in respect of | Term of office expires |
|--|-----------------------|------------------------|
| Mr Lətif HÜSEYNOV, Président | Azerbaijan | 19/12/2015 |
| Ms Haritini DIPLA, Acting 1st Vice-President | Greece | 19/12/2015 |
| Mr Jean-Pierre RESTELLINI, Acting 2nd Vice-President | Switzerland | 19/12/2013 |
| Ms Marija DEFINIS GOJANOVIĆ | Croatia | 19/12/2013 |
| Ms Isolde KIEBER | Liechtenstein | 19/12/2013 |
| Mr Celso José DAS NEVES MANATA | Portugal | 19/12/2015 |
| Mr Jørgen Worsaae RASMUSSEN | Denmark | 19/12/2013 |
| Mr Antonius Maria VAN KALMTHOUT | Netherlands | 19/12/2013 |
| Mr George TUGUSHI | Georgia | 19/12/2013 |
| Mr Wolfgang HEINZ | Germany | 19/12/2013 |
| Mr Xavier RONSIN | France | 19/12/2013 |
| Ms Olivera VULIĆ | Montenegro | 19/12/2015 |
| Mr Dan DERMENGIU | Romania | 19/12/2015 |
| Ms Maria Rita MORGANTI | San Marino | 19/12/2015 |
| Ms Ilvija PŪCE | Latvia | 19/12/2015 |
| Ms Marzena KSEL | Poland | 19/12/2015 |
| Ms Anna LAMPEROVÁ | Slovak Republic | 19/12/2015 |
| Mr Stefan KRAKOWSKI | Sweden | 19/12/2013 |
| Mr Vincent THEIS | Luxembourg | 19/12/2013 |
| Ms Yakin ERTÜRK | Turkey | 19/12/2013 |
| Mr Georg HØYER | Norway | 19/12/2013 |
| Ms Anna MOLNÁR | Hungary | 19/12/2013 |
| Ms Nadia POLNAREVA | Bulgaria | 19/12/2013 |
| Mr James McMANUS | United Kingdom | 19/12/2013 |
| Ms Marika VÄLI | Estonia | 19/12/2013 |
| Ms Branka Zobec HRASTAR | Slovenia | 19/12/2013 |
| Ms Julia KOZMA | Austria | 19/12/2013 |
| Mr Mykola GNATOVSKYY | Ukraine | 19/12/2013 |
| Mr Régis BERGONZI | Monaco | 19/12/2013 |
| Ms Ana RACU | Republic of Moldova | 19/12/2013 |
| Ms Natalia KHUTORSKAYA | Russian Federation | 19/12/2015 |
| Mr Joan CABEZA GIMENEZ | Andorra | 19/12/2015 |
| Mr Sean AYLWARD | Ireland | 19/12/2015 |
| Mr Andrés MAGNÚSSON | Iceland | 19/12/2015 |
| Mr Jan PFEIFFER | Czech Republic | 19/12/2015 |
| Mr Jari PIRJOLA | Finland | 19/12/2015 |
| Mr Alfred KOÇOBASHI | Albania | 19/12/2015 |
| Ms Andreana ESPOSITO | Italy | 19/12/2015 |
| Mr Djordje ALEMPIJEVIĆ | Serbia | 19/12/2013 |
| Ms Maïté DE RUE | Belgium | 19/12/2015 |
| Mr Ivan MIFSUD | Malta | 19/12/2015 |
| Mr Vytautas RAŠKAUSKAS | Lithuania | 19/12/2015 |
| Mr Costakis PARASKEVA | Cyprus | 19/12/2015 |
| Mr Arman TATOYAN | Armenia | 19/12/2015 |

9. On this date, the seats in respect of Bosnia and Herzegovina, Spain and “the former Yugoslav Republic of Macedonia” were vacant.



Two members of the CPT do not appear in this photograph.

5. CPT secretariat

| Central section | |
|--|--|
| Mr Trevor STEVENS, Executive Secretary | |
| Mr Fabrice KELLENS, Deputy Executive Secretary | |
| <i>Secretariat</i> | |
| Ms Antonella NASTASIE | |
| Ms Nadine SCHAEFFER | |
| Mr Patrick MÜLLER, Research, information strategies and media contacts | |
| Ms Claire ASKIN, Archives, publications and documentary research | |
| Ms Morven TRAIN, Administrative, budgetary and staff questions | |

Divisions responsible for visits¹⁰

| Division 1 | | |
|---|----------------|-----------------|
| Mr Michael NEURAUTER, Head of Division | Albania | Lithuania |
| Mr Elvin ALIYEV | Austria | Luxembourg |
| Mr Petr HNAŤIK | Belgium | Malta |
| Mr Julien ATTUIL | Czech Republic | Norway |
| Ms Yvonne HARTLAND, Administrative Assistant | Estonia | San Marino |
| <i>Secretariat</i> | Hungary | Slovak Republic |
| Ms Nelly TASNADI | Italy | Slovenia |
| | Latvia | Turkey |

| Division 2 | | |
|---------------------------------|------------|---------------------|
| Mr Borys WODZ, Head of Division | Armenia | Republic of Moldova |
| Mr Johan FRIESTEDT | Azerbaijan | Monaco |
| Ms Isabelle SERVOZ-GALLUCCI | Bulgaria | Poland |
| Ms Almut SCHRÖDER ¹¹ | Denmark | Romania |
| <i>Secretariat</i> | Finland | Russian Federation |
| Ms Natia MAMISTVALOVA | France | Sweden |
| | Georgia | Ukraine |
| | Iceland | |

| Division 3 | | |
|---------------------------------------|------------------------|--|
| Mr Hugh CHETWYND, Head of Division | Andorra | Netherlands |
| Ms Stephanie MEGIES ¹² | Bosnia and Herzegovina | Portugal |
| Mr Cristian LODA | Croatia | Serbia |
| Mr Thobias BERGMANN | Cyprus | Spain |
| <i>Secretariat</i> | Germany | Switzerland |
| Ms Diane PÉNEAU | Greece | "The former Yugoslav Republic of Macedonia" |
| | Ireland | United Kingdom |
| | Liechtenstein | |
| | Montenegro | |

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

11. Currently on extended leave and temporarily replaced by Ms Aleksandra MARICLE-KURNIK.

12. Currently on extended leave.



Six members of the CPT's secretariat do not appear in this photograph.

6. Publication of CPT visit reports as at 1 October 2012

| States | Visits | Reports sent | Reports published |
|---|----------------|-----------------|-------------------|
| Albania | 10 | 10 | 9 |
| Andorra | 3 | 3 | 2 |
| Armenia | 6 | 6 | 6 |
| Austria | 5 | 5 | 5 |
| Azerbaijan | 6 | 6 | 2 |
| Belgium | 6 | 7 ^a | 6 |
| Bosnia and Herzegovina | 5 | 5 | 4 |
| Bulgaria | 8 | 8 | 7 |
| Croatia | 4 | 3 | 3 |
| Cyprus | 5 | 5 | 4 |
| Czech Republic | 6 | 6 | 5 |
| Denmark | 5 | 4 | 4 |
| Estonia | 5 | 4 | 4 |
| Finland | 4 | 4 | 4 |
| France | 11 | 11 | 11 |
| Georgia | 5 | 5 | 5 |
| Germany | 6 | 7 ^b | 6 |
| Greece | 10 | 10 | 10 |
| Hungary | 6 | 6 | 6 |
| Iceland | 4 | 3 | 3 |
| Ireland | 5 | 5 | 5 |
| Italy | 10 | 9 | 8 |
| Latvia | 6 | 6 | 5 |
| Liechtenstein | 3 | 3 | 3 |
| Lithuania | 4 | 4 | 4 |
| Luxembourg | 4 | 4 | 4 |
| Malta | 7 | 7 | 6 |
| Republic of Moldova | 13 | 12 ^c | 10 |
| Monaco | 1 | 1 | 1 |
| Montenegro | 1 | 1 | 1 |
| Netherlands | 8 | 9 ^d | 9 ^d |
| Norway | 5 | 5 | 5 |
| Poland | 4 | 4 | 4 |
| Portugal | 8 | 8 | 7 |
| Romania | 9 | 8 ^e | 8 ^e |
| Russian Federation | 22 | 18 ^f | 1 |
| San Marino | 3 | 3 | 3 |
| Serbia | 5 ^g | 6 ^h | 5 |
| Slovak Republic | 4 | 4 | 4 |
| Slovenia | 4 | 4 | 3 |
| Spain | 13 | 13 | 11 |
| Sweden | 5 | 5 | 5 |
| Switzerland | 6 | 6 | 5 |
| "The former Yugoslav Republic of Macedonia" | 10 | 10 | 9 |
| Turkey | 23 | 20 ⁱ | 20 ⁱ |
| Ukraine | 8 | 8 | 7 |
| United Kingdom | 16 | 18 ^j | 15 |

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

(b) Including one report drawn up in pursuance of the Agreement between the United Nations and the German Government on the Enforcement of Sentences of the International Criminal Tribunal for the former Yugoslavia (ICTY).

(c) Covering the 13 visits.

(d) Including a separate report on the visit to Tilburg Prison in the context of the periodic visit in October 2011.

(e) Covering the nine visits.

(f) Covering 21 visits.

(g) Organised in September 2004 to Serbia and Montenegro, in March 2007 and in June 2010 to Kosovo and in November 2007 and February 2011 to Serbia.

(h) Covering the five visits. Including three reports on Kosovo.

(i) Covering 22 visits.

(j) Including three reports drawn up in pursuance of 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 International Criminal Tribunal for the former Yugoslavia (ICTY).

7. Countries and places of detention visited by CPT delegations; August 2011-July 2012

Periodic visits

Andorra

28/11/2011-01/12/2011

Police establishments

- General Police Headquarters, Escaldes-Engordany
- Riu Runer Police Station (Spanish-Andorran border), Sant Julià de Lòria

Prisons

- La Comella Prison, Andorra-La-Vella

Psychiatric establishments

- Service for mental health and the two secure rooms for health care to prisoners at the Hospital of Nostra Senyora de Meritxell in Andorra-la-Vella

Azerbaijan

05/12/2011-15/12/2011

Law enforcement establishments

- Temporary detention centre of the Main Department for Combating Organised Crime, Baku
- Main Department for the Fight against Drugs, Baku
- Reception and distribution centre for minors of the Main City Police Department, Baku
- Detention centre for persons under administrative arrest, Baku
- Temporary detention centre of Binagadi District Police Department, Baku
- Temporary detention centre of Nasimi District Police Department, Baku
- Temporary detention centre of Sabayil District Police Department, Baku
- Temporary detention centre of Yasamal District Police Department, Baku
- Temporary detention centre of Aghdash District Police Department
- Main City Police Department and temporary detention centre of Ganja/Kapaz
- Temporary detention centre of Göygöl District Police Department
- Temporary detention centre of Shamkir District Police Department
- Temporary detention centre of Tovuz District Police Department

Penitentiary establishments

- Gobustan Prison

- Baku Investigative Isolator, Zabrat
- Special-regime penitentiary establishment No. 8, Garadagh District, Baku
- Investigative isolator, Ganja

Psychiatric establishments

- Republican Psychiatric Hospital No. 1, Mashtaga
- Psychiatric Hospital, Ganja

Social care establishments

- Göygöl District Psychoneurological Boarding Home No. 8, Qırıqlı village

Estonia

30/05/2012-06/06/2012

Police establishments

- Haapsalu Detention House
- Jõhvi Detention House
- Narva Detention House
- Rakvere Detention House
- North Prefecture Detention House, Tallinn
- Kohtla-Järva Constable Department
- North Prefecture, Public Order Bureau, City Centre Police Station, Tallinn
- North Prefecture, Public Order Bureau, East Police Station, Tallinn
- North Prefecture, Public Order Bureau, South Police Station, Tallinn

Prisons

- Tallinn Prison
- Viru Prison

Psychiatric/social care establishments

- North Estonia Medical Centre Foundation, Tallinn
- Koluvere Care Home

Military establishments

- Detention barracks of the Guard Battalion, Tallinn

Italy

13/05/2012-25/05/2012

Law enforcement establishments

- Florence State Police Headquarters
- Messina State Police Headquarters

- Milan State Police Headquarters
- Palermo State Police Headquarters
- Rome State Police Headquarters
- Messina Gazzi *Carabinieri* Station
- Milan Ponte di Magenta *Carabinieri* Station
- Milan Municipal Police Headquarters
- Messina Municipal Police Station

Detention centres for foreigners

- Bologna Identification and Expulsion Centre

Prisons

- Bari Prison
- Florence-Sollicciano Prison
- Milan-San Vittore Prison (remand prisoners and Centre for Neuropsychiatric Observation)
- Palermo-Ucciardone Prison (health-care services and situation of remand prisoners)
- Terni Prison (Unit for “41-bis” prisoners)
- Vicenza Prison

Psychiatric establishments

- Barcellona Judicial Psychiatric Hospital
- Psychiatric Service for Diagnosis and Care at the Milazzo General Hospital
- Naso Therapeutic Community Centre

Latvia

05/09/2011-15/09/2011

Police establishments

- Daugavpils Police Station
- Dobeles Police Station
- Jēkabpils Police Station
- Jelgava Police Station
- Latgales District Municipal Police Station, Rīga
- Liepāja Police Station
- Liepāja Municipal Police Station
- Saldus Police Station
- Talsi Police Station
- Valmiera Police Station
- Ventspils Police Station

Border guard establishments

- Border Guard Accommodation Centre for Detained Aliens, Daugavpils

Prisons

- Daugavgrīva Prison (unit for life-sentenced prisoners)
- Jelgava Prison
- Liepāja Prison
- Rīga Central Prison
- Valmiera Prison

Psychiatric establishments

- Piejuras Hospital (psychiatric unit), Liepāja

Social welfare establishments

- Ilģi branch of Kurzeme Social Care Centre, Grobiņa

Netherlands

10/10/2011-21/10/2011

Law enforcement establishments

- Apeldoorn Police Headquarters
- Arnhem Police Station (Head Office)
- Nijmegen Police Station
- Sprang-Capelle Police Station
- Tiel Police Station
- Tilburg-West Police Headquarters
- Uden Police Station
- Royal Military Police (KMAR) facilities, Schiphol Airport
- Court House Detention Facility, The Hague

Prisons

- Arnhem-Zuid Prison
- Veenhuizen Prison, Esserheem
- Tilburg Prison

Detention centres for foreign nationals

- Detention Centre for foreign nationals, Rotterdam Airport
- Detention and Expulsion Centre for foreign nationals, Schiphol-Oost

Mental health institutions

- Forensic Psychiatric Centre Dr van Mesdag, Groningen
- Forensic Psychiatric Department, Oostrum
- “Long stay” wards for TBS patients of the Pompe Institute, Zeeland

Portugal

07/02/2012-16/02/2012

Public Security Police establishments

Coimbra District

- District Headquarters, Avenida Elísio de Moura, Coimbra
- Rua Olímpio Nicolau Rui Fernandes Police Station, Coimbra

Lisbon Metropolitan Area

- Estrada de Alfragide Police Station, Amadora
- Estrada da Brandoa Police Station, Amadora
- Praca Felix Correia Police Station, Amadora
- Rua André Resende Police Station, Benfica
- Avenida Doutor Nuno Alvares Pereira Police Station, Cacém
- Rua Virgílio Ferreira Police Station, Caneças
- Bairro Alto Police Station, Lisbon
- Rua Capelo Holding Facilities, Lisbon
- Avenida Capitães de Abril Police Station, Mem Martins
- Rua de St. Antonio Transporte Publica Police Station, Oeiras

Setúbal District

- Rua Direita do Pragal Police Station, Almada
- District Headquarters, Avenida Luisa Todi, Setúbal

Prisons

- Judicial Police Headquarters, Lisbon
- Judicial Police Prison, Lisbon
- Judicial Police Prison, Porto
- Linhó Prison
- Lisbon Central Prison
- Paços de Ferreira Prison
- Psychiatric unit at Santa Cruz do Bispo Prison

Psychiatric establishments

- Central Psychiatric Hospital, Lisbon
- Sobral Sid Hospital, Coimbra

Social care establishments

- Casa do Lago home for juveniles in Lisbon

Russian Federation

21/05/2012-04/06/2012

Law enforcement establishments

Moscow region

- Babushkinskiy District Police Division, northern-eastern administrative district, Moscow
- Bibirevo District Police Division, northern-eastern administrative district, Moscow

Leningrad region

- Police Division No. 10, Nevskiy district, Saint Petersburg
- Police Division No. 13, Krasnogvardeyskiy district, Saint Petersburg
- Police Division No. 15, Kalininskiy district, Saint Petersburg
- Police Division No. 22, Krasnogvardeyskiy district, Saint Petersburg
- Petrogradskiy District Temporary Detention Facility (IVS), Saint Petersburg
- Krasnogvardeyskiy District IVS, Saint Petersburg

Republic of Bashkortostan

- Police Division No. 4, Leninskiy district, Ufa
- Police Division No. 5, Ordzhonikidzevskiy district, Ufa
- IVS of Police Division No. 5, Ufa
- IVS of Ufa Internal Affairs Directorate
- Special Reception Centre for Persons under Administrative Arrest, Ufa
- Temporary Detention Centre for Juvenile Offenders, Ufa

Republic of Tatarstan

- Police Division No. 9 (former “Dalniy” Police Division), Privolzhskiy district, Kazan
- “Promyshlenniy” Police Division No. 10, Privolzhskiy district, Kazan
- Anti-Organised Crime Division of the Ministry of Internal Affairs of the Republic of Tatarstan, Kazan
- IVS No. 1 of Kazan Internal Affairs Directorate
- IVS No. 2 of Kazan Internal Affairs Directorate

Republic of Udmurtia

- Special Reception Centre for Persons under Administrative Arrest, Izhevsk
- Police Division No. 3, Pervomayskiy district, Izhevsk

Vladimir region

- IVS, Gus-Khrustalnyi
- IVS, Vladimir

Penitentiary establishments

- Pre-trial establishment (SIZO) No. 4 (“Medved”), Moscow
- SIZO No. 1 (“Kresty”), Saint Petersburg
- Federal-purpose SIZO No. 3, Saint Petersburg
- SIZO No. 1, Kazan
- SIZO No. 1, Ufa
- Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”), including the pre-trial unit (PFRSI) located on its premises, Vladimir
- Strict-Regime Colony No. 1, including the PFRSI located on its premises, Yagul

Slovenia*31/01/2012-06/02/2012***Police establishments***Ljubljana Police Directorate*

- Domžale Police Station
- Detention Centre at Ljubljana-Moste Police Station

Celje Police Directorate

- Celje Police Station

Kranj Police Directorate

- Škofja Loka Police Station

Maribor Police Directorate

- Maribor I Police Station
- Slovenska Bistrica Police Station

Prisons

- Celje Prison and Juvenile Prison
- Dob Prison (closed section)
- Ljubljana Prison (remand section)

Psychiatric establishments

- Psychiatric Department of Maribor University Hospital Centre

Switzerland

10/10/2011-20/10/2011

Canton of Bern

- Cantonal Police Station at Bern central railway station
- Prison Hospital Unit (*Bewachungsstation*) at Bern “Insel” Hospital

Republic and Canton of Geneva

- Police Headquarters, boulevard Carl-Vogt 17-19, Geneva
- Pâquis Police Station, rue de Berne 6, Geneva
- Observation, Detention and Educational Centre “La Clairière” for minors, Vernier
- Champ-Dollon Prison, Puplinge/Thônex
- Prison Hospital Unit of the Cantonal Hospital, Geneva
- Prison Psychiatric Unit of Belle-Idée Psychiatric Hospital, Chêne-Bourg

Canton of Thurgovia

- Frauenfeld Cantonal Prison

Canton of Vaud

- Bochuz Prison (Plaine de l’Orbe establishments)

Canton of Zug

- Bostadel Inter-Cantonal Prison (Cantons of Basel-City and Zug)

Canton of Zurich

- Cantonal Police Prison, Kasernenstrasse 49, Zurich
- Cantonal Police Station at Zurich central railway station
- Municipal Police Station “*Regionalwache Industrie*”, Fabrikstrasse 1, Zurich
- Pöschwies Prison, Regensdorf
- Forensic Psychiatric Clinic, Rheinau

Ad hoc visits

Armenia

05/12/2011-07/12/2011

Prisons

- Yerevan-Kentron Prison
 - Nubarashen Prison (unit for life-sentenced prisoners)
-

Belgium

23/04/2012-27/04/2012

Prisons

- Andenne Prison
 - Forest Prison
 - St. Gilles Prison
-

Bulgaria

04/05/2012-10/05/2012

Prisons

- Burgas Prison
 - Varna Prison
-

Malta

26/09/2011-30/09/2011

Prisons

- Corradino Correctional Facility

Detention centres for foreign nationals

- Lyster and Safi Barracks Detention Centres for Foreigners

Psychiatric establishments

- Mount Carmel Psychiatric Hospital
-

Spain

19/06/2012-22/06/2012

Prisons

- Barcelona Prison for Men (La Modelo)

“The former Yugoslav Republic of Macedonia”

21/11/2011-24/11/2011

Prisons

- Idrizovo Prison
- Remand sections of Skopje and Tetovo Prisons
- “Tetovo” Educational-Correctional Institution, Veles

Turkey

21/06/2012-28/06/2012

Prisons

- Ankara-Sincan Juvenile Prison
- Istanbul-Maltepe Juvenile Prison
- Juvenile unit of Diyarbakır E-type Prison
- Juvenile unit of Gaziantep E-type Prison

Ukraine

29/11/2011-06/12/2011

Law enforcement establishments

Kyiv region

- Irpin Temporary Holding Facility (ITT)
- Kyiv ITT
- Shevchenkivskiy District Police Division, Kyiv
- Solomianskyi District Police Division, Kyiv
- Vyshgorod Police Division
- Secure Ward of Kyiv Municipal Emergency Hospital

Kharkiv region

- Chuguyiv ITT
- Joint Special Detention Facility , Kharkiv
- Dzerzhynskiy District Police Division, Kharkiv
- Kyivskiy District Police Division, Kharkiv
- Leninskyi District Police Division, Kharkiv
- City Police Sub-Division of Leninskyi District Police Division, Kharkiv

Prisons

- Pre-Trial Establishment (SIZO), Kyiv
- Pre-Trial Establishment (SIZO), Kharkiv

8. Parliamentary Assembly Recommendation 1968 (2011) on “Strengthening torture prevention mechanisms in Europe” and reply of the Committee of Ministers

Recommendation 1968 (2011)

adopted by the Assembly on 14 April 2011

1. The Parliamentary Assembly refers to its Resolution 1808 (2011) on strengthening torture prevention mechanisms in Europe and invites the Committee of Ministers to:

1.1. set in motion the process of amending the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) to permit:

1.1.1. the election by the Parliamentary Assembly of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

1.1.2. the automatic publication of the visit reports and of the comments of the parties concerned, providing the possibility for each party to request postponement of publication for up to six months after transmission;

1.2. place on its agenda and discuss as a matter of urgency any public statement adopted by the CPT under Article 10 of the convention, and to adopt a resolution on it as appropriate.

Reply of the Committee of Ministers

adopted on 15 February 2012 at the 1134th meeting of the Ministers’ Deputies

1. The Committee of Ministers notes with interest Parliamentary Assembly Recommendation 1968 (2011) on “Strengthening torture prevention mechanisms in Europe”, which it has communicated to the Steering Committee for Human Rights (CDDH) and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for information and possible comments. The Committee of Ministers takes this opportunity to underline the importance which it attaches to the work of the CPT and its independence.

2. With respect to the concrete proposals made in the Assembly’s recommendation, the Committee of Ministers sees no need to amend the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the Convention) as suggested by the Assembly, i.e. in order to permit i) the election of members of the CPT by the Parliamentary Assembly, and ii) the automatic publication of CPT visit reports and of the responses of the Parties concerned, subject to the possibility of a State to request postponement of publication for up to six months after transmission of the visit report.

3. As regards the election process, the key requirement is that the procedures in place ensure that persons elected to the Committee fully meet the requirements set out in Article 4 of the Convention. The Committee of Ministers agrees that Assembly Resolution 1540 (2007) contains many elements that could be useful for member States in the conception of their national selection procedures (public calls for candidatures, consultations on candidates with both State and non-governmental bodies, and interviews with shortlisted candidates to assess their qualifications, motivation and availability, as well as language skills). The goal should be that all persons placed on lists of candidates forwarded by the national delegations in the Assembly are capable of making an effective contribution to the CPT's activities. The Committee of Ministers also notes that the stipulation in paragraph 4 of Assembly Resolution 1808 (2011), that "If it is considered that a candidate may have a conflict of interest, the person in question shall be required to undertake in writing that, if elected, he or she will relinquish the functions that may give rise to such a conflict", has already been put into practice in some cases.

4. The Committee of Ministers agrees that the timely publication of the CPT's visit reports can only increase the impact of the Committee's work. This allows other relevant organisations to contribute to the process of taking forward the implementation of recommendations contained in a report and enables the CPT to participate directly in public debate on the issues involved. Consequently, authorising publication of visit reports can be seen as an important means of facilitating co-operation with the CPT. However, the Committee of Ministers has some misgivings as regards the proposal to amend the Convention and provide for the automatic publication of the Committee's visit reports no later than six months after their transmission. Firstly, there may be exceptional situations when the rapid publication of a visit report would do more harm than good. The Committee of Ministers is also concerned that weakening the principle of confidentiality by providing for the automatic publication of the visit reports could upset the balance in the Convention's provisions, to the detriment of the CPT's future co-operation with States. Instead of envisaging an amendment of the Convention, the Committee of Ministers repeats the message it delivered on 6 February 2002, when it "encouraged all Parties to the Convention to authorise publication, at the earliest opportunity, of all CPT visit reports and of their responses".

5. The Assembly finally invites the Committee of Ministers to place on its agenda and discuss as a matter of urgency any public statement adopted by the CPT under Article 10 of the Convention. The Committee of Ministers agrees with the Assembly that when a public statement is made under Article 10, the exceptional character of this measure should merit that such a step be taken. The Committee of Ministers notes, however, that a public statement should above all be thoroughly examined by the national authorities concerned.

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