

20 years of combating torture

**19th General Report
of the European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment (CPT)**

1 August 2008-31 July 2009

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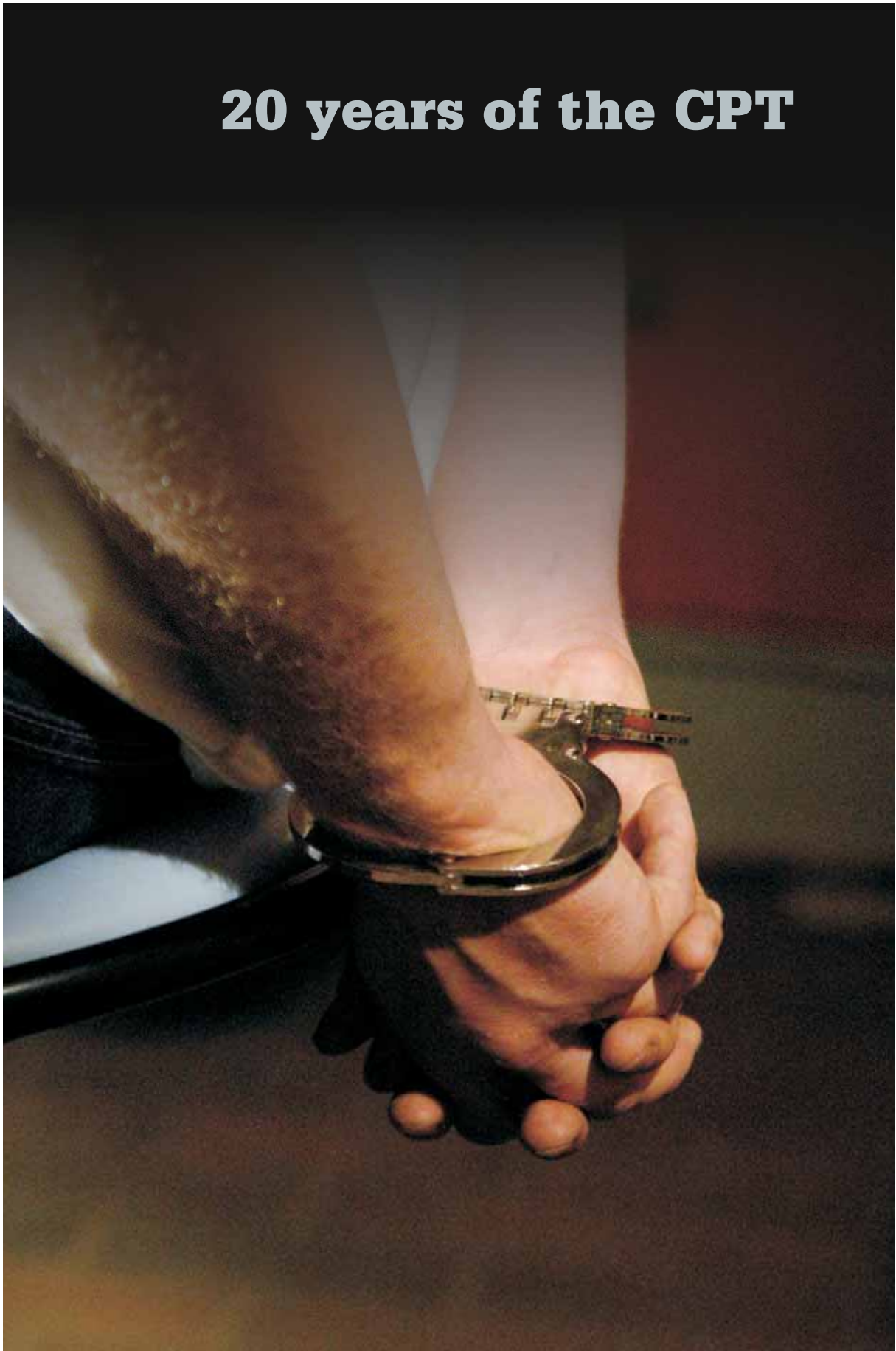
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* All references to Kosovo, whether the territory, institutions or population, in this general report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

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20 years of the CPT

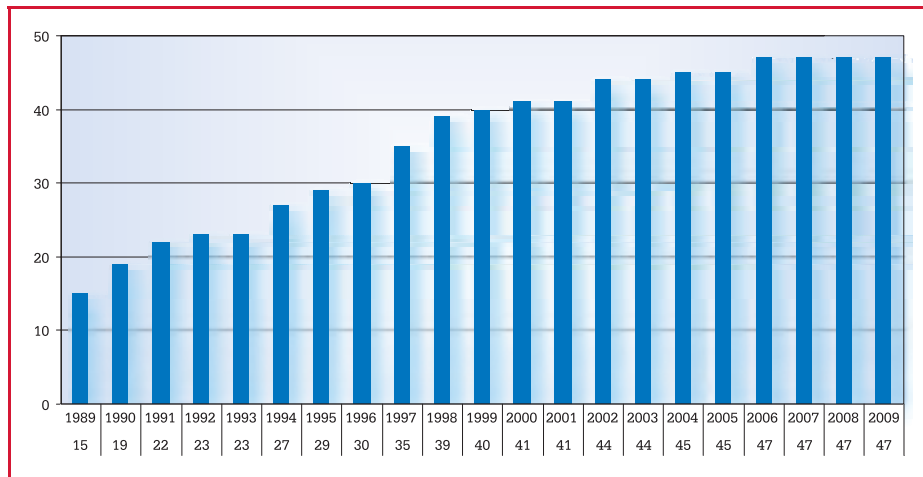


20 years of the CPT

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is about to turn twenty. Rather than being a cause for celebration, the Committee sees this as a time for taking stock. What has been achieved during the two decades since the CPT held its inaugural meeting in November 1989, and what challenges lie ahead?

2. One thing which has certainly changed over those twenty years is the **geographical scope of the CPT's field of operations**. At that first meeting in November 1989, members elected in respect of the then 15 Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) gathered to plot the course of the Committee's on-site monitoring action. The number of Parties to the Convention has subsequently more than tripled and now stands at 47 (see Table 1). This is in large measure a consequence of the gradual accession of central and eastern European States to the Council of Europe. The process of ratification of the ECPT by these countries began in 1994 and was basically completed ten years later. As a result, the CPT is presently tasked with preventing torture and other forms of severe ill-treatment throughout almost the whole of Europe (and in fact also a significant part of Asia).

Table 1. Number of Parties to the ECPT, 1989-2009



3. However, the CPT's coverage of the European continent is not yet complete. The fact that Belarus is not a Party to the ECPT constitutes one significant lacuna, as the map of the Committee's field of operations provided in Appendix 3 (page 55) illustrates only too well. Since March 2002, it has been possible for the Committee of Ministers of the Council of Europe to invite any non-member State to accede to the Convention, and the CPT hopes that the time will soon be ripe for such an invitation to be extended to Belarus.

4. There are also a number of regions in Europe in which the central authorities are not, or not fully, in effective control, and the CPT has so far had only partial success in exercising its preventive mandate in these areas. The Committee has been able to operate in the breakaway Moldovan region of Transnistria as well as in Kosovo, in the latter case on the basis of a specific Agreement between the Council of Europe and the United Nations Interim Administration in Kosovo. The CPT also recently succeeded in organising its first visit to the breakaway Georgian region of Abkhazia. In contrast, attempts by the CPT to visit the corresponding region of South Ossetia have failed to date. Further, the Committee's repeated efforts to organise a visit to the northern part of Cyprus have so far been fruitless, and it has also yet to visit the breakaway Azerbaijani region of Nagorno-Karabakh.

Regrettably, legalistic obstacles are frequently raised when the CPT seeks to operate in the above-mentioned regions, obstacles which appear on occasion to be politically motivated. The CPT wishes to emphasise that its mandate is entirely apolitical. The Committee's only objective in seeking to go to these areas is to strengthen the protection of individuals against torture and other forms of ill-treatment; surely that is in the true interests of all parties involved.

5. The geographical enlargement of the CPT's activities has been accompanied by an **enlargement of the Committee's work in terms of the types of places visited**. At the outset, CPT visits were centred mainly on police and prison establishments. However, the Committee has progressively explored in depth the whole gamut of deprivation of liberty, from involuntary placement in psychiatric establishments to the administrative detention of foreigners under aliens legislation, detention centres for juveniles and social welfare establishments for the mentally disabled or elderly. Visits have been organised to military detention facilities as well, though this is one category of place of deprivation of liberty that arguably should receive more attention from the Committee. In recent years, the CPT has also increasingly carried out visits focused on specific categories of inmates, such as remand prisoners held in conditions of isolation, life-sentenced prisoners and persons placed in high-security units.

6. The CPT has gradually developed a **corpus of standards** on safeguards against ill-treatment and conditions of detention, as regards both persons deprived of their liberty in general and detained persons belonging to particularly vulnerable groups. These standards have in large part been made public through substantive sections in the Committee's General Reports. The CPT is pleased to note that the standards have had an influence on various Council of Europe instruments, such as the Twenty guidelines on forced return of 2005, the revised European Prison Rules (2006), the European Rules for juvenile offenders (2008) and the Guidelines on human rights protection in the context of accelerated asylum procedures (2009). The CPT also greatly welcomes the increasing reference being made in judgments of the European Court of Human Rights to the Committee's standards as well as to the specific findings in its country visit reports.

7. As an assiduous reader of CPT visit reports and State responses will know, there are countless concrete examples of **positive steps taken in reaction to the Committee's recommendations and observations**. Safeguards against ill-treatment have been introduced or strengthened, substandard inmate accommodation has been renovated or withdrawn from service, the quality of health care for persons detained has been improved and out-of-cell activities have been enhanced. In spite of that, torture and other deliberate forms of ill-treatment of persons deprived of their liberty still exist in the Council of Europe area, and conditions of detention remain wretched in numerous establishments of various types; many published CPT reports as well as judgments of the European Court of Human Rights attest to this state of affairs.

8. **Successfully combating deliberate forms of ill-treatment** requires that appropriate safeguards be both provided by law and applied in practice, that those given the heavy responsibility of dealing with persons deprived of their liberty be carefully selected and properly trained, and that vigorous action be taken when evidence of ill-treatment emerges. Specific mention should be made of impunity, a problem encountered by the CPT in many countries and which was recently described by the Committee of Ministers of the Council of Europe as "an issue of major concern". The credibility of the prohibition of torture and other forms of severe ill-treatment is undermined each time officials responsible for such offences are not held to account for their actions. The CPT looks forward to contributing to the work on measures to address this problem which has recently begun within the Council of Europe.

9. As for the **improvement of conditions of detention**, this may well require a combination of additional material resources and appropriate legislative measures. As regards more particularly prison conditions, it is essential to get to grips with the phenomenon of overcrowding which continues to blight penitentiary systems across Europe. The various interrelated measures needed have already been identified, including through recommendations of the Committee of Ministers; simply building more prisons is not the solution.

10. For any body charged with preventing torture and other forms of severe ill-treatment, **the potential tension between a State's obligation to protect its citizens (for example, against acts of terrorism) and the need to uphold basic values** constitutes one of the greatest challenges. The CPT has experienced such tension in certain countries ever since the outset of its activities, but it became more pronounced – and more widespread – after the terrible events of September 11, 2001. This tension manifests itself in various ways, such as the extension of maximum periods of custody, limitations on the exercise of fundamental safeguards (the key requirement of access to a lawyer as from the outset of custody often being one of the first casualties), and the highly-debatable practice of seeking, in the context of deportation procedures, "diplomatic assurances" from States with a poor human rights record.

11. Although often critical of the specific measures taken, the CPT does acknowledge that some adaptations of the existing legal framework may exceptionally be necessary. Of course, adaptations of the legal framework are one thing, descent into illegality quite another. Kidnapping, secret detention, forms of torture masquerading as “enhanced interrogation techniques” – these are not the kind of methods that democratic societies should be employing (or aiding and abetting) when going about their business, even in the most testing of times. Fortunately, more rational voices have now prevailed and some of the most flagrant aberrations of the post-9/11 period are being overturned. Societies founded on human rights and the rule of law will not serve their interests well by jettisoning their basic values; on the contrary, it is in the defence of those values that lies ultimately their greatest security.

12. On five occasions during the last twenty years, the CPT has made use of **the power under Article 10, paragraph 2, of the ECPT to make a public statement**. In each of these cases, the Committee was confronted with a failure to co-operate and/or a refusal to improve the situation in relation to widespread acts of torture or other deliberate forms of ill-treatment. The Explanatory Report to the Convention describes the making of a public statement as an “exceptional competence of the Committee”, and the CPT intends to continue to use this power sparingly. However, when a public statement is made by the CPT, the Committee believes that the exceptional character of this measure should be duly recognised within the organisational structure of the Council of Europe and appropriate action taken; at the very least, the statement should be placed on the agenda of the relevant bodies. Of course, a public statement should above all be thoroughly examined by the national authorities concerned, and at the highest level. However, the Council of Europe can help to move that process forward.

13. Tables 2 and 3 on page 11 chart **the annual number of visits and of visit days** organised by the CPT since its inception. As will be observed, the steady rise in the Committee’s activities came to a halt some time ago. Since 2005 the CPT has struggled to maintain an annual visits programme in the region of 160 to 165 days, and it is still some distance from the volume of visit days required to cope effectively with the workload generated by 47 Parties to the ECPT. The loss of a number of experienced members of the Secretariat in recent years combined with the overall difficult budgetary circumstances of the Council of Europe are the root causes of this state of affairs. The CPT continues to innovate so as to make the most effective use of its powers under the Convention: routine periodic visits are becoming more targeted (and theme-based), in the same way as ad hoc visits; the Committee’s rapid reaction capacity is being developed; and “high-level talks” outside the formal framework of a visit is a method increasingly used in appropriate cases. The fact remains, nevertheless, that with the resources currently at its disposal, the CPT is not able to exploit fully the considerable potential offered by the breadth of expertise within the Committee’s membership.

Table 2. Number of CPT visits, 1990-2009 (2009 estimated)

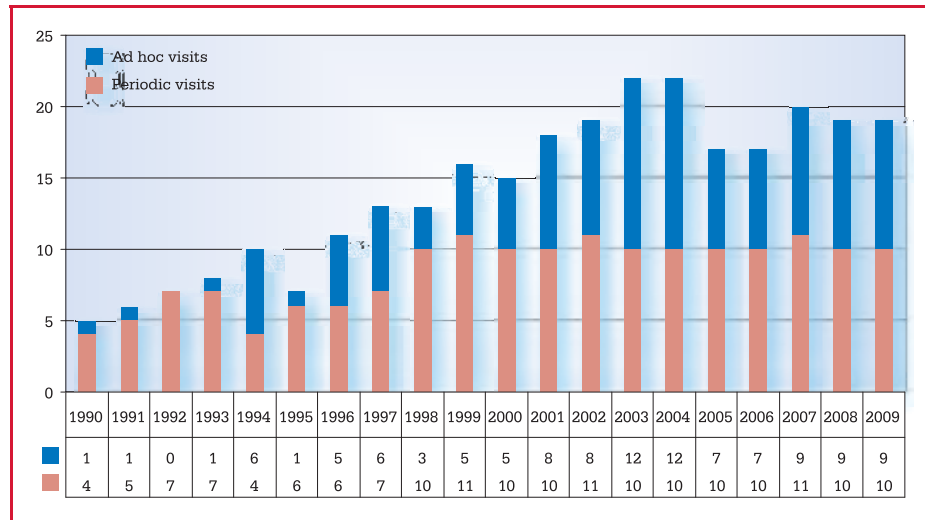
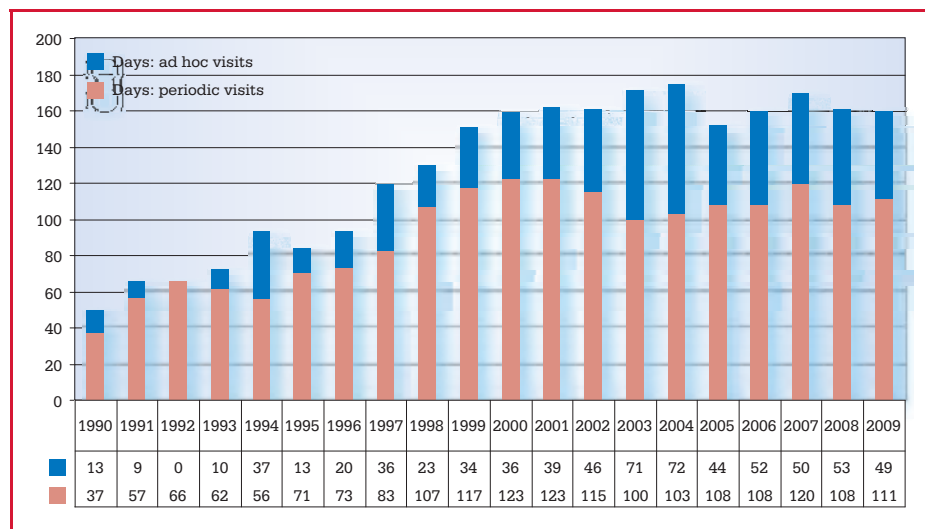


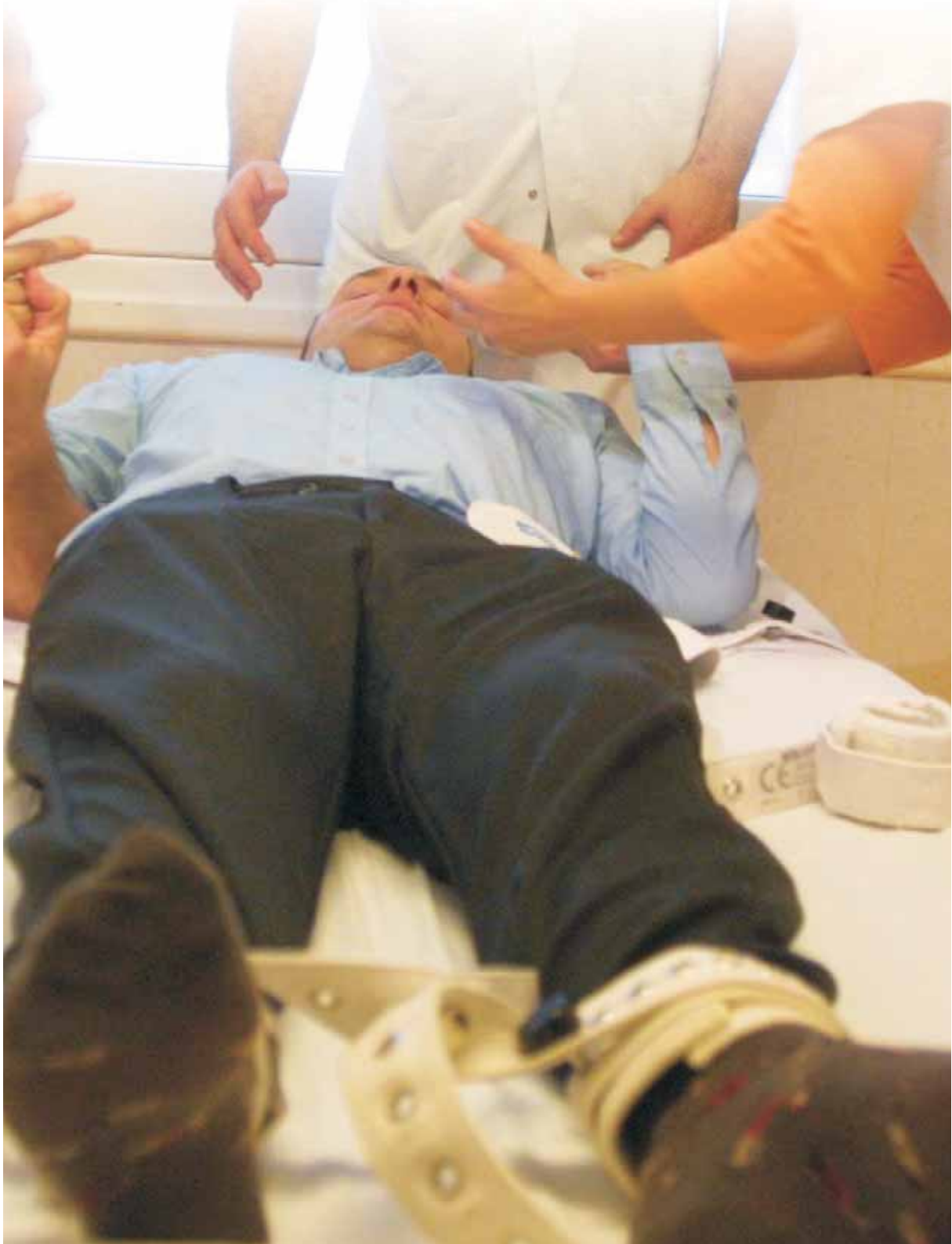
Table 3. Number of visit days, 1990-2009 (2009 estimated)



14. On a more positive note, the recent **advent of universal machinery for the prevention of torture and other forms of severe ill-treatment** raises exciting prospects, provided that this machinery is itself properly resourced. The CPT has put a premium on developing relations with the United Nations Subcommittee on Prevention of Torture (SPT), so as to ensure the greatest possible synergy between the activities of the two bodies. The CPT also looks forward to working closely with the National Preventive Mechanisms (NPMs) to be set up, under the guidance of the SPT, in European States that have ratified the Optional Protocol to the United Nations Convention against Torture. The CPT is a long-standing advocate of such monitoring bodies at domestic level, and the NPMs should be among the Committee's most important interlocutors.

15. **The absolute prohibition of torture and inhuman or degrading treatment or punishment** forms part of the bedrock of the societies that make up Europe. To challenge that prohibition is to challenge the very nature of those societies. The day will probably never come when torture and other forms of severe ill-treatment can be said to have been totally eradicated in the European continent; however, they can certainly be combated successfully and reduced to a marginal phenomenon. To achieve that, all relevant actors – national or international, governmental as well as non-governmental, judicial and supervisory – must fulfil their responsibilities. The CPT looks forward to playing its part in this endeavour during the next twenty years.

**Activities during the period
1 August 2008 to 31 July 2009**



Activities during the period 1 August 2008 to 31 July 2009

Visits

16. The CPT organised nineteen visits totalling 166 days during the twelve-month period covered by this General Report. Ten of the visits (totalling 111 days) formed part of the CPT's annual programme of periodic visits and the remaining nine (55 days) were ad hoc visits which the Committee considered were required by the circumstances. Basic details of all these visits (countries, dates, places of detention visited) are provided in Appendix 7, page 61.

17. As already indicated, the volume of the annual visit programme remains insufficient to cope effectively with the workload generated by 47 Parties to the ECPT. Development of the programme continues to be hampered in particular by staff-related factors (see paragraphs 106-109, page 49).

Periodic visits

18. Periodic visits were organised to Austria, Hungary, Italy, Luxembourg, Montenegro, the Russian Federation, Slovakia, Sweden, Turkey and the United Kingdom. The visit to Montenegro was the first by the CPT to this country since it became an independent State.

19. The treatment of persons detained under aliens legislation was a focus of many of the visits. Further, particular attention was given during certain visits to the situation of persons held under conditions of high security (Hungary, Italy, Sweden and the United Kingdom) or of prisoners serving life sentences (Russia, Slovakia). Psychiatric issues figured prominently in the programmes of the visits to Austria, Hungary and Italy. The visit to Turkey provided, inter alia, an opportunity to review in depth the treatment of detained persons whilst in the custody of law enforcement agencies.

Ad hoc visits

20. The nine ad hoc visits carried out by the CPT during the period covered by this General Report were to Azerbaijan, Bosnia and Herzegovina, Bulgaria, France (French Guyana), Georgia (Abkhazia), Greece, Italy, Moldova and the Russian Federation (North Caucasian region).

21. The main objective of the ad hoc visit to **Azerbaijan** in December 2008 was to review steps taken to improve the situation following the recommendations made in the reports drawn up after previous CPT visits to the country. The Committee's delegation focused on the treatment of prisoners – and more specifically of inmates sentenced to life imprisonment – and of psychiatric patients.

22. During the ad hoc visit to **Bosnia and Herzegovina** in May 2009, the CPT's delegation assessed the progress made in implementing recommendations made after the last periodic visit to the country, in 2007. High-level talks were also held with the relevant State and Entity authorities with a view to enhancing their co-operation with the Committee.

The delegation focused on the treatment and conditions of detention of both remand and sentenced prisoners and, in this context, it examined developments in relation to prison health care services. Particular attention was also paid to the situation of forensic and acute psychiatric patients.

23. The ad hoc visit to **Bulgaria** in December 2008 was also very much of a follow-up nature, the main objective being to review steps taken to implement recommendations made in the report on the 2006 periodic visit to the country. The visit focused on the treatment of persons detained by the police, the situation of foreign nationals deprived of their liberty, and conditions of detention in both investigation detention facilities and prisons.

24. The ad hoc visit to **French Guyana** in November/December 2008 was the first visit by the CPT to this administrative region of France. The Committee wished in particular to examine the situation at Remire Montjoly Prison; according to reports which it had received, this establishment was overcrowded and suffered from an internal climate of violence. The CPT's delegation also reviewed the treatment of persons held by the law enforcement agencies, including foreign nationals detained under aliens legislation.

25. In April/May 2009, the CPT organised its first visit to **Abkhazia, Georgia**. The background to this ad hoc visit will be commented upon later (see paragraphs 31-32, page 18). During the visit, the Committee's delegation examined the situation in a range of places of deprivation of liberty, including various pre-trial detention facilities as well as the region's prison and psychiatric hospital.

The *de facto* authorities in Abkhazia co-operated fully with the CPT's delegation. In particular, the delegation was granted access to all places of deprivation of liberty which it wished to visit and was able to interview in private persons deprived of their liberty.

26. The ad hoc visit to **Greece** in September 2008 focused on the treatment of persons detained by law enforcement agencies. Particular attention was paid to the situation of irregular migrants detained under aliens legislation and held in either police/border guard stations or special holding facilities under the responsibility of the Ministry of the Interior.

Both the report on this visit and the response of the Greek authorities have now been placed in the public domain, and will be commented upon in the section "Publication highlights" (see paragraphs 58-61, page 30).

27. During the ad hoc visit to **Italy** in July 2009, the CPT's delegation examined various aspects of the Italian authorities' recently introduced policy of intercepting at sea irregular migrants approaching Italy's southern Mediterranean border and returning them to north or north-west Africa. Particular attention was given to the safeguards in place to ensure that no one is sent to a country where there are substantial grounds for believing that he/she would run a real risk of being subjected to torture or other forms of ill-treatment.

28. The ad hoc visit to **Moldova** in July 2009 was very much a consequence of the events which took place in Chişinău shortly after the parliamentary elections of 5 April 2009. The main purpose of the visit was to assess the manner in which investigations were being carried out into cases possibly involving ill-treatment by members of police forces in the context of those events. The visit was also timed so as to coincide with the fresh elections that were held on 29 July.

29. In April 2009 the CPT organised its eleventh visit to the **North Caucasian region of the Russian Federation**, focusing on the Chechen Republic and the Republic of Ingushetia.

The CPT had last visited the Chechen Republic in September 2006. The Committee considered that the time had come to examine whether progress had been made in tackling the serious issues raised in its previous visit reports and public statements.

The Republic of Ingushetia had most recently been visited by the CPT in March/April 2008. After that visit, the Committee had continued to receive alarming reports about a deteriorating security situation and serious human rights abuses. Consequently, the treatment of persons deprived of their liberty by the law enforcement agencies and security forces in Ingushetia was another focus of the April 2009 visit. The CPT's delegation also reviewed progress towards providing this Republic with its own pre-trial penitentiary establishment (SIZO); the entry into service of such an establishment is essential for the proper functioning of the criminal justice system in Ingushetia and for the benefit of the community as a whole.

High-level talks and contacts

30. The CPT continues in appropriate cases to pursue its dialogue with Parties to the ECPT and other relevant interlocutors by organising high-level talks and contacts outside the framework of a given visit. Such talks/contacts have taken place on four occasions during the period covered by this General Report.

31. From 29 September to 2 October 2008 representatives of the CPT had a series of meetings in Tbilisi and Sukhumi aimed at enabling the Committee to exercise its mandate throughout the territory of **Georgia**.

In Tbilisi, the CPT's representatives held talks with the Minister and Deputy Minister of Justice, the Minister of Reintegration, the First Deputy Minister of Internal Affairs, and the Secretary of the National Security Council. They also met the Public Defender. Similar consultations were previously held in July 2008, following the postponement, at the Georgian authorities' request, of an intended ad hoc visit by the CPT to the regions of Abkhazia and South Ossetia. The new series of talks provided an opportunity to examine the implications of the armed conflict in August 2008, and subsequent developments, for the planned ad hoc visit.

In Sukhumi, the CPT's representatives met the *de facto* Presidential Plenipotentiaries for human rights of Abkhazia and South Ossetia and explained to them the Committee's mandate and working methods.

Discussions were also held with members of the OSCE Mission to Georgia, the United Nations Observer Mission in Georgia and the ICRC Delegation in Tbilisi.

32. The above-mentioned meetings helped to lay the foundations for the CPT's subsequent visit to Abkhazia in April/May 2009 (see paragraph 25 above). Unfortunately, the Committee has not yet been able to organise a similar visit to South Ossetia. The contacts to date with the *de facto* authorities in Tskhinvali indicate that they are not well disposed to the idea of having the CPT exercise its mandate in the region.

33. On 13 October 2008, representatives of the CPT had talks in Ankara, **Turkey**, with the Minister of Justice and senior officials of the Ministries of Justice, the Interior, Foreign Affairs and National Defence as well as representatives of the Turkish Armed Forces. Issues discussed during the talks included the conditions of detention of Abdullah Öcalan, who has now been held for more than ten years as the sole inmate of the prison on the island of Imralı. The CPT is pleased to note that access to Imralı island for the relatives and lawyers of the prisoner has improved in recent times. The Committee is following closely the announced plans to transfer a number of other prisoners to the prison on the island.

The CPT's representatives also raised at the talks certain allegations of ill-treatment of detained persons by law enforcement officials and prison officers that had recently been reported, as well as the situation of foreign nationals detained under aliens legislation.

34. From 9 to 11 December 2008, CPT representatives held talks in Prishtinë/Priština, in order to explore the modalities to enable the Committee to continue its work in **Kosovo** in line with the Agreement signed in August 2004 between the Council of Europe and the United Nations Interim Administration in Kosovo (UNMIK).

The CPT's representatives met the Special Representative of the Secretary General of the United Nations in Kosovo, the Head of the OSCE Mission in Kosovo and the Deputy Head of the European Union Rule of Law Mission (EULEX). Under the auspices of UNMIK, discussions were also held with representatives of the Advisory Office on Good Governance and Human Rights of the Kosovo authorities.

The CPT's representatives had separate consultations with the Chief of Staff of the International security presence in Kosovo (KFOR) on the continuation of the Committee's work with regard to KFOR's powers to deprive persons of their liberty.

Further information on the CPT's activities in Kosovo is provided in the section "Publication highlights" (see paragraphs 70-74, page 33).

35. On 16 February 2009, the CPT's President, together with the EU Special Representative in Skopje, met the Prime Minister and Minister of Justice of "**the former Yugoslav Republic of Macedonia**", in order to discuss the situation in the country's prisons.

Further information on the CPT's activities in "the former Yugoslav Republic of Macedonia" is provided in the section "Publication highlights" (see paragraphs 66-69, page 32).

Level of co-operation received by the CPT

36. The level of co-operation received by the CPT's delegations in the course of visits has on the whole remained satisfactory and, on occasion, can be described as excellent. In particular, in the great majority of establishments visited, the delegations have enjoyed prompt access to detention facilities and to all relevant information.

37. There have once again been isolated instances of delays in gaining access to a particular place of detention, apparently as a result of inadequate information about the mandate and powers of the Committee. Problems of this kind are generally overcome without too much difficulty. The CPT wishes nevertheless to make clear that an outright refusal to grant access to a place of deprivation of liberty would be a gross violation of the provisions of the ECPT and constitute in itself grounds for making a public statement.

38. The ECPT obliges Parties to provide the CPT with information available to them which is necessary for the Committee to carry out its task. As is stressed in the Explanatory Report to the Convention, access to information is of great importance to the CPT. Needless to say, all information provided should be accurate.

For example, lists of places of deprivation of liberty provided to the Committee should be complete; unfortunately, this is not always the case. During the period covered by this General Report, one CPT visiting delegation discovered a prison establishment that had not been included in the lists provided. In another country, no information was provided on municipal police establishments, notwithstanding that certain of them at least were equipped with cells. In fact, visiting delegations should receive information about all places of deprivation of liberty, including places where persons can be held for short periods of time without being formally detained in a cell.

Information provided should also be reliable. On more than one occasion during the last twelve months, a CPT visiting delegation has received inexact information, for example about the use being made of a specific detention area. Attempts to mislead a CPT delegation are obviously not in conformity with the principle of co-operation laid down in the ECPT and inevitably leave a poor impression when they are discovered. To lie to a CPT delegation could in certain cases lead to the Committee making a public statement.

39. The CPT would also like to emphasise that the obligation to provide information to the Committee is not confined to the stage when a visit is carried out. In relation to Article 8, paragraph 2, of the ECPT (which specifically refers to information to be provided to the CPT), the Explanatory Report makes clear that “in view of the particular nature of the visits which the Committee is required to make, ... this paragraph applies equally before, during and after visits”. The general obligation of co-operation set out in Article 3 of the ECPT also entails that States should respond to requests for information from the CPT which are related to the treatment of persons deprived of their liberty. Access to such information may well be essential for the Committee to decide whether or not to make use of its power under the Convention to organise a visit.

40. Signs that detained persons have been warned not to make any complaints to a CPT delegation are still detected from time to time. And a visiting delegation recently witnessed for itself a prison officer threatening an inmate for having spoken to the delegation (following the delegation’s intervention, the officer concerned was disciplined).

The CPT has made clear in previous General Reports that any intimidatory or retaliatory action against a person before or after contact with one of its delegations is totally unacceptable and could result in the Committee exercising its power to make a public statement.

41. The CPT is also obliged to reiterate that a country's co-operation with the Committee cannot be described as satisfactory in the absence of action to strengthen the protection of persons deprived of their liberty from ill-treatment. Indeed, the *raison d'être* of the system established by the ECPT is to bring about necessary change in the light of the Committee's findings. Regrettably, many of the countries visited over the last twelve months were found to have failed to implement recommendations on key issues repeatedly made by the CPT after previous visits.

Plenary meetings and activities of subgroups

42. The CPT held three one-week plenary meetings during the twelve months covered by this General Report – in November 2008, and March and July 2009.

A total of 18 visit reports were adopted by the Committee at these meetings, eight of them being drawn up under the expedited drafting procedure (according to which draft visit reports prepared by visiting delegations which are circulated at least two weeks before a plenary session are taken as approved without debate, save for paragraphs in respect of which a discussion has been specifically requested in advance).

43. As usual, much of the CPT's work during the last twelve months has taken place in the context of subgroups of the Committee. In addition to the delegations responsible for the carrying out of visits, there are two standing subgroups which meet on a regular basis, namely the medical group and the working group on the CPT's jurisprudence.

The ad hoc working group on safeguards for irregular migrants deprived of their liberty submitted its conclusions to the CPT at the July 2009 plenary session, and they formed the basis of the substantive section contained in this General Report.

The ad hoc working group on the use of electro-shock and directed energy weapons in detention-related situations has pursued its examination of this subject, and the issue could be addressed in a substantive section of the 20th General Report.

At its November 2008 plenary session, the CPT set up a new ad hoc working group to examine the question of prisoners' contacts with the outside world.

Contacts with other bodies

44. The CPT has continued its efforts to promote synergy with other bodies, both within and outside the Council of Europe.

In October 2008, the CPT's President, together with the Heads of other Council of Europe monitoring mechanisms, met the Chairman of the Ministers' Deputies in order to examine the scope for greater co-operation between the different bodies concerned. Further, in March 2009, the Committee's President had an exchange of views with the Parliamentary Assembly's Sub-Committee on Human Rights on a wide range of issues of mutual interest. In addition, at its July 2009 meeting, the CPT met with representatives of the European Court of Human Rights to discuss various topics, including procedural safeguards for detained persons at the stage of police custody.

The CPT's Secretariat has kept in regular contact with the Office of the Council of Europe's Commissioner for Human Rights on matters of common interest. The CPT also remains ready to contribute to the work of Council of Europe committees examining subjects linked to the Committee's mandate, such as the recently created Committee of Experts on Impunity.

45. The last 12 months have seen increased contact between representatives of the CPT and institutions of the European Union, in particular the European Commission. The Committee has also continued to consolidate its relations with the United Nations Subcommittee on Prevention of Torture.

Further, throughout the year, CPT members have participated in numerous conferences and training activities organised by international bodies (e.g. the EU, UN, UNHCR) or non-governmental organisations. There is a growing demand for input from the CPT at such events.

Publications

46. A total of 21 CPT visit reports were published during the period covered by this General Report, thereby confirming the well-established trend of States lifting the veil of confidentiality and agreeing to have the Committee's findings placed in the public domain. At the time of writing, 223 of the 262 visit reports so far drawn up have been published. Many of the 39 reports not yet published have only recently been transmitted to the Parties concerned and will no doubt be placed in the public domain in due course.

A state-by-state table showing the current situation as regards publication of CPT visit reports is set out in Appendix 6, page 60. As will be seen, only two Parties to the ECPT, namely Azerbaijan and the Russian Federation, are at present running counter to the above-mentioned trend.

47. It should be recalled that on 6 February 2002, the Committee of Ministers “encouraged all Parties to the Convention to authorise publication, at the earliest opportunity, of all CPT visit reports and of their responses”. The CPT hopes that this clear message will be heeded by all countries concerned.

Publication of visit reports can only increase the impact of the CPT’s work. It allows other relevant organisations to contribute to the process of taking forward the implementation of recommendations contained in a report and enables the Committee itself to participate directly in public debate on the issues involved. Consequently, authorising publication of visit reports can be seen as one of the most important means of co-operating with the CPT.

48. In the following section, a closer look is taken at some of the more noteworthy visit reports and responses published during the last 12 months.



Publication highlights

Publication highlights

Report on the ad hoc visit to Albania in June 2008

(treatment of persons detained by the police and the situation in pre-trial detention facilities)

49. The findings during the 2008 visit indicate that, as regards the long-standing problem of ill-treatment by the police, there is the beginning of an improvement. In contrast to the findings made during the 2005 and 2006 visits, the majority of persons interviewed by the CPT's delegation stated that they had been treated correctly whilst in police custody. However, a number of credible allegations of recent physical ill-treatment were received, some of which were of a very serious nature. Most of the allegations made related to ill-treatment during police questioning and, more particularly, during interrogation by officers of the criminal police.

The CPT has noted that, following the Committee's 2006 visit, the Prime Minister of Albania publicly condemned acts of torture and other forms of ill-treatment and stated that the Government would pursue a policy of "zero tolerance" in this respect. To this end, instructions were delivered by the Ministry of the Interior to all police officers; the CPT has also been informed that numerous police officers were dismissed for misconduct.

Whilst acknowledging the progress made, the CPT urges the Albanian authorities to redouble their efforts to combat ill-treatment by the police. Conditions of detention in a number of police establishments also need to be improved.

50. As regards the situation in pre-trial detention facilities, the CPT's report highlights a number of significant improvements since the 2006 visit. Firstly, the completion of the transfer of responsibility for pre-trial detention centres from the Ministry of the Interior to the Ministry of Justice means that all remand prisoners are now subject to the same rules (in particular, as regards activities and contacts with the outside world). Secondly, several pre-trial detention facilities which had been criticised by the Committee in the past have been taken out of service. Thirdly, major investments have been made to construct new detention facilities (for instance, in Durrës, Fushe Kruja, Korca and Vlora), which will undoubtedly alleviate the problem of overcrowding in many prison establishments. Fourthly, food standards in the prison system have been improved.

To sum up, the deplorable conditions in pre-trial detention facilities, as described in the reports on the 2005 and 2006 visits, now belong to the past.

Report published January 2009, CPT/Inf (2009) 6

Report on the ad hoc visit to the Czech Republic in March/April 2008 and response of the Czech authorities

(surgical castration of sex offenders)

51. One of the main objectives of this visit was to examine the application of testicular pulpectomy (surgical castration) on sentenced sex offenders. The CPT's delegation interviewed nine sex offenders who had undergone surgical castration, and five who were in the preparatory stages of the process to be castrated. In addition, the files of 41 sex offenders who had been surgically castrated between 1998 and 2008 were studied, and interviews on the treatment of sex offenders were carried out with medical practitioners, scientists and government officials.

52. In its report, the CPT recognises that the treatment of sex offenders in the Czech Republic follows treatment plans which are based on an extensive diagnostic evaluation and can include psychotherapy. However, in the light of the facts found during the visit, the Committee reiterates its opposition to one aspect of the system applied, namely surgical castration. The CPT's objections to the use of this intervention as a means of treatment of sex offenders are manifold.

Firstly, surgical castration has irreversible physical effects, and direct or indirect mental health consequences. Further, there is no guarantee that the result sought (i.e. lowering of the testosterone level) will be lasting.

As regards re-offending rates, the CPT found that the claimed positive effects were not based on sound scientific evaluation. In any event, the legitimate goal of lowering re-offending rates must be counterbalanced by ethical considerations linked to the fundamental rights of an individual. It is noteworthy that surgical castration is not in conformity with recognised international standards, and more specifically, is not mentioned in the authoritative "Standards of care for the Treatment of Adult Sex Offenders" drawn up by the International Association for the Treatment of Sex Offenders.

Moreover, given the context in which the intervention is offered, it is questionable whether consent to the option of surgical castration will always be truly free and informed. As was found during the visit, a situation can easily arise whereby patients or prisoners acquiesce rather than consent, believing that it is the only available option to them to avoid indefinite confinement. Irreversible medical interventions should never be carried out on prisoners and other detained persons, unless there is a clear medical necessity.

When these fundamental objections are combined with the fact that effective alternative therapies for the treatment of sex offenders are currently available, the case against surgical castration becomes overwhelming. In the CPT's view, surgical castration of detained sex offenders amounts to degrading treatment; in its report, the Committee calls upon the Czech authorities to end immediately the use of this intervention in the context of the treatment of such persons.

53. In their response, the Czech authorities affirm that surgical castration is carried out with the free, informed, consent of the patient and they do not consider the reasons given by the CPT in favour of abandoning its use as “sufficient and established”. At the same time, the Czech authorities indicate that new legislation will make the application of surgical castration on sex offenders subject to court approval.

Report and response published February 2009, CPT/Inf (2009) 8 and CPT/Inf (2009) 9

Report on the periodic visit to Finland in April 2008 and response of the Finnish authorities

(inter-prisoner violence and the treatment of prisoners)

54. The report addresses the phenomenon of inter-prisoner violence and intimidation as well as the situation of prisoners held in high security and closed units. The CPT recommends that a national approach be developed to address the issue of “fearful” prisoners, and that a suitable programme of purposeful activities be provided to prisoners held in conditions of high security or segregated by court order. In their response, the Finnish authorities describe action they are taking in order to implement both of these recommendations.

55. The CPT notes in its report that the practice of “slopping out” (whereby prisoners are obliged to discharge human waste in buckets in their cells, which are subsequently slopped out) remains a feature of prisons, or parts of prisons, in Finland. The Committee calls upon the Finnish authorities to put an end to this practice, both in the Western Wing of Helsinki Prison and throughout the rest of the prison system. In their response, the Finnish authorities inform the Committee of plans to resolve this problem by 2011-2012. Hämeenlinna Prison is the only establishment for which a decision on the timing of the modernisation of the “slopping out” cells remains to be taken.

56. Particular attention was paid during the visit to the treatment of prisoners suspected of concealing unlawful substances in their body (“body packers”), who were held in special cells under constant observation. The CPT has recommended, among other things, that arrangements be made to preserve a minimum amount of privacy when the inmates concerned are using a toilet. In order to implement this recommendation, the Finnish authorities are reviewing the layout of special observation cells. In addition, following the 2008 visit, the practice of obliging the prisoners in question to wear “locked” overalls when they were not using a toilet was stopped at Helsinki Prison, as in other establishments, pending a decision of the Supreme Court on this matter.

57. The CPT’s delegation found that the practice of holding remand prisoners for prolonged periods in police detention facilities remains widespread in Finland. In response to the Committee’s recommendations aimed at eliminating this practice, the Finnish authorities refer to plans to decrease the number of remand prisoners placed in police facilities and to shorten the periods spent by such prisoners in police custody.

Report published January 2009, CPT/Inf (2009) 5; response published June 2009, CPT/Inf (2009) 19

Report on the ad hoc visit to Greece in September 2008 and response of the Greek authorities

(treatment of persons detained by law enforcement agencies and conditions in facilities for irregular migrants)

58. The information gathered during the 2008 visit indicated that persons apprehended in Greece continued to run a considerable risk of being ill-treated by law enforcement officials. To combat this phenomenon, the CPT has emphasised, among other things, the importance of investigations being instigated immediately after allegations have been received by a prosecutor and of them being conducted in a thorough and expeditious manner. The Greek authorities contest the findings of the Committee, but reiterate their commitment to provide law enforcement officials with appropriate training on human rights issues and to severely sanction any official who violates the law. They refer to the role of the Ombudsman in receiving complaints and consider that the existing system of administratively independent structures within the Hellenic Police Force is sufficient for dealing with complaints and allegations of ill-treatment by the police.

59. The CPT found that, in practice, persons deprived of their liberty by law enforcement officials did not always have an effective right to certain basic guarantees, such as the rights of access to a lawyer and to a doctor, or to be informed of their rights in an appropriate language. As for conditions of detention in police and border guard stations, the Committee notes that poor material conditions are exacerbated by overcrowding and the practice of detaining persons for prolonged periods in such establishments. The Greek authorities provide details of ongoing renovations to meet the concerns of the CPT.

60. As regards special facilities for irregular migrants, the CPT's report refers to the general squalor and unhygienic detention conditions in the Pagani centre in Mytilini, caused by severe overcrowding; it also points to the poor conditions in the Athens centres of Petrou Ralli and Aspropyrgos. In contrast, the Filakio centre provided acceptable conditions at the time of the 2008 visit. The Committee has recommended that minimum operating standards, as required by the 2005 Aliens Law, be adopted for all facilities holding irregular migrants and that the provision of health care in such facilities be improved, including through a systematic medical screening of all detained irregular migrants.

61. In response, the Greek authorities refer to various measures being taken to provide appropriate conditions of detention for irregular migrants, despite the sudden influxes into places such as Mytilini. Further, they announce that a new Directorate for Migration Policy has been established to better manage the various holding facilities for irregular migrants. The Greek authorities also draw attention to the increasing numbers of migrants entering the country and their efforts to stem the tide through strengthening co-operation with neighbouring countries.

Report and response published June 2009, CPT/Inf(2009) 20 and CPT/Inf(2009) 21

Report on the periodic visit to Moldova in September 2007 and response of the Moldovan authorities

(treatment of persons in police custody, in prisons and in psychiatric/social welfare facilities)

62. In its report, the CPT concludes that the phenomenon of ill-treatment by the police remains of serious proportions, despite the clear efforts made by the Moldovan authorities in recent years to overcome this problem. The Committee makes a series of recommendations to address this issue, one of which concerns the way in which prosecutors should handle cases involving allegations of police ill-treatment. In their response, the Moldovan authorities state that guidelines have been drawn up for prosecutors on the carrying out of investigations into such cases.

63. The CPT's delegation found that conditions of detention in police temporary detention facilities continued to render them unsuitable for holding remand prisoners for prolonged periods of time. The Committee has called upon the Moldovan authorities to give a high priority to the implementation of the policy decision already taken to transfer the responsibility for persons remanded in custody to the Ministry of Justice.

64. The CPT's delegation did not receive any allegations of recent physical ill-treatment by staff in the prisons visited, with the notable exception of Penitentiary establishment No. 18 in Brănești; the Committee has made specific recommendations in relation to that establishment. The CPT has also expressed concern about the proportionality of the force used to deal with a mass disobedience by inmates at Penitentiary establishment No. 13 in Chișinău. In response, the Moldovan authorities refer, inter alia, to the setting up of ethics committees in each prison establishment aimed at fostering an attitude among staff that views resort to ill-treatment as unacceptable. Prison overcrowding remained a problem, there being an average of only 2 m² of living space per prisoner in the establishments visited. In its report, the CPT stresses the need for policies designed to limit or modulate the number of persons sent to prison.

65. At Chișinău Psychiatric Hospital, patients interviewed by the CPT's delegation spoke positively of the attitude of health-care staff. In contrast, many allegations of ill-treatment of residents by orderlies were heard in the Psycho-neurological Home in Cocieri. The Committee has recommended that the selection procedures for orderlies be reviewed and a comprehensive training programme developed for them. In their response, the Moldovan authorities stress that steps have been taken to improve the training of orderlies and to employ more staff.

Report and response published December 2008, CPT/Inf (2008) 39 and CPT/Inf (2008) 40

Reports on the ad hoc visits to “the former Yugoslav Republic of Macedonia” in October 2007 and July 2008 and responses of the national authorities

(the state of the prison system)

66. In both the 2007 and 2008 visits, the CPT focused its attention on Idrizovo and Skopje Remand Prisons, which together hold roughly 70% of the country’s prison population.

At Idrizovo Prison, credible allegations were received of ill-treatment of prisoners by staff, although a subsequent investigation by the authorities found no unlawful use of truncheons. During the 2008 visit it was found that squalid material conditions continued to prevail in the majority of the establishment’s living quarters, and the situation was compounded by the absence of any meaningful activities and the fact that prisoners in the closed sections were confined to their wings for most of the day. In response to the CPT’s call for urgent measures to be taken to render Idrizovo Prison safe and hygienic, the authorities refer to action taken to improve the existing living conditions, including renovation of buildings and the supply of new mattresses and blankets.

At Skopje Remand Prison, the CPT’s delegation found that inmates could still be restrained for prolonged periods, attached to their beds by ankle and hand cuffs, in the presence of other inmates, with no supervision and an inadequate recording system. As for the living conditions, they had deteriorated as compared to earlier visits, with increased overcrowding combined with the dilapidated state of the cells and the absence of any activities. Up to seven prisoners were being held in four-bed cells measuring a mere 11 m², with three inmates having to sleep on mattresses on the floor, in extremely humid conditions. In their response, the authorities state that a new remand wing at Skopje Prison is being constructed to relieve the overcrowding and that all prisoners are now offered two hours of outdoor exercise every day.

67. The CPT has recommended that urgent action be taken to find suitable premises for the Educational-Correctional Institution, which has been temporarily located in the adult open section of Skopje Prison since late 2001. It has also called on the authorities to improve the treatment and care of juveniles held in this Institution.

68. More generally, the CPT’s reports on the 2007 and 2008 visits highlight once again poor management and supervision in prisons, inadequate staffing levels and a lack of appropriate training for staff. The Committee has also reiterated the need for a thorough review of the prison health care services, including the development of a policy concerning somatic and psychiatric care. In their response, the authorities refer to an increase in the staffing complement in prisons, notably prison officers and medical personnel, as well as to measures to improve security inside prisons. In reaction to criticism of inadequate medical screening upon admission to prison, they affirm that an examination of all inmates takes place within 24 hours of their arrival.

69. In the context of the CPT's ongoing dialogue with the national authorities, the President of the Committee, together with the European Union Special Representative in Skopje, met the Prime Minister on 16 February 2009 to discuss the situation in the country's prisons. Among the key issues highlighted during the meeting were the need to develop a competent and professional management of the prison system as well as a strategic plan. The Prime Minister acknowledged that further action was required and stated that his government was committed to investing in the prison system.

Reports and responses published September and November 2008, CPT/Inf (2008) 22, CPT/Inf (2008) 23, CPT/Inf (2008) 31 and CPT/Inf (2008) 32

Report on the visit to Kosovo in March 2007 and response of UNMIK

(situation in police stations, prisons and psychiatric/social welfare establishments)

70. This first visit by the CPT to Kosovo was carried out on the basis of the Agreement signed in August 2004 between the Council of Europe and UNMIK and of an exchange of letters concluded in 2006 between the Secretaries General of the Council of Europe and the North Atlantic Treaty Organisation (NATO).¹

71. In the visit report, the CPT notes that its delegation received a number of allegations of physical ill-treatment of persons held by officers of the Kosovo Police Service (KPS) in police stations throughout Kosovo. Further, poor material conditions of detention were found in almost all the police stations visited. In its response, UNMIK provides information on the measures taken to combat ill-treatment, notably the issuance of a directive to police officers and the preparation of draft legislation to increase sanctions against police officers who use force unnecessarily and/or in a disproportionate manner. In addition, steps have been taken to intensify the training of police officers and to strengthen the legal safeguards for persons detained by the police.

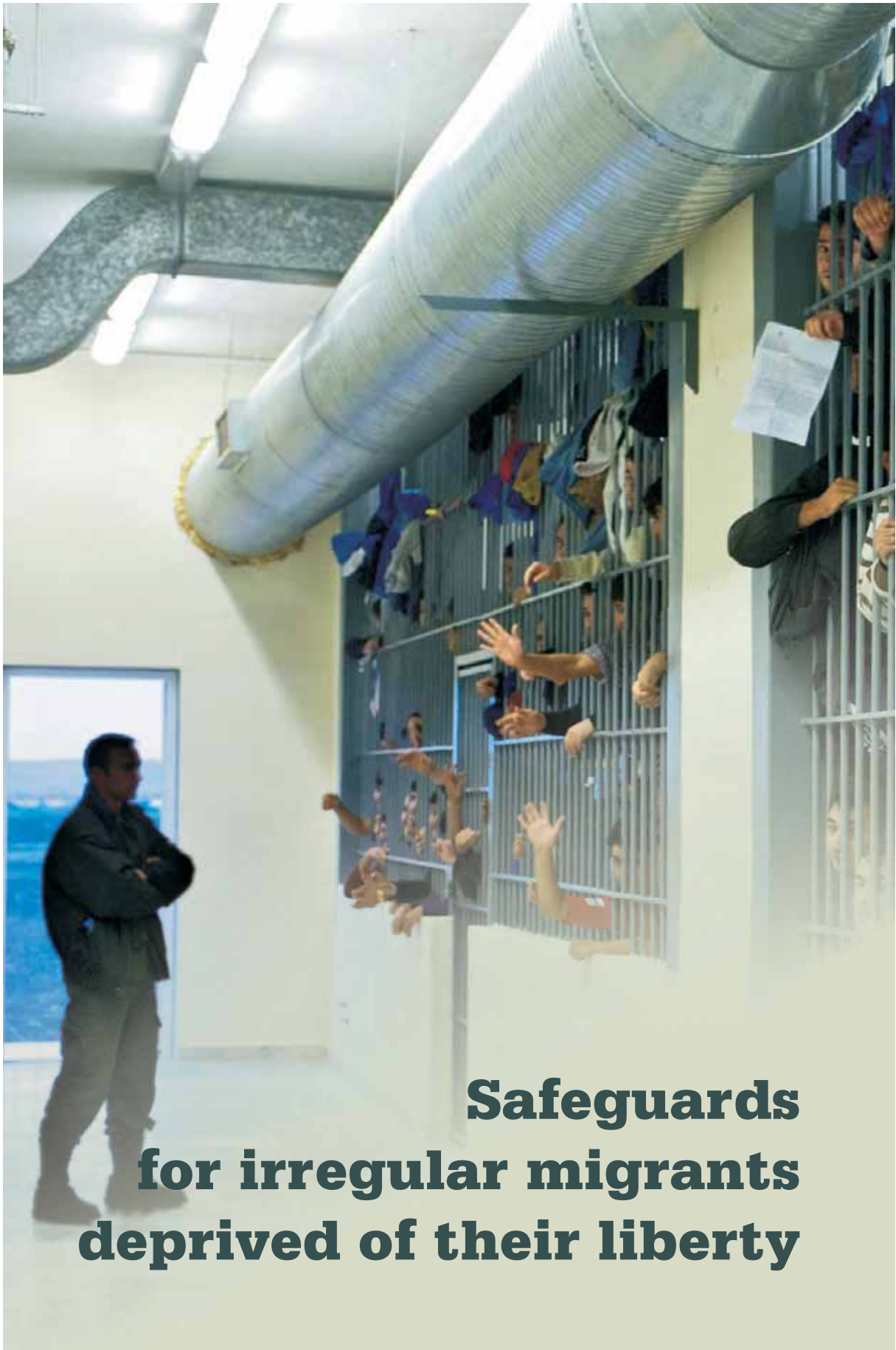
72. As regards the prisons visited, some allegations of physical ill-treatment by custodial staff were received at Dubrava Prison and Lipjan/Lipljan Correctional Centre. Further, at Dubrava Prison, many complaints were heard of provocative behaviour and excessive use of force by members of the establishment's Intervention Unit (so-called "Delta Bravo"). Material conditions of detention were generally satisfactory; however, they were very poor in the Pejë/Peć Detention Centre as well as in some parts of Dubrava Prison. As to the regime, despite some efforts by the prison administration to develop a programme of activities, many sentenced prisoners and almost all remand prisoners did not benefit from any regular out-of-cell activities other than outdoor exercise. The Committee also expresses concern about the overwhelming number of allegations of favouritism and corruption heard at Dubrava Prison.

1. The CPT's report to NATO on the visit to places of deprivation of liberty under the authority of KFOR has not yet been made public.

73. Living conditions were generally good in the section of the Shtime/Stimlje “Special Institute” accommodating persons with mental disabilities. However, they were very poor in the Integration Centre for Mental Health, and the Centre lacked the necessary funds to ensure even the basic needs of patients (such as adequate clothing and shoes). The CPT has also expressed serious concern about the fact that patients in the forensic psychiatric unit in Prishtinë/Priština were being confined, often for months on end, in a state of total idleness.

74. In a substantial response addressing all the issues raised by the CPT, UNMIK provides detailed information on the concrete measures being taken to improve the situation in the above-mentioned establishments.

Report and response published January 2009, CPT/Inf(2009) 1 and CPT/Inf(2009) 2



**Safeguards
for irregular migrants
deprived of their liberty**

Safeguards for irregular migrants deprived of their liberty

Preliminary remarks

75. In the substantive section of its 7th General Report, published in 1997, the CPT described in some detail its position in relation to safeguards and conditions for foreign nationals deprived of their liberty under aliens legislation (“immigration detainees”), as well as its views concerning the expulsion of such persons.² In the intervening period, the CPT has carried out frequent visits to dedicated immigration detention centres as well as to police stations and prison establishments, in which immigration detainees continue to be held in a number of countries. These visits have, all too often, reinforced the Committee’s opinion that immigration detainees are particularly vulnerable to various forms of ill-treatment, whether at the moment of apprehension, during the period of custody or while being deported.

Given the vulnerable nature of this group of persons, the CPT has, in the course of many of its visits, focused its attention on the treatment of immigration detainees. Further, the Committee has continued to develop its own standards, for example by the elaboration in the 13th General Report of guidelines on the deportation of foreign nationals by air, including immigration detainees.³

76. In this 19th General Report, the CPT is setting out its views on the safeguards that should be afforded to detained irregular migrants, with an additional special emphasis on children.⁴ “Detained irregular migrants” is the term used to denote persons who have been deprived of their liberty under aliens legislation either because they have entered a country illegally (or attempted to do so) or because they have overstayed their legal permission to be in the country in question.

It should be noted that asylum seekers are not irregular migrants, although the persons concerned may become so should their asylum application be rejected and their leave to stay in a country rescinded. Whenever asylum seekers are deprived of their liberty pending the outcome of their application, they should be afforded a wide range of safeguards in line with their status, going beyond those applicable to irregular migrants which are set out in the following paragraphs.⁵

2. See paragraphs 24 to 36 of doc. CPT/Inf (97) 10.

3. See paragraphs 27 to 45 of doc. CPT/Inf (2003) 35.

4. This is not to suggest that children are the only vulnerable group. Elderly persons and unaccompanied women, for instance, are also vulnerable.

5. For asylum seekers, certain international safeguards originate under the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol. Further, European Union legislation, in particular Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, has established a number of guarantees; however, the applicability of this legislation is limited to EU member States. Reference should also be made to the Guidelines on human rights protection in the context of accelerated asylum procedures, adopted by the Committee of Ministers of the Council of Europe on 1 July 2009.

Deprivation of liberty of irregular migrants

77. In the course of its visits, the CPT has noted that a number of member States of the Council of Europe have made a concerted effort to improve the conditions of detention for irregular migrants. However, there are still far too many instances where the CPT comes across places of deprivation of liberty for irregular migrants, and on occasion asylum seekers, which are totally unsuitable. An illustrative example of such a place would be a disused warehouse, with limited or no sanitation, crammed with beds or mattresses on the floor, accommodating upwards of a hundred persons locked in together for weeks or even months, with no activities, no access to outdoor exercise and poor hygiene. CPT delegations also continue to find irregular migrants held in police stations, in conditions that are barely acceptable for twenty-four hours, let alone weeks.

In some States, irregular migrants are detained in prisons. In the CPT's opinion, a prison establishment is by definition not a suitable place in which to hold someone who is neither accused nor convicted of a criminal offence. Interestingly, prison managers and staff in the various establishments visited by the CPT often agree that they are not appropriately equipped or trained to look after irregular migrants. In this context, the CPT wishes to reiterate that staff working in centres for irregular migrants have a particularly onerous task. Consequently, they should be carefully selected and receive appropriate training.

78. Despite the existence of many detention facilities for irregular migrants in Council of Europe member States, there is still no comprehensive instrument covering the whole of the European continent⁶ and setting out the minimum standards and safeguards for irregular migrants deprived of their liberty, in line with the specific needs of this particular group of persons.

The 2006 European Prison Rules apply to those irregular migrants who are detained in prisons. However, it is stressed in the Commentary to the Rules that immigration detainees should in principle not be held in prison. Therefore, the Rules do not address the special needs and status of irregular migrants, such as those issues related to the preparation and execution of deportation procedures. It should be noted here that in accordance with Article 5 (1) f of the European Convention on Human Rights, irregular migrants may be deprived of their liberty either when action is being taken with a view to deportation or in order to prevent an unauthorised entry into the country. The purpose of deprivation of liberty of irregular migrants is thus significantly different from that of persons held in prison either on remand or as convicted offenders.

6. Directive 2008/115/EC of the European Parliament and of the Council of the European Union of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals provides, inter alia, standards related to irregular migrants deprived of their liberty. The Directive is applicable in most EU member States and some other countries and should be transposed into national legislation by the end of 2010.

79. Conditions of detention for irregular migrants should reflect the nature of their deprivation of liberty, with limited restrictions in place and a varied regime of activities. For example, detained irregular migrants should have every opportunity to remain in meaningful contact with the outside world (including frequent opportunities to make telephone calls and receive visits) and should be restricted in their freedom of movement within the detention facility as little as possible. Even when conditions of detention in prisons meet these requirements – and this is certainly not always the case – the CPT considers the detention of irregular migrants in a prison environment to be fundamentally flawed, for the reasons indicated above.

80. More generally, in certain countries, authorities routinely resort to administrative detention of irregular migrants pending deportation, sometimes with no time limitation or judicial review. It is clear that automatic administrative detention under such conditions runs the risk of being in contradiction with, *inter alia*, the case law of the European Court of Human Rights. In the CPT's view, States should be selective when exercising their power to deprive irregular migrants of their liberty; detention should only be resorted to after a careful examination of each individual case.

Basic rights at the initial stages of deprivation of liberty

81. The CPT considers that detained irregular migrants should, from the very outset of their deprivation of liberty, enjoy three basic rights, in the same way as other categories of detained persons. These rights are: (1) to have access to a lawyer, (2) to have access to a medical doctor, and (3) to be able to inform a relative or third party of one's choice about the detention measure.

82. The right of access to a lawyer should include the right to talk with a lawyer in private, as well as to have access to legal advice for issues related to residence, detention and deportation. This implies that when irregular migrants are not in a position to appoint and pay for a lawyer themselves, they should benefit from access to legal aid.

Further, all newly arrived detainees should be promptly examined by a doctor or by a fully-qualified nurse reporting to a doctor. The right of access to a doctor should include the right – if an irregular migrant so wishes – to be examined by a doctor of his/her choice; however, the detainee might be expected to meet the cost of such an examination.

Notifying a relative or third party of one's choice about the detention measure is greatly facilitated if irregular migrants are allowed to keep their mobile phones during deprivation of liberty or at least to have access to them.

83. In addition to these three basic rights, international treaties recognise the right of a detained irregular migrant to ask for consular assistance. However, as not all irregular migrants may wish to contact their national authorities, the exercise of this right must be left to the person concerned.

84. It is essential that newly arrived irregular migrants be immediately given information on these rights in a language they understand. To this end, they should be systematically provided with a document explaining the procedure applicable to them and setting out their rights in clear and simple terms. This document should be available in the languages most commonly spoken by the detainees and, if necessary, recourse should be had to the services of an interpreter.

General safeguards during deprivation of liberty

85. Every instance of deprivation of liberty should be covered by a proper individual detention order, readily available in the establishment where the person concerned is being held; and the detention order should be drawn up at the outset of the deprivation of liberty or as soon as possible thereafter. This basic requirement applies equally to irregular migrants who are deprived of their liberty. Further, the fundamental safeguards of persons detained by law enforcement agencies are reinforced if a single and comprehensive custody record is kept for every such person, recording all aspects of his/her custody and all action taken in connection with it.

86. Detained irregular migrants should benefit from an effective legal remedy enabling them to have the lawfulness of their deprivation of liberty decided speedily by a judicial body. This judicial review should entail an oral hearing with legal assistance, provided free of charge for persons without sufficient means, and interpretation (if required). Moreover, detained irregular migrants should be expressly informed of this legal remedy. The need for continued detention should be reviewed periodically by an independent authority.

87. Arrangements should be made enabling detained irregular migrants to consult a lawyer or a doctor on an ongoing basis, and to receive visits from NGO representatives, family members or other persons of their choice, and to have telephone contact with them.

If members of the same family are deprived of their liberty under aliens legislation, every effort should be made to avoid separating them.

88. It is in the interests of both irregular migrants and staff that there be clear house rules for all detention facilities, and copies of the rules should be made available in a suitable range of languages. The house rules should primarily be informative in nature and address the widest range of issues, rights and duties which are relevant to daily life in detention. The house rules should also contain disciplinary procedures and provide detainees with the right to be heard on the subject of violations that they are alleged to have committed, and to appeal to an independent authority against any sanctions imposed. Without such rules, there is a risk of an unofficial (and uncontrolled) disciplinary system developing.

In case of the application of a segregation measure for security reasons or for the irregular migrant's own protection, these procedures should be accompanied by effective safeguards. The person concerned should be informed of the reasons for the measure taken against him/her, be given the opportunity to present his/her views on the matter prior to the measure being implemented, and be able to contest the measure before an appropriate authority.

89. Independent monitoring of detention facilities for irregular migrants is an important element in the prevention of ill-treatment and, more generally, of ensuring satisfactory conditions of detention. To be fully effective, monitoring visits should be both frequent and unannounced. Further, monitoring bodies should be empowered to interview irregular migrants in private and should examine all issues related to their treatment (material conditions of detention, custody records and other documentation, the exercise of detained persons' rights, health care, etc.).

Health-related safeguards

90. The assessment of the state of health of irregular migrants during their deprivation of liberty is an essential responsibility in relation to each individual detainee and in relation to a group of irregular migrants as a whole. The mental and physical health of irregular migrants may be negatively affected by previous traumatic experiences. Further, the loss of accustomed personal and cultural surroundings and uncertainty about one's future may lead to mental deterioration, including exacerbation of pre-existing symptoms of depression, anxiety and post-traumatic disorder.

91. At a minimum, a person with a recognised nursing qualification must be present on a daily basis at all centres for detained irregular migrants. Such a person should, in particular, perform the initial medical screening of new arrivals (in particular for transmissible diseases, including tuberculosis), receive requests to see a doctor, ensure the provision and distribution of prescribed medicines, keep the medical documentation and supervise the general conditions of hygiene.

92. Obviously, medical confidentiality should be observed in the same way as in the outside community; in particular, irregular migrants' medical files should not be accessible to non-medical staff but, on the contrary, should be kept under lock and key by the nurse or doctor. Moreover, all medical examinations should be conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of custodial staff.

Whenever members of the medical and/or nursing staff are unable to make a proper diagnostic evaluation because of language problems, they should be able to benefit without delay from the services of a qualified interpreter. Further, detained irregular migrants should be fully informed about the treatment being offered to them.

Three other important safeguards

93. The prohibition of torture and inhuman or degrading treatment or punishment entails the obligation not to send a person to a country where there are substantial grounds for believing that he or she would run a real risk of being subjected to torture or other forms of ill-treatment. Accordingly, irregular migrants should have ready access to an asylum procedure (or other residence procedure) which guarantees both confidentiality and an objective and independent analysis of the human rights situation in other countries; an individual assessment of the risk of ill-treatment in case of deportation to the country of origin or a third country should be carried out. The CPT is concerned that in certain countries the time-limit for submitting an application for asylum is limited by law to a number of days from the date of arrival in the country or in a detention facility; applications submitted after the deadline are not considered. Such an approach increases the possibility of persons being sent to a country where they run a real risk of being subjected to torture or other forms of ill-treatment.

94. In this context, the CPT has grave misgivings about the policy adopted by certain countries of intercepting, at sea, boats transporting irregular migrants and returning the persons concerned to North or North-West Africa. A practice with similar implications allegedly takes place at certain European land borders.

Countries that implement such policies or practices could well be at risk of breaching the fundamental principle of “non-refoulement”, a principle which forms part of international human rights law as well as of European Union law. This is particularly the case when the countries to which irregular migrants are sent have not ratified or acceded to the 1951 Geneva Convention relating to the Status of Refugees.

95. In line with the Twenty guidelines on forced return adopted by the Committee of Ministers on 4 May 2005, removal orders should be issued in each and every case based on a decision following national laws and procedures, and in accordance with international human rights obligations. The removal order should be handed over in writing to the person concerned. Moreover, there should be the possibility to appeal against the order, and the deportation should not be carried out before the decision on any appeal has been delivered. The assistance of a lawyer and an interpreter should be guaranteed also at this stage of the procedure.

96. Thirdly, in respect of any place where persons are deprived of their liberty by a public authority, the CPT consistently recommends that any sign of injury to a person who alleges ill-treatment, as well as the relevant statements made by the person concerned and the doctor's conclusions (as to the degree of consistency between the person's statement and the injuries observed), be duly recorded by the doctor on a form designed for that purpose. A similar record should be made even in the absence of a specific allegation, when there are grounds to believe that ill-treatment may have occurred. Procedures should be in place to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by the person concerned (or which, even in the absence of an allegation, are clearly indicative of ill-treatment), the record is systematically brought to the attention of the competent judicial or prosecuting authorities.

Additional safeguards for children

97. The CPT considers that every effort should be made to avoid resorting to the deprivation of liberty of an irregular migrant who is a minor.⁷ Following the principle of the "best interests of the child", as formulated in Article 3 of the United Nations Convention on the Rights of the Child, detention of children, including unaccompanied and separated children,⁸ is rarely justified and, in the Committee's view, can certainly not be motivated solely by the absence of residence status.

When, exceptionally, a child is detained, the deprivation of liberty should be for the shortest possible period of time; all efforts should be made to allow the immediate release of unaccompanied or separated children from a detention facility and their placement in more appropriate care. Further, owing to the vulnerable nature of a child, additional safeguards should apply whenever a child is detained, particularly in those cases where the children are separated from their parents or other carers, or are unaccompanied, without parents, carers or relatives.

98. As soon as possible after the presence of a child becomes known to the authorities, a professionally qualified person should conduct an initial interview, in a language the child understands. An assessment should be made of the child's particular vulnerabilities, including from the standpoints of age, health, psychosocial factors and other protection needs, including those deriving from violence, trafficking or trauma. Unaccompanied or separated children deprived of their liberty should be provided with prompt and free access to legal and other appropriate assistance, including the assignment of a guardian or legal representative. Review mechanisms should also be introduced to monitor the ongoing quality of the guardianship.

7. In case of uncertainty about whether a particular irregular migrant is a minor (i.e. under 18 years of age), the person in question should be treated as if he or she is a minor until the contrary is proven.

8. "Unaccompanied children" (also called unaccompanied minors) are children who have been separated from both parents and other relatives and who are not being cared for by an adult who, by law or custom, is responsible for doing so. "Separated children" are children who have been separated from both parents, or from their previous legal or customary primary carer, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

99. Steps should be taken to ensure a regular presence of, and individual contact with, a social worker and a psychologist in establishments holding children in detention. Mixed-gender staffing is another safeguard against ill-treatment; the presence of both male and female staff can have a beneficial effect in terms of the custodial ethos and foster a degree of normality in a place of detention. Children deprived of their liberty should also be offered a range of constructive activities (with particular emphasis on enabling a child to continue his or her education).

100. In order to limit the risk of exploitation, special arrangements should be made for living quarters that are suitable for children, for example, by separating them from adults, unless it is considered in the child's best interests not to do so. This would, for instance, be the case when children are in the company of their parents or other close relatives. In that case, every effort should be made to avoid splitting up the family.

Organisational matters



Organisational matters

CPT membership

101. At the time of publication of this General Report, the CPT has 45 members. The seats in respect of Bosnia and Herzegovina and of Luxembourg are vacant.

Some seven years after Bosnia and Herzegovina became a Party to the ECPT, there has still never been a member of the Committee elected in respect of that country. The CPT very much hopes that this anomaly will be remedied in the near future; in the first place, the delegation of Bosnia and Herzegovina in the Parliamentary Assembly should put forward a list of three suitably qualified candidates.

102. Thanks to the system of renewal every two years of one half of the CPT's members, introduced by Protocol No. 2 to the ECPT, the Committee's membership has remained very stable over the last twelve months. However, Pierre Schmit, the member elected in respect of Luxembourg, was obliged for health reasons to resign in February 2009. The CPT wishes to place on record its appreciation of the important contribution he made to the Committee's work during the eleven years that he was one of its members.

Two new members were elected during the period covered by this General Report, namely Anna Lamperová (in respect of Slovakia) and Stefan Weinberg-Krakowski (Sweden). Further, two sitting members were reelected – George Tugushi (Georgia) and Jørgen Worsaae Rasmussen (Denmark).

103. The next biennial renewal of the CPT's membership is due to take place at the end of this year, the terms of office of one half of the members of the Committee expiring on 19 December 2009. The CPT trusts that all the national delegations concerned in the Parliamentary Assembly will put forward lists of candidates in good time, so as to avoid vacant seats in the Committee. As at 15 October 2009, lists of candidates in respect of three countries (Croatia, Moldova and Spain) are still missing.

104. Given the challenging and specialised nature of the CPT's activities, it is of paramount importance that the Committee continues to have a highly qualified membership in terms of relevant professional expertise and empirical experience. The effectiveness of the CPT will ultimately depend on the quality of its members.

The CPT is most grateful to the Sub-Committee on Human Rights and the Bureau of the Parliamentary Assembly for the rigour with which they are examining lists of candidates for seats in the Committee. Of course, it is also essential that the selection procedures at national level ensure that the persons best qualified to be elected as a CPT member are placed on the list of candidates forwarded to the Assembly. On this point, the CPT fully supports the position adopted by the Assembly in Resolution 1540 (2007) on improving selection procedures for CPT members, according to which national selection procedures should include public calls for candidatures, consultation on candidates with both State and non-governmental bodies, and interviews with shortlisted candidates (possibly by an independent panel of experts). A procedure meeting these requirements does exist already in some States which are Parties to the ECPT; the Committee trusts that steps will be taken in all the States concerned to introduce a procedure of this kind.

105. The number of women among the CPT's membership stands at 18 out of 45. Consequently, applying the "less-than-40%" criterion used by the Parliamentary Assembly in Resolution 1540, neither sex is currently under-represented in the Committee. The CPT trusts that lists of candidates will continue to include suitably-qualified candidates of both sexes. However, as the Committee stressed in its 17th General Report, the question of gender should not predominate over that of qualification.

As for the spread of professional experience within the CPT's membership, the Committee still requires more members with first-hand knowledge of the work of law enforcement agencies, as well as more medical members with relevant forensic skills (in particular as regards the observing and recording of physical injuries).

CPT secretariat

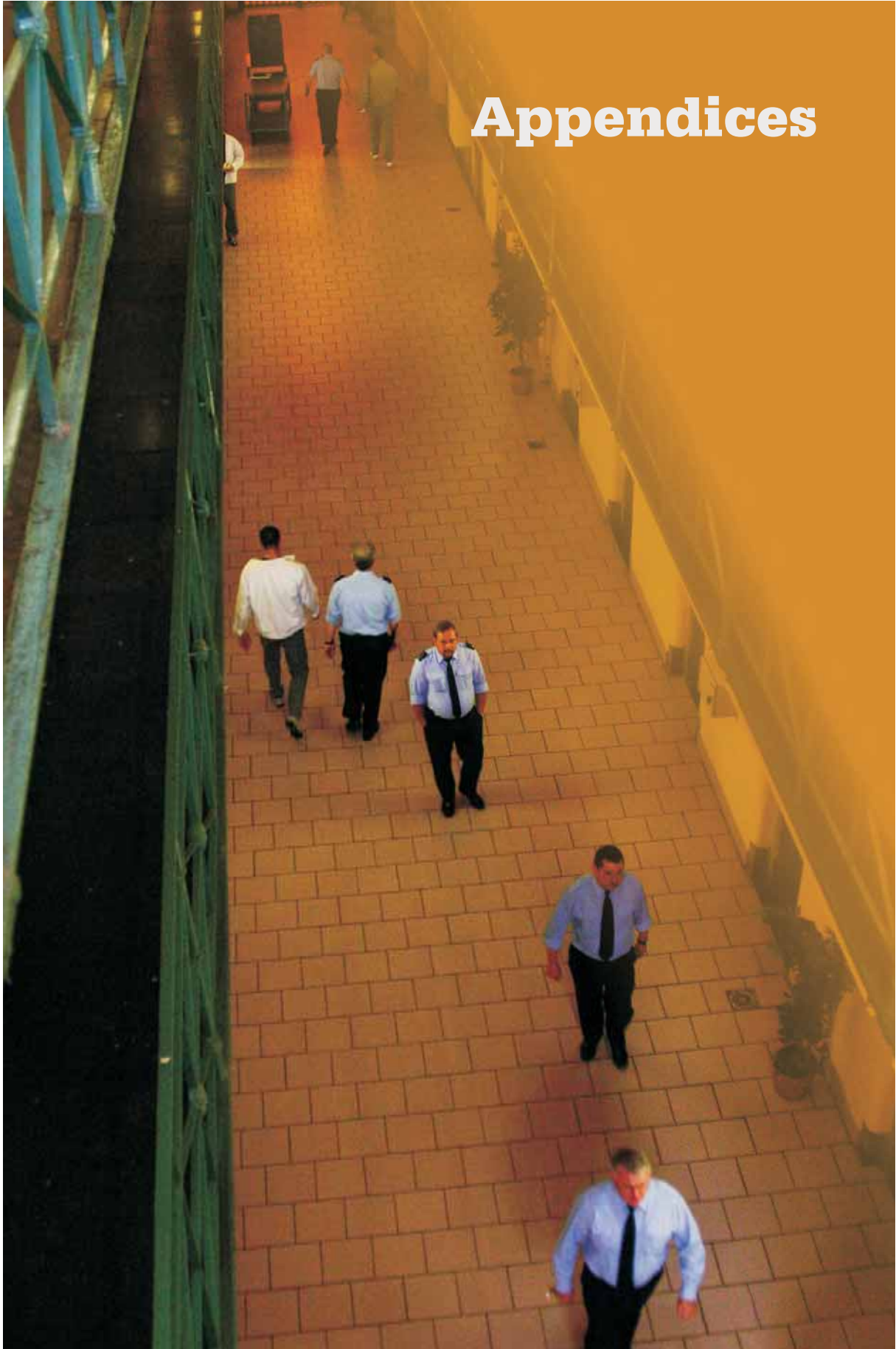
106. The 12-month period covered by this General Report has been unfavourable from a staff standpoint. In February 2009, a highly-experienced staff member, Borys Wódz, left the CPT's secretariat to take up the post of Special Representative of the Secretary General to Georgia. Shortly before, another administrator occupying a "position" in the Committee's Secretariat, Kristian Bartholin, left following his appointment to a post elsewhere in the Organisation. In addition, there has been no progress towards reinforcing Divisions 2 and 3 with a B4 official each; on the contrary, the B4 post which had been assigned some considerable time ago to Division 2 was transferred elsewhere earlier this year, without ever having been filled.

107. The loss in quick succession of two administrators (out of a total of 14 staff members, including the Executive and Deputy Executive Secretaries, directly involved in visits) has inevitably had a negative impact on the visit programme for 2009. And the difficulties have been compounded by the impossibility of replacing either of them by permanent officials. Mr Wódz having been seconded to his current functions, his previous post in the CPT's Secretariat must be left open for his return; consequently, the post can only be occupied by staff working on short fixed-term contracts. Given the limited duration of any "position", the same is true of staff appointed to replace Mr Bartholin.

108. The CPT recognises that there is no easy solution to the problems raised for departments in Strasbourg when staff members are seconded to other duties in the field. However, in view of the permanent nature of the CPT's activities, the Committee considers that all staff members in its Secretariat should be appointed to posts. To assign a "position" to the CPT's Secretariat involves the risk of making a considerable investment in training a staff member for work with the Committee only to see the person concerned then leave, simply because a post becomes available in another department. This is precisely what happened in the second case referred to in paragraph 106. The CPT must therefore request that the above-mentioned "position" in its Secretariat be either transformed into a post or exchanged with a post from elsewhere in the Council of Europe.

109. Further, the CPT calls upon the Organisation to take the necessary measures to provide the two additional B4 officials required by the operational Divisions of its Secretariat. These staff members will be able to perform a range of support tasks, thereby ensuring that optimal use is made of the existing complement of administrators.

Appendices



1. The CPT's mandate and modus operandi

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

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

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

The CPT implements its essentially preventive function through two kinds of visit – 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 who 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.

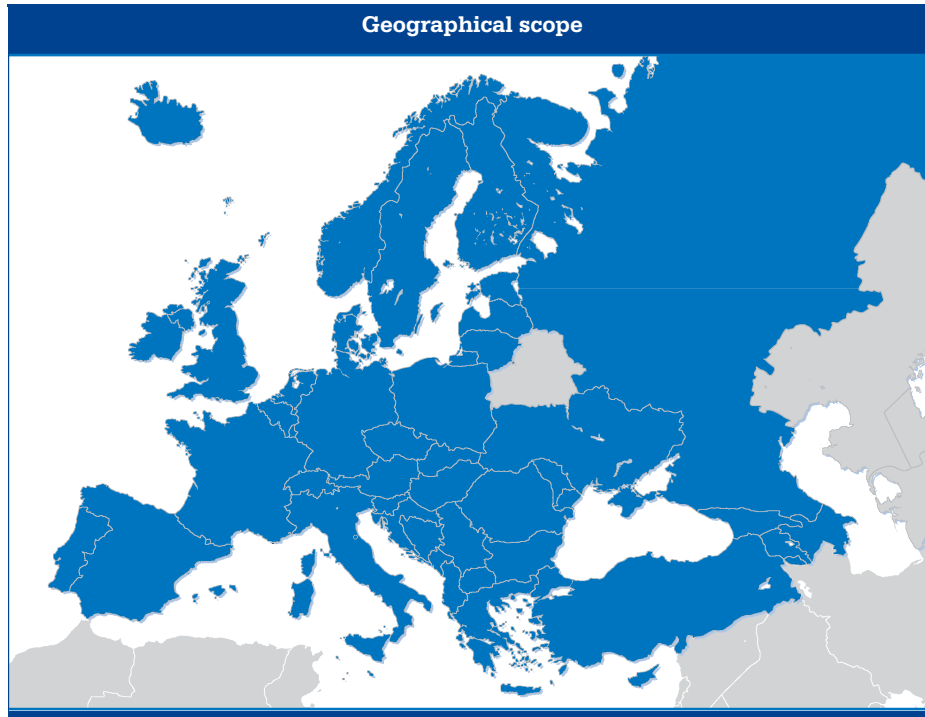
2. Signatures and ratifications of the Convention establishing the CPT⁹

Council of Europe member States	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
Moldova	02/05/1996	02/10/1997	01/02/1998
Monaco	30/11/2005	30/11/2005	01/03/2006
Montenegro			06/06/2006 ^a
Netherlands	26/11/1987	12/10/1988	01/02/1989
Norway	26/11/1987	21/04/1989	01/08/1989
Poland	11/07/1994	10/10/1994	01/02/1995
Portugal	26/11/1987	29/03/1990	01/07/1990
Romania	04/11/1993	04/10/1994	01/02/1995
Russian Federation	28/02/1996	05/05/1998	01/09/1998
San Marino	16/11/1989	31/01/1990	01/05/1990
Serbia	03/03/2004	03/03/2004	01/07/2004
Slovakia	23/12/1992	11/05/1994	01/09/1994
Slovenia	04/11/1993	02/02/1994	01/06/1994
Spain	26/11/1987	02/05/1989	01/09/1989
Sweden	26/11/1987	21/06/1988	01/02/1989
Switzerland	26/11/1987	07/10/1988	01/02/1989
"The former Yugoslav Republic of Macedonia"	14/06/1996	06/06/1997	01/10/1997
Turkey	11/01/1988	26/02/1988	01/02/1989
Ukraine	02/05/1996	05/05/1997	01/09/1997
United Kingdom	26/11/1987	24/06/1988	01/02/1989

- a. 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.

9. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) is open for signature by the member States of the Council of Europe. As from 1 March 2002 the Committee of Ministers of the Council of Europe may also invite any non-member State of the Council of Europe to accede to the Convention.

3. The CPT's field of operations



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

States bound by the Convention

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

47 States; prison population: 1 819 351 prisoners

Main source: Council of Europe Annual Penal Statistics (SPACE 2007.1); data as at 1 September 2007

It should be noted that the CPT's mandate also 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 15 October 2009^a

Name	Elected in respect of	Term of office expires
Mr Mauro PALMA, President	Italy	19/12/2011
Ms Renate KICKER, 1st Vice-President	Austria	19/12/2009
Mr Pétur HAUSSON, 2nd Vice-President	Iceland	19/12/2011
Ms Silvia CASALE	United Kingdom	19/12/2009
Mr Andres LEHTMETS	Estonia	19/12/2009
Mr Aleš BUTALA	Slovenia	19/12/2009
Mr Marc NÈVE	Belgium	19/12/2011
Mr Petros MICHAELIDES	Cyprus	19/12/2011
Mr Mario FELICE	Malta	19/12/2011
Mr Eugenijus GEFENAS	Lithuania	19/12/2011
Mr Jean-Pierre RESTELLINI	Switzerland	19/12/2013
Ms Tatiana RĂDUCANU	Moldova	19/12/2009
Ms Marija DEFINIS GOJANOVIĆ	Croatia	19/12/2009
Ms Isolde KIEBER	Liechtenstein	19/12/2013
Mr Lətif HÜSEYNOV	Azerbaijan	19/12/2011
Mr Joan-Miquel RASCAGNERES	Andorra	19/12/2011
Mr Vladimir ORTAKOV	“the former Yugoslav Republic of Macedonia”	19/12/2011
Ms Anna GAVRILOVA-ANCHEVA	Bulgaria	19/12/2009
Mr Celso José DAS NEVES MANATA	Portugal	19/12/2011
Mr Gergely FLIEGAUF	Hungary	19/12/2009
Mr Jørgen Worsaae RASMUSSEN	Denmark	19/12/2013
Mr Antonius Maria VAN KALMTHOUT	Netherlands	19/12/2013
Ms Elena SEREDA	Russian Federation	19/12/2011
Mr George TUGUSHI	Georgia	19/12/2013
Ms Haritini DIPLA	Greece	19/12/2009
Mr Wolfgang HEINZ	Germany	19/12/2013
Ms Birgit LIE	Norway	19/12/2011
Mr Tim DALTON	Ireland	19/12/2013
Mr Emilio GINES SANTIDRIÁN	Spain	19/12/2009
Mr Roland MARQUET	Monaco	19/12/2009
Mr Ömer ATALAR	Turkey	19/12/2009
Mr Xavier RONSIN	France	19/12/2009
Mr Ivan JANKOVIĆ	Serbia	19/12/2009
Ms Olivera VULIĆ	Montenegro	19/12/2011
Ms Zoreslava SHKIRYAK-NYZHNYK	Ukraine	19/12/2009
Ms Sonja KURTÉN-VARTIO	Finland	19/12/2011
Mr Dan DERMENGIU	Romania	19/12/2011
Ms Anna ŠABATOVÁ	Czech Republic	19/12/2011
Ms Maria Rita MORGANTI	San Marino	19/12/2011
Ms Ilvija PŪCE	Latvia	19/12/2011
Mr Arman VARDANYAN	Armenia	19/12/2011
Ms Dajena POLLO KUMBARO	Albania	19/12/2011
Ms Marzena KSEL	Poland	19/12/2011
Ms Anna LAMPEROVÁ	Slovak Republic	19/12/2011
Mr Stefan WEINBERG-KRAKOWSKI	Sweden	19/12/2013

a. At this date, the seats in respect of the following States were vacant: Bosnia and Herzegovina, Luxembourg.



Four 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

Secretariat
 Ms Antonella NASTASIE
 Ms Nadine SCHAEFFER

Mr Patrick MÜLLER, Documentary research, information strategies and media contacts
 Ms Mireille MONTI, Archives and publications
 Ms Morven TRAIN, Administrative, budgetary and staff questions

Divisions responsible for visits¹⁰

Division 1

Mr Michael NEURAUTER, Head of Division	Albania	Lithuania
Ms Muriel ISELI	Austria	Luxembourg
Mr Elvin ALIYEV	Belgium	Monaco
Ms Stephanie MEGIES	Estonia	Norway
Ms Yvonne HARTLAND, Administrative Assistant	France	Romania
<i>Secretariat</i>	Germany	Switzerland
Ms Nelly TASNADI	Latvia	Turkey
	Liechtenstein	

Division 2

Ms Petya NESTOROVA, Head of Division	Armenia	Moldova
Mr Johan FRIESTEDT	Azerbaijan	Montenegro
Ms Isabelle SERVOZ-GALLUCCI	Bulgaria	Poland
Mr Victor MUNTEANU	Croatia	Russian Federation
<i>Secretariat</i>	Finland	Serbia
Ms Natia MAMISTVALOVA	Georgia	Slovenia
	Hungary	Sweden
	Iceland	Ukraine

Division 3

Mr Hugh CHETWYND, Head of Division	Andorra	Netherlands
Ms Caterina BOLOGNESE	Bosnia and Herzegovina	Portugal
Mr Marco LEIDEKKER	Cyprus	San Marino
Ms Francesca MONTAGNA	Czech Republic	Slovakia
<i>Secretariat</i>	Denmark	Spain
Ms Diane PÉNEAU	Greece	"The former Yugoslav Republic of Macedonia"
	Ireland	United Kingdom
	Italy	
	Malta	

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



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

6. Publication of CPT visit reports

as at 15 October 2009

States	Visits	Reports sent	Reports published
Albania	8	8	8
Andorra	2	2	2
Armenia	4	4	3
Austria	5	5	4
Azerbaijan	5	5	1
Belgium	4	4	4
Bosnia and Herzegovina	4	4	2
Bulgaria	6	6	5
Croatia	3	3	3
Cyprus	5	5	4
Czech Republic	4	4	4
Denmark	4	4	4
Estonia	4	4	3
Finland	4	4	4
France	10	10	9
Georgia	4	3	3
Germany	5	5	5
Greece	9	8	8
Hungary	6	6	5
Iceland	3	3	3
Ireland	4	4	4
Italy	8	7	6
Latvia	4	4	3
Liechtenstein	3	3	3
Lithuania	3	3	3
Luxembourg	4	3	3
Malta	6	6	5
Moldova	11	9 ^a	7
Monaco	1	1	1
Montenegro	1	1	0
Netherlands	7	7	7
Norway	4	4	4
Poland	3	3	3
Portugal	7	7	7
Romania	7	6 ^b	6 ^b
Russian Federation	19	16 ^c	1
San Marino	3	3	3
Serbia	3 ^d	4 ^e	3
Slovakia	4	4	3
Slovenia	3	3	3
Spain	11	11	10
Sweden	5	4	4
Switzerland	5	5	5
“The former Yugoslav Republic of Macedonia”	8	8	8
Turkey	21	18 ^f	18 ^f
Ukraine	7	6	6
United Kingdom	13	15 ^g	12

a. Covering ten visits.

b. Covering the seven visits.

c. Covering the nineteen visits.

d. Organised in September 2004 to Serbia and Montenegro, in March 2007 to Kosovo and in November 2007 to Serbia.

e. Including two reports on Kosovo (one addressed to UNMIK and the other to the Secretary General of NATO).

f. Covering twenty visits.

g. Including two 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; 2008-2009

Periodic visits

Austria

15/02/2009-25/02/2009

Law enforcement establishments

- Police detention centre (PAZ), Innsbruck
- PAZ Klagenfurt
- PAZ Vienna-Hernalser Gürtel
- PAZ Wiener Neustadt
- Regional Police Headquarters for the Tyrol, Hall
- Police Station Klagenfurt-Landhaushof
- Police Station Klagenfurt-St. Ruprecht Strasse
- Police Station Linz-Central Railway Station
- Federal Police Directorate (3rd district), Vienna-Juchgasse

- Regional Police Headquarters (Criminal Police Department) for Lower Austria, Vienna-Landstrasser Hauptstrasse
- Police Station Wiener Neustadt-Burgplatz

Prisons

- Gerasdorf Prison for Juveniles
- Innsbruck Prison
- Vienna-Josefstadt Prison

Psychiatric and social welfare establishments

- Sigmund Freud Regional Psychiatric Hospital, Graz
- Johannes von Gott Nursing Centre of the Brothers of Mercy, Kainbach

Hungary

24/03/2009-02/04/2009

Law enforcement establishments

- Budapest Police Central Holding Facility
- 4th District Police Station, Budapest
- Sub-division of 8th District Police Station at Keleti railway station, Budapest
- Miskolc Police Holding Facility
- Nyíregyháza Police Holding Facility
- Sátoraljaújhely Police Station
- Budapest Airport Holding Facility for aliens
- Budapest Airport Border Police Station and Holding Facility (Terminal 2)
- Nyírbátor Holding Facility for aliens

Prison service establishments

- Borsod-Abaúj-Zemplén Remand Prison, Miskolc
- Sátoraljaújhely Prison (Maximum Security Unit and Grade 4 prisoners)
- Tiszalök Prison
- Building No. 2 of the Judicial and Observation Psychiatric Institute, Budapest

Psychiatric establishments

- Closed wards of Psychiatric Units I and II at Nyírö Gyula Hospital, Budapest
- Santha Kalman Mental Health Centre and Special Hospital, Nagykálló

Italy

14/09/2008-26/09/2008

Law enforcement establishments

- Brescia Municipal Police Headquarters
- Cagliari State Police Headquarters
- Cagliari Provincial *Carabinieri* Headquarters
- Cagliari *Guardia di Finanza* Regional and Provincial Headquarters
- Cagliari Naval and Air Police Station
- Cagliari-Quartu Sant'Elena State Police Station
- Gardone Val Trompia *Carabinieri* Station
- Montichiari *Carabinieri* Station
- Naples-Poggioreale State Police Station
- Volla *Carabinieri* Station
- Milan Identification and Expulsion Centre

Prisons

- Brescia-Mombello Prison
- Cagliari-Buoncammino Prison
- Milan-San Vittore Prison (Centre for Neuropsychiatric Observation)
- Naples-Secondigliano Prison
- Novara Prison (Unit for "41-bis" prisoners)
- Rome-Rebibbia Female Prison (Unit for "41-bis" prisoners)

Psychiatric establishments

- Aversa Judicial Psychiatric Hospital
- Psychiatric Service for Diagnosis and Care at the San Giovanni Bosco Hospital in Naples

Luxembourg

22/04/2009-27/04/2009

Law enforcement establishments

- Regional Police Headquarters, Luxembourg City
- Regional Police Headquarters, Mersch
- Regional Police Headquarters, Diekirch
- Airport Police Directorate, Luxembourg Airport

Prisons

- Luxembourg Prison, Schrassig, including the temporary detention facility for irregular migrants

Establishments for juveniles

- Socio-Educational Centre, Dreibern

Health establishments

- Neuro-psychiatric hospital, Ettelbruck
- Secure rooms at Luxembourg Central Hospital, Luxembourg City

Montenegro

15/09/2008-22/09/2008

Law enforcement establishments

- Bar Police Department
- Berane Police Department
- Bijelo Polje Police Department
- Budva Police Station
- Danilovgrad Police Station
- Kotor Police Station
- Podgorica Police Department
- Ulcinj Police Station

Prison service establishments

- Establishment for sentenced prisoners, Podgorica
- Remand prison, Podgorica

- Special prison hospital, Podgorica
- Bijelo Polje Prison

Psychiatric establishments

- Dobrota Special Psychiatric Hospital, Kotor

Social care establishments

- Komanski Most Institution for people with special needs

Juvenile establishments

- Centre for children and juveniles "Ljubović", Podgorica

Russian Federation

22/09/2008-06/10/2008

Establishments under the authority of the Ministry of Internal Affairs

Moscow City

- Kitay-Gorod Division of Internal Affairs
- Tverskiy Division of Internal Affairs
- Yaroslavskiy Division of Internal Affairs
- Preobrazhenskoye Division of Internal Affairs
- Sokolniki Division of Internal Affairs
- Kon'kovo Division of Internal Affairs
- Temporary Detention Isolator (IVS) No. 1 of the Internal Affairs Directorate of the Eastern Administrative District
- IVS No. 2 of the Main Directorate of Internal Affairs (on the premises of Municipal Clinical Hospital No. 20)
- Centre for the Detention of Foreign Nationals No. 1 ("Severnyi")

Republic of Udmurtia

- Industrialnyi District Division of Internal Affairs, Izhevsk
- Pervomayskiy District Division of Internal Affairs, Izhevsk

- IVS of the Ministry of Internal Affairs of the Republic of Udmurtia, Izhevsk
- Special Reception Centre for persons under administrative arrest, Izhevsk

Arkhangelsk Region

- Mayskaya Gorka Militia Division, Arkhangelsk
- Lomonosovskiy District Division of Internal Affairs, Arkhangelsk
- Oktyabrskiy District Division of Internal Affairs, Arkhangelsk
- Varavino-Faktoria District Division of Internal Affairs, Arkhangelsk
- IVS of Arkhangelsk Directorate of Internal Affairs
- Special Reception Centre for persons under administrative arrest, Arkhangelsk
- Temporary Detention Centre for Juvenile Offenders, Arkhangelsk (closed for refurbishment)

Vologda Region

- Militia Division No. 1, Cherepovets
- Militia Division No. 2, Cherepovets

- Internal Affairs Division and IVS of Belozersk Municipal District
- IVS of Cherepovets Directorate of Internal Affairs
- Special Reception Centre for persons under administrative arrest, Cherepovets

Establishments under the authority of the Ministry of Justice

Moscow City

- Pre-trial establishment (SIZO) No. 1 (“Matrosskaya Tishina”)
- Unit for prisoners sentenced to life imprisonment at SIZO No. 2 (“Butyrka”)

Republic of Udmurtia

- SIZO No. 1, Izhevsk

- Strict-regime Colony No. 1, Yagul, and pre-trial unit (PFRSI No. 3) located on its premises

Arkhangelsk Region

- Educational Colony for Juveniles, Talagi

Vologda Region

- SIZO No. 3, Cherepovets
- Colony No. 5 for prisoners sentenced to life imprisonment, Novoozero

Establishments under the authority of the Ministry of Health and Social Development

- Regional Psychiatric Hospital (including Regional Centre for Forensic Psychiatry), Talagi, Arkhangelsk Region

Slovakia

24/03/2009-02/04/2009

Law enforcement establishments

- District Police Directorate, Bratislava V
- Sub-District Police Department, Dobšina
- Sub-District Police Department, Dunajská Streda
- Sub-District Police Department, Galanta
- Regional Police Directorate, Košice
- Sub-District Police Department, Košice-south
- Staré mesto Sub-District Police Department, Košice
- Sub-District Police Department, Moldava nad Bodvou
- District Police Directorate, Rožňava
- Sub-District Police Department, Rožňava
- Sub-District Police Department, Prešov-north
- Sub-District Police Department, Sobrance
- Sub-District Police Department, Šamorin

- Regional Police Directorate, Trenčín
- Regional Police Directorate, Trnava
- Traffic Police Station, Trnava
- Sub-District Police Department, Zvolen

Immigration detention facilities

- Medved'ov immigration detention centre
- Sečovce immigration detention centre
- Rooms for the temporary placement of aliens at the border in Vyšné Nemecké

Prison service establishments

- Bratislava Prison (Remand Section and disciplinary cells)
- Ilava Prison
- Košice Prison (Remand Section and the health care Facility's Psychiatric Unit for the treatment of sex offenders)
- Leopoldov Prison (High Security Section and Section for Life-sentenced prisoners)
- Trenčín Prison Hospital

Sweden

09/06/2009-18/06/2009

Law enforcement establishments

- Gävle Police Department
- Police detention facility in Mölndal, Västra Götaland
- Örebro Police Department
- City Norrmalm Police Department, Stockholm
- Klara Police Station (T-Centralen), Stockholm
- Söderort Police Department (Hägersten), Stockholm
- Sollentuna Police Department, Stockholm

Prisons

- Gävle Remand Prison
- Gothenburg Remand Prison
- Hall Prison

- Kronoberg Remand Prison
- Kumla Prison

Migration Board establishments

- Migration Board detention centre, Gävle
- Migration Board detention centre, Märsta

Psychiatric establishments

- Department for Forensic Psychiatric Assessment, Huddinge (Stockholm)
- Psychiatric Clinic Sydväst, Huddinge (departments for compulsory care and persons in need of in-patient care)

Juvenile establishments

- Fagareds Home for Young Persons, Lindome

Turkey

04/06/2009-17/06/2009

Law enforcement establishments

- Batman Police Headquarters (Anti-Terror Department and Organised Crime Department)
- Batman-City District Gendarmerie Headquarters
- Bismil District Gendarmerie Headquarters
- Bismil District Police Headquarters
- Diyarbakır Police Headquarters (Anti-Terror Department and Law and Order Department)
- Diyarbakır-Çarşı Police Station
- Edirne Police Headquarters (Anti-Terror Department)
- Erzurum Police Headquarters (Anti-Terror Department and Law and Order Department)
- Erzurum Provincial Gendarmerie Headquarters
- Hamur District Gendarmerie Headquarters, Ağrı Province
- Istanbul Police Headquarters (Anti-Terror Department and Common Detention Facility)
- Istanbul-Fatih Şehit Tevfik Fikret Erciyes District Police Headquarters
- Istanbul-Fatih Sirkeci Police Station
- Istanbul-Gayrettepe Police Headquarters (Law and Order Department)
- Konya Police Headquarters (Anti-Terror Department)
- Karatay District Gendarmerie Headquarters, Konya Province

- Mardin Police Headquarters (Anti-Terror Department, Law and Order Department and Juvenile Department)
- Mardin-City District Gendarmerie Headquarters
- Nusaybin Police Headquarters (Anti-Terror Department and Law and Order Department), Mardin Province
- Nusaybin District Gendarmerie Headquarters
- Van Police Headquarters (Anti-Terror Department and Juvenile Department)
- Iskele Police Station, Van Province

Detention facilities for foreigners

- Ağrı Detention Centre for Foreigners
- Edirne Detention Centre for Foreigners
- Istanbul-Kumkapı Detention Centre for Foreigners
- Istanbul-International Airport – Passport Police holding facilities (transit zone)
- Kırklareli Detention Centre for Foreigners
- Konya Aliens Police Department temporary holding facility for foreigners
- Van Detention Centre for Foreigners

Prisons

- Erzurum E-type Prison
- Erzurum H-type Prison
- Kırıkkale F-type Prison
- Konya E-type Prison
- Istanbul-Hasdal Military Prison

United Kingdom

18/11/2008-01/12/2008

England and Wales

Law enforcement establishments

Greater Manchester Police

- Longsight Police Station
- West Didsbury Police Station
- Swinton Police Station, Salford

Metropolitan Police Service

- Charing Cross Police Station
- Paddington Green Police Station
- Walworth Police Station

Thames Valley Police

- Reading Police Station

Prisons and young offender institutions

- HMP Manchester
- HMP Wandsworth

- HMP Woodhill
- HM Huntercombe YOI

Immigration removal centres

- Harmondsworth IRC

Northern Ireland

Law enforcement establishments

- Antrim Police Station
- Ballymena Police Station
- Musgrave Street Police Station, Belfast
- Strandtown Police Station, Belfast
- Coleraine Police Station
- Limavady Police Station
- Londonderry Police Station

Prisons

- HMP Maghaberry
- HMP Magilligan

Ad hoc visits

Azerbaijan

08/12/2008-12/12/2008

Prison service establishments

- Gobustan Prison
- Central Penitentiary Hospital, Baku

Psychiatric establishments

- Central Psychiatric Hospital, Baku

- Republican Psychiatric Hospital No. 1, Mashtaga
- Regional Psycho-Neurological Dispensary, Sheki

Bosnia and Herzegovina

11/05/2009-15/05/2009

Prisons

- Sarajevo Remand Prison
- Zenica Prison

Psychiatric establishments

- Sokolac Psychiatric Hospital

- Forensic Psychiatric Unit at Zenica Prison

Juvenile establishments

- Juvenile unit at East Sarajevo Prison

Bulgaria

15/12/2008-19/12/2008

Law enforcement establishments

- Pernik Regional Directorate of Internal Affairs
- Slivnitsa District Police Directorate
- Sofia City Directorate of Internal Affairs
- 1st District Police Directorate, Sofia
- 5th District Police Directorate, Sofia

- Special Home for temporary placement of foreign nationals, Busmantsi

Prison service establishments

- Pernik Investigation Detention Facility
- Slivnitsa Investigation Detention Facility
- Sofia Prison

France [French Guyana]

25/11/2008-01/12/2008

Law enforcement establishments

- Matoury Administrative Detention Centre
- Saint-Georges de l'Oyapock Administrative Detention Facility
- Holding zone at Cayenne-Rochambeau Airport
- Custody facilities of the Border Police at Cayenne-Rochambeau Airport, Matoury (located within the Administrative Detention Centre) and Saint-Georges de l'Oyapock
- Cayenne Police Station, including the premises of the Regional Criminal Police Department

- Gendarmerie Territorial Brigades at Cayenne, Regina and Saint-Georges de l'Oyapock
- Cayenne court building cell
- Holding cell of the customs service's Inland Inspection Brigade at Suziny (Cayenne)

Prisons

- Rémire-Montjoly Prison

Health establishments

- Secure rooms at Andrée Rosemon Hospital, Cayenne

Georgia [Abkhazia]

27/04/2009-04/05/2009

Law enforcement establishments

- Pre-trial detention facility (IVS) in Gali
- Pre-trial detention facilities in Sukhumi (including the IVS of the Security Service)
- Pre-trial detention facility in Tkvarcheli

Prisons

- Dranda Prison

Psychiatric establishments

- Dranda Psychiatric Hospital

Military detention facilities

- Military detention facility, Sukhumi

Greece

23/09/2008-29/09/2008

Law enforcement establishments

Attica Prefecture

- Akropolis Police Station
- Exarhia Police Station
- Kypseli Police Station
- Omonia Square Police Station
- Petrou Ralli Holding Facility for irregular migrants
- Aspropyrgos Holding Facility for irregular migrants
- Amygdaleza Special Facility for irregular migrants

Alexandroupoli Prefecture

- Alexandroupoli Police Station
- Feres Border Guard Station
- Soufli Border Guard Station
- Tichero Border Guard Station

Drama Prefecture

- Drama Police Station

Orestiada Prefecture

- Isaakio Border Guard Station
- Metaxades Border Guard Station
- Neo Himoni Border Guard Station

- Filakio Special Facility for irregular migrants

Rhodopi Prefecture

- Iasmos Border Guard Station

Lesbos Prefecture

- Mytilini Police Station
- Mytilini Special Facility for irregular migrants

Thessaloniki Prefecture

- Aristotelous Police Station
- Kordello Border Guard Station
- Monasteriou Security Police detention facility
- Thermi Border Guard Station
- Aliens Division Detention facility

Xanthi Prefecture

- Xanthi Police and Border Guard Station

Prisons

The CPT's delegation visited the Judicial Prisons of Komotini and Thessaloniki for the purpose of interviewing inmates who had recently been in the custody of law enforcement agencies.

Italy

27/07/2009-31/07/2009

- Centre for the Reception of immigrants, Contrada Pian del Lago, Caltanissetta
- Centre for the Identification and Expulsion of irregular immigrants, Ponte Galeria, Rome

- "Germoglio" Centre for minors, Caltanissetta
- "Prospettiva" Centre for minors, Catania

Moldova

27/07/2009-31/07/2009

Law enforcement establishments

- Temporary detention facility of the General Police Directorate, Chişinău
- Centru district police station, Chişinău

- Ciocana district police station, Chişinău

Prisons

- Penitentiary establishment No. 13

Russian Federation [North Caucasus]

16/04/2009-23/04/2009

Chechen Republic

- IVS (temporary detention facility) of the Ministry of Internal Affairs of the Chechen Republic, Grozny
- IVS of the Temporary Operational task force of Agencies and Units (VOGOiP) of the Ministry of Internal Affairs of Russia, located on the premises of the Operational/Search Bureau (ORB-2) of the Main Department of the Ministry of Internal Affairs responsible for the Southern Federal Region, Grozny
- Inter-district division of ORB-2, Gudermes
- Argun Division of Internal Affairs and IVS
- Gudermes Division of Internal Affairs and IVS
- Leninskiy District IVS, Grozny
- Staropromyslovskiy District Division of Internal Affairs and IVS, Grozny

- Urus-Martan District Division of Internal Affairs and IVS
- Directorate of the Federal Drug Control Service (FSKN), Gudermes
- SIZO No. 1, Grozny

Republic of Ingushetia

- IVS of the Ministry of Internal Affairs of Ingushetia, Nazran
- Karabulak District Internal Affairs Division
- Nazran City Internal Affairs Division
- Malgobek District Internal Affairs Division and IVS
- Sunzhenskiy District Internal Affairs Division and IVS, Ordzhonikidzevskaya
- Directorate of the Federal Drug Control Service (FSKN), Magas

The delegation also visited the site of the SIZO under construction, near Karabulak

Stavropol Krai

- SIZO No. 2, Pyatigorsk