

EXECUTIVE SUMMARY

In the course of the 2017 visit, the CPT's delegation reviewed the treatment of persons detained by the police, the situation of inmates incarcerated in three county prisons in Zagreb, Split and Osijek and the treatment and conditions of detention at the Zagreb Hospital for Persons deprived of their Liberty. The delegation also examined the treatment of juveniles at Turopolje Juvenile Correctional Facility and the situation of involuntary psychiatric patients in the light of new mental health legislation.

On the whole, the delegation received very good co-operation during the visit from the Croatian authorities with two notable exceptions which are described in the report and which have been the subject of prompt investigations on the part of the national authorities.

Law enforcement establishments

The vast majority of persons met by the delegation stated that they had been treated correctly by police officers at the time of apprehension and while in police custody. However, some allegations of physical ill-treatment consisting of slaps, kicks and punches inflicted by police officers at the time of the arrest and during questioning (including during so-called "informative talks") were received and, in a few cases, the evidence recorded upon admission to prison in the inmates' medical files supported the allegations. The CPT recommends that police officers be reminded that physical ill-treatment is unacceptable and it invokes the need for perpetrators to be subjected to criminal penalties as well as disciplinary sanctions.

The report also includes an analysis by the CPT of recent developments concerning judicial investigations into allegations of ill-treatment. In particular, in two relevant judgments of the ECtHR and of the Constitutional Court of Croatia, it was found that the authorities had failed to conduct effective investigations into serious and credible allegations of physical ill-treatment. The current complaints system against police misconduct at the level of the Ministry of the Interior is also assessed in the report.

In terms of the operational safeguards related to deprivation of liberty by the police, most persons indicated that they were able to inform a third person of their arrest, although this possibility was sometimes delayed by police officers. Further, the provisions on free legal aid, render it virtually impossible for criminal suspects to have access to an *ex officio* lawyer from the outset of their deprivation of liberty. The report is also critical of the fact that citizens summoned to a police establishment for "informative talks" did not have access to legal counsel until they were declared "suspects" by the police authorities, which can take several hours. Similarly, access to a doctor for persons deprived of liberty by the police was considered by the police as emergency assistance rather than a safeguard against physical-ill treatment. In its report, the CPT calls for the necessary legislative and practical changes to address these issues.

As regards material conditions of detention in police establishments, several holding cells still did not comply with the minimum requirements set out in the relevant amended Rulebook (i.e. in terms of size, access to natural light, provision of mattresses and bedding); recommendations are put forward by the CPT in order to remedy these deficiencies.

Prisons establishments

The CPT notes positively the considerable efforts invested by the Croatian authorities to eradicate prison overcrowding, which have yielded significant results in recent years, in particular by limiting the duration of investigative detention and establishing a nationwide probation system.

The majority of inmates met by the CPT's delegation indicated that they had been treated in a correct and professional manner by custodial staff. However, in each of the establishments visited some allegations were received of physical ill-treatment of inmates by staff, consisting primarily of slaps, punches and kicks to various parts of the body, allegedly inflicted as an informal punishment. Several examples are described in the report. Further, some credible allegations of excessive and disproportionate resort to the security measure of placement in a padded cell ("rubber room") along with the application of means of restraint (i.e. ankle- and hand-cuffs as well as pepper spray) against inmates for punitive reasons are also mentioned in the report; such treatment may be considered inhuman and degrading. The Committee recommends that the authorities send a clear message to custodial staff concerning the complete unacceptability of physical ill-treatment, excessive use of force and disproportionate recourse to means of restraint. Further, more consistent efforts need to be invested in training penitentiary staff.

The phenomenon of inter-prisoner violence was a source of concern for the CPT's delegation, which noted several cases involving serious physical injuries inflicted on inmates by their cellmates. The Committee recommends that the Croatian authorities adopt a national strategy to counter this phenomenon, including through more accurate risk assessment of inmates upon admission to prison.

Conditions of detention varied at the prison establishments visited depending on whether or not the accommodation areas had been renovated. Concrete recommendations are put forward by the Committee for improving conditions in cells and remedying the deficiencies observed. As regards the problem of prison overcrowding, improvements were observed by the delegation; however, instances of living space below the minimum of 4 m² per inmate could still be observed. It is necessary for the authorities to remain vigilant in this respect, in particular by reviewing the official capacity of certain prison establishments. Further, the report recommends the abolition of incarceration for misdemeanour offences in the light of the cumulative detrimental effects on prisoners of the poor material conditions of detention, serious levels of prison overcrowding and the impoverished regime on offer to this category of prisoner.

Turning to the regime, the delegation acquired a positive impression of the professionalism of "treatment" staff at the prison establishments visited. That said, more could be done to improve the range of work and vocational activities offered to sentenced prisoners. Further, the excessive restrictions imposed on, and the impoverished regime on offer to, remand prisoners and misdemeanour offenders, as well as the lack of targeted and meaningful activities for juveniles at Zagreb County Prison and isolated female prisoners in remand detention are criticised; urgent action by the authorities is needed to improve the situation of these categories of detained persons.

In relation to health-care services in prison, the provisions of the 2014 Law on Mandatory Health Insurance, whereby prison doctors are not recognised as contracting parties by the national health-care authorities, was creating practical problems in terms of the provision of medication and delays in the provision of specialised medical treatment to inmates; the report addresses a specific recommendation to the authorities on this topic. Further, the CPT also calls for improvements in relation to issues such as the screening of inmates upon admission and the reporting of injuries to judicial authorities, the confidentiality of medical examinations, the prevention and treatment of transmissible diseases, as well as the treatment of inmates suffering from mental health disorders and drug addiction.

The resort to the security measure of placement of an inmate in a “rubber room” varied in terms of frequency at the prison establishments visited. Inmates could still be placed hand- and ankle-cuffed in a rubber room for punitive reasons for prolonged periods without adequate medical supervision. The Committee recommends the adoption of specific guidelines on the use of rubber rooms which should include specific criteria and legal safeguards for the use of the measure. Further, the Committee recommends that the Croatian authorities draw up a directive on the use of pepper spray as a means of restraint.

Other recommendations put forward in the report by the Committee include the filling of vacant posts for custodial officers at various prison establishments, an increase of visit entitlements for sentenced prisoners and the amelioration of visit arrangements for prisoners on remand, the revision of the systematic screening of inmates’ correspondence by prison management, protecting the confidentiality of complaints lodged by inmates, as well as improving the quality of inspections carried out in prisons by supervisory judges.

Turopolje Juvenile Correctional Facility

At Turopolje Juvenile Correctional Facility the CPT’s delegation gained a generally positive impression of the relations between staff and inmates which was, however, marred by two allegations of physical ill-treatment. The management of the facility should exercise increased vigilance in this regard.

Inmates were offered a good variety of educational, vocational and recreational activities, and the CPT’s delegation welcomed the plans to create new sports grounds. Health-care services were generally adequate, though some basic equipment was lacking, as were regular visits by a psychiatrist. Custodial staff were still systematically present during examinations by health-care staff, a longstanding problem.

Disciplinary sanctions could still involve the segregation of inmates in conditions akin to solitary confinement for up to seven days, which goes against the current trend at international level to abolish solitary confinement for juveniles, a trend which the CPT fully endorses. The facility’s management should also ensure that an effective complaints procedure is established and that a comprehensive information leaflet is provided to all inmates.

Hospital for Persons deprived of their Liberty (“Prison Hospital”)

Patients at the Prison Hospital generally spoke positively of clinical staff. Regrettably, however, a number of allegations were received of physical ill-treatment of patients by custodial staff, as well as allegations of verbal abuse. Management should be more vigilant and ensure that all complaints of ill-treatment of patients are adequately investigated. Likewise, a comprehensive policy to prevent inter-patient violence and intimidation should be established.

As regards living conditions, the CPT was pleased to observe that a lift had been installed and that the exercise yard had been enlarged and equipped with a ramp for wheelchairs. In addition, refurbishment works were underway to improve the building; however, these were not expected to resolve the basic problems of restricted living space and the absence of integral sanitary facilities in patients' rooms. These issues should be addressed as a matter of priority by the authorities.

The staffing situation had deteriorated since the last visit, particularly on the psychiatric wards, and the staffing complement of psychiatrists and nurses should be increased. Custodial staff were still visibly present on the wards and actively involved in the restraint of patients, a situation which calls for a fundamental review of the functioning of the clinical areas of the hospital. Some aspects of the use of means of restraint were not in line with the CPT's revised standards, which are reproduced in Appendix III to the report.

Psychiatric establishments

The CPT's delegation visited for the first time the Psychiatric Clinic of the Zagreb Clinical Hospital Centre (KBC) and the Psychiatric Hospital for Children and Adolescents in Zagreb. In addition, the CPT returned to Vrapče Psychiatric Hospital to follow up on the construction of a new Forensic Psychiatric Unit and to examine the situation of patients in the Psychogeriatric Department.

The delegation found no evidence of deliberate ill-treatment of patients by staff in any of the establishments visited. On the contrary, patients expressed their appreciation of the staff, and the CPT's delegation observed a generally relaxed atmosphere on the wards visited.

Living space and general conditions were not adequate on the wards of the Psychogeriatric Department of the hospital, and the CPT's delegation was pleased to be informed that plans were already advanced for the complete reconstruction of the building.

At the Psychiatric Clinic of the KBC Zagreb, rooms in the closed ward were bright, clean and well furnished, however, rooms did not have integral sanitary facilities and some had more than the maximum of four beds prescribed by the CPT and by national legislation. Patients were exposed to passive smoking in the common room, and there was no secure outdoor exercise area.

At the Psychiatric Hospital for Children and Adolescents, rooms did not have integral sanitary facilities or offer the minimum living space of 6 m² per bed required by Croatian law. Further, the unsecured staircase of the building represented a risk for patients with a tendency to self-harm, and the lack of a secure outdoor area meant that the young patients could be deprived of outdoor exercise for days or even weeks. Given these deficiencies, the Croatian authorities should consider relocating the hospital to more appropriate premises.

In terms of psychiatric treatment, the CPT's delegation found no indication of overmedication in any of the establishments visited. That said, at the Psychiatric Clinic for Children and Adolescents, medical files were often incomplete and should be better maintained. There is also a need for written treatment plans to be established for all patients.

In the Psychogeriatric Department of Vrapče Psychiatric Hospital, the CPT's delegation was concerned to note the generalised use of PRN prescriptions without systematic control by doctors, a factor in the increased risk of adverse drug interactions for the elderly patients. At the Psychiatric Clinic of the KBC Zagreb, the only health-care institution in the country to administer ECT, the procedure was carried out in view of other patients; the authorities should ensure that if ECT is administered it takes place in a dedicated room out of the view and hearing of other patients, and that EEG monitoring is part of the procedure.

Staffing problems were identified at the Psychogeriatric Department of Vrapče Psychiatric Hospital, where an increase in the number of psychiatrists could enhance psychiatric input, including at night and on weekends, and at the Psychiatric Hospital for Children and Adolescents, where more nurses were needed.

The CPT welcomes the introduction of enhanced safeguards in respect of the application of means of restraint in Chapter VIII of the LPPMD and in the new Rulebook which came into force in February 2015; however, a number of specific recommendations made in previous CPT reports, which are set out in detail in the report, remain to be incorporated in the legal framework and implemented in practice. The CPT also refers to its revised standards on means of restraint.

More specifically, the CPT's delegation was concerned to note that none of the establishments visited had a dedicated register for recording the use of means of restraint, and that patients could be restrained in view of other patients. Moreover, the CPT requests observations from the management of Vrapče Psychiatric Hospital concerning the remarkable increase since 2014 in the use of restraint measures in the Psychogeriatric Department at the establishment.

A variety of forms of restraint could be used on patients in the closed section at the Psychiatric Hospital for Children and Adolescents. The CPT considers that, in principle, persons under 18 years of age should not be subjected to mechanical restraint; staff should have resort to manual restraint when physical intervention is required. The management of the hospital should take steps as a matter of urgency to establish internal guidelines for the use of means of restraint in the light of the CPT's remarks.

As the CPT has consistently recommended, adult "voluntary" patients who are prevented from leaving a psychiatric ward and/or are subjected to means of restraint should have their legal status reviewed. Further, elderly patients in the Psychogeriatric ward of Vrapče Psychiatric Hospital who are unable to provide informed consent to their hospitalisation and treatment because of severe cognitive deficiencies and who are not under any form of guardianship should be notified to the relevant court and, where appropriate, subject to a procedure for involuntary hospitalisation.