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

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de la torture et des peines ou traitements inhumains
ou dégradants (CPT)*

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” The CPT should be viewed as an important part of the European Convention on Human Rights’ machinery aimed at preventing violations of the Convention by its States Parties.

Foreword

In the past, the CPT carried out ten periodic visits per year. Since 2018, the Committee has reduced the number of periodic visits to eight in order to increase its capacity to carry out ad hoc visits. Thus, for the first time in its history, the CPT carried out more ad hoc visits than periodic visits, and also spent more time on ad hoc visits. This trend is likely to continue in future as it should make the Committee's activities better geared towards addressing the most challenging issues and increase its capacity to react to events promptly.

In addition to the scheduled periodic visits, the CPT carried out a number of ad hoc visits focused on specific topics such as immigration detention (visits to Bulgaria, France, Germany and Greece), prisons (Lithuania, Republic of Moldova), social care homes and/or psychiatric establishments (Greece, Russian Federation, Turkey). Further, two ad hoc visits dealt with certain regions (Catalonia in Spain and Scotland in the United Kingdom).

It is standard practice for CPT visiting delegations to hold talks with the national authorities, at both the outset and the end of the visit. The end-of-visit talks usually involve the participation of Ministers and are the occasion for the delegation to present its preliminary observations. During 2018, CPT visits also provided an opportunity to discuss other matters of ongoing concern with the authorities in Hungary, the Russian Federation and Turkey. Specific meetings at ministerial level were held on several occasions, including as regards Azerbaijan and Belgium.

As the CPT has repeatedly emphasised, authorising publication of documents related to visits is seen as an important means of co-operating with the Committee. In 2018, both Denmark and Norway informed the CPT of their decision to authorise in advance the publication of all future CPT visit reports and related government responses concerning their countries, bringing the total number of states agreeing to be committed by an "automatic publication procedure" to ten.

Further good news on publications concerns Azerbaijan. In the course of 2018, seven CPT reports on its visits to Azerbaijan were published, together with the responses of the Azerbaijani authorities. Azerbaijan's decision to publish all the reports which have so far remained confidential is a major breakthrough and a clear indication of the authorities' resolve to enhance their dialogue with the Committee. I sincerely

hope that these publications herald a new era in the co-operation between the CPT and Azerbaijan and that other countries, in particular the Russian Federation, will follow that example.

On 13 March 2018, I participated in a thematic debate on conditions of detention organised by the Committee of Ministers. The objective of this debate was to enhance the execution of the judgments of the European Court of Human Rights. This was an opportunity to recall that the CPT should be viewed as an important part of the European Convention on Human Rights' machinery aimed at preventing violations of the Convention by its States Parties. It was also worth reiterating that the implementation of the CPT's recommendations may help member states avoid being found in breach of their obligations stemming from the Convention and may thus have a major positive impact on the workload of the Court, a great proportion of which deals with conditions of detention, as well as on the execution of judgments. Another crucial conclusion from the thematic debate was that member states should rely more on the Organisation's "strategic triangle" (standard-setting, monitoring and co-operation activities) and possible interaction between the CPT's work and other relevant bodies and departments of the Council of Europe.

Despite ongoing uncertainties in relation to the human resources allocated to the Committee¹ and the challenging budgetary context within the Organisation, the CPT's monitoring activities have continued to benefit from the political support of the Committee of Ministers and the Parliamentary Assembly. On the eve of its 30th year of existence, the CPT takes this as a strong encouragement to work further, together with other bodies, such as those established in accordance with the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, towards making the European continent a torture-free zone. As evidenced in the joint press release issued in July 2018 by the CPT and its United Nations peer, the Subcommittee on Prevention of Torture, both bodies decided to reinforce complementarity and subsidiarity between them to reflect their respective strengths and added value.

I should also stress that the Committee's impartial and evidence-based approach has been very much appreciated by government and other partners, including parliamentarians. As one long-standing government liaison officer told us in the course of 2018, the increasing challenges faced by governments in the field of torture prevention makes the Committee's work even more relevant today. Naturally, this has not prevented a few from questioning the CPT's more unpalatable findings from time to time. The Committee is all too well aware that it may raise highly sensitive issues, in particular when it relates to the treatment of persons at the hands of law enforcement officials or immigration detention matters. The best ways of addressing these issues have always been through open dialogue, mutual understanding and strong co-operation. In contrast, making groundless accusations aimed at

1. [Parliamentary Assembly Resolution 2160 \(2017\)](#) adopted on 26 April 2017, and [Committee of Ministers' reply to Recommendation 2100 \(2017\)](#), adopted at the 1301st meeting of the Ministers' Deputies of 29 November 2017.

challenging the apolitical nature of the CPT can only undermine the efforts of all those who are strongly committed to improving the situation of persons deprived of their liberty. In this respect, it should be recalled that the prohibition of torture and other forms of ill-treatment remains a key obligation of all Council of Europe member states, and that fulfilling this obligation can only be achieved by effective preventive action and full co-operation with the CPT and other relevant bodies of the Council of Europe.

Mykola Gnatovskyy
President of the CPT



” 2018 was the first year that the CPT carried out only eight periodic visits, as opposed to ten, leaving more room for visits that are required in the circumstances (ad hoc).

Activities during the period 1 January to 31 December 2018

Visits

1. The CPT organised 18 visits totalling 163 days during the year 2018. Eight of the visits (totalling 80 days) formed part of the CPT's annual programme of periodic visits for 2018 and ten (83 days) were ad hoc visits which the Committee considered were required in the circumstances. Details of all these visits (dates and places of deprivation of liberty visited) are provided in Appendix 7.
2. 2018 was the first year that the CPT carried out only eight periodic visits, as opposed to ten, leaving more room for visits that are required in the circumstances (ad hoc).

Periodic visits

3. Periodic visits were carried out to **Albania, Andorra, the Czech Republic, Georgia, Hungary, Norway, Romania** and the **Slovak Republic**.

The main objective of the visits was to review the measures taken by the relevant authorities to implement recommendations made by the Committee after previous visits to the countries concerned. To this end, the CPT examined the treatment and conditions of detention of persons held in police establishments and prisons. Particular attention was paid to specific categories, for instance, juveniles (Georgia, Hungary), immigration detainees (Norway and, for the first time, Albania and Georgia), remand prisoners (Czech Republic), segregated prisoners (Norway) and prisoners serving whole life and other long-term sentences (Hungary).

For the first time, a nursing home for the elderly was visited in Norway. Other social care establishments (for persons with disabilities) were visited in the Czech Republic, in Hungary and in the Slovak Republic.

In addition, delegations examined the treatment and legal safeguards offered to patients admitted on an involuntary basis in civil and/or forensic psychiatric establishments in almost all of the countries visited (Albania, Andorra, the Czech Republic, Georgia, Norway and the Slovak Republic).

4. In April, the CPT announced its programme of periodic visits for the following year, in line with standard practice. The following eight countries were chosen for visits during which the CPT would examine the treatment of persons deprived of their liberty in 2019: **Armenia, Bosnia and Herzegovina, Denmark, France, Greece, Iceland, Ireland and North Macedonia.**

Ad hoc visits

5. In the course of 2018, the CPT carried out ad hoc visits to Bulgaria, France, Germany, Greece, Lithuania, the Republic of Moldova, the Russian Federation, Spain, Turkey and the United Kingdom.

6. The objective of the visit to **Bulgaria** in December was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation. To this end, the CPT's delegation visited Border Police detention facilities in Elhovo, Sofia Airport and Svilengrad (Kapitan Andreevo) and carried out follow-up visits to the Special Homes for Temporary Accommodation of Foreigners in Busmantsi and Lyubimets. In Busmantsi, the delegation also paid a visit to the Closed-Type Premises run by the State Agency for Refugees.

7. The objective of the visit to **France** in November was to examine the treatment of detention of persons deprived of their liberty under immigration and asylum law and the conditions in which those persons were detained or held. To this end, the CPT's delegation visited several administrative detention centres across France as well as waiting zones at Marseille-Le Canet and at Marseilles, Paris-Orly and Roissy Charles de Gaulle airports.

8. A return flight from Munich to Kabul (Afghanistan), coordinated by Frontex, was monitored by a CPT delegation during the ad hoc visit to **Germany** in August. The delegation also observed preparations for the return flight, notably at Eichstätt Prison (Centre for detention pending deportation), including the transfer of returnees to the airport by the Bavarian State Police and the hand-over to the Federal Police authorities in charge of the boarding procedures.

9. The purpose of the visit to **Greece** in April was two-fold: firstly, to examine the situation of foreign nationals deprived of their liberty under aliens' legislation and to determine whether their situation since the previous visits in 2016 had improved, and secondly to look into the situation of civil and forensic patients in psychiatric establishments in the Attica area. It was the first time since 2005 that psychiatric establishments in Greece had been visited by the CPT.

10. The main objective of the visit to **Lithuania** in April was to examine the progress made as regards the implementation of previous CPT recommendations concerning conditions of detention in penitentiary establishments. To this end, the delegation visited several correction homes as well as Lukiškės Remand Prison and Pravieniškės Prison Hospital.

11. The purpose of the visit to the **Republic of Moldova** in June was to assess the progress made in implementing the Committee's previous recommendations concerning the situation in prison establishments. The CPT's delegation visited Prison No. 13 in Chişinău, Prison No. 10 for juveniles in Goian and Prison No. 6 in Soroca.

12. The primary objective of the visit to the **Russian Federation** in October was to examine the progress made as regards the implementation of previous CPT recommendations concerning the situation of patients in civil and forensic psychiatric hospitals and of residents of social care homes (psycho-neurological boarding homes).

13. The CPT's ad hoc visit to Catalonia in **Spain** was carried out in September and focused on prison and police establishments and assessing the progress made since the CPT's previous visits to this region in 2011 and 2012. To this end, the CPT's delegation visited several prisons, examining in particular the situation of prisoners placed in special and closed regime departments and that of women prisoners. The CPT's delegation also visited several *Mossos d'Esquadra* stations where it looked into the effectiveness of legal safeguards afforded to detained persons and examined their treatment and the conditions of detention in which they were held.

14. The main objective of the visit to **Turkey** in April was to examine the treatment and living conditions of patients/residents in psychiatric hospitals and social welfare institutions, for the first time since 2006. In addition, the CPT's delegation looked into the legal safeguards related to involuntary placement procedures and their implementation in practice.

15. Finally, the visit to the **United Kingdom** in October focused on police and prisons in Scotland, to assess the progress made since the CPT's previous visit in 2012. During the visit the delegation examined the situation of prisoners in various Scottish prisons, and paid specific attention to those inmates in segregation, in remand, women prisoners generally and to overall health-care issues. In addition, the delegation examined the treatment of persons in police custody and carried out visits to several police custody facilities across Scotland.

Monitoring of the situation of persons convicted by international tribunals or special courts

16. In England, a delegation of the CPT also examined the treatment and conditions of detention of one person convicted by the **Special Court for Sierra Leone** (SCSL). This specific monitoring activity of the CPT flows from an Exchange of Letters between the Residual Special Court for Sierra Leone (RSCSL) and the CPT, and an Agreement between the RSCSL and the United Kingdom Government.

High-level talks with national authorities

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

The CPT has also continued to seek to intensify its ongoing dialogue with certain states by means of high-level talks outside the framework of a given visit.

18. Such talks were held in **Azerbaijan** on 31 May and 1 June 2018 to discuss the state of co-operation between the CPT and the Azerbaijani authorities and, in particular, the implementation of the CPT's long-standing recommendations concerning law enforcement agencies and prisons, including those made in the report on the CPT's October 2017 ad hoc visit. Investigations into several complaints of torture and other forms of ill-treatment by law enforcement officials, of which the CPT had become aware in the period between its 2015 and 2017 ad hoc visits, were also discussed in depth.

In the margins of a Committee of Ministers' meeting in Strasbourg on 13 March, the President of the CPT also had a bilateral meeting with the **Belgium's** Minister of Justice. They discussed action taken by the Belgian authorities in the light of the CPT's 2017 public statement on Belgium and other matters arising from the report on the 2017 periodic visit to the country.

19. Further, general ongoing matters were discussed at senior level with the authorities during visits to Hungary, the Russian Federation and Turkey.

At the end of the periodic visit to **Hungary**, the steps taken by the Hungarian authorities to implement certain recommendations regarding Csongrád County Border Police Division set out in the report on the CPT's 2017 visit to Hungary were discussed.

In the course of the visit to the **Russian Federation**, a meeting was held with senior officials from the Ministry of Justice and Federal Penitentiary Service to explore the action taken by the Russian authorities following reports on ill-treatment of prisoners by staff at Yaroslavl Colony No. 1. Action taken by the Investigative Committee's Main Investigative Department in the North Caucasian Federal District and Investigative Department in the Chechen Republic in the period since the CPT's visit to the Chechen Republic in December 2017 was also discussed with senior representatives of those authorities.

The talks in **Turkey** related to the current situation of Abdullah Öcalan and the other prisoners being held at Imralı F-type High-Security Prison, in particular as regards the prisoners' contact with the outside world.

Plenary meetings and activities of subgroups

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

21. In addition to continuing its discussion of ongoing intergovernmental activities of the Council of Europe on matters within the CPT's mandate and on its own internal working methods at all three meetings, the CPT held an exchange of views during the March meeting with the Chair of the Council of Europe Bioethics Committee on the draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorder to the Convention on Human Rights and Biomedicine (Oviedo Convention). Furthermore, the November meeting included an exchange of views with the Council of Europe Commissioner for Human Rights on topics of mutual interest such as migration, deinstitutionalisation and so-called "grey zones".

22. The two standing subgroups of the CPT, the Working Group on Health and the Working Group on the CPT's Jurisprudence, continued to meet on the Sunday before each plenary meeting. The Working Group on Health examines substantive issues of a medical nature related to the CPT's mandate and organises training sessions on the specific tasks that medical members of visiting delegations are required to perform. The task of the Working Group on the CPT's Jurisprudence is to advise the CPT on developments in the Committee's standards as reflected in visit reports and to identify areas where there is room for development of those standards. The CPT also decided to set up a working group with the task of reviewing the ways and means through which the CPT's impact might be enhanced.

Contacts with other bodies

23. The CPT continued to promote contact with other bodies **within the Council of Europe**. For instance, the Committee was represented at two hearings organised by the Parliamentary Assembly: one on 28 June 2018 on protecting human rights during transfers of prisoners, the other on 10 October 2018 on ensuring greater follow-up of CPT recommendations. The President of the CPT participated in a thematic debate on conditions of detention organised by the Committee of Ministers on 13 March 2018 in order to enhance the execution of the judgments of the European Court of Human Rights and presented the CPT's 27th annual general report to the Committee of Ministers during an exchange of views on 18 April 2018.

Contacts were also maintained with the European Court of Human Rights, including participation of the CPT's President in a seminar on the authority of the judiciary organised on the occasion of the opening of the Court's judicial year on 26 January 2018. The CPT also had contacts with the Commissioner for Human Rights and her office (see paragraph 21 above); the Special Representative of the Secretary General on migration and refugees, and many other bodies and sectors of the Council of Europe. In addition, the CPT followed intergovernmental standard-setting carried out by the Committee of experts on administrative detention of migrants (CJ-DAM) on draft European rules on the administrative detention of migrants and the Committee on Bioethics (DH-BIO) concerning the draft Additional Protocol to the "Oviedo Convention" on the protection of human rights and dignity of persons with mental disorder (see paragraph 21 above). It also followed the activities of the Council of Europe Working Group of the Council for Penological Co-operation (PC-CP) as regards the revision of the European Prison Rules.

Other Council of Europe activities in which the CPT participated were: a seminar organised by the Danish Chairmanship of the Council of Europe's Committee of Ministers, with the support of the CPT, the Convention against Torture Initiative (CTI) and the Danish Institute against Torture, to discuss ways to strengthen the prevention of torture during police custody, held in Copenhagen on 22-23 March 2018; meetings of the European NPM Forum and other related events co-organised by the Council of Europe (on 12-13 March 2018 in Trier and 27-28 March 2018 in Vienna, as well as the conference of 17-18 April 2018 on NPM impact assessment hosted by the Slovenian NPM (national preventive mechanism) in Ljubljana on the occasion of its 10th anniversary); the 33rd Meeting of the cooperation group of drug control services at European airports, organised by the Pompidou Group on 8 June 2018; a conference on the fight against radicalisation and terrorists acting alone on 13 June 2018; and a conference on the importance of training prison staff to detect and combat radicalisation and to encourage disengagement from violence in prison in Toulouse on 16-17 October 2018.

24. Regarding contacts with entities **outside the Council of Europe**, the CPT maintained its close relations with relevant bodies and agencies of the United Nations throughout 2018. In particular, fruitful contacts were pursued with the UNHCR in the context of the preparation of CPT visits. Furthermore, CPT delegations met UNHCR representatives during their visits to Albania, Bulgaria, the Czech Republic, Georgia, Greece and Hungary.

Over the year, the CPT maintained close contacts with the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT). In the course of 2018, the two bodies decided to reinforce complementarity and subsidiarity to reflect their respective strengths and added values by improving the flow of information between them, consulting each other ahead of visits and on the potential benefits to be gained by the SPT carrying out visits in Europe, and placing particular emphasis on the work of NPMs.

Contacts with other external bodies included attendance by the President and the Executive Secretary of the CPT at the Second Regional Meeting on Torture Prevention organised jointly by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) and the Association for the Prevention of Torture (APT) in Milan on 3 and 4 December 2018. Representatives of the CPT also attended the International High-Level Conference dedicated to the 10th Anniversary of the Human Rights Defender of the Republic of Armenia in Yerevan on 28 and 29 November 2018, organised by the Armenian NPM. Furthermore, the President of the CPT participated in the Conference on pre-trial detention organised by the European Criminal Bar Association in Oslo on 21 April, and a representative of the CPT attended a Frontex training session for forced return monitors from the Western Balkans in Belgrade on 9 April 2018. In addition, the CPT was represented at the Conference on "Redesigning Justice: Promoting civil rights, trust and fairness" organised by the Howard League for Penal Reform in Oxford on 21 and 22 March 2018.

Beyond Europe, a representative of the CPT Secretariat participated in a colloquy on overcrowding in places of detention organised by the Tunisian national preventive mechanism in Tunis on 18 and 19 December 2018.



” The CPT welcomes the fact that the authorities of Azerbaijan decided to publish the hitherto seven unpublished reports concerning their country, together with the responses of the Azerbaijani Government. This means that all of the CPT’s reports on its visits to Azerbaijan are now in the public domain.

Publication highlights

Introduction

25. Twenty-two CPT visit reports were published in 2018. As of 31 December 2017, 392 of the 428 reports drawn up have been published. A state-by-state table showing the current situation as regards publication of CPT visit reports is set out in Appendix 6.

26. The CPT welcomes the fact that the authorities of Azerbaijan decided to publish the hitherto seven unpublished reports concerning their country, together with the responses of the Azerbaijani Government. This means that all of the CPT's reports on its visits to Azerbaijan are now in the public domain.

In 2013, the Russian Federation had agreed to the publication of the visit reports on the CPT's 2011 ad hoc visit to the North Caucasian region, as well as on the 2012 periodic visit to the Russian Federation. However, 21 of the remaining 22 reports have not yet been published. On recent occasions, the Committee of Ministers has encouraged the Russian authorities to authorise the publication of all the CPT's visit reports.² The CPT trusts that the Russian authorities will take steps in this direction. This would greatly facilitate co-operation.

With the exception of the Russian Federation, most states publish the CPT reports soon after they receive them, or after they have provided their response. Turkey is the only state which still has several unpublished reports (3 unpublished reports, covering visits in 2016, 2017 and 2018). The CPT very much hopes that Turkey will shortly authorise the publication of these CPT reports as well as its responses, as also mentioned in Resolution 2156 (2017) of the Parliamentary Assembly on "The functioning of democratic institutions in Turkey".

27. As the CPT has repeatedly emphasised, authorising publication of documents related to visits can be seen as an important means of co-operating with the Committee. During 2018, both Denmark and Norway informed the CPT of their decision to authorise in advance the publication of all future CPT visit reports and related government responses concerning their country, bringing the total number of states having endorsed the "automatic publication procedure" to ten (Austria, Bulgaria, Denmark, Finland, Luxembourg, the Republic of Moldova, Monaco, Norway, Sweden and Ukraine).

The CPT is pleased to note that both the Committee of Ministers and the Parliamentary Assembly of the Council of Europe have recently encouraged states which have not

2. See, in particular, the Committee of Ministers' reply to the Recommendation 2099 (2017) of the Parliamentary Assembly of the Council of Europe adopted on 14 November 2018 at the 1329th meeting of the Ministers' Deputies ([CM/AS\(2018\)Rec2099-final](#)).

already done so to request the automatic publication of future CPT visit reports and related government responses.³

Selected publications

28. This section takes a closer look at some of the visit reports and government responses published in 2018.

Special publication of reports and responses on seven visits to Azerbaijan (dating from 2004 to 2017)

29. During 2018, the CPT published, at the request of the Azerbaijani authorities, seven reports on its visits to Azerbaijan (in 2004, 2011, 2012, 2013, 2015, 2016 and 2017), together with the responses of the Azerbaijani Government. This means that all of the CPT's reports on its visits to Azerbaijan to date are in the public domain.

The publication, which followed a period of particularly intense on-going dialogue between the CPT and the Azerbaijani authorities (including two sets of high-level talks in Baku, in February 2017 and May/June 2018) was a major breakthrough and a clear indication of the authorities' resolve to enhance their dialogue with the Committee. The CPT welcomed this decision, which could signal a new commitment to transparency in confronting many of the serious issues described by the CPT.

30. On the substance, the findings of the CPT's visits suggest that torture and other forms of physical ill-treatment by the **police and other law enforcement agencies**, corruption in the whole law enforcement system and impunity remain systemic and endemic.

The CPT has repeatedly observed, most recently during its ad hoc visit in October 2017, that torture and other forms of severe physical ill-treatment of persons detained by the police, other law enforcement agencies and the army remain widespread, and there is a serious problem of impunity (lack of effective investigations) and inoperative legal safeguards for detained persons (in particular when it comes to the provision of information on rights, notification of custody, access to a lawyer and access to a doctor). Moreover, the findings during the 2017 ad hoc visit suggest the existence of a generalised culture of violence towards persons deprived of their liberty among the staff of various law enforcement agencies.

31. Further, despite legislative reforms (following the adoption of the Executive Order by the President of the Republic of Azerbaijan "On improvement of operation of the prison system, humanisation of criminal policies and extension of application of alternative sanctions and non-custodial preventive measures") and efforts to renovate old and build new **prisons**, there is an on-going problem of prison overcrowding, poor material conditions, lack of activities (especially for remand and life-sentenced prisoners), inadequate medical care and insufficient and poorly

3. [Parliamentary Assembly Resolution 2160 \(2017\)](#) adopted on 26 April 2017, and [Committee of Ministers' reply to Recommendation 2100 \(2017\)](#), adopted at the 1301st meeting of the Ministers' Deputies of 29 November 2017.

paid prison staff, which make it harder to prevent inter-prisoner violence and fight against corruption.

32. The published reports also highlight serious problems in **psychiatric hospitals and social care homes**, including poor living conditions in many hospitals, violence between patients (especially at Ganja Psychiatric Hospital) and a lack of effective legal safeguards for involuntary patients.

Despite the CPT's repeated recommendations, the situation remains unsatisfactory at the Psycho-neurological Social Care Institution No. 3 in Qırıqlı, Göygöl district, where female residents are exposed to ill-treatment by staff and physical assaults by fellow residents, staff numbers are grossly insufficient, there is a lack of activities and the legal procedure for initial placement and its periodic review is not applied in practice.

33. The CPT trusts that the publication of these seven visit reports (and responses) marks the Azerbaijani authorities' resolve to address effectively the serious problems highlighted in its reports. As a first step, the CPT wishes to see the highest-level political authorities in the country making a public, firm and unequivocal statement of "zero tolerance" towards torture and other forms of ill-treatment of persons deprived of their liberty in Azerbaijan.

In this context, the CPT looks forward to the continuation of its co-operation with the Azerbaijani authorities with the aim of assisting Azerbaijan to implement the Committee's long-standing recommendations.

Report on the periodic visit to Belgium in March/April 2017 and response of the Belgian authorities

(situation of prisoners, persons in psychiatric detention and persons in police custody)

34. In its report, the CPT focused on the Belgian authorities' efforts to improve the treatment and conditions of detention of prisoners, ensure better care for persons subject to psychiatric detention measures and combat police violence. The CPT's findings were unequivocal: there is still much to be done.

35. The Committee recalled that, following the 2017 visit, it had felt obliged to make a public statement in July 2017, calling on the authorities and all stakeholders to face up to their responsibilities and quickly find a solution for introducing a guaranteed minimum service **in prison establishments** so as to safeguard prisoners' basic rights, particularly during industrial action by prison staff. In its response, the Belgian government informed the CPT of the progress of the work to adopt appropriate legislation and the conclusion of a political agreement with the social partners.

36. The report noted that, while prison staff generally seemed to be keen to maintain good relations with prisoners and be able to rapidly defuse any risk situations, there were credible allegations of recent physical ill-treatment of male prisoners by certain prison staff, including team leaders. In its response, the government referred to the follow-up to an allegation of ill-treatment by a member of the prison staff. In more general terms, follow-up of incidents was more systematic. The Belgian authorities

indicated that two other disciplinary proceedings had been instituted in this context since the CPT's visit.

37. Where prison detention conditions were concerned, there was a striking contrast in general between the recently built Leuze-en-Hainaut Prison and the other prisons visited, where management and staff had to cope with prevailing overcrowding in largely ageing facilities. The CPT also appreciated the efforts made to combat overcrowding, while recalling that there should not be excessive emphasis on increasing the number of places in prisons. The lack of organised activities in the prisons visited was a cause for concern, with the Committee recalling that this situation could have serious consequences (increased tension, frustration and violence, greater risk of radicalisation, etc.).

38. The CPT welcomes the reform of the **psychiatric detention system**, which is geared in the long term to better care for the persons concerned in specialised establishments. In this context, it highlighted the undeniable progress represented by the therapeutic approach and the resources provided at the Ghent forensic psychiatry centre, the first establishment of its kind in Belgium. It should also be noted that the risk of violence between persons in psychiatric detention was lower in this centre than in prison establishments. Nevertheless, the psychiatric facilities in prison establishments suffered from the same old systemic problems such as a lack of staff, care being limited to pharmacological treatment and inadequate management of psychiatric emergencies. The psychiatric annexe of Lantin Prison was the most alarming example of this situation. In their response, the Belgian authorities indicated that a new team (psychiatrists, occupational therapist, social worker, educational worker) had been set up by means of fresh recruitments, although it was still incomplete.

39. Lastly, the CPT looked at the treatment of people detained by the **police**. The report makes reference to several allegations relating to an excessive use of force, generally during or shortly after arrest. The Committee issued a set of recommendations aimed at the supervision, training and improved procedural safeguards against ill-treatment. In their response, the Belgian authorities indicated that, on the basis of the Committee's recommendations, they had issued several reminders of the rules to police officers in the field and to training teams and had drawn up new instructions where necessary.

*Report published in March 2018 (CPT/Inf(2018)8),
response published in June 2018 (CPT/Inf(2018)23)*

Report on the periodic visit to Bulgaria in September/October 2017 and response of the Bulgarian authorities

(situation of persons in police custody, immigration detention, prisons, and in psychiatric and social care institutions)

40. The CPT's report concludes that there might have been a slight improvement regarding the treatment of persons in **police custody** since the 2015 visit, especially as regards the severity of alleged ill-treatment. Material conditions varied greatly

between police establishments visited, from quite good through generally acceptable to very poor.

41. The Committee welcomes the steps taken by the Bulgarian authorities to improve the situation in **penitentiary establishments** and encourages them to pursue their efforts. However, the Committee notes a severe problem of a generalised infestation with bed bugs, including in recently refurbished facilities. In their response, the Bulgarian authorities informed the CPT that all mattresses, bed sheets, pillows and blankets in penitentiary establishments would be replaced in 2018. The Committee further notes that corruption remains a serious issue in Bulgarian prisons. As observed on previous CPT visits, prison staff appeared to be the major source of contraband entering prisons.

The situation of prison health-care services remains difficult, especially as regards the serious shortage of health-care staff. In their response, the Bulgarian authorities acknowledge that a lack of medical professionals is a nationwide problem and describe measures taken to improve the situation.

42. Regarding **psychiatric establishments**, the CPT's delegation received various allegations at Radnevo Psychiatric Hospital according to which patients were sometimes slapped and occasionally hit, kicked and punched by orderlies. Furthermore, orderlies there were said to carry sticks to assert their authority and threaten the patients.

The Committee also notes serious recruitment difficulties regarding medical, auxiliary and multi-disciplinary clinical staff. As found by the CPT's delegation, the inability to recruit orderlies at Radnevo Psychiatric Hospital led to the unacceptable practice of employing a number of patients to act as orderlies in the hospital, including helping the staff to control and restrain other patients.

43. The report further describes visits to **homes** for persons with psychiatric disorders and homes for persons with learning disabilities. In Kachulka, Radovets and Tvarditsa Homes the delegation did receive some allegations of physical ill-treatment, including blows with sticks by orderlies in Tvarditsa and Radovets Homes.

The report notes that all Homes had undergone differing degrees of renovation and refurbishment, and some accommodation, especially in Tvarditsa, was acceptable. However, most of the accommodation was still scruffy, bare, austere and lacking personalisation and privacy, especially for the less able residents.

The unit at Radovets Home accommodating the most disabled residents contained only two large dormitories and no sanitary facilities. In one of the two dormitories, hygiene conditions did not befit a care institution. Residents were found lying on their beds, completely covered in flies, with the floor flooded with urine and littered with faeces. After the visit, the Bulgarian authorities informed the CPT that two new sanitary facilities had been constructed in Radovets Home and that measures were being taken to ensure compliance with sanitary standards.

The report concludes that residents in the social care establishments visited had de facto been abandoned by the State, which had manifestly totally failed to provide those vulnerable persons with the human contact, comfort, care and assistance they

required, as well as the dignity they deserved. It is equally regrettable that staff (and the management) of these establishments had been left to struggle from day to day with totally insufficient human resources, without adequate funding and without any attention or support from the Bulgarian authorities. In their response, the Bulgarian authorities informed the CPT about plans to close nine social care institutions which provide the most unacceptable living conditions, including Radovets Home.

44. The report also describes that material conditions in the **Special Home for Accommodation of Foreigners** in Lyubimets were generally very poor, with large-capacity dormitories being dilapidated, filthy, and crammed with bunk beds.

During a subsequent ad hoc visit carried out to Bulgaria in December 2018, the CPT had an opportunity to further examine the treatment and conditions of detention of foreign nationals detained under aliens legislation. To this end, the CPT's delegation visited Border Police detention facilities in Elhovo, Sofia Airport and Svilengrad (Kapitan Andreevo) and carried out follow-up visits to the Special Homes for Temporary Accommodation of Foreigners in Busmantsi and Lyubimets. In Busmantsi, the delegation also paid a visit to the Closed-Type Premises run by the State Agency for Refugees.

*Report published in May 2018 (CPT/Inf(2018)15),
response published in October 2018 (CPT/Inf(2018)46)*

Report on the periodic visit to Croatia in March 2017 and response of the Croatian authorities

(situation of persons in police custody, prisoners and involuntary psychiatric patients)

45. The CPT indicates in its visit report that most of the persons interviewed had been treated correctly by the **police**. However, some allegations of ill-treatment were received, consisting mainly of slaps, punches and kicks inflicted at the time of arrest or during questioning at a police station ("informative talks"). In a few cases, medical evidence existed to support the allegations. The CPT made a series of recommendations aimed at tackling the issue and strengthening the legal aid system, including for persons summoned to a police station for "informative talks".

46. As regards **prisons**, the report recognises the progress made by the Croatian authorities in reducing prison overcrowding. Nevertheless, continued efforts need to be made to ensure that every prisoner has at least 4 m² of living space in multiple-occupancy cells. Further, the CPT's report is particularly critical of the excessive restrictions imposed on remand prisoners and misdemeanour offenders who continue to spend up to 23 hours locked up in substandard cells with no access to purposeful activities. The report also refers to allegations of physical ill-treatment by staff and frequent episodes of inter-prisoner violence, sometimes involving serious physical injuries at Zagreb County Prison.

The report highlights the legal obstacles hampering the provision of health care in prisons in terms of the lack of accreditation of prison doctors with the Croatian Health Insurance Fund (HZZO). It also makes recommendations to improve the treatment of prisoners suffering from mental health disorders and drug addiction.

In respect of Turopolje Correctional Facility, the report notes that juveniles held in this facility were generally well treated and offered a good range of educational, vocational and recreational activities. However, the CPT is critical of the practice of placing juveniles in solitary confinement for periods of up to seven days as a disciplinary punishment, and of the ineffective complaints procedure.

The Croatian authorities respond to the various CPT recommendations and put forward concrete measures to address them in a positive and constructive spirit. For example, an extended range of purposeful activities will be developed for prisoners and the status of prison doctors within the national health system will be resolved.

47. As regards the three **psychiatric institutions** visited, lack of living space and access to the courtyard for patients at the Psychiatric Hospital for Children and Adolescents in Zagreb is of particular concern to the CPT. The report also criticises the administration of electroconvulsive therapy in front of other patients and the absence of recording of the use of means of restraint. The report raises some concerns over the legal status of psychiatric patients in the light of the newly adopted mental health legislation.

In their response, the Croatian authorities provide information on the action taken to address the Committee's recommendations, notably in relation to the transfer of the Psychogeriatric department of Vrapče Psychiatric Hospital to a new building and to the administration of electroconvulsive therapy in a dedicated room of the Zagreb Clinical Hospital Centre.

*Report and response published in October 2018
(CPT/Inf(2018)44 and CPT/Inf(2018)45)*

Report on the ad hoc visit to Hungary in October 2017 and response of the Hungarian authorities

(immigration detention, "push-back" operations to Serbia)

48. The report notes that no allegation of ill-treatment by staff was received from **foreign nationals held under aliens legislation** in any of the establishments visited. However, a significant number of persons interviewed by the delegation, on the Serbian side of the border in particular, alleged that they had been physically ill-treated (for example, kicked, punched or hit with a baton) by Hungarian police officers in the context of their 'push-backs' to Serbia; several of them displayed recent traumatic injuries which were consistent with their allegations. The CPT once again recommends that all police officers receive a clear and firm message, emanating from the highest political level, that any form of ill-treatment of detained persons is unacceptable and will be punished accordingly.

The report highlights that in the context of 'push-backs', there was no procedure which would assess the risk of ill-treatment following the forcible removal, and the CPT recommends that the Hungarian authorities put an end to the practice of 'push-backs' to the Serbian side of the border.

49. Further, the CPT expresses its misgivings about the fact that all foreign nationals seeking international protection, including families with children and unaccompanied minors from 14 to 18 years of age, were compelled to stay in the transit zones at Röszke and Tompa while their asylum claims were being processed. The Committee recommends that the authorities fundamentally revise their policy regarding the holding of foreigners in transit zones. As a matter of priority, an end should be put to the accommodation of unaccompanied minors therein.

On a positive note, the Committee finds that the Hungarian authorities made efforts to provide decent material conditions in the transit zones and to maintain the premises in a good state of repair and hygiene. That said, the overall design of the transit zones was far too carceral.

50. In their response, the Hungarian authorities deny the CPT's findings. Further, the authorities underline that Hungarian police officers do not escort foreign nationals to Serbia but to the other side of the border fence, to an area which is still Hungarian territory and from where they may reach the transit zones.

51. The subsequent periodic visit carried out to Hungary in November 2018 provided an opportunity to discuss with the authorities the key issues raised in this report. In addition, the CPT delegation carried out a follow-up visit to Csongrád County Border Police Division (Szeged, Moscow street) in order to examine whether certain recommendations set out in the report on the CPT's 2017 visit to Hungary had been implemented.

*Report and response published in September 2018
(CPT/Inf(2018)42 and CPT/Inf(2018)43)*

Report on the ad hoc visit to the Republic of Moldova in June 2018

(prison hierarchy and inter-prisoner violence; conditions of detention in prisons)

52. The purpose of the visit was to assess progress made in implementing the CPT's previous recommendations concerning the situation in **prisons**, in particular as regards the phenomenon of an informal prison hierarchy and the related problem of inter-prisoner violence and intimidation, as well as the conditions of detention of adult male prisoners.

During the visit, the authorities, at both central and local level, acknowledged that the system of informal prisoner hierarchies still existed. The delegation noted that attempts were made in the establishments visited, with varying degrees of success, to address this deep-rooted problem. At Goian Prison for Juveniles in particular, genuine efforts were being undertaken to develop positive relationships between staff and juveniles and to ensure that no prisoner was in a position to exercise power over other inmates. However, the visit brought to light that, at Chişinău and Soroca Prisons, the root causes of the problem were far from being addressed and that these establishments still largely failed to provide for the most basic requirement of prisoners: a safe environment. Acts of inter-prisoner violence, intimidation

and exploitation continued to prevail, which were a direct result of the existence of informal power structures among inmates.

53. In conclusion, the CPT expresses its concern that, as a remnant from the Soviet past, the phenomenon of an informal prisoner hierarchy in the Moldovan prison system has flourished into a profit-oriented criminal enterprise. Moreover, it is not evident that the relevant authorities fully appreciate the extent of the problem, nor do they seem to be aware of the grave consequences which informal prisoner hierarchies may have on the entire prison system, and indeed on society as a whole. The Committee is convinced that until such time as this phenomenon has been effectively tackled, for a large proportion of inmates imprisonment will only serve to ensure that, upon release, they are even less capable of coping in the outside law-abiding community and, if returned to prison, even more dependent on the prison subculture.

In the CPT's view, it is high time that the Moldovan authorities took determined action throughout the prison system to guarantee the security and safety of prisoners. In particular, this will require putting an end to the reliance on the informal prisoner hierarchy to maintain good order in prisons, putting in place a system of appropriate distribution and classification of prisoners, setting up an effective recruitment and training system for prison staff and ensuring continuous staff supervision in detention areas.

54. As regards conditions of detention, whilst acknowledging the authorities' efforts to improve inmates' living conditions at Chişinău and Soroca Prisons, the CPT notes that a considerable number of prisoners in these establishments continued to be held under conditions which could easily be considered as inhuman and degrading. On a positive note, material conditions at Goian Prison for Juveniles remained generally satisfactory, and the Committee was pleased to note that the construction of a new remand facility for juveniles at Goian was well advanced.

Report published in December 2018 (CPT/Inf(2018)49)

Report on the ad hoc visit to Serbia in May/June 2017 and response of the Serbian authorities

(police ill-treatment and treatment of remand prisoners)

55. The report highlights that a significant number of allegations of physical ill-treatment of detained persons by **police** officers were received by the CPT's delegation, in particular in larger urban areas of the country (i.e. Belgrade, Niš and Novi Sad). The physical ill-treatment alleged consisted of slaps, punches, kicks, truncheon blows and strikes with non-standard objects (such as baseball bats). Several claims of criminal suspects being subjected to shocks from electrical discharge devices were also received. The alleged ill-treatment was inflicted at the time of apprehension or during questioning at a police station.

The report states that the Serbian authorities must recognise that police ill-treatment is not the result of a few rogue officers but rather an accepted practice within the current police culture, notably among crime inspectors. A fundamentally different

approach towards methods of police investigation must be promoted, one which is not based on confession evidence but upon obtaining accurate and reliable information in order to discover the truth about the matter under investigation. The Serbian authorities need to take determined action to combat police ill-treatment which should include training of police inspectors on appropriate interview techniques and holding senior police officers accountable for their line-management responsibilities. Recommendations are also made to reinforce the effectiveness of investigations by the prosecutorial authorities into cases involving allegations of police ill-treatment. Further, procedural safeguards against ill-treatment need to be strengthened, notably concerning access to, and the quality of services provided by, *ex officio* lawyers.

In their response, the Serbian authorities refer to various training activities for police officers and to the recent adoption of a methodology of investigations into allegations of ill-treatment which is mandatory for all prosecutors to follow. The response also refers to improvements made to the material conditions in police stations.

56. In the nine pre-trial sections of the **prison establishments** visited, overcrowding remained an issue. The situation is worsened by the fact that remand prisoners are locked in their cells for 22 or more hours a day for months on end, with no access to purposeful activities and numerous judicially-imposed restrictions throughout the pre-trial period. The CPT considers that such a regime is a relic of the past, and it recommends that the Serbian authorities devise and implement a comprehensive regime of out-of-cell activities for remand prisoners. In this context, immediate steps should be taken to offer educational and recreational activities for juveniles on remand.

In the government response, the Ministry of Justice of Serbia provides information on the measures taken to limit the remand population and to improve the material conditions. The response also states that outdoor exercise entitlements will be increased and all exercise yards fitted with sports equipment.

*Report and response published in June 2018
(CPT/Inf(2018)21 and CPT/Inf(2018)22)*

Report on the periodic visit to Ukraine in December 2017

(police custody, prisons, and psychiatric and social care institutions)

57. The majority of persons interviewed indicated that the **police** had treated them correctly while in police custody. However, the delegation received a considerable number of recent and credible allegations from detained persons regarding the excessive use of force during apprehension by the police, as well as allegations of physical ill-treatment after being brought under control, mainly consisting of kicks, punches and truncheon blows, as well as too tight and prolonged handcuffing. Such allegations were heard more frequently in Kyiv than in other regions visited, and it was also mostly in the capital that the delegation received allegations regarding physical ill-treatment by operational officers during initial questioning. Overall, the delegation gained the impression that, although the severity of the ill-treatment

alleged had diminished, the frequency of allegations remained at a worrying level, especially in Kyiv. Unfortunately, the unacceptable practice of unrecorded detentions has not been fully eliminated. In addition, persons concerned were allegedly subjected to informal questioning without benefiting from the safeguards provided for by law.

58. The delegation received no direct and recent allegations of ill-treatment by staff at any of the **penitentiary establishments** visited. However, inter-prisoner violence is a problem; the CPT therefore calls upon the Ukrainian authorities to take urgent steps to increase both custodial staff levels and presence at the establishments visited and to train and motivate staff to be proactive and prevent inter-prisoner violence. This also includes improving staff working conditions and increasing salaries, which are presently very low and which expose prison officers to the temptation of corruption.

The most striking feature of almost all of the establishments visited was the generally poor or even appalling material conditions. The situation at Kyiv SIZO had worsened since the Committee's previous visit in 2016. Remand prisoners are still generally not offered any out-of-cell activities other than outdoor exercise for one hour per day in small, oppressive and dilapidated yards. Life-sentenced prisoners continued to spend up to 23 hours per day in small cells, were offered hardly any organised activities and association.

Regarding health-care services, the report is critical of the lack of medical confidentiality, the poor quality of recording of injuries, the lack of systematic reporting to competent investigative/prosecution authorities, the inadequate access to specialists and the shortage of medication. Furthermore, material conditions in prison health-care facilities were very poor and unhygienic.

59. As to **psychiatric patients**, the main concern raised in the report was the lack of access to outdoor exercise, sometimes for years on end. Following an immediate observation on this subject made by the delegation under Article 8, paragraph 5, of the Convention, the CPT was informed that steps had been taken in the psychiatric hospitals visited to ensure patients' daily access to outdoor exercise, regardless of the security level. As to living conditions, the majority of patients were accommodated in seriously overcrowded and large-capacity dormitories which lacked personalisation. Moreover, there was no dedicated space to ensure an adequate environment for psycho-social and rehabilitation activities.

60. In the **social care homes** visited, the number of staff in direct contact with residents in the visited boarding home was clearly insufficient for the large number of particularly challenging patients. Furthermore, some of the staff were allocated to providing care to patients with acute somatic conditions, who should in principle be transferred to appropriate establishments under the responsibility of the Ministry of Health.

Report published in October 2018 (CPT/Inf(2018)41)



” The investigative interviewing approach dismantles the myth of the effectiveness of harsh interrogation methods (including ultimately torture), and replaces it with more effective methods of preventing, detecting, investigating and solving crime.

Preventing police torture and other forms of ill-treatment – reflections on good practices and emerging approaches

Introduction

61. In the course of the last three decades, the CPT has regularly reviewed the manner in which persons are treated by the police in European countries.⁴ It is therefore in a unique position to assess the extent of torture and other forms of ill-treatment by police officers in the whole Council of Europe area.

62. At the outset, it must be underlined that, in the overwhelming majority of Council of Europe member states, most persons met by CPT visiting delegations who were, or had recently been, in police custody have not alleged to have suffered any kind of police abuse. Indeed, they considered that they had been treated correctly by the police officers who had apprehended them, escorted them to police establishments, kept them in custody, or interviewed them. Further, it is noteworthy that, in a few countries, police ill-treatment has not been a concern since the CPT started carrying out visits in the early 1990s. In some other states, police reforms have led to significant improvements.

63. At the same time, the CPT continues to encounter cases of police ill-treatment in a number of European countries, under various circumstances and involving different law enforcement agencies.

64. In several Council of Europe member states, police ill-treatment mainly occurs during the high-risk period around the time of **apprehension of persons** suspected of having committed criminal or other offences. CPT delegations have heard many accounts according to which the force used by police officers upon apprehension or shortly after was unnecessary or excessive. In particular, they heard allegations of punches, kicks, truncheon blows or use of pepper spray whilst the person concerned displayed no resistance or had already been brought under control. At times, such allegations were supported by convincing medical or other evidence. In some instances, the alleged misconduct was the result of action during crowd control operations or special interventions carried out by police officers who could subsequently not be identified (due to them wearing face-concealing hoods and the absence of any

4. Since its first visit in 1990, the CPT has carried out about 440 country visits, in the course of which the members of its delegations have spoken in private with tens of thousands of persons who were or had recently been detained by the police. It also reviewed the relevant documentation, including of a medical nature, in police and prison establishments.

identification number on their uniforms). As highlighted by the European Court of Human Rights in its case-law, it may be legitimate for police officers to resort to force in the context of an apprehension. However, such force should be used only if it is lawful and strictly necessary, and it should not be excessive. Failure to meet these basic requirements may amount to a violation of Article 3 of the European Convention on Human Rights.⁵ It should also be noted that CPT delegations have frequently found evidence of unduly tight handcuffing, which can have serious medical consequences. In addition, on many occasions they have heard allegations of verbal abuse, including racist remarks. The CPT has also observed that certain categories of person (such as persons with mental health problems and juveniles) could run a higher risk of ill-treatment during apprehension due to their specific vulnerabilities.

65. The infliction of ill-treatment during or in the context of **police interviews** remains a very serious problem in a significant number of Council of Europe member states. Within the last ten years, the CPT has received credible allegations, and gathered forensic medical and other evidence, of police ill-treatment which could be qualified as torture in almost one-third of Council of Europe member states. The alleged ill-treatment consisted *inter alia* of the infliction of electric shocks, blows to the soles of the feet, suspension or hyperextension by means of handcuffs, infliction of burns to various parts of the body, asphyxiation with a plastic bag or a gas mask, handcuffing of detained persons in stress positions for hours on end, severe beatings and mock executions. The CPT also continues to hear accounts of other forms of police ill-treatment, from slaps to more brutal forms of abuse. The deliberate nature of such treatment is evident. The treatment alleged was often applied by apprehending/operational officers in the initial period of custody and prior to a first formal police interview, for the purpose of obtaining a confession or other information. The CPT's findings suggest that, in some cases, police crime investigators have condoned or even encouraged such practices. In this connection, the possibility for police officers of inviting or summoning persons for "informal talks", "collecting information" or "explanations" is provided for in a number of countries under a simplified procedure. The CPT has on numerous occasions noted that the risk of ill-treatment was higher precisely in situations of this kind and that informal questioning of "persons of interest" was abused in order, *inter alia*, to deny procedural safeguards that would apply to persons formally considered as criminal suspects.

Professional policing

66. As part of its preventive mandate, the CPT has consistently highlighted the importance of **three procedural safeguards**, namely: the right of access to a lawyer, the right of access to a doctor and the right to have the fact of one's detention notified to a relative or another third party of one's choice. This presupposes that persons deprived of their liberty are duly informed of these rights, both orally upon apprehension and, as soon as possible, in writing (e.g. through a "letter of rights" or other document setting out the rights of persons in police custody) in a language

5. Reference can be made, for instance, to the judgments *Bouyid v. Belgium* [GC], no. 23380/09, §§ 100-113, ECHR 2015, *Rehbock v. Slovenia*, no. 29462/95, §§ 71-78, ECHR 2000-XII, and *Layijov v. Azerbaijan*, no. 22062/07, §§ 39-48, 10 April 2014.

they understand.⁶ This “trinity of rights” should apply as from the very outset of deprivation of liberty by the police – that is, when the person concerned is obliged to remain with the police. The main reason for this has repeatedly emerged from the CPT’s findings: it is during the first hours of deprivation of liberty by the police that the risk of ill-treatment is at its highest.

67. The CPT has progressively developed additional safeguards (such as appropriate record-keeping and the establishment of a single comprehensive custody register), as well as other specific safeguards for vulnerable groups, such as juveniles, persons with mental health problems or foreign nationals.⁷

68. The CPT has noted with satisfaction that many states have followed its recommendations by incorporating procedural safeguards into their legislation. Nevertheless, the Committee has also found that, despite the existence of detailed legal provisions, the **practical implementation** of these safeguards frequently displays serious shortcomings. For instance, the Committee has observed undue delays in access to a lawyer (in particular, it is often the case that legal aid lawyers see their clients only after a first police interview or even not until the time of the first court hearing, thereby depriving the detained persons concerned of an important safeguard against police ill-treatment). In addition, medical examinations of persons in police custody are often carried out in a superficial manner and/or in the presence of police officers. Further, in a few countries, the introduction of procedural safeguards has led to the emergence of unwanted police practices, such as the questioning of suspects in unofficial places of detention, without the very fact of their deprivation of liberty being recorded and/or without any possibility of them being able to exercise any of the above-mentioned rights.

69. The introduction of legal safeguards is thus not an end in itself; experience has shown that in practice they can be circumvented as long as police officers – with the sanction of senior police officials – believe that ill-treating apprehended persons and suspects is an acceptable or even necessary and efficient way of carrying out police activities.

70. Practitioners in countries that have come a long way in overcoming police ill-treatment often refer to a **change of police culture**, or even a change of culture within the criminal justice system as a whole, as the key factor. In a number of states, the CPT is indeed pleased to witness positive developments in the manner in which persons in police custody are treated. It has even observed and supported significant culture changes within police services, such as in Georgia.

71. A change of mindset starts with competitive and rigorous recruitment processes based on strict selection criteria, ensuring that the composition of the police force

6. See also [Directive 2012/13/EU](#) of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, and [Directive 2013/48/EU](#) of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

7. See substantive sections of previous general reports of the CPT on police issues: [CPT/Inf \(92\) 3, paragraphs 36 ff.](#), [CPT/Inf \(2002\) 15, paragraphs 34 ff.](#), and [CPT/Inf \(2015\) 1, paragraph 98.](#)

reflects the diversity of the population.⁸ In this connection, adequate remuneration of police officers is an important tool to attract the best candidates and retain highly competent staff. The development of appropriate police education, initial preparation and ongoing training in the application of human rights standards, national norms and safeguards are also key to improving police practices. In the CPT's experience, professional policing goes hand-in-hand with adequate training on the use of force in compliance with the principles of lawfulness, necessity and proportionality. Training should also provide opportunities to acquire appropriate investigative skills, taking due account of the age, gender, state of health, any disability or any other circumstances which may render certain persons under investigation particularly vulnerable. Moreover, no significant change can be expected without strong police leadership and management which scrupulously supervise the observance of procedural safeguards and convey firm and unambiguous messages of zero tolerance of police ill-treatment. Greater police accountability is indeed a crucial factor. Police officers should always be identifiable⁹ and clear reporting procedures and "whistle-blower" protective measures should be put in place. Any allegation or other information indicative of police ill-treatment should be effectively investigated and any perpetrators of police ill-treatment be brought to justice.¹⁰

72. Last but not least, the setting-up and development of effective – internal and external – monitoring mechanisms, in particular national preventive mechanisms (NPMs) established under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), can contribute to a significant change in police culture.

Investigative interviewing – a paradigm shift

73. In countries where the CPT receives allegations of torture and other forms of ill-treatment in the context of police interviews, the Committee generally finds that criminal investigations are too often geared towards the objective of obtaining confessional evidence or other information. In criminal justice systems that place a premium on confessions, the risk of ill-treatment and other unlawful action in the context of police interviews is increased. Indeed, the focus on confessional evidence has led to wrongful convictions. Moreover, in a few countries it has become apparent that key performance indicators for police officers are heavily based on high "clear-up" rates, which may have a negative effect on police behaviour when carrying out interviews.

74. Since its inception, the Committee has placed particular emphasis on the development of clear rules or guidelines on the carrying out of police interviews. More specifically, the CPT has repeatedly stressed that the aim of police interviews must be to obtain accurate and reliable information in order to seek the truth about matters under investigation and not to obtain a confession from a person already

8. See in particular [General Policy Recommendation No. 11 of the European Commission against Racism and Intolerance \(ECRI\) on combating racism and racial discrimination in policing](#).

9. For instance, members of specialised police forces and uniformed police officers should always wear a clearly distinctive insignia and a prominent identification number on the outside of their uniform/on their helmet.

10. See, in this respect, the 14th General Report of the CPT: CPT/Inf (2004)28, paragraphs 25 ff.

presumed, in the eyes of the interviewing officers, to be guilty. The CPT has underlined the importance of the principle of proceeding “from the evidence to the suspect” rather than “from the suspect to the evidence”. Such an approach must prevail in the daily practice of all those involved, from apprehending officers to police investigators, as well as other actors of the criminal justice system such as prosecutors and judges.

75. This “non-accusatory” approach captures in essence the PEACE¹¹ model for **investigative interviewing**, which the police service of England and Wales adopted in the early 1990s as the methodology for interviewing suspects, as well as witnesses and victims. Introduced in the context of larger reforms, this methodology changed entirely the procedures applied when interviewing suspects and, in the longer term, the mindset of individual police officers and the police service at large.

76. More recently, during its 2018 periodic visit to Norway, the CPT also examined the techniques of investigative interviewing applied by the Norwegian police (the so-called KREATIV¹² model). Since 2004, the KREATIV course has formed part of the syllabus for university training programmes for police officers.¹³

77. The aim of training in investigative interviewing is to help police officers to carry out interviews in a systematic manner with an open mind, avoiding common pitfalls associated with relying on preconceived conclusions.¹⁴ Equally importantly, it facilitates communication and the information flow, and consequently the detection of crime. Furthermore, it reduces the risk of human error and false confessions, which can occur with techniques designed to make the suspect confess. Research into the causes of wrongful convictions has documented that problems associated with “tunnel vision” or “confirmation bias” (i.e. an unconscious tendency to seek out only information that “fits” and to ignore or explain away information that does not confirm what the interviewer believes to be true) are the underlying causes of miscarriages of justice in most cases.

78. Police interviewers with an open mindset are far more effective; they apply in practice the presumption of innocence by generating and actively testing alternative hypotheses through systematic preparation, empathic rapport-building, the use of open-ended questions, active listening, and strategic probing and disclosure of potential evidence.

79. Unsurprisingly, the investigative interviewing approach – combined with the practical operation of procedural safeguards as from the very outset of deprivation of liberty – is gradually achieving broad acceptance at universal level.¹⁵ It features a number of advantages: it dismantles the myth of the effectiveness of harsh interrogation methods (including ultimately torture), and replaces it with more effective

11. The acronym PEACE stands for “Planning and preparation, Engage and explain, Account, Closure and Evaluation”.

12. The Norwegian acronym stands for “(K) Communication, Rule of law, Ethics and empathy, Active awareness, Trust through openness, Information, (V) Scientific anchoring”.

13. See [CPT/Inf \(2019\) 1, paragraph 28](#).

14. In this connection, see [“A brief introduction to investigative interviewing – A practitioner’s guide”](#), Council of Europe, October 2018.

15. See in particular the interim report of the United Nations Special Rapporteur on Torture ([A/71/298](#), 5 August 2016), who made a convincing case for the benefits of investigative interviewing and called for the development of a universal protocol identifying a set of standards for non-coercive interviewing methods and procedural safeguards.

methods of preventing, detecting, investigating and solving crime. It is also seen as one of the most effective approaches to counter terrorism when compared with traditional methods still applied by many police forces. This in turn has a positive impact on the outcome, fairness, efficiency and reliability of any subsequent criminal proceedings, and on how the general public perceives the police service.

80. The investigative interviewing approach has clearly inspired the CPT in its monitoring work. The Committee considers that all the police officers concerned should receive detailed guidance on how interviews with suspects should be carried out. This can be achieved through legislation, regulations or a set of rules, procedures or practices. By way of illustration, the CPT considers that, in principle, there should be no more than two interviewing officers. The authorised duration of an interview, the rest periods between interview sessions and breaks during an interview should also be clearly specified (for instance, interviews should last no more than two hours at a time and suspects should be allowed, within a time span of 24 hours, a continuous period of at least eight hours for rest, free from questioning or any activity in connection with the investigation). Police interviews should as a rule be carried out in rooms specifically designed and equipped for the purpose. The CPT has also recommended that a mechanism for the ongoing monitoring and systematic review of these police interviewing standards, procedures or practices be established. Further, the development of adequate initial and ongoing professional training on interviewing techniques is key in the effective implementation of any such framework for police interviewing.

81. The CPT has also stressed the importance of accurate recording of all police interviews (including the start and end times and the names of all persons present during the interview). The electronic recording of police interviews (with audio/video-recording equipment) has also become an effective means of preventing ill-treatment during police interviews whilst presenting significant advantages for the police officers involved. Electronic recordings should be kept securely for a reasonable period, be made available to the detained persons concerned, and/or their lawyers, and be accessible to representatives of international and national monitoring bodies (including NPMs), as well as to any officials responsible for investigating allegations or reports of police ill-treatment.¹⁶

Centralised police detention and designated custody officers – a promising practice

82. In a number of countries, the CPT has observed and encouraged a trend consisting of keeping persons in police custody in **centralised police detention facilities** rather than in police cells located in smaller establishments or special operational departments.

16. In parallel, the CPT considers that greater emphasis should be placed on a physical evidence-based approach and on modern, scientific methods of criminal investigation, namely seizure, retention, packaging, handling and evaluation of forensic exhibits and the chain of custody. In addition, ready access to up-to-date scientific tools, such as DNA technology and automated fingerprint identification systems, should be ensured (if necessary through investment in equipment).

83. The CPT has frequently gained a positive impression of the functioning of such central police detention facilities, which can also provide better material conditions for persons in police custody.¹⁷ It has also noted the clear benefits of having **designated staff who exclusively fulfil the role of custodial officers**. In terms of resources, a division of labour between operational officers, custodial officers and investigators can lead to greater specialisation, professionalism and efficiency. By contrast, police officers who have to fulfil dual or even triple roles of apprehending persons suspected of criminal or other offences, looking after the well-being and rights of those who have been apprehended (possibly under difficult circumstances), and interviewing these persons in relation to an offence, will often find it personally challenging to assume all of these roles in a professional manner.

84. A separation of the different police tasks and the creation of a specialised group of custody officers may therefore lead to an enhanced sense of responsibility of such officers for the persons in their charge. It may also possibly break the harmful *esprit de corps* that often prevents officers from speaking out against their colleagues in cases of ill-treatment. This presupposes that custody officers are empowered by a working environment that acknowledges their important contribution to the professional functioning of any police service. Clear and consistent custody guidelines, which exist in a number of countries, are an important tool for professionalising the implementation of custody.¹⁸

85. Introducing designated custody officers could also strengthen the **practical implementation of various procedural and other safeguards**. While it remains incumbent on the apprehending officer(s) to inform detained persons of their rights, designated custody officers can double-check upon admission to the custody facility whether the detained person has actually been informed of all their rights, has understood and is able to exercise them. They may also provide the first opportunity for a detained person to make a formal complaint against apprehending officers, for example, regarding excessive use of force upon apprehension. The CPT has noted that, in certain states, every apprehended person has to be presented immediately to a designated, experienced, custody officer, before any other procedural steps can be taken. This custody officer is responsible for checking the psychological or physical integrity of the apprehended person, including whether they need to see a health-care professional, and for offering them the possibility to inform a third party of their choice of their situation and to contact a lawyer. Designated police officers are properly trained to pose the appropriate questions and to recognise and record indicative signs of a person in need of particular support and care. This is clearly good practice.

17. The CPT has generally found that basic material conditions, such as sanitary facilities, outdoor yards, meeting rooms for lawyers and medical examination rooms, as well as food, can be better provided in larger, specialised custody facilities than in small district police stations. It should be noted, however, that the existence of designated police custody facilities should not lead to the detention of persons remanded in custody in these facilities, as is still the case in several Council of Europe countries.

18. One example is the England and Wales [Police and Criminal Evidence Act \(PACE\) Code C](#) – Code of Practice for the detention, treatment and questioning of persons by Police Officers (Home Office of the United Kingdom, revised, 26 July 2018). In some countries, the role and tasks of custody officers are specified in the national legislation (see, for instance, Section 212 of the Ukrainian Code of Criminal Procedure).



” It was with great sorrow that the CPT learned of the death of its member Vassilis Karydis (Greece) on 19 June 2018.

Organisational matters

CPT membership

86. On 31 December 2018, the CPT comprised 44 members. The seats in respect of Bosnia and Herzegovina, Greece and Iceland were vacant.

Twenty-five of the CPT's members were men and 19 were women. Consequently, applying the "less-than-40%" criterion used by the Parliamentary Assembly in Resolution 1540 (2007),¹⁹ neither sex is currently under-represented in the Committee.

87. In the course of 2018, the composition of the CPT underwent a few changes.

It was with great sorrow that the CPT learned of the death of its member Vassilis Karydis (Greece) on 19 June 2018. The CPT saluted his memory with deep sadness and profound respect and extended its condolences to his family.

Matthías Halldórsson (Iceland) resigned on 7 July 2018. The CPT wishes to thank him warmly for his contribution to the Committee's work.

Towards the end of the year, Juan Carlos da Silva Ochoa was elected in respect of Spain.

A list of CPT members as at 31 December 2018 is set out in Appendix 4.

88. The next biennial renewal of the CPT's membership is due to take place at the end of 2019, the terms of office of 22 members of the Committee expiring on 19 December of that year. In this respect, it should be noted that 12 of the 22 seats (i.e. more than 50%) are currently occupied by women, which means that the 2019 renewal of membership may pose a risk for the gender balance within the Committee.

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 enable the Bureau of the Assembly to transmit them to the Committee of Ministers by the end of June 2019 at the latest. If the election procedure for all the seats can be completed before the end of 2019, this will greatly facilitate the planning of the CPT's activities for the following year.

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

Bureau of the CPT

89. During the period covered by this report, the composition of the Committee's Bureau has remained unchanged; it consists of Mykola Gnatovskyy (Ukraine) – President, Marzena Ksel (Poland) – 1st Vice-President and Mark Kelly (Ireland) – 2nd Vice-President.

Secretariat of the CPT

90. The year 2018 saw several changes to the Secretariat of the CPT, including the transfer of Mr Jeroen Schokkenbroek, the CPT's Executive Secretary since 2014, to another part of the Council of Europe Secretariat, together with his assistant. Mr Régis Brillat, who was previously the Head of the Department of the European Social Charter and Executive Secretary of the European Committee of Social Rights, was appointed the CPT's new Executive Secretary and joined the Secretariat with his assistant. One member of staff resigned from the Council of Europe, two others left the CPT Secretariat to work in another part of the Organisation and one person returned to the Secretariat after having worked for a number of years in other Council of Europe departments.



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

Appendices

1. The CPT's mandate and modus operandi

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

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

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

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

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

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

Each State 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 foreign nationals, and places in which young persons may be deprived of their liberty by judicial or administrative order.

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

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

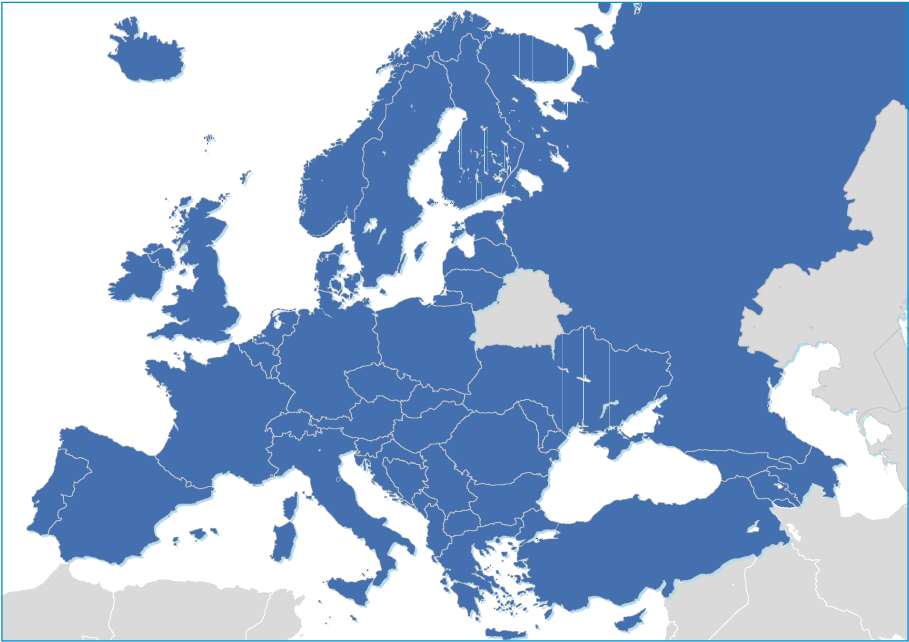
2. Signatures and ratifications of the Convention establishing the CPT (as at 31 December 2018)

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

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

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

3. The CPT's field of operations (as at 31 December 2018)



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

States bound by the Convention

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

47 states; prison population: 1 433 402 prisoners

(Main source: Council of Europe Annual Penal Statistics (SPACE I – 2018); data as at 31 January 2018)

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



4. CPT members

in order of precedence (as at 31 December 2018)

Name	Elected in respect of	Term of office expires
Mr Mykola GNATOVSKYY, President	Ukraine	19/12/2021
Ms Marzena KSEL, 1st Vice-President	Poland	19/12/2019
Mr Mark KELLY, 2nd Vice-President	Ireland	19/12/2019
Ms Olivera VULIĆ	Montenegro	19/12/2019
Ms Maria Rita MORGANTI	San Marino	19/12/2019
Ms Ilvija PŪCE	Latvia	19/12/2019
Mr Georg HØYER	Norway	19/12/2021
Ms Marika VÄLI	Estonia	19/12/2021
Ms Julia KOZMA	Austria	19/12/2021
Mr Régis BERGONZI	Monaco	19/12/2021
Mr Joan CABEZA GIMENEZ	Andorra	19/12/2019
Mr Jari PIRJOLA	Finland	19/12/2019
Mr Djordje ALEMPIJEVIĆ	Serbia	19/12/2021
Mr Vytautas RAŠKAUSKAS	Lithuania	19/12/2019
Mr Costakis PARASKEVA	Cyprus	19/12/2019
Ms Ivona TODOROVSKA	North Macedonia	19/12/2019
Mr Davor STRINOVIĆ	Croatia	19/12/2021
Mr Nico HIRSCH	Luxembourg	19/12/2021
Mr Alexander MINCHEV	Bulgaria	19/12/2021
Mr Hans WOLFF	Switzerland	19/12/2021
Ms Esther MAROGG	Liechtenstein	19/12/2021
Mr Per GRANSTRÖM	Sweden	19/12/2021
Mr Ömer MÜSLÜMANOĞLU	Turkey	19/12/2021
Ms Therese Maria RYTTER	Denmark	19/12/2021
Ms Inga HARUTYUNYAN	Armenia	19/12/2019
Mr Philippe MARY	Belgium	19/12/2019
Ms Arta MANDRO	Albania	19/12/2019
Ms Elisabetta ZAMPARUTTI	Italy	19/12/2019
Ms Dagmar BREZNOŠČÁKOVÁ	Slovak Republic	19/12/2019
Ms Marie LUKASOVÁ	Czech Republic	19/12/2019
Ms Olga NOYANOVA	Russian Federation	19/12/2019
Mr Răzvan Horațiu RADU	Romania	19/12/2019
Mr Ceyhun QARACAYEV	Azerbaijan	19/12/2019
Ms Vânia COSTA RAMOS	Portugal	19/12/2019
Ms Slava NOVAK	Slovenia	19/12/2021
Mr Vincent MICALLEF	Malta	19/12/2019
Mr Thomas FELTES	Germany	19/12/2021
Mr Vincent DELBOS	France	19/12/2021
Ms Chila VAN DER BAS	Netherlands	19/12/2021
Mr Vitalie NAGACEVSCHI	Republic of Moldova	19/12/2021
Mr Alan MITCHELL	United Kingdom	19/12/2021
Mr Gergely FLIEGAUF	Hungary	19/12/2021
Ms Tinatin UPLISASHVILI	Georgia	19/12/2021
Mr Juan Carlos DA SILVA OCHOA	Spain	19/12/2021

On 31 December 2018, the seats in respect of Bosnia and Herzegovina, Greece and Iceland were vacant.



5. CPT Secretariat (as at 31 December 2018)

CPT Secretariat

Mr Régis BRILLAT, Executive Secretary

Secretariat: Ms Catherine GHERIBI, Personal Assistant

Ms Antonella NASTASIE, Assistant to the Committee

Transversal Support Division

Mr Johan FRIESTEDT, Head of Division

Ms Muriel ISELI, Administrative Officer

Mr Patrick MÜLLER, Research, information strategies and media contacts

Ms Claire ASKIN, Archives, publications and documentary research

Ms Morven TRAIN, Administrative and budgetary questions

Divisions responsible for visits

Division 1		
Mr Michael NEURAUTER, Head of Division		
Mr Petr HNATIK		
Ms Aurélie PASQUIER		
Ms Almut SCHRÖDER		
Ms Yvonne HARTLAND, Administrative Assistant		
Secretariat: Ms Oana MOLDOVEAN		
Albania	France	Luxembourg
Andorra	Germany	Monaco
Austria	Hungary	Netherlands
Belgium	Kosovo ²¹	Slovak Republic
Czech Republic	Latvia	Switzerland
Estonia	Liechtenstein	Turkey
Division 2		
Mr Borys WODZ, Head of Division		
Mr Elvin ALIYEV		
Ms Natacha DE ROECK		
Ms Dalia ŽUKAUSKIENĖ		
Secretariat: Ms Natia MAMISTVALOVA		
Armenia	Georgia	Poland
Azerbaijan	Iceland	Russian Federation
Bulgaria	Lithuania	Sweden
Denmark	Republic of Moldova	Ukraine
Finland	Norway	
Division 3		
Mr Hugh CHETWYND, Head of Division		
Ms Francesca GORDON		
Mr Cristian LODA		
...		
Ms Françoise ZAHN, Administrative Assistant		
Secretariat: ...		
Bosnia and Herzegovina	Malta	Serbia
Croatia	Montenegro	Slovenia
Cyprus	North Macedonia	Spain
Greece	Portugal	United Kingdom
Ireland	Romania	
Italy	San Marino	

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

6. CPT visits, reports and publications (as at 31 December 2018)

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

States	Periodic visits	Ad hoc visits	Reports sent	Reports published	Reports not published
Albania	6	7	12	12	0
Andorra	4	0	4	3	1
Armenia	4	5	9	9	0
Austria *	6	0	6	6	0
Azerbaijan	4	7	11	11	0
Belgium	7	2	10 ^a	10 ^a	0
Bosnia and Herzegovina	4	3	7	7	0
Bulgaria *	7	4	11	11	0
Croatia	5	0	5	5	0
Cyprus	7	0	7	7	0
Czech Republic	6	2	7	7	0
Denmark *	5	1	6	6	0
Estonia	5	1	6	5	0
Finland *	5	0	5	5	0
France	6	7	12	12	0
Georgia	6	2	7	7	0
Germany	6	3	9	8	1 ^m
Greece	6	9	14 ^b	13 ^c	1
Hungary	6	4	9	9	0
Iceland	4	0	4	4	0
Ireland	6	0	6	6	0
Italy	7	6	13	13	0
Latvia	5	3	8	8	0
Liechtenstein	4	0	4	4	0
Lithuania	5	2	7	6	1 ^m
Luxembourg *	4	1	5	5	0
Malta	5	3	8	8	0
Republic of Moldova *	6	9	15	12	3 ^d
Monaco *	2	0	2	2	0
Montenegro	3	0	3	2	1
Netherlands	6	5	13 ^e	13 ^e	0
North Macedonia	5	7	12	12	0
Norway *	5	1	6	5	1 ^m
Poland	6	0	6	6	0
Portugal	7	3	10	10	0
Romania	6	5	10 ^f	9 ^g	0
Russian Federation	7	21	24 ^h	3	21
San Marino	4	0	4	4	0
Serbia	4 ⁱ	1	5 ⁱ	5 ⁱ	0
Slovak Republic	6	0	6	5	1 ^m
Slovenia	5	0	5	5	0
Spain	7	10	16	16	0
Sweden *	5	1	6	6	0
Switzerland	6	1	7	7	0
Turkey	7	23	28 ^j	25 ^k	3 ⁿ
Ukraine *	7	7	14	14	0
United Kingdom	8	13	21 ^l	21 ^l	0

* States which have authorised publication of all future visit reports of the CPT ("automatic publication procedure").

- (a) Including one report on the visit to Tilburg Prison (Netherlands) in 2011.
- (b) These 14 reports cover the 15 visits carried out.
- (c) These 13 published reports cover 14 visits carried out.
- (d) Two reports concerning visits to the Transnistrian region and one report concerning a visit to Prison No. 8 in Bender.
- (e) Including a separate report on the visit to Tilburg Prison in the context of the periodic visit in 2011. Also including two separate reports covering the 1994 visit to the Netherlands Antilles and to Aruba.
- (f) These 10 reports cover the 11 visits carried out.
- (g) These 9 published reports cover 10 visits carried out.
- (h) These 24 reports cover 27 visits carried out.
- (i) Including one visit organised in September 2004 to Serbia and Montenegro.
- (j) These 28 reports cover the 30 visits carried out.
- (k) These 25 published reports cover 27 visits carried out.
- (l) Including two separate reports covering the 2010 visit to Jersey and Guernsey.
- (m) Report only recently transmitted to the authorities.
- (n) One of which was only recently transmitted to the authorities.

Monitoring of the situation of persons convicted by international tribunals or special courts and serving their sentence in a state party to the Convention

Germany:

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

Portugal:

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

United Kingdom:

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

Two visits carried out in 2014 and 2018 in pursuance of an Exchange of Letters between the Residual Special Court for Sierra Leone (RSCSL) and the CPT dated 20 January and 5 February 2014, and an Agreement between the RSCSL and the United Kingdom Government dated 10 July 2007.

Visits carried out on the basis of special arrangements

Kosovo:²²

One visit carried out in 2007 on the basis of an agreement signed in 2004 between the Council of Europe and the United Nations Interim Administration Mission in Kosovo (UNMIK) and an exchange of letters concluded in 2006 between the Secretaries General of the Council of Europe and the North Atlantic Treaty Organization (NATO). Two separate reports were transmitted to UNMIK and NATO. The report to UNMIK has been published (together with the response provided by UNMIK).

Two visits carried out in 2010 and 2015 on the basis of the agreement signed in 2004 between the Council of Europe and UNMIK. The reports on both visits have been published (together with the responses provided by UNMIK).

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

7. Countries and places of deprivation of liberty visited by CPT delegations (January - December 2018)

Periodic visits

Albania

20/11/2018 - 30/11/2018

Police establishments

- ▶ Police Directorate of Tirana
- ▶ Police Station No. 1, Tirana
- ▶ Police Station No. 2, Tirana
- ▶ Police Station No. 3, Tirana
- ▶ Police Station No. 5, Tirana
- ▶ Burrel (Mat) Police Station
- ▶ Durres Police Station
- ▶ Elbasan Police Station
- ▶ Fier Police Station
- ▶ Kavaja Police Station

Detention centres for foreign nationals

- ▶ Detention Centre for Foreigners, Karreç

Prisons

- ▶ Prison No. 302, Tirana
- ▶ Prison No. 313, Tirana
- ▶ Prison Hospital, Tirana
- ▶ Burrel Prison
- ▶ Durres Prison
- ▶ Fier Prison
- ▶ Lezha Prison (recently-arrived remand prisoners)
- ▶ Fushe Kruja Prison (prisoners sentenced for terrorism or extremism related crimes)

Psychiatric establishments

- ▶ Elbasan Psychiatric Hospital
- ▶ Psychiatric Service of the University Hospital Centre "Mother Teresa", Tirana

Andorra

29/01/2018 - 02/02/2018

Police establishments

- ▶ Central Police Headquarters, Escaldes-Engordany

Prisons

- ▶ La Comella Prison, Andorra la Vella

Other establishments

- ▶ Mental Health Department, In-patient Unit and two secure rooms for care of detained persons, Nostra Senyora de Meritxell Hospital, Andorra la Vella

Czech Republic

02/10/2018 - 11/10/2018

Police establishments

- ▶ Březno u Chomutova District Police Department
- ▶ Chomutov Police Department (Patrol Unit)
- ▶ České Budějovice Regional Police Headquarters (Emergency and Escort Unit)
- ▶ České Budějovice District Police Department
- ▶ Jihlava District Police Department
- ▶ Jihlava Regional Police Headquarters (Emergency and Escort Unit)
- ▶ Kadaň District Police Department
- ▶ Olomouc 1 District Police Department
- ▶ Olomouc 3 District Police Department
- ▶ Prague – Kongresová Regional Police Headquarters (Emergency and Escort Unit)
- ▶ Telč District Police Department
- ▶ Třešť District Police Department

Prisons

- ▶ České Budějovice Remand Prison
- ▶ Mírov Prison
- ▶ Všehrady Prison (Unit for juveniles) Prague-Ruzyně Remand Prison

Psychiatric establishments

- ▶ Jihlava Psychiatric Hospital

Social care establishments

- ▶ Vejprty Social Care Establishment

Georgia

10/09/2018 - 21/09/2018

Police establishments

- ▶ Temporary Detention Isolator (TDI) in Batumi
- ▶ TDI in Dusheti
- ▶ TDI in Khashuri
- ▶ TDI in Gori
- ▶ TDI in Kobuleti
- ▶ TDI in Mtskheta
- ▶ TDI in Rustavi
- ▶ TDI in Samtredia
- ▶ TDI in Tbilisi
- ▶ Old Tbilisi Police Department Division No. 7
- ▶ Temporary Accommodation Centre of the Migration Department, Tbilisi

Prisons

- ▶ Pre-trial and High-Risk Penitentiary Establishment No. 3 (Prison No. 3), Batumi
- ▶ Pre-trial and High-Risk Penitentiary Establishment No. 6 (Prison No. 6), Rustavi
- ▶ Pre-trial and High-Risk Penitentiary Establishment No. 7 (Prison No. 7), Tbilisi
- ▶ Pre-trial and Closed-Type Penitentiary Establishment No. 8 (Prison No. 8), Tbilisi (Gldani)
- ▶ Pre-trial and Closed-Type Penitentiary Establishment No. 9 (Prison No. 9), Tbilisi
- ▶ Rehabilitation Establishment for Juveniles No. 11 (Juvenile Prison), Tbilisi (Avchala)
- ▶ Semi-Open and Closed-Type Penitentiary Establishment No. 15 (Prison No. 15), Ksani
- ▶ Medical Establishment for Pre-trial and Sentenced Inmates No. 18 (Prison Hospital), Tbilisi (Gldani)

Psychiatric establishments

- ▶ Batumi Health Care Centre (Khevalchauri Psychiatric Hospital)
- ▶ National Centre of Mental Health named after Academician Bidzina Naneishvili (Kutiri Psychiatric Hospital)
- ▶ East Georgia Mental Health Centre (Surami Psychiatric Hospital)

Hungary

20/11/2018 - 29/11/2018

Police establishments

- ▶ Bács-Kiskun County Police Headquarters (Kecskemét, Batthyány street)
- ▶ Holding facility at the National Investigation Bureau of the National Police General Directorate (Budapest, Aradi street)
- ▶ Csongrád County Border Police Division (Szeged, Moscow street)

Prisons

- ▶ Budapest Remand Prison (Unit I) (newly-admitted remand prisoners)
- ▶ Budapest Strict and Medium Security Prison (prisoners serving whole life or other long-term sentences placed in the HSR Unit and inmates held in the establishment's building B's Segregation and Disciplinary Unit)
- ▶ Szeged Strict and Medium Security Prison (HSR Unit)
- ▶ Kecskemét Prison (Unit for juveniles)
- ▶ Tököl Juvenile Prison

Social care establishments

- ▶ Home for psychiatric patients in Szentgotthárd

Norway

28/05/2018 - 05/06/2018

Police establishments

- ▶ Bergen Police Headquarters
- ▶ Bodø Police Headquarters
- ▶ Oslo Police Headquarters

Detention centres for foreign nationals

- ▶ Trandum Police Immigration Detention Centre

Prisons

- ▶ Bergen Prison
- ▶ Bodø Prison
- ▶ Ila Prison
- ▶ Oslo Prison
- ▶ Ullersmo Prison

Psychiatric establishments

- ▶ Psychiatric Clinic of Haukeland University Hospital in Bergen

Social care establishments

- ▶ Nursing Home (*Luranetunet bu og behandlingssenter*) in Os (near Bergen)

Romania

07/02/2018 - 19/02/2018

Police establishments

- ▶ Central detention facility (No. 1) at Bucharest Municipal Police Headquarters, Georgescu Street
- ▶ Detention facility No. 2 at Bucharest Regional Transport Police
- ▶ Detention facility No. 4 at Bucharest Police Station No. 5
- ▶ Detention facility No. 8 at Bucharest Police Station No.13
- ▶ Detention facility No. 9 at Bucharest Police Station No.15
- ▶ Detention facility of Bacău Department, Bacău
- ▶ Detention facility of Bistrița Năsăud Department, Bistrița
- ▶ Police station of the Bistrița Năsăud Police Inspectorate
- ▶ Detention facility of Cluj Department, Cluj-Napoca
- ▶ Detention facility of Iași Department, Iași
- ▶ Detention facility of Galați Department, Galați

Prison establishments

- ▶ Aiud Prison
- ▶ Bacău Prison
- ▶ Galați Prison
- ▶ Gherla Prison
- ▶ Iași Prison

Slovak Republic

19/03/2018 - 28/03/2018

Police establishments

- ▶ Banská Bystrica East District Police Department
- ▶ Banská Bystrica West District Police Department
- ▶ Bratislava Karlova Ves District Police Department
- ▶ Bratislava Regional Police Directorate
- ▶ Bratislava Staré Mesto West District Police Department
- ▶ Bratislava Trnávka District Police Department
- ▶ Hnúšťa District Police Department
- ▶ Lučenec District Police Department
- ▶ Rimavská Sobota District Police Department
- ▶ Veľký Krtíš District Police Department
- ▶ Zvolen District Police Department
- ▶ Žiar nad Hronom District Police Department

Prisons

- ▶ Banská Bystrica Prison for Remand and Sentenced Prisoners (Komenského Street)
- ▶ Bratislava Prison
- ▶ Leopoldov Prison

Psychiatric establishments

- ▶ Hronovce Psychiatric Hospital
- ▶ Psychiatric Ward of the Bratislava University Hospital (Saints Cyril and Methodius Hospital)

Social care establishments

- ▶ Veľký Blh Social Care Home

Ad hoc visits

Bulgaria

10/12/2018 - 17/12/2018

Border police establishments

- ▶ Border Police detention facility, Elhovo
- ▶ Border Police detention facility, Sofia Airport
- ▶ Border Police detention facility, Svilengrad (Kapitan Andreevo)

Detention centres for foreign nationals

- ▶ Special Home for Temporary Accommodation of Foreigners, Busmantsi
- ▶ Special Home for Temporary Accommodation of Foreigners, Lyubimets
- ▶ Closed-Type Premises run by the State Agency for Refugees, Busmantsi

France

23/11/2018 - 30/11/2018

Police establishments

- ▶ Coquelles Police Headquarters
- ▶ Menton Border Police premises

Detention centres and facilities for foreign nationals

- ▶ Coquelles Administrative Detention Centre
- ▶ Marseilles Le Canet Administrative Detention Centre
- ▶ Mesnil-Amelot No. 2 Administrative Detention Centre
- ▶ Mesnil-Amelot No. 3 Administrative Detention Centre
- ▶ Choisy-le-Roi administrative detention premises

Waiting areas for foreign nationals

- ▶ Waiting area in Marseille-Le Canet
- ▶ Waiting area at Marseilles Airport
- ▶ Waiting area at Paris Orly Airport (South Terminal, excluding the accommodation rooms at Ibis hotel)
- ▶ Waiting area at Paris Roissy Charles de Gaulle Airport (Terminals 1, 2A and 2E, and waiting zone ZAPI 3)

Germany

13/08/2018 - 15/08/2018

Detention centres for foreign nationals

- ▶ Eichstätt Prison (Centre for detention pending deportation)

Return flights

- ▶ Charter flight from Munich to Kabul (Afghanistan)

Greece

10/04/2018 - 19/04/2018

Police and Border Guard establishments

- ▶ Drapetsona Police Station, Piraeus
- ▶ Feres Police and Border Guard Station, Evros
- ▶ Isaakio Police and Border Guard Station, Evros
- ▶ Kolonos Police Station, Athens
- ▶ Neo Cheimonio Police and Border Guard Station, Evros
- ▶ Omonia Police Station, Athens
- ▶ Soufli Police and Border Guard Station, Evros

Detention centres for foreign nationals

- ▶ Amygdaleza Pre-removal Centre, Athens
- ▶ Fylakio Pre-removal Centre, Evros
- ▶ Fylakio Reception and Identification Centre, Evros
- ▶ Moria Pre-removal Centre, Lesvos
- ▶ Pyli Pre-removal Centre, Kos

Psychiatric establishments

- ▶ Dromokaiteio Psychiatric Hospital, Athens
- ▶ Psychiatric Unit at Evangelismos Hospital, Athens
- ▶ Psychiatric Unit at Gennimatas Hospital, Athens
- ▶ Psychiatric Unit at Sotiria Hospital, Athens
- ▶ Athina Vrilissia Private Psychiatric Clinic, Athens
- ▶ Korydallos Prison Psychiatric Hospital

Lithuania

20/04/2018 - 27/04/2018

Prisons

- ▶ Alytus Correction Home
- ▶ Lukiškės Remand Prison
- ▶ Marijampolė Correction Home
- ▶ Pravieniškės Correction Home
- ▶ Vilnius Correction Home
- ▶ Prison Hospital, Pravieniškės

Republic of Moldova

05/06/2018 - 11/06/2018

Prisons

- ▶ Prison No. 6, Soroca
- ▶ Prison No. 10 for juveniles, Goian
- ▶ Prison No. 13, Chişinău

Russian Federation

19/10/2018 - 29/10/2018

Psychiatric establishments

- ▶ Federal specialised psychiatric hospital with intensive supervision, Kazan
- ▶ Federal specialised psychiatric hospital with intensive supervision, Volgograd
- ▶ Branch No. 2 of Volgograd Regional Psychiatric Hospital No. 2
- ▶ Krasnoarmeyskaya Regional Psychiatric Hospital named after Yuriy Alekseevich Kalyamin, Saratov region

Social care establishments

- ▶ Psycho-neurological boarding home No. 16, Moscow
- ▶ Psycho-neurological boarding home No. 34, Moscow
- ▶ Angarsk psycho-neurological boarding home, Irkutsk region
- ▶ Babushkin psycho-neurological boarding home, Republic of Buryatia

Spain (Catalonia)

06/09/2018 - 13/09/2018

Police establishments

- ▶ Mossos d'Esquadra District Station "Les Corts", Barcelona
- ▶ Mossos d'Esquadra Juvenile Detention Centre "Ciutat de la Justícia", Barcelona
- ▶ Mossos d'Esquadra District Station, Lleida
- ▶ Mossos d'Esquadra District Station, Tarragona ("Camp Clar")

Prisons

- ▶ Barcelona Women's Prison ("Wad-Ras")
- ▶ Brians I Prison
- ▶ Mas d'Enric Prison
- ▶ Ponent Prison

Turkey

04/04/2018 - 13/04/2018

Psychiatric establishments

- ▶ Adana Mental Health Hospital
- ▶ Elazığ Mental Health Hospital
- ▶ Manisa Mental Health Hospital
- ▶ Adana City Hospital (High-Security Forensic Ward)
- ▶ Ankara Dışkapı Yıldırım Beyazıt University Hospital (Psychiatric Ward)

Social care establishments

- ▶ Ata Köşkü Canev Private Care Centre, Adana
- ▶ Şereflikoçhisar Care and Rehabilitation Centre, Ankara (including one detached supervised sheltered apartment – so-called “Hope Home” – in Şereflikoçhisar)
- ▶ İnci Yaşam Private Care Centre for Persons with Disabilities, Mersin

United Kingdom (Scotland)

17/10/2018 - 25/10/2018

Police establishments

- ▶ Fraserburgh Police Station
- ▶ Glasgow City Centre Police Office
- ▶ Govan Police Station
- ▶ Peterhead Police Station
- ▶ St Leonard’s Police Station

Prisons

- ▶ HMP Barlinnie
- ▶ HMP and YOI Cornton Vale
- ▶ HMP Edinburgh
- ▶ HMP and YOI Grampian
- ▶ HMP Shotts

Monitoring of the situation of persons convicted by international tribunals or special courts

United Kingdom

25/10/2018 - 26/10/2018

A CPT delegation visited England, where it examined the treatment and conditions of detention of one person convicted by the Special Court for Sierra Leone (SCSL). This specific monitoring activity of the CPT flows from an Exchange of Letters between the Residual Special Court for Sierra Leone (RSCSL) and the CPT dated 20 January and 5 February 2014, and an Agreement between the RSCSL and the United Kingdom Government, dated 10 July 2007.

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

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

The CPT is required to draw up every year a general report on its activities, which is published. This 28th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website (<http://www.cpt.coe.int/>).

www.coe.int

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

