

# 29th GENERAL REPORT OF THE CPT

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



1 January - 31 December **2019**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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

1 January - 31 December **2019**

**French edition:**

*29<sup>e</sup> rapport général du Comité européen pour la prévention  
de la torture et des peines ou traitements inhumains  
ou dégradants (CPT)*

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” Over these 30 years, the CPT has gained an excellent reputation and recognition by relevant authorities throughout Europe and is an asset to the Council of Europe’s member states in implementing their commitment to democracy, the rule of law and human rights.

# Foreword

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**Y**ou have in front of you the annual report covering the year 2019.

The year was the occasion to mark the 30th anniversary of the CPT: in November 1989, the CPT held its first plenary meeting. Over these 30 years, the CPT has carried out more than 450 visits to all 47 Council of Europe member states. It has conducted its fact-finding work in more than 3,000 police stations and in over 1,200 prisons, as well as in hundreds of immigration detention centres, psychiatric establishments, social care homes and other locations where persons may be deprived of their liberty. Most notably, CPT delegations have carried out tens of thousands of interviews in private with such persons: a ground-breaking new right which was given to the CPT upon its creation, enshrined in the European Convention for the Prevention of Torture (ECPT). The recommendations given by the Committee to the authorities of States Parties to the ECPT are thus based on a very solid and broad empirical basis, and the same can be said about the standards developed by the CPT and published, in particular, as substantive sections of its general reports. Nowadays, when the prohibition of torture and other forms of ill-treatment is questioned as part of an attempt to challenge human rights and democracy, the CPT's role is more important than ever. In its sustained effort to assist European states in dealing with numerous old and new challenges, the CPT is confronted with complicated issues concerning immigration detention, involuntary treatment of psychiatric patients, in social care homes, prison overcrowding, detention of juveniles – to name just a few.

To mark the anniversary, a ceremony was held on 4 November 2019 in the Palais de l'Europe in Strasbourg. Welcome addresses were given by Marija Pejčinović Burić, Secretary General of the Council of Europe, Ambassador Jean-Baptiste Mattei, Chairman of the Minister's Deputies, Liliane Maury Pasquier, President of the Parliamentary Assembly, Linos-Alexandre Sicilianos, President of the European Court of Human Rights, Dunja Mijatović, Commissioner for Human Rights, Anna Rurka, President of the Conference of INGOs, and Martine Brunschwig Graf, President of the Association for the Prevention of Torture (APT). Speaking at the ceremony, I emphasised that the CPT was pleased that the Council of Europe's main institutions were reiterating their support for the Committee's activities and achievements. Indeed, over these 30 years, the CPT has gained an excellent reputation and recognition by relevant authorities throughout Europe and is an asset to the Council of Europe's member states in implementing their commitment to democracy, the rule of law and human rights. That being said, while the CPT has demonstrated that it can achieve much

with limited means, its workload is not shrinking but rather expanding. Therefore, the CPT needs a stable Secretariat and an appropriate increase in its operational budget. In order to achieve this, the Committee counts on the support of all member states and political bodies of the Council of Europe and hopes that this will take a concrete form.

On the same afternoon, a conference was organised together with the APT, which brought together 300 participants from all corners of Europe. It concerned an important aspect of the CPT's mandate – the implementation of safeguards in the first hours of police custody when the risk of ill-treatment of detained persons is, as the Committee's experience has shown, at its highest. The CPT is grateful to the APT for co-organising this conference, and to OSCE/ODIHR for their financial support. The Conference highlighted that the prevention of torture and other forms of ill-treatment requires constant attention from all public bodies of our member states.

In the CPT's view, one of the new ways of increasing its impact lies in the enhanced co-operation with the European Union. Several contact meetings took place in 2019 between members of the Committee's Bureau and the Secretariat and various EU officials. It is remarkable that the EU increasingly refers to the CPT's work as a reference framework for its action (e.g. Frontex, European Commission/DG Near, accession to the European Convention on Human Rights). As a significant example, the report of the Fundamental Rights Agency (FRA) on "[Criminal detention conditions in the European Union: rules and reality](#)" states as follows: "The Report on many occasions refers to the standards set by the CPT as the leading body in the area of monitoring places of detention in Europe. The work of the CPT is much more detailed and comprehensive, while this report aims to draw attention to only certain aspects of criminal detention conditions. The CPT country visit reports provide a broad overview of the country in question and should be consulted and taken into consideration by authorities deciding on transferring detainees to that country." Moreover, the 2019 Revisions of the [Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) make explicit reference to the CPT.

For the CPT, 2019 was not only a year to mark the anniversary, but also a year during which it continued to carry out a programme of visits and other activities. There were 16 visits carried out by the CPT, and 15 visit reports were published. In addition, high-level talks took place in Bulgaria, Greece, Lithuania and the United Kingdom. You will find further details in the following chapters of this report, as well as on the CPT's website.

Co-operation lies at the heart of the CPT's mandate. In this respect, the CPT invariably regrets whenever the failure of a State Party to its Convention to co-operate with the Committee leaves the latter with no choice but to resort to the highly exceptional measure of making a public statement under Article 10(2) of the ECPT. Indeed, prior to 2019 such a statement had been made only eight times. The ninth public statement of the Committee was issued in March 2019 and it concerned the Chechen Republic and other republics of the North Caucasian region of the Russian Federation. On this occasion, an exchange was held with the Committee of Ministers, and a debate was organised at PACE. The CPT welcomes the opportunities to discuss this public statement, as well as previous ones, with the two main political bodies of the Council of

Europe. It notes with great satisfaction the decision by the Committee of Ministers to discuss any public statements the CPT might make in future.

As the CPT has repeatedly stressed in the past, the publication of CPT reports is also a sign of co-operation by states. In 2019, Albania and the Czech Republic introduced the so-called “automatic publication procedure”, bringing the number of states to 12 (out of 47) which have agreed in advance to publish future CPT reports. I very much hope that the other states will follow this excellent example and accept automatic publication of future CPT reports.

In 2019, the CPT also undertook further efforts to make its work more visible and accessible. The number of followers of the CPT’s Twitter account more than doubled over the year. In the context of the “HELP programme”, a free online course on the CPT standards has been developed and launched. These are tools to make the CPT’s views, findings and standards better known, and I invite everyone to make use of them.

**Mykola Gnatovskyy**  
*President of the CPT*





” The Committee of Ministers had introduced the practice of discussing the CPT’s public statements during meetings of its Deputies; an important development as such discussion encourages further action that may be needed to achieve close dialogue and co-operation between the CPT and national authorities, with a view to addressing the issues raised by the CPT.

# Activities during the period 1 January to 31 December 2019

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## Visits

1. The CPT organised 16 visits totalling 180 days during the year 2019. Eight of the visits (totalling 91 days) formed part of the CPT's annual programme of periodic visits for 2019 and eight (79 days) were ad hoc visits which the Committee considered were required in the circumstances. Details of all these visits (dates and places of deprivation of liberty visited) are provided in Appendix 7.

### Periodic visits

2. Periodic visits were carried out to **Armenia, Bosnia and Herzegovina, Denmark, France, Greece, Iceland, Ireland and North Macedonia**.

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 legal safeguards afforded to persons held in police stations as well as the treatment and conditions of detention of persons detained in police stations and prisons. Particular attention was paid to specific categories of prisoners, for example, juveniles (North Macedonia), older prisoners (Ireland), women (Bosnia and Herzegovina, Denmark, France, Greece, Iceland), life-sentenced prisoners (Armenia), inmates on restricted and special regimes (Denmark and Ireland), and "radicalised" prisoners (France). The situation of immigration detainees was also examined in Denmark. The CPT continued to pay attention to the treatment of residents in social care homes (Armenia, Bosnia and Herzegovina, Ireland and North Macedonia) and that of patients admitted on an involuntary basis in civil and/or forensic psychiatric establishments in almost all of the countries visited (Armenia, Bosnia and Herzegovina, Denmark, France, Iceland, Ireland and North Macedonia).

3. In April, the CPT announced its programme of periodic visits for 2020, in line with standard practice. The following eight countries were chosen: **Azerbaijan, Finland, Germany, Republic of Moldova, Monaco, Serbia, Spain and Sweden**.

## Ad hoc visits

4. In the course of 2019, the CPT carried out ad hoc visits to Italy, Poland, Portugal, the Russian Federation, Turkey, Ukraine and the United Kingdom (two separate visits to England and Scotland respectively).

5. The objective of the visit to **Italy** in March was to examine the situation of prisoners placed under high- and maximum-security regime (the so-called “41-bis regime”) as well as various “isolation” and segregation measures. To this end, the CPT’s delegation visited the prison establishments of Biella, Milan Opera, Saluzzo and Viterbo.

6. The visit to **Poland** in September focused on the implementation of the CPT’s long-standing recommendations concerning the treatment of persons in police custody. For this purpose, the CPT’s delegation visited several police establishments and remand prisons in Cracow, Gdańsk and Warsaw.

7. During the visit to **Portugal** in December, the CPT’s delegation examined the treatment of persons detained by the Judicial Police, Public Security Police (PSP) and the National Republican Guard (GNR). In this connection, it also examined the effectiveness of investigations into allegations of ill-treatment by law enforcement officials. Further, the delegation looked into the treatment and conditions of detention of various categories of prisoners, notably those held on remand and in disciplinary segregation, as well as vulnerable prisoners. In addition, the situation of patients held at the psychiatric clinic of Santa Cruz do Bispo Prison was re-examined.

8. The main objective of the October visit to the **Russian Federation** was to examine the treatment of persons held in penitentiary institutions, including prisoners serving a life sentence. To this end, the CPT’s delegation visited several prisons in Omsk, Yaroslavl, Sol-Iletsk and Kharp.

9. The main purpose of the May visit to **Turkey** was to examine the treatment and safeguards afforded to persons detained by law enforcement agencies by interviewing hundreds of persons who were or had recently been held in police custody in the Ankara, Diyarbakır, Istanbul and Şanlıurfa areas. On the occasion of the visit, the delegation also visited Imralı F-type High-Security Prison, in order to examine the treatment and conditions of detention of all prisoners currently held in the establishment and to review the measures taken by the Turkish authorities in the light of the recommendations made by the CPT after its previous visit to the prison (in April 2016).

10. The main objective of the visit to **Ukraine** in April was to examine the treatment of residents in psycho-neurological institutions (“internats”) and, in this context, to assess the progress made as regards the implementation of the CPT’s previous recommendations. For this purpose, the CPT’s delegation visited the “internat” in Viktorivka (Cherkasy Region) and two “internats” in the Odesa Region, in Velykorybalske and Baraboi.

11. Finally, the two visits to the **United Kingdom** focused on, respectively, the situation of inmates held in various prisons and juvenile detention institutions across

England and certain issues of concern that had been raised in the CPT's report on the 2018 visit to Scotland. During the visit to England (in May), the CPT's delegation paid specific attention to issues concerning inter-prisoner violence, segregation, the use of force and means of restraint in male prisons and juvenile detention establishments. During the visit to Scotland (in October), the delegation focused on the use of segregation and mental health care for women prisoners. Issues of overcrowding and long-term segregation in the Scottish male custodial estate were also addressed. In addition, during the October visit, the treatment and conditions of detention of two persons convicted by the International Criminal Court (ICC) and International Criminal Tribunal for the former Yugoslavia (ICTY) who were serving their sentences in the United Kingdom were examined.

## Public statements

12. On 11 March 2019, the Committee issued a public statement concerning the Chechen Republic and other republics of the North Caucasian region of the Russian Federation under Article 10, paragraph 2, of the Convention.<sup>1</sup> The text of the statement is reproduced in Appendix 8. The CPT has carried out three visits to the Chechen Republic since it issued its previous public statement on that region in 2007 and observed that resort to torture and other forms of ill-treatment by members of law enforcement agencies remained widespread, as did the related practice of unlawful detentions which inevitably heightens significantly the risk of resort to ill-treatment. Furthermore, this problem has been repeatedly highlighted by the CPT in respect of other republics of the North Caucasian region.

The public statement was the particular focus of an exchange of views with the Committee of Ministers of the Council of Europe on 11 September on its follow-up to public statements made by the CPT in recent years. The Committee of Ministers had introduced the practice of discussing the CPT's public statements during meetings of its Deputies; an important development as such discussion encourages further action that may be needed to achieve close dialogue and co-operation between the CPT and national authorities, with a view to addressing the issues raised by the CPT.

Furthermore, a hearing was organised with the Monitoring and Legal Affairs and Human Rights Committees of the Parliamentary Assembly on "Eradicating torture in Europe: exchange of views with the CPT on its Annual Report and recent Public Statements" (Strasbourg, 3 October), as a follow-up to the public statement on the Russian Federation.

In the context of its October visit to the Russian Federation, the CPT's delegation held consultations with Aleksandr Gorovoy, First Deputy Minister of Internal Affairs of the Russian Federation, and senior officials from the Federal Ministry of Internal Affairs, in order to discuss the follow-up to the CPT's public statement.

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

This was the fourth time the CPT had issued a public statement concerning the Northern Caucasian region of the Russian Federation. In addition to 2007, previous statements had been made in 2003 and 2001.

### High-level talks with national authorities

13. 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 visits.

14. Such talks were held in **Bulgaria** on 15 January to discuss the measures taken by the Bulgarian authorities to implement the CPT's recommendations made following the 2017 visit to Bulgaria and, more generally, to advance the on-going dialogue between the Committee and the Bulgarian authorities. Among the issues raised were the treatment and conditions of detention of persons in penitentiary establishments and the treatment, living conditions and legal safeguards offered to psychiatric patients and residents of social care institutions.

15. High-level talks were also held in **Greece** on 18 and 19 November, the main objective of which was to discuss the action being taken by the newly formed Greek Government to address the long-standing concerns of the Committee regarding prison, police and immigration detention issues. In particular, the need to tackle the crisis in the prison system and to improve the treatment of persons detained by the police, including as regards investigating allegations of ill-treatment by law enforcement officials, was discussed. In this context, the delegation was keen to learn about the measures already taken or being considered by the new Government to tackle the serious problems encountered by the CPT in the course of its most recent visits in 2018 and 2019.

16. In addition, talks were carried out in **Lithuania** on 1 April to discuss the implementation of the CPT's recommendations concerning the prison system following the April 2018 visit to that country and in the **United Kingdom** in June, during which the findings of the CPT's May visit to that state were discussed, notably issues concerning inter-prisoner violence, segregation, the use of force and means of restraint in male prisons and juvenile detention establishments.

### Plenary meetings and activities of subgroups

17. 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.

18. 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, during the March meeting, CPT members

elected a new Bureau and held an exchange of views with representatives of the European Court of Human Rights on topics of mutual interest, namely access to a lawyer during police custody and detention of migrants. In November, the CPT held its 100th plenary session and celebrated its 30th anniversary by holding a conference and ceremony during the first afternoon of this meeting (see para. 70 onwards).

19. 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.

### Contacts with other bodies

20. The CPT continued to promote contact with other bodies **within the Council of Europe**. For example, the Presidents of the CPT and the Group of States against Corruption (GRECO) issued a joint statement on the occasion of the 40th session of the United Nations Human Rights Council in February, highlighting the link between corruption and torture/ill-treatment and the need to strongly address these phenomena.

In March, the President of the CPT spoke about the member states' obligation to carry out effective investigations into allegations of ill-treatment by law enforcement officials at the Committee of Ministers' thematic debate on this issue and presented the CPT's 28th annual general report at a hearing on 3 July. As already mentioned above, there was a thematic debate on CPT's public statements with the Committee of Ministers on 11 September, and an exchange of views was held with members of the Monitoring and Legal Affairs and Human Rights Committees of PACE on eradicating torture in Europe during the fourth part session of the Assembly in October. Contacts were also maintained with the European Court of Human Rights, the Commissioner for Human Rights and her office; the Special Representative of the Secretary General on Migration and Refugees, and many other bodies and services of the Council of Europe.

In addition, the President of the CPT attended the High-level Conference "Responses to Prison Overcrowding" organised by the European Committee on Crime Problems (CDPC) on 24 and 25 April in Strasbourg and a conference entitled "Tackling ill-treatment by police: addressing challenges revealed by judgments of the European Court of Human Rights and by other Council of Europe bodies" in Budva, Montenegro, on 18 October, organised by the Human Rights National Implementation Division in co-operation with the Department for the Execution of Judgments of the European Court of Human Rights. The President also participated in a thematic debate on the effectiveness of investigations organised by the Department for the Execution of Judgments in March and the final conference of the project "Strengthening the

National Preventive Mechanism in Kosovo”<sup>2</sup> in April in Pristina. In addition, representatives of the CPT attended a conference in Podgorica entitled “Standards of effective investigations for acts of torture in Montenegro”, organised by the Council of Europe field office and a Round Table organised jointly with the Greek authorities in January in Athens on “Professional policing: roles and responsibilities of national actors in relation to the (ill-)treatment of apprehended persons in Greece”.

The CPT 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 and provided written comments on the draft revised rules to the CDPC (see paras 57 - 69).

21. Regarding contacts with interlocutors **outside the Council of Europe**, the CPT maintained its close relations with relevant bodies and agencies of the United Nations throughout 2019. In particular, relations with the United Nations Subcommittee on Prevention of Torture (SPT) were pursued during an exchange of views at the SPT’s 38th plenary session in June, with the objective of identifying practical means of reinforcing complementarity and subsidiarity to reflect the SPT’s and CPT’s respective strengths and added value in the Council of Europe area, avoiding duplication and increasing synergies in accordance with the decisions taken by both bodies in 2018. Further, CPT representatives participated in a panel discussion with the UN Special Rapporteur on Torture in Vienna (in June), as well as in meetings organised by various national preventive mechanisms during the year.

The CPT intensified its relations with the European Union in 2019, in particular in a series of meetings with high-ranking EU officials in June in Brussels. In addition, the President of the CPT attended a regional meeting organised by the NGO REDRESS with the procedural rights team of the Directorate General for Justice and Consumers (DG Just) of the European Commission on victims of violent crime in detention in The Hague in September. The CPT was also represented at the European Migration Network Return Expert Group meeting in Helsinki in June. In addition, two members of the CPT participated in forced return monitoring training seminars organised by Frontex in co-operation with the International Centre for Migration Policy Development (ICMPD): one in Oslo in March, the other in Rome in November.

As regards contacts with other bodies, representatives of the CPT attended a conference organised by the OSCE Chairmanship (Slovakia) and ODIHR entitled “Effective multilateralism in the fight against torture: Trends in the OSCE region and the way forward” in June in Vienna. The CPT also participated in two workshops/conferences in Budapest (February) and Vienna (October) organised within the framework of the EU-funded project “Strengthening the rights of suspects and accused in criminal proceedings – The role of the National Human Rights Institutions”, organised by the Ludwig Boltzmann Institute of Human Rights together with the Hungarian Helsinki Committee, the Helsinki Foundation for Human Rights (Poland), and the Peace

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2. All references to Kosovo, whether to its 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.



Institute (Slovenia). The CPT further participated in a workshop in Athens in March on monitoring human rights in immigration detention, organised by Oxford University.

Beyond Europe, the Executive Secretary of the CPT attended an international symposium on “Classification of detainees, between norms and reality” in Tunis in December, organised by the Tunisian National Authority for the Prevention of Torture.





” In the course of 2019, the composition of the CPT changed significantly.

# Organisational matters

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## CPT membership

22. On 31 December 2019, the CPT comprised 42 members. The seats in respect of Bosnia and Herzegovina, Poland, Romania, the Russian Federation and the Slovak Republic were vacant. The CPT hopes that the election of members in respect of the vacant posts may take place soon.

23. In the course of 2019, the composition of the CPT changed significantly. A total of ten new members were elected, as a result of the election of Ifigenia Kamtsidou (Greece) and Elsa Bára Traustadóttir (Iceland), and of the biennial renewal of its membership at the end of the year. The other new members elected are Vanessa Durich Moulet (Andorra), Gordan Kalajdjiev (North Macedonia), Solvita Olsena (Latvia), Helena Papa (Albania), Kristina Pardalos (San Marino), Gaia Pergolo<sup>3</sup> (Italy), Arman Tatoyan (Armenia) and Aleksandar Tomčuk (Montenegro).

Further, nine members were re-elected: Vânia Costa Ramos (Portugal), Mark Kelly (Ireland), Marie Lukasová (Czech Republic), Philippe Mary (Belgium), Vincent Micallef (Malta), Costakis Paraskeva<sup>4</sup> (Cyprus), Jari Pirjola (Finland), Ceyhun Qaracayev (Azerbaijan) and Vytautas Raškauskas (Lithuania).

On 19 December 2019, the terms of office of twelve members expired: Dagmar Breznoščáková (Slovak Republic), Joan Cabeza Gimenez (Andorra), Inga Harutyunyan (Armenia), Marzena Ksel (Poland), Arta Mandro (Albania), Maria Rita Morganti (San Marino), Olga Noyanova (Russian Federation), Ilvija Pūce (Latvia), Răzvan Horațiu Radu (Romania), Ivona Todorovska (North Macedonia), Olivera Vulić (Montenegro), Elisabetta Zamparutti (Italy). The CPT wishes to warmly thank all the aforementioned members for their contribution to the Committee's work.

A list of CPT members as at 31 December 2019 is set out in Appendix 4.

24. The next biennial renewal of the CPT's membership is due to take place at the end of 2021, the terms of office of 23 members of the Committee expiring on 19 December of that year.

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 2021 at the latest. If the election procedure for all the seats can be completed before the end of 2021, this will greatly facilitate the planning of the CPT's activities for the following year.

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3. In February 2020, Ms Pergolo submitted her resignation.

4. In March 2020, Mr Paraskeva submitted his resignation.

## **Bureau of the CPT**

25. During its March 2019 plenary meeting, the CPT re-elected Mykola Gnatovskyy as its President. Mr Gnatovskyy is Professor of International Law at Taras Shevchenko National University, Kyiv (Ukraine). Mark Kelly, former Commissioner at the Irish Human Rights and Equality Commission, was elected 1st Vice-President, and Therese Maria Rytter, Director of Legal Affairs, Danish Institute Against Torture (DIGNITY), was elected 2nd Vice-President. These three members of the CPT constitute the Committee's Bureau.

## **Secretariat of the CPT**

26. Several changes took place in the CPT Secretariat in 2019. Two staff members left to take up duties in other parts of the Council of Europe, one new staff member arrived, and one staff member returned from extended leave. Michael Neurauter, previously Head of Division I, was appointed Deputy Executive Secretary and Head of the Transversal Support Division, and Ardita Abdiu was recruited as Head of Division I.





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

# Publications

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## Introduction

27. Fifteen CPT visit reports were published in 2019. As of 31 December 2019, 405 of the 446 reports drawn up have been published. A state-by-state table showing the situation as regards publication of CPT visit reports is set out in Appendix 6.

28. In 2019, the Russian Federation agreed to the publication of the CPT's report on its 2018 ad hoc visit to the Russian Federation, together with the response of the Russian Government. The CPT welcomes the decision of the Russian authorities to request the publication of this report and looks forward to a time when all of the remaining CPT reports on its visits to the Russian Federation will be published.<sup>5</sup> Turkey is the only other state which still has several unpublished reports (4 unpublished reports, covering visits in 2016, 2017, 2018 and 2019). The CPT very much hopes that the Russian and Turkish authorities will soon authorise the publication of the unpublished CPT reports as well as their responses.

## Automatic publication procedure

29. 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 2019, both Albania and the Czech Republic 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 introduced such an "automatic publication procedure" to twelve (Albania, Austria, Bulgaria, the Czech Republic, Denmark, Finland, Luxembourg, the Republic of Moldova, Monaco, Norway, Sweden and Ukraine).

The CPT recalls that both the Committee of Ministers and the Parliamentary Assembly of the Council of Europe have encouraged states which have not already done so to request the automatic publication of future CPT visit reports and related government responses.<sup>6</sup> In 2019, the Council of the European Union adopted the revised "Guidelines on EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment", in which it urges third countries to "consider adopting a procedure for automatic publication of future CPT reports on visits to their countries".<sup>7</sup>

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5. As of 31 December 2019, only 4 out of 25 CPT visit reports to the Russian Federation have been published.
  6. [Parliamentary Assembly Resolution 2160 \(2017\)](#) adopted on 26 April 2017, and the [Committee of Ministers' reply to Recommendation 2100 \(2017\)](#), adopted at the 1301st meeting of the Ministers' Deputies of 29 November 2017.
  7. [Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – 2019 Revision of the Guidelines](#).



## HELP course on CPT standards

30. A free online course on the standards developed by the CPT was made available on the HELP<sup>8</sup> online platform in September. The purpose of the Council of Europe HELP course on CPT standards is to familiarise users with the CPT's key standards concerning the main types of establishment visited by the CPT: police stations, prisons, immigration detention facilities, psychiatric establishments and social care homes.

The topics are explored in a practical way, through presentations, interactive screens, knowledge tests and reflective exercises. The course is primarily intended for legal professionals, staff in places of detention, NPMs and policy-makers, but can also be used by national human rights institutions, civil society organisations, university lecturers and students, etc. Course users may access all course modules or only those which are of particular interest to them.

The course is available in English and will soon be translated into other languages.

The course was developed by the Council of Europe HELP Programme in close co-operation with the CPT's Secretariat.

## Selected publications

31. This section takes a closer look at some of the visit reports and government responses published in 2019.

### Report on the periodic visit to Albania in November 2018

*(situation of persons in police custody, prisons and immigration detention, as well as of civil and forensic psychiatric patients)*

32. The majority of detained persons interviewed by the CPT's delegation indicated that they had been treated correctly by the **police** whilst in police custody. However, the delegation received a significant number of allegations of recent physical ill-treatment by police officers. The alleged ill-treatment consisted essentially of slaps, punches, kicks, blows with a hard object and excessively tight handcuffing. Whilst acknowledging the progress made by the Albanian authorities in recent years in combating torture and other forms of ill-treatment by the police, the CPT recommended that the authorities redouble their efforts to this end, and that the necessary steps be taken to ensure that complaints and other information indicative of police ill-treatment are effectively investigated.

As regards the fundamental safeguards against ill-treatment, most of the detained persons stated that a relative was informed of their situation shortly after apprehension and that they had access to a lawyer during their police custody. However, a number of them claimed that, despite having requested an *ex officio* lawyer, their requests were ignored or granted only after a considerable delay.

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8. European Programme for Human Rights Education for Legal Professionals.

While noting that material conditions of detention were generally good in some of the police establishments visited, the CPT called upon the Albanian authorities to ensure that cells at Burrel and Elbasan Police Stations are kept in a satisfactory state of repair and have adequate lighting and ventilation, and it recommended that high priority be given to the planned construction of a centralised police detention facility in Tirana.

33. At **Karreç Detention Centre for Foreigners**, the delegation received a few isolated allegations of deliberate physical ill-treatment (such as slaps or punches) of foreign nationals by custodial police officers.

While communal spaces and detention rooms were spacious and well lit, many of the sanitary facilities were dilapidated and in an appalling state of hygiene. Moreover, many complaints were received from detainees about insufficient heating and the shortage of personal hygiene products. Further, hardly any recreational activities were offered to foreign nationals and access to the open air was allegedly limited to only a few days per month. After the visit, the Albanian authorities confirmed that foreign nationals would henceforth be offered outdoor exercise every day. The CPT recommended that every detention unit be equipped with a television set and that all foreign nationals be provided with a range of recreational activities (including sports).

The CPT welcomes the fact that a full-time assistant doctor was present in the Centre on working days and that medical treatment was provided without delay. That said, newly-arrived foreign nationals were not systematically subjected to a comprehensive medical examination upon admission and no individual medical files had been opened for detainees. The Committee stressed the need to arrange professional interpretation during medical consultations as well as appropriate training for custodial officers.

Further, material conditions in the Centre's security (isolation) cells were very poor, and the CPT expressed particular concern about the practice of occasionally hand-cuffing foreign nationals to the bed in such cells.

34. In none of the **prisons** visited did the delegation receive allegations of recent physical ill-treatment by staff. The CPT noted that efforts continued to be made by the Albanian authorities to expand and modernise the prison estate, contributing significantly to addressing the problem of overcrowding throughout the prison system. While material conditions of detention were adequate in some prisons, cells in other prisons were found to be cramped, badly ventilated, cold and in a poor state of repair. The CPT also criticised the fact that, in all the prisons visited, artificial lighting inside the cells had to remain switched on around the clock and could not be dimmed at night. It recommended that this rule be abolished without delay.

As was the case during previous visits, the great majority of inmates in the prisons visited were not being offered any purposeful activities. The CPT recommended that the regime for all inmates be substantially improved (in particular for long-term prisoners).

Major shortcomings were once again observed regarding the medical examination of newly-arrived prisoners, the recording and reporting of injuries and the continued lack of medical confidentiality. Further, the CPT recommended that all prisoners be provided free of charge with the medication which their state of health requires.



35. The situation of **forensic psychiatric patients** had been the subject of a long-standing dialogue between the CPT and the Albanian authorities. Whilst acknowledging the efforts made by the Albanian authorities to create a temporary forensic facility at Lezha, the CPT expressed its concern that the opening of the latter facility had been significantly delayed and that there was still a striking lack of clarity regarding the precise role of the Ministry of Health and Social Protection, the future management and the deployment of staff. The CPT also underlined that the premises of the temporary facility were designed as a prison, and that these premises were unsuitable as a mental health-care facility on a longer-term basis.

As regards the Prison Hospital in Tirana, the CPT expressed serious concern about the situation of one 15-year-old patient and several female psychiatric patients who were *de facto* held in solitary confinement and in material conditions (totally dilapidated, dark, damp and poorly ventilated cells) which, in the CPT's view, could easily be considered to be inhuman and degrading. After the visit, the Albanian authorities informed the CPT that the entire Prison Hospital had been refurbished and that all female psychiatric patients and the only juvenile patient would be transferred to separate units at the temporary forensic facility in Lezha as soon as the latter facility was operational.

36. At **Elbasan Psychiatric Hospital**, no allegations were received of ill-treatment by staff. Instances of violence between patients did occur, but the delegation gained the impression that staff generally reacted in an appropriate manner. The CPT appreciated the commitment and caring attitude of staff who were working under very difficult conditions, which were due in particular to dramatic shortages in the number of health-care staff.

The entire premises of the hospital were impeccably clean and well-heated. That said, material conditions were generally rather poor, and the sanitary facilities in several wards were dilapidated and not adapted to the needs of patients with physical impairments, and patients were usually offered only one shower per week. Further, in most wards, patients were accommodated in austere and depersonalised dormitories (with no furniture except for beds) and up to 50 patients were being held in an open space without being offered any privacy. After the visit, the Albanian authorities informed the CPT that some 2.2 million Euros had been allocated in order to improve the living conditions for patients and to remedy various other shortcomings in the hospital.

The CPT was particularly concerned that many patients at Elbasan Psychiatric Hospital did not benefit from outdoor exercise on a daily basis and that a number of them (in particular those suffering from physical impairments) had not been outside for months and in some cases for even years on end. The CPT also recommended significantly increasing the number of psychiatrists and nurses, drawing up individual treatment plans for every patient and allowing patients to benefit from a range of psychosocial rehabilitative activities. Specific recommendations have also been made regarding the use of mechanical restraint and seclusion.

As regards the procedures for civil involuntary placement, the legal requirements set out in the Law on Mental Health were usually implemented in practice at Elbasan Psychiatric Hospital. However, at the time of the visit, only two (out of 318) patients at Elbasan Psychiatric Hospital had undergone such a procedure. Notwithstanding that,

all the patients' wards were closed, and most patients formally classified as "voluntary" were not allowed to leave the hospital on their own. Thus, many patients were *de facto* deprived of their liberty without benefiting from appropriate safeguards. The CPT also expressed concern that the relevant mental health legislation continued to suffer from fundamental flaws which severely undermined the legal protection of psychiatric patients. The Committee formulated specific recommendations to remedy these deficiencies.

*Report published in September 2019  
(CPT/Inf(2019)28)<sup>9</sup>*

## **Report on the periodic visit to Norway in May/June 2018 and response of the Norwegian authorities**

*(situation of persons in police custody, immigration detention, prisons and psychiatric establishments)*

37. The report positively noted the absence of any allegations of ill-treatment in all the police, prison and other establishments visited.

38. The Norwegian model of investigative interviewing by the **police** was described as an example of good practice. Safeguards against police ill-treatment were generally satisfactory. However, one aspect calling for improvement was the provision of free legal aid to detained persons without financial resources, from the very outset of their deprivation of liberty and in all circumstances. While conditions of detention were generally good at Oslo and Bodø Police Headquarters, they were clearly sub-standard at Bergen Police Headquarters, with many cells being extremely small and poorly ventilated.

39. At **Trandum Police Immigration Detention Centre**, material conditions were found to be of a high standard. That said, as compared to the 2011 visit, the regime was more limited, and the CPT encouraged the Norwegian authorities to further develop activities, especially for foreign nationals detained for prolonged periods. Further, whilst welcoming the daily presence of nursing staff, the Committee expressed concern about the persistent shortcomings regarding the provision of health care, in particular as regards the medical screening of newly-admitted foreign nationals. Further, the report criticised the systematic practice of handcuffing and strip-searching foreign nationals during/after every movement outside the Centre, as well as the inadequate recording of placements of foreign nationals in the Centre's security unit and the use of body cuffs.

40. In the **prisons** visited, inter-prisoner violence did not seem to be a major problem, and material conditions were very good overall. Further, at Bodø and Ullersmo Prisons, the vast majority of both remand and sentenced prisoners were engaged in a variety of purposeful activities for most of the day. However, at Bergen Prison (Block A), a number of sentenced prisoners were locked up in their cells for 22 to 23 hours per day, without being offered any purposeful activities.

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9. The response of the Albanian authorities was published in February 2020.

As regards the specific situation of prisoners subjected to complete exclusion from company as a security measure, the CPT welcomes the considerable efforts made by the Norwegian authorities at Ila Prison to provide the prisoners concerned with a range of purposeful activities and meaningful human contact. However, the situation was significantly less favourable regarding remand prisoners subjected to court-ordered full isolation at Bodø, Ila and Ullersmo Prisons, most of whom were being held in solitary confinement. The CPT recommended that all segregated prisoners benefit from a structured programme of purposeful and preferably out-of-cell activities, and be provided, on a daily basis, with meaningful human contact, the aim being that the prisoners concerned benefit from such contact for at least two hours every day.

As regards the provision of health care, several shortcomings identified during the previous visit regrettably persisted. In particular, it remained the case that the medical screening of newly-arrived prisoners was often limited to an interview without a proper physical examination of the person concerned, and the recording and reporting of injuries to an outside body also remained deficient. The delegation once again observed major problems in the prisons visited in transferring severely mentally-ill prisoners to psychiatric hospitals. The CPT urged the Norwegian authorities to implement as a matter of priority the long-standing plan to construct a new regional psychiatric security department in the Oslo area.

41. At the **Psychiatric Clinic of Haukeland University Hospital** in Bergen, the CPT's delegation gained overall a very positive impression of patients' living conditions. That said, given that the number of instances of resort to restraint measures (seclusion and/or mechanical restraint) had drastically increased in recent years, the CPT recommended that a comprehensive policy on restraint be developed and implemented at the Clinic and, where appropriate, in other psychiatric establishments in Norway. Further, a number of specific recommendations were made to remedy shortcomings regarding the use of restraint measures (in particular, the supervision of patients subjected to mechanical restraint or seclusion not always being continuous, incomplete recording, no systematic debriefing). Procedures for involuntary placement and involuntary treatment were generally carried out in accordance with existing legal requirements. That said, the CPT recommended once again that the Norwegian authorities take the necessary steps – including at the legislative level – to ensure that, in all psychiatric establishments, decisions on involuntary hospitalisation are always based on the opinion of at least one qualified psychiatrist.

42. In **response** to the visit report, the Norwegian authorities informed the CPT that, in the context of the ongoing revision of the Criminal Procedure Act, the rules on appointing a public defence counsel for persons in police custody would be reviewed. They also fully acknowledged the need for a new police detention facility in Bergen and took note of the recommendation to give priority to the construction of such a facility. Efforts were being made at Trandum Police Immigration Detention Centre to expand the range of activities in the activity centre and the exercise yard. In addition, the CPT's recommendations regarding the use of handcuffs and strip-searches of foreign nationals would be taken into consideration in the revision of relevant regulations. Regarding prisons, the authorities stated that a new working group had been set up to propose measures aimed at preventing the use and negative effects of isolation. At Bergen Prison, concrete steps had been taken following

the CPT's visit to improve the regime of prisoners held in Block A. Finally, the authorities indicated that a newly-created Legislation Commission would review the rules on the use of coercive measures in health and care services in order to ensure that these rules comply with international human rights standards.

*Report published in January 2019 (CPT/Inf(2019)1),  
response published in June 2019 (CPT/Inf(2019)22)*

## **Report on the periodic visit to Romania in February 2018 and response of the Romanian authorities**

*(situation of persons in police custody and in prisons)*

43. The report noted that the majority of persons interviewed by the CPT's delegation stated that they had been treated correctly by **police** officers. Nevertheless, a number of allegations of physical ill-treatment by police officers (many of which were corroborated by medical evidence) were received from detained persons. The allegations consisted primarily of slaps, punches, kicks and baton blows inflicted by police officers on criminal suspects either at the time of the arrest or during questioning at a police station, apparently for the primary purpose of forcing a confession. The CPT also commented on the investigation into allegations of police ill-treatment and recommended that prosecutors strictly apply the criterion of effectiveness.

The CPT again criticised the holding of criminal suspects and remand prisoners for up to two months or more in police arrest detention centres, where they were exposed to a greater risk of intimidation and pressure, poor material conditions, inadequate health care and an impoverished regime. The CPT urged the Romanian authorities to consider converting arrest detention centres into proper pre-trial detention facilities and placing them under the authority of the Ministry of Justice and the National Prison Administration.

44. As regards **prisons**, the report stated that a considerable number of allegations of physical ill-treatment of prisoners by prison staff had been received, notably by members of the masked intervention groups based in four of the five prisons visited. The situation was particularly alarming at Galați Prison where a climate of fear was evident. The report detailed several allegations of ill-treatment by staff corroborated by medical evidence and raised serious concerns over the lack of recording of injuries by the health-care service and failure to investigate allegations effectively. In the light of the serious findings, the CPT once again questioned the *raison d'être* and *modus operandi* of the masked intervention groups and called on the Romanian authorities to reconsider their continued existence. Instead, it proposed that a system of first-responders could be established, combined with an increase in the staffing complement on the maximum-security regime wings and the adoption of a dynamic security approach.

The report also documented several cases of severe beatings and sexual abuse by prisoners in their cells, notably among young adult prisoners at Bacău Prison. The CPT urged the authorities to put in place a cell-share risk assessment process for each person entering prison before being placed in an admission cell, followed by drawing up and implementing an individual risk and needs assessment. As part of the strategy

to combat inter-prisoner violence, the CPT recommended that the authorities invest far more resources into recruiting additional staff and developing their professionalism and training. Such an approach would also enhance the efforts underway to offer prisoners purposeful activities to prepare them for reintegration into the community.

The CPT's findings during the 2018 visit showed that the health-care services in the prisons visited frequently did not provide an adequate standard of care. Conflicts of interest of health-care staff represented a major underlying problem which eroded the patients' trust in their clinicians. The CPT recommended that the Romanian authorities ensure that clinical staff were truly independent of prison staff. The report also highlighted that there was an evident lack of psychiatric care in all the prisons visited, and that inmates suffering from a mental health illness had to cope with conditions of detention which impaired their mental and physical health.

The CPT noted positively the efforts invested in reforming the Romanian prison system since 2014, in particular in relation to the development of a probation service and the reduction in the prison population by some 30 percent, as well as the introduction of compensatory remedies for inmates held in overcrowded conditions. The authorities were encouraged to pursue the reform agenda which aims to ensure that all prisoners are being held in decent conditions by 2024.

45. In **response** to the report, the Romanian authorities provided detailed information on the situation regarding both prisons and police, the actions being taken to further ongoing reforms and the legal basis underpinning their actions. In police arrest detention centres, steps would be taken to better record and report injuries found on detainees and to promote the confidentiality of medical consultations. As regards prisons, a number of initiatives were proposed such as an increase in the daily food allowance allocated to prisoners and the transfer of women held in semi-open, closed and maximum-security regimes out of Bacău Prison to other specialised units which could better cater to their needs.

*Report and response published in March 2019  
(CPT/Inf(2019)7 and CPT/Inf(2019)8)*

## **Report on the ad hoc visit to the Russian Federation in October 2018 and response of the Russian authorities**

*(situation in psychiatric and social care establishments)*

46. The report noted that many of the patients in the **psychiatric establishments** visited spoke positively of the clinical staff. However, the delegation received a few allegations of physical ill-treatment of patients by staff (pushing, hitting and kicking), as well as of other forms of ill-treatment.

The CPT noted that most of the psychiatric establishments visited were severely overcrowded, with many beds touching. The Committee recommended that the Russian authorities review the official capacities in all psychiatric hospitals of the Russian Federation in order to ensure that they comply with the requirements of the national legislation. The Committee also criticised inadequate staffing levels and urged the Russian authorities to take measures to address the serious recruitment difficulties regarding medical, ward-based and multi-disciplinary clinical staff.

The CPT expressed grave concern that at the Federal Specialised Psychiatric Hospital with Intensive Supervision in Kazan, electroconvulsive therapy (ECT) was being administered to patients on some wards in unmodified form, i.e. without an anaesthetic and muscle relaxants. In the CPT's view, the administration of ECT in unmodified form can raise issues under Article 3 of the European Convention on Human Rights.

The report documented violations of international guidelines regarding seclusion and restraint of patients in Federal Specialised Psychiatric Hospitals with Intensive Supervision in Kazan and Volgograd, where patients sometimes spent months or even years locked alone in very small bare rooms, in some cases tied to a bed for many days without any periods of release. The CPT recommended that the Russian authorities take urgent measures to guarantee humane and dignified conditions for seclusion and long-term preventative individual segregation and make greater efforts to limit the use of seclusion and restraint to a matter of hours.

The delegation found that many civil psychiatric patients who were deemed voluntary nonetheless did not truly consent to their hospitalisation and were thus *de facto* detained. The CPT therefore reiterated its recommendation that persons admitted to psychiatric establishments be provided with full, clear and accurate information, including on their right to consent or not to consent to hospitalisation, and on the possibility to withdraw their consent subsequently.

47. The report noted a generally positive interaction between residents of **social care establishments** (psycho-neurological "internats" (PNI)) and staff members, and the absence of allegations of recent physical ill-treatment of residents by staff. The delegation, however, received allegations (and found other evidence) of inter-resident violence.

The Committee criticised the unofficial practice of the use of means of restraint (mainly strapping residents to beds with distinctive soft bandages) and called upon the Russian authorities to adopt written provisions on recourse to means of restraint and seclusion in all social care establishments which would include all the procedural safeguards that should accompany the use of restraint measures.

The report further highlighted a risk of exploiting the personal resources of legally incapacitated residents under the guardianship of a director of a social care establishment. Having found that residents were charged for various social services, the Committee recommended that an independent audit be conducted into the legitimacy of the expenditure by the director/guardian of the private funds of legally incapable residents at Babushkin PNI.

48. In **response** to the report, the Russian authorities provided information on the situation regarding both psychiatric and social care establishments and the actions being taken to address the CPT's concerns. These include construction of new accommodation facilities for psychiatric patients, methodical recommendations on the use of ECT in psychiatric practice in a modified form, and measures taken to reform the psycho-neurological "internats" and improve the living conditions of their residents.

*Report and response published in September 2019  
(CPT/Inf(2019)26 and CPT/Inf(2019)27)*

## Report on the periodic visit to the Slovak Republic in March 2018 and response of the Slovak authorities

*(situation of persons in police custody, in prisons, in psychiatric establishments and in social care homes)*

49. In its report, the CPT expressed serious concern that a considerable number of persons who were or had recently been detained by the **police** – including juveniles – made credible allegations of deliberate physical ill-treatment by police officers (such as kicks and baton blows after the person concerned had been brought under control). The Committee was also very critical of the continued practice of handcuffing detained persons to wall fixtures or similar objects in police establishments and called upon the Slovak authorities to stamp out this practice.

The CPT recommended that effective access to a lawyer be provided from the very outset of the deprivation of liberty, confidentiality of medical examinations of detained persons be ensured, and the manner in which detained persons are informed of their rights be improved. The Committee further recommended that the very small and inadequately equipped “designated areas” in the police establishments visited should not be used for holding persons for more than a few hours, and never overnight.

50. While the delegation received virtually no allegations of physical ill-treatment by prison officers in the **prisons** visited, it was very concerned about the situation of two prisoners with severe learning disabilities who were being held at Leopoldov Prison under conditions which, in its view, could easily be considered inhuman and degrading. They lacked basic support in daily life (e.g. personal hygiene, eating assistance) as well as appropriate surveillance, had very limited human contact and were *de facto* held under conditions akin to solitary confinement.

The CPT is also critical that, despite its long-standing recommendations, the general situation of life-sentenced prisoners had not changed fundamentally. They continued to be segregated from other inmates, held under a very restrictive regime, and were permanently subjected to draconian security measures, such as frequent handcuffing during medical examinations and, at Leopoldov Prison, multiple strip-searches and routine application of black-out goggles and earmuffs when prisoners were transported outside the prison. The CPT also criticised once again the fact that several prisoners were serving a life sentence without ever being eligible for conditional release.

The health-care facilities at all three prisons visited were of a very good standard. However, the CPT recommended that the daily presence of a nurse be ensured, and the recording of any injuries borne by prisoners upon admission as well as following violent incidents in prison be further improved. In this context, the Committee welcomed the fact that descriptions of injuries consistent with allegations of police ill-treatment were systematically forwarded to the Control and Inspection Service of the Ministry of the Interior. The CPT also welcomed its finding that, following its previous recommendations, the sanction of solitary confinement had been abolished for juvenile prisoners, and that the maximum duration of this type of confinement had been decreased for adult prisoners.

51. Material conditions in the two **psychiatric establishments** visited were on the whole satisfactory. However, at Hronovce Psychiatric Hospital, the material conditions on the female long-stay ward were rather poor. The CPT also recommended



that all patients at the Bratislava Psychiatric Department be offered daily access to outdoor exercise, and that the vacant nursing posts be filled as a matter of priority. It also criticised the fact that no treatment plans were drawn up for patients, that psychiatric treatment was limited to pharmacotherapy, and that during the first days following admission, the majority of patients routinely received, three times a day, injections of psychotropic medication. By way of conclusion, the CPT expressed its concern about the situation observed by its delegation at Bratislava Psychiatric Department and considered that the cumulative effect of the various shortcomings described in the report carried a risk of degrading treatment.

As regards the use of means of restraint, the CPT was concerned that, in both establishments visited, patients were frequently subjected to mechanical restraint in view of other patients and were not continuously supervised by a qualified member of staff. Moreover, the CPT expressed its misgivings about the use of net-beds in both establishments visited and recommended that they be withdrawn from service in all psychiatric hospitals in Slovakia. The CPT further recommended reinforcing the legal safeguards surrounding civil involuntary placement in a psychiatric establishment and making a clear distinction between consent to placement and consent to treatment.

52. While living conditions in Veľký Blh **Social Care Home** were adequate in several respects, the CPT pointed out that the premises were not purpose-built and suffered from a number of structural deficiencies. In the CPT's opinion, despite the efforts made by staff, the existing material conditions were not conducive to creating a suitable therapeutic environment for residents. Staffing levels were clearly insufficient and needed to be thoroughly reviewed, in particular as regards the number of nurses. The Committee also recommended that a clear and comprehensive legal framework governing the involuntary placement and stay of residents in social care homes be put in place.

53. In **response** to the report, the Slovak authorities provided detailed replies to the CPT's recommendations. For example, they referred to a newly created special Police Force responsible for identification and investigation of criminal offences committed by members of armed security corps ("Inspection Service Office"). They also informed the CPT about enhanced standards for psychiatric patients' treatment plans and a staff increase at the social care home visited. They further indicated that a withdrawal of net-beds from service in all psychiatric hospitals in Slovakia would only be possible if an alternative solution were found and implemented, e.g. the use of secure wards.

*Report and response published in June 2019  
(CPT/Inf(2019)20 and CPT/Inf(2019)21)*

## **Report on the ad hoc visit to the United Kingdom in October 2018 and response of the United Kingdom authorities**

*(situation of persons in police and prison establishments in Scotland, with specific attention paid to women prisoners and to inmates in segregation and on remand)*

54. Overall, the CPT found that **police custody facilities** were safe environments and most persons interviewed stated that they had been treated correctly during their time in the custody facilities visited. However, nearly one-third of the 70 persons



interviewed made allegations of excessive use of force upon apprehension by police officers, notably excessively tight handcuffing and/or of wider abuse, resulting in injuries. The CPT recommended that a strong reminder be delivered to police officers that ill-treatment of detained persons is illegal, unprofessional, and would be appropriately investigated and sanctioned.

55. Regarding **prisons**, the Scottish Government had recently embarked on an agenda of reform, especially as concerned women prisoners and young offenders. The female prison estate, in particular, had been the subject of re-conceptualisation and structural reform. Nonetheless, the overall number of prisoners had remained high, and the CPT recommended that efforts be made to reduce the prison population. The CPT's delegation visited Barlinnie, Cornton Vale, Edinburgh, Grampian and Shotts Prisons. Positively, at the five prison establishments visited, the vast majority of prisoners stated that they were treated correctly by prison officers and the delegation received no allegations of deliberate ill-treatment of prisoners by staff. However, the CPT noted a few allegations of excessive use of force during control and restraint operations in several prisons and recommended that prison staff be reminded that no more force than is strictly necessary should be used to control prisoners. It also invited the Scottish authorities to consider taking measures to ensure that body-cameras are worn by front-line prison staff and turned on for all control and restraint operations.

In the adult male prisons, the CPT was most concerned by the practice of long-term segregation of inmates in the Separation and Reintegration Units (SRU) in Edinburgh, Barlinnie, Grampian and Shotts Prisons. It found, *inter alia*, that many of these prisoners were being segregated for extremely long periods of time – for several months and, occasionally, years – either in a situation likened to a “carousel” (moved between different prison SRUs) or a “yo-yo” (moved between the SRU to the mainstream and then back to the SRU). The CPT considered that the prisons lacked a step-down facility, in-between the SRU and mainstream environments, for those inmates who simply could not deal with the high-stimulus environment of mainstream prison accommodation. At the same time, the CPT found that many of these prisoners had become institutionalised in the SRU environment and did what they could to remain in the comparative quiet and ordered atmosphere of an SRU, despite living in conditions akin to solitary confinement. The result was that every SRU visited by the CPT's delegation was operating at almost full occupancy. The CPT considered that the Scottish authorities should seek alternative solutions to break the cycle and reduce the number of prisoners held in prolonged segregation in SRUs. To this end, the CPT recommended the development of step-down facilities and invited the Scottish authorities to consider investing more in the establishment of small therapeutic units that could provide a robust psycho-social support system for these prisoners to facilitate their reintegration process and provide a feasible alternative to prolonged segregation in SRUs.

Regarding the female prisons visited, the CPT raised serious concerns about the treatment of women prisoners held in segregation at Cornton Vale Prison, both within the SRU and Ross House. The CPT found women who clearly were in need of urgent care and treatment in a psychiatric facility, and should not have been in a prison environment, let alone segregated for extended periods in solitary confinement

under Prison Rules 95 and 41 (i.e. accommodation in specified conditions for health or welfare reasons). Prison staff were not trained to manage the highly disturbed women: for example, one woman had bitten through the skin and muscle of her arm down to the bone; another woman sat in isolation surrounded by blood and faeces on the wall; and a third woman had set fire to her own hair. At least five women with whom the CPT's delegation spoke had severe mental health issues requiring hospital treatment, care and support. The CPT noted that while male prisoners in a similar situation could be transferred to a high secure psychiatric facility in Scotland, there was still no such facility for women prisoners (and the possibility of effecting a transfer to Rampton Hospital in England rarely occurred in practice, due to jurisdictional complexities, cost and distance). Also, it was not clear why the women could not be transferred to a Scottish medium secure psychiatric facility. The CPT recommended that these severely mentally-ill women required immediate enhanced care and support by mental health staff, with a focus on providing a more therapeutic environment, and ensuring that they have more out-of-cell time and meaningful human contact. For female prisoners with personality/behavioural disorders who are not eligible for transfer to a psychiatric hospital, a multi-faceted approach should be adopted, involving clinical psychologists in the design of individual programmes, including psycho-social support and treatment.

56. In **response** to the report, the United Kingdom authorities provided detailed information on the situation regarding prisons and police, the actions being taken to further ongoing reforms. As regards prisons, a number of initiatives were proposed, especially in the context of the current structural and conceptual overhaul of female imprisonment in Scotland. The authorities also responded by transferring several women who had the most severe mental health issues and who were in need of hospital treatment to various psychiatric facilities.

*Report and response published in October 2019  
(CPT/Inf(2019)29 and CPT/Inf(2019)30)*



” The CPT welcomes the revision of the European Prison Rules.

# Revision of the European Prison Rules

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57. The CPT has closely followed the revision process of the European Prison Rules (EPR). It participated in the Council for Penological Co-operation (PC-CP) Working Group's drafting work and was afforded the opportunity by the European Committee on Crime Problems (CDPC) to **comment** formally on the proposed revision of certain Rules.

58. The **text of the revised and updated European Prison Rules and its commentary** was finalised and approved at CDPC's plenary meeting of 3-6 December 2019, and sent to the Committee of Ministers of the Council of Europe for adoption.

59. The last 14 years have seen considerable developments in how prisons should operate and be scrutinised and the CPT considers that it is essential that important European reference texts such as the EPR can adapt to new insights and practices and be updated periodically. Indeed, Rule 108 of the EPR envisages just such a possibility. The revision of certain provisions of the EPR and the complete updating of the commentary to the EPR reflects the most recent international standards in this area, stemming from the case-law of the European Court of Human Rights, the standards developed by CPT and other monitoring bodies, and international standards – notably, the United Nations Standard Minimum Rules for the Treatment of Prisoners as amended in 2015 (the Nelson Mandela Rules) and the 2010 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) – as well as academic research.

The CPT welcomes the revision of the EPR and would like to take this opportunity to make a few further remarks on certain of the amended provisions.

60. First, the CPT is supportive of the revised Rule 34 concerning **women** in prison, which now explicitly requires that *“specific gender-sensitive policies shall be developed and positive measures shall be taken to meet the distinctive needs of women prisoners”*. That women have particular biological and gender-specific needs and vulnerabilities which impact on every aspect of prison, including as regards the physical environment, is now widely recognised within Europe. Therefore, revised Rule 34 should only be seen as a stop-gap measure. In parallel, the CPT considers that the time is ripe for the Council of Europe to develop specific rules for women in detention, building on the United Nations' 2010 Bangkok Rules. It hopes that the Committee of Ministers shares its views on this important issue.

61. In the course of the discussions on the revision of the Rules, the most controversial topic has proven to be that of **solitary confinement**. The 2006 EPR were silent on the question of solitary confinement. However, there has been considerable research since 2006 showing the harmful effects of solitary confinement. In its 21st General Report of 2011, the CPT set out the approach that should be taken with respect to the separation of prisoners which might result in *de facto* solitary confinement, whether as a court order, for administrative reasons (good order or

protection) or as a disciplinary punishment. The 2015 Nelson Mandela Rules went further in stating that solitary confinement should never be imposed for periods beyond 15 days and in defining solitary confinement as any person in detention who was not offered two hours of meaningful contact every day.

62. It is positive that the revised EPR (Rules 53, 53A and 60.6) have to a large extent taken on board these arguments and now reflect these standards. This is notably the case regarding new Rule 53A on **the separation of prisoners**, which sets out in detail how prisoners who are separated from other prisoners as a special high-security or safety measure should be treated. Although no time limit is set down for a period of separation, the new Rule 53A is clear in setting out procedural safeguards to avoid a situation of solitary confinement developing by stating that all prisoners must be offered at least two hours of meaningful contact every day. Further, for those prisoners separated from other prisoners for periods of up to 22 hours a day, there is an obligation on the authorities to take progressively more steps the longer the measure lasts to offer these prisoners access to activities and to other persons in order to mitigate the effects of the separation. A further important safeguard is the right of prisoners to make a complaint and that such a complaint should be in accordance with the new Rule 70 (see below).

63. For certain prison administrations, complying with the new Rule 53A will be a challenge as it will require a more proactive approach to ensure that the measure of separation does not slip into a situation of *de facto* solitary confinement. Challenging prisoners cannot be just locked away. Instead, prison administrations will have to address the particular needs of the individuals concerned with a view to assisting their reintegration into the mainstream population and preparing them for release back into the community.

64. As regards more specifically the **measure of solitary confinement as a disciplinary punishment** (new Rule 60.6), it is unfortunate that several member states of the Council of Europe were opposed to setting a time limit for this measure. This lacuna is notable in Rule 60.6.d which states that "*the maximum period for which solitary confinement may be imposed shall be set by national law*". The CPT recognises that certain prison administrations believe that long-term solitary confinement is the only suitable punishment for prisoners who violently attack other prisoners and staff members. However, the CPT is now more than ever convinced of the unsuitability of imposing a measure of solitary confinement beyond 14 days. Recent academic research appears to point to even shorter periods of solitary confinement having serious long-term consequences. Further, longer periods of solitary confinement are much more likely to impact the behaviour of the prisoner negatively and exacerbate or result in mental health problems which the prison and health-care services will have to manage. In the CPT's view, violent assaults in prison should be dealt with through the criminal law. Therefore, the CPT will continue to recommend that Council of Europe member states limit the permissible duration of a measure of solitary confinement as a disciplinary punishment to that advocated by the CPT and set out in the Nelson Mandela Rules. Indeed, a number of European countries have much lower maximum periods of solitary confinement as a disciplinary punishment and one country has even amended its legislation to abolish solitary confinement.

65. At the same time, the CPT notes that the new Rule 60.6 does state that such a measure should be exceptional and that it should never be imposed on children (that is, anyone under the age of 18), pregnant women, breastfeeding mothers or parents with infants in prison. In addition, the health of a prisoner must be considered before imposing a measure of solitary confinement and a prisoner shall be allowed to recover from the adverse effects of the previous period of solitary confinement before a further measure of solitary confinement is imposed for a new offence. These elements limit the scope of the measure and, taken together with the commentary to the EPR, provide certain safeguards against its abusive application.

The CPT will certainly continue to monitor closely all situations where prisoners may be placed in a situation of *de facto* solitary confinement or have a measure of solitary confinement as a disciplinary punishment imposed upon them.

66. As regards **complaints**, the CPT welcomes the new Rule 70. The general principles which should guide complaints mechanisms in prisons, outlined in the CPT's 27th General Report published in April 2018 and the European Court of Human Rights' case-law under Article 13 of the European Convention on Human Rights, have been reflected both in the text of this Rule and in its extensive commentary. The CPT would highlight that the new Rule provides for both internal complaints procedures and external procedures to an independent body. The text also ensures that prisons do not become places of potential impunity and that complaints concerning allegations of ill-treatment are not dealt with informally but are investigated effectively.

67. The CPT has repeatedly stated that **adequate staffing levels** are a key prerequisite to the proper functioning of prisons and yet, in practice, in far too many Council of Europe member states, prisons are not properly staffed. In addition, prison officers are often not adequately trained or sufficiently supported to carry out their challenging task. Therefore, the new Rule 83 which sets out explicitly the requirement that prisons are "*adequately staffed at all times*" is to be welcomed. Moreover, the same Rule also now places a duty on states to ensure that measures are in place to deal with "*operational emergencies*" and **guarantee a minimum level of service in prisons** to cope with disruptions such as strikes by prison staff. This is an important rule to guarantee that the basic services within a prison (e.g. meals, health care, contact with the outside world) are maintained and to obviate the need for the police to take over, even temporarily, prison officer duties for which they are not trained and which are likely to lead to a heightening of tensions within a prison.

68. The CPT also welcomes the revised rules on **records and file management** (Rules 15 and 16A) concerning the information to be recorded upon entry to prison and the requirement to maintain a meticulous record for each prisoner throughout the time that the person is kept in prison. Likewise, it considers the new Rules on **foreign national prisoners** (Rule 37), on **instruments of restraint** (Rule 68) and on **inspections and monitoring** (Rules 92 and 93) as important and necessary additions to the EPR.

69. The challenge now is to implement the revised EPR throughout the European area and the CPT looks forward to supporting the prison administrations of the member states of the Council of Europe in this endeavour.







# 30th anniversary of the CPT

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## Introduction

70. Following the entry into force of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“the Convention”) on 1 February 1989, the setting-up of a Secretariat and the election of its first members, the CPT held its inaugural meeting in November 1989.

Thirty years later, in the afternoon of 4 November, during the 100th plenary session of the CPT, a high-level conference was held to mark the 30th anniversary of the Committee, followed by a ceremony. The event took place in the Hemicycle of the Palais de l’Europe in Strasbourg, with 300 participants from all Council of Europe member states.

71. The theme of the **conference** was “Implementing safeguards in the first hours of police custody”. After welcoming remarks by Mykola Gnatovskyy (President of the CPT) and Martine Brunschwig Graf (President of the APT), Silvia Casale (former CPT President and former Chairperson of the SPT) gave a keynote speech. It was followed by two panel discussions: “Reflection on the implementation of safeguards in the first hours of police custody to prevent torture and ill-treatment” with the participation of Stojanka Mircheva (Associate Professor in Police and Human Rights at the Faculty of Security, University of Bitola “St Kliment Ohridski”, Skopje, North Macedonia), Nino Jomarjidze (Strategic Litigation Co-ordinator, Georgian Young Lawyers’ Association, Georgia), Krassimir Kanev (Director, Bulgarian Helsinki Committee, Bulgaria) and Mark Kelly (First Vice-President of the CPT), and “Joining forces to achieve effective implementation of safeguards in the first hours of police custody” with Therese Rytter (Second Vice-President of the CPT), Victor Zaharia (Vice-Chairperson of the SPT) and Anica Tomsic-Stojkovska (Ombudperson’s Office, National Preventive Mechanism, Croatia). Concluding remarks were presented by Barbara Bernath (Secretary General of the APT) and Régis Brillat (Executive Secretary of the CPT).

The conference was organised by the Association for the Prevention of Torture (APT) and the Council of Europe, with support from OSCE/ODIHR, and the Governments of Liechtenstein and Switzerland.

72. The conference was followed by a **ceremony** during which the following personalities made speeches: Marija Pejčinović Burić, Secretary General of the Council of Europe; Ambassador Jean-Baptiste Mattei, Chairman of the Ministers' Deputies and Permanent Representative of France to the Council of Europe; Liliane Maury Pasquier, President of the Parliamentary Assembly; Linos-Alexandre Sicilianos, President of the European Court of Human Rights; Dunja Mijatović, Commissioner for Human Rights; Mykola Gnatovskyy, President of the CPT; Anna Rurka, President of the Conference of INGOs and Martine Brunschwig Graf, President of the APT. All speeches are reproduced *in extenso* on the following pages.

The full video recordings of both the conference and the ceremony are available on the CPT's website (<https://www.coe.int/en/web/cpt/30th-anniversary-conference>).

## High-level Conference



### Keynote speech by Silvia Casale, former CPT President and former Chairperson of the SPT

Dear Colleagues,

It is a real pleasure to be here and a great honour to be invited to say a few words.

Having consulted the CPT, I am going to talk about three questions:

- ▶ *What distinctive difference has the CPT's work made over the last three decades?*
- ▶ *How has the architecture of monitoring changed over that time?*
- ▶ *Quo vadis? Where are we going next?*

On these three questions I bring you the personal views of a very ancient monitor – one who has seen a lot of changes.

### ***What distinctive difference has the CPT's work made over the last three decades?***

The CPT has gradually developed an important body of standards, which have grown organically from recommendations in the CPT visit reports. The standards keep developing, as standards must. The CPT standards inform the thinking and the work of many bodies, including the European Court of Human Rights and NPMs in Europe, but they also have a much wider influence.

When we speak of making a difference, this is not a straightforward matter in our field, as we know. If we achieve our goal of preventing torture, the absence of torture is hard to quantify or to take credit for. How can we say with certainty that, but for us, torture or other ill-treatment would have happened? It is trying to prove a negative.

I can think of many instances of the CPT making a real difference. One concrete instance is the removal of the shutters covering the windows of remand prisoners' cells in the Russian Federation. In November 2002 the CPT was with the Minister

of Justice when he made his important announcement that the shutters would be removed. The CPT had recommended access to natural light, one of its basic standards for living conditions in custodial settings. It had found metal plates covering the cell windows, making the cells hot and humid and dark in summer and cold and damp and dark in winter.

At the time, tuberculosis was epidemic in the prison system and these conditions were likely to increase the spread of the disease. The International Committee of the Red Cross and other international non-governmental organisations, such as Penal Reform International, had advocated access to natural light as one way of helping to combat the spread of tuberculosis.

The solution was to let in the light – and they did just that. It made a difference in the day to day lives of many hundreds, even thousands, of prisoners. It was quite an inexpensive solution; the prisoners did the work of removing the shutters. But it did require political will and that is to the credit of the Minister of Justice of the Russian Federation of that time. The International Committee of the Red Cross provided medication and staff training in reducing risk. The rate of transmission of tuberculosis went down. Like many examples of making a difference, it involved a combination of different actors and a coincidence of interests – and the CPT played an important part, helping to let in the light both in practice and symbolically.

Later we found that some shutters were being put back. As with most progress, as you know, there is always the risk of slippage – which is why it is important to keep on going back and to keep on checking what is happening in practice.

One of the CPT's most striking achievements over time has been the establishment of the norm that states publish the CPT visit reports. Now there are 11 member states which have adopted the automatic publication procedure and this is greatly to their credit. In 2018 the authorities of Azerbaijan decided to publish all the reports on CPT visits that were hitherto confidential. In my day, the Turkish authorities had done likewise. Both are to be congratulated for that.

To date the CPT has carried out 451 visits and 405 visit reports have been published. Publication has allowed many individuals and organisations around the world to understand the reality of custody and to share the vision of places of detention where the safeguards recommended by the CPT could indeed prevent torture and other ill-treatment.

### ***How has the architecture of monitoring changed over that time?***

The creation of the CPT was a turning point. Until 1989 the international machinery to combat torture relied heavily on the reporting system: that is receiving and reviewing reports from governments and non-governmental organisations – a process exemplified by the United Nations Committee against Torture – the CAT. When the CPT started operating it was the first preventive visiting mechanism with treaty-based powers that guaranteed access to information and to custodial places, including unannounced access, and access to individuals deprived of their liberty, including in private.

The CPT started with 15 members. One of the great challenges was the expansion of the Council of Europe. The CPT was able to embrace the change, incorporating a greater diversity of perspectives and also confronting a greater range of issues. The CPT rose to this complicated challenge and succeeded in developing a collegial culture in which almost all the important decisions were arrived at by consensus. Consensus across members of more than 40 different nationalities is only possible if those involved understand that individual contributions are vital, but the collective vision is more important than ego.

A major change in the architecture of preventive monitoring came about through the adoption of the OPCAT, which the CPT had encouraged and welcomed. The OPCAT framework not only established the United Nation's first human rights treaty body with a mandate to work in the field, but it also provided for the national preventive mechanisms. The CPT had from the early years advocated independent inspection at the national level of all places of deprivation of liberty in every member state.

In 2007 as we started work in the SPT, it was clear that, although the SPT had the powers needed for preventive visiting, its ability to visit would be affected by resources. It did not have a secretariat with experience of preventive visiting. The resources required by the sheer scope of operating in the global field were lacking. The SPT has succeeded, against all the odds, in increasing its visiting capacity and has made great progress by convincing the United Nations to lift its original veto on visits for the purpose of working with NPMs. This seemed to us a no-brainer and yet at the beginning it was something we were not able to do.

From the start it seemed to me that the NPMs had the most potential for preventive visiting because they were on the spot and they knew the terrain and social cultural factors that would affect what happened to persons deprived of their liberty. Europe has more than half of the world's designated NPMs and some have been carrying out preventive visits for over 10 years. As the NPMs gain experience and confidence they are creating standards in areas where these have not yet been fully developed.

For all preventive monitoring bodies consistency of approach and coherent standards are profoundly important. The CPT has achieved this, in my opinion, through its in-depth visiting methodology and with the support of its appropriately staffed and resourced dedicated specialised Secretariat. The CPT is fortunate that members of the Secretariat provide continuity, tending to stay quite a long time, and the inimitable Trevor Stevens holds the record of a quarter of a century, building the Secretariat into the excellent and formidable team that it still is today.

The Council of Europe is to be congratulated for its far-sighted understanding that effective preventive monitoring requires a combination of expert members and the support of a permanent specialised Secretariat. This is a big challenge in the UN context and SPT members have made valiant efforts to do their work despite the limitations. NPMs are in a sense their own visiting secretariats; most NPM visiting teams are composed mainly of permanent expert staff belonging to an independent human rights institution. Often, sadly, they, too, lack resources. One way of supplementing resources has been for national preventive mechanisms to include individual experts from non-governmental organisations in their visiting teams, providing interesting examples of collaboration.

### *Quo vadis? What next?*

The scope of preventive visiting has expanded to include, for example, monitoring the treatment of foreign nationals on return flights, reflecting the drama of migration still unfolding across the world. In August 2018, the CPT monitored the treatment of foreign nationals on a return flight from Munich to Kabul. Some NPMs devote a good deal of their time to monitoring the treatment of people returned by land, sea and air. This is very important work and it carries with it associated risks, for example, the danger of being instrumentalised for the agenda of others.

The SPT and CPT issued a joint press release in July 2018 about their decision – and I quote – “to reinforce complementarity and subsidiarity between the two bodies to reflect their respective strengths and to increase the flow of information between them.”

The SPT has great declarative authority as a global treaty body. In some of its States Parties there is no tradition of visiting mechanisms, not to mention preventive monitoring bodies; so places of deprivation of liberty there are a relatively closed world. Without that history of monitoring the process of preventive visiting requires time and expert knowledge to normalise it for all those concerned. In my opinion, this challenge is huge and it is a matter of priority.

The CPT has great experience, expertise and capability in visiting in the wider European region. It has the capacity to undertake in-depth visits, allowing it to understand fully complex custodial environments and assess the risk of torture and ill-treatment, as well as identify examples of good practice. It also has the ability to carry out ad hoc and rapid reaction visits when particular circumstances and events require scrutiny. It will continue to set standards and to disseminate good practice across the region and hopefully its work will intersect productively with the work of NPMs.

NPMs, as I have said, are best located to check what is happening on the ground on a regular basis. They also undertake ad hoc and rapid reaction visits as well as follow-up visits to check how their recommendations are being put into practice. When they publish their visit reports, they are contributing to the process of raising national standards and disseminating good practice. Their role in commenting on draft legislation also has the potential to change detention settings and the way detained persons are treated.

More than ever I believe whole-heartedly in Jean-Jacques Gautier’s vision. He founded the APT, which is still working with a small but committed expert team, of which I am proud to say I have been a long-standing supporter. Jean-Jacques Gautier saw that to prevent torture and other ill-treatment we need a system for visiting to check what is happening on the ground. Today we have the components of a visiting system but I am not sure that we yet have a real system of visiting in Europe. Now we need to keep improving ways of working as an effective system, so that there are no gaps in monitoring and so that people deprived of their liberty are, not only in theory but also in practice, fully protected from torture and other ill-treatment.









Barbara BERNATH

Régis BRILLAT

Silvia CASALE



Nino JOMARJIDZE



Mark KELLY





## Ceremony

### Speech by Marija Pejčinović Burić, Secretary General of the Council of Europe



It is a real pleasure for me to celebrate with you the 30th anniversary of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the CPT.

Torture and inhuman or degrading treatment or punishment are prohibited by Article 3 of the European Convention on Human Rights. There are no exceptions or loopholes to that prohibition: no derogation is possible.

It lies at the very core identity of the Council of Europe and the goal it pursues:

respect for human rights, democracy and the rule of law in Europe today.

When incidents occur, the victims must be able to avail themselves of remedies.

It is obviously an excellent thing that the European Court of Human Rights can examine such cases where necessary.

But it would be an error to sit back and count on the victims' ability to face up to those who have tortured them, relive what they have suffered and push their case right the way through the domestic legal system and then on to the Court in Strasbourg. It is preferable by far to take steps to curb the number of cases to begin with.

It was that realisation that prompted the Council of Europe to set up the CPT, a preventive, non-judicial mechanism whose members visit places of detention with a view to giving detainees greater protection against torture and inhuman or degrading treatment or punishment.

For 30 years, the work carried out by the CPT has enabled our member states to make real, tangible progress.

Its visit and monitoring reports, its recommendations to the States Parties and also its co-operation and intergovernmental activities with the member states – all this has contributed to changes in national legislation and practices and to the forging of new common standards, giving effect to human rights obligations applicable to all our 47 member states.

That approach has had a real impact.

Let me give you some examples.

Because of this Committee's work, member states have recognised the vulnerability of juveniles in police detention and ensured safeguards against ill-treatment;

Draconian security measures in prisons have been lifted, including the systematic handcuffing of life-sentenced prisoners, whenever they leave their cells;

And the prolonged use of net-beds that resemble metal cages has been ended for agitated patients in psychiatric hospitals and for persons with intellectual disabilities who live in social care institutions.

The CPT's work has also led to the adoption of three safeguards for persons who are deprived of their liberty: Access to a lawyer, access to a doctor, and the right to inform a close relative or another third party about their situation.

These safeguards are used by the Court when deciding on cases of alleged torture, and by the European Union in its design and implementation of directives.

The same is true for the minimum size of a detention cell, which has been defined on the basis of the CPT's work.

But the work goes on.

Today, co-operation activities include training judges, prosecutors and other professionals and improving medical services in places of detention, with a particular focus on the Western Balkan States and Turkey.

And when it comes to intergovernmental work, the CPT's recent guidelines on the recruitment, selection, education, training and professional development of prison and probation staff are a positive step forward.

The same can be said of the current revision of the European Prison Rules.

But this Committee – and our Organisation – remains ambitious.

We want to do more to ensure that standards are raised and met.

For this, member states must continue to treat CPT Recommendations with the utmost seriousness and undertake the follow-up actions requested, including of course those relating to the execution of the Strasbourg Court's judgments.

Equally, governments, the Committee of Ministers and the Parliamentary Assembly should ensure that the selection process for CPT members leads to the appointment of highly qualified and independent members.

By doing this, we will pave the way to yet more success for the CPT and our ultimate goals of a Europe free from torture.

Congratulations on your 30th anniversary!

**Speech by Ambassador Jean-Baptiste Mattei,  
Chairman of the Ministers' Deputies, Permanent Representative of  
France to the Council of Europe**



For the Council of Europe, 2019 has been a year for celebrating a series of major anniversaries, beginning with the 70th anniversary of the Organisation itself and the 60th anniversary of the European Court of Human Rights. On top of their commemorative aspect, these anniversaries provide an opportunity to reiterate the commitment of the Council of Europe and its member states to the values that cement the European ideal: human rights, the rule of law and democracy, at a time when

those values are no longer always self-evident in the eyes of some.

The ceremony bringing us together this evening, the 30th anniversary of the European Committee for the Prevention of Torture, must also be an opportunity to reaffirm an essential undertaking: that we will work unrelentingly to eradicate all forms of torture or inhuman or degrading treatment from European territory.

That is the aim the CPT has been pursuing for 30 years through the implementation of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It is an extremely strong marker of the action of the Council of Europe. The CPT itself, together with the European Court of Human Rights, with the Commissioner for Human Rights and with the Venice Commission, is among the bodies of the Council that are best known to and most recognised by the general public and national stakeholders. As regards national stakeholders, I am very happy to welcome in this room representatives of the national preventive mechanisms, beginning with – if I may – Ms Hazan for France.

The French Chairmanship of the Committee of Ministers is of course very attentive to the CPT's mission, as it has made the preservation and consolidation of the European system of human rights protection one of its priorities. In this connection, I would like to briefly highlight three essential aspects of the CPT's work over the last 30 years.

The CPT is firstly a remarkable illustration of the work accomplished by the Council of Europe's monitoring bodies. The CPT's strength lies in particular in its ability to visit all places of deprivation of liberty on the European territory, be they prisons, juvenile detention centres, police stations, holding centres for foreigners, psychiatric hospitals or other facilities.

The CPT's experts have unrestricted access to those premises, speak with persons deprived of their liberty in private and communicate freely with anyone able to provide them with information. The reports drawn up by the CPT on these visits are substantiated and based on concrete findings, and they incorporate recommendations, comments and requests for information. The state concerned is given the

means to provide a detailed response to the report. These reports and responses form part of the ongoing dialogue with that state. And I am convinced that for all the states in the Committee of Ministers this dialogue is a vital element.

Since it was set up in 1990, the CPT has carried out about 450 visits in the Council of Europe's 47 member states. During a recent exchange with the Committee of Ministers, Mr Kelly, Vice-President of the CPT, also highlighted the importance of the CPT's public statements, which enable the Committee to react swiftly to the most alarming situations and the Committee of Ministers to debate them without delay through an exchange of views. It is the responsibility of the Committee of Ministers to ensure a timely follow-up to these public statements.

The CPT's prerogatives and working methods have given it a reputation for effectiveness among the public, national authorities, independent human rights protection bodies and representatives of civil society.

The second aspect I would like to emphasise is the undisputed expert role the CPT has taken on within the Council of Europe. As already mentioned by the Secretary General, the standards developed by the CPT in these 30 years have gradually been taken on board by all the Organisation's bodies, beginning with the European Court of Human Rights, which (and the President of the Court will remind us in a few moments) expressly refers without hesitation to the CPT's work and recommendations in its judgments, as benchmarks for effective action against torture and other treatment prohibited by Article 3 of the European Convention of Human Rights.

The CPT's expertise is also a valued guide for the Committee of Ministers in its task of supervising the execution of the judgments of the European Court of Human Rights. We have all seen this for ourselves when attending two thematic debates organised on the fringes of CM-DH meetings (the Committee of Ministers in its Human Rights dimension), one on overcrowding in prisons, conditions of detention and the remedies available to prisoners, and, under the Presidency of France, the other on violations of Article 3 of the European Convention on Human Rights by law enforcement officials. The CPT has created a body of recommendations and good practices covering these different aspects which promote better implementation of the Convention at national level.

The last aspect I wanted to mention was the decisive impact of the CPT on legislative frameworks and national practices throughout Europe. An anniversary is always an opportunity to review what has been done, and there is plenty to look back at in the case of the CPT. Many judicial or prison reforms to which the work of the CPT greatly contributed have profoundly changed the European landscape in all situations of imprisonment or deprivation of liberty. While much remains to be done in this area, these reforms have made it possible to reduce situations of overcrowding and indecent conditions of detention, while giving prisoners remedies for preventing such situations or repairing the harmful consequences.

In conclusion, I would therefore like to express the wish that the CPT can continue to make us benefit from its influence, and that this influence can continue to flourish and pave the way for further progress in Europe to combat torture and inhuman or degrading treatment, which in the long term will bring about its total abolition.

## Speech by Liliane Maury Pasquier, President of the Parliamentary Assembly of the Council of Europe



It is a very special honour and great pleasure for me to speak to you today on the occasion of the 30th anniversary of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The CPT came into being 30 years ago when it was realised that torture and other forms of ill-treatment could be combated effectively only if there was a monitoring body, a completely groundbreaking and unique non-judicial preventive mechanism to guarantee that

the Council of Europe's member states complied with their obligations arising under Article 3 of the European Convention on Human Rights. This mechanism, made up of independent experts, has responsibility for making on-site visits to any place of detention in order to examine the treatment and living conditions of persons deprived of their liberty and give them greater protection.

Particularly pertinent here are the words of Nelson Mandela who said that "no one truly knows a nation until one has been inside its jails". The CPT is capable of getting inside that closed environment to shed light on detention conditions and how persons deprived of their liberty are treated.

Sticking firmly to the principles of co-operation and confidentiality, the Committee has played its role credibly and effectively in its 30 years of existence. Today, it is one of the cornerstones of the Council of Europe. I would like to personally congratulate the CPT for its remarkable work, which has resulted in major improvements in conditions of detention and treatment of persons deprived of their liberty in our member states. The Committee has had a significant impact on the ground, on legislation but also on mindsets. It has also gradually developed standards to which the European Court of Human Rights refers, and which have influenced other texts, such as the European Prison Rules.

The Parliamentary Assembly has always supported the CPT in its important mission by promoting its activities, including through thematic resolutions concerning detention conditions and the prevention of torture and other forms of ill-treatment, and it will resolutely continue to do so in the future.

Two and a half years ago, the Assembly reiterated its political backing for the CPT's work in a resolution on the Committee's achievements and areas for improvement. This includes progress in the procedures for selecting the CPT's members in which the Assembly's Sub-Committee on Human Rights plays an important role. Last January, the Assembly made concrete proposals to step up its role and that of national parliaments in promoting the CPT's work and in following up its recommendations.

I am also very pleased to see the Assembly and the CPT engaging in dialogue on a regular basis. In that framework we recently held an exchange of views with the CPT on its annual report and recent public statements.

That said, at the time when we are celebrating the CPT's 30th anniversary, there is still work to be done to make Europe a torture-free area. Guaranteeing access for the CPT to the whole of Europe, including the so-called "grey zones", is of crucial importance. The systemic problems regarding ill-treatment or detention conditions in some of our member states also require our full focus.

If we are celebrating the fact that the CPT has reached its 30th anniversary today, it is because the sad fact is that we have still not managed to eradicate torture and ill-treatment on our continent. At the same time, we know that we have an efficient and effective tool that has proven its worth over time with which to combat this grave violation of human rights. I am convinced, therefore, that the CPT has an important role to play in the future and hope that it will succeed in its mission to completely eradicate torture throughout the continent.

## Speech by Linos-Alexandre Sicilianos, *President of the European Court of Human Rights*



As Ambassador Mattei just reminded us, 2019 will undoubtedly have been a major year for anniversaries for our Organisation. Just over a month ago we came together, in the presence of President Emmanuel Macron, to celebrate 70 years of the Council of Europe and, earlier this year, at several events, we celebrated 60 years of the European Court of Human Rights.

This evening, it is the Committee for the Prevention of Torture that is bringing us together to mark its 30th anniversary.

Like others present here, I am pleased to commend the work of this major body which is the pride of the Council of Europe and has done so much to improve the situation of persons deprived of their liberty.

For 30 years, the CPT, through its missions in the Council of Europe's member states, has helped to give back more dignity to those persons, whether in police stations, prisons, holding centres or hospitals.

For its part, the Strasbourg Court has been protecting human rights in Europe for 60 years now and, through the application of Article 3 of the European Convention on Human Rights, has also been combating torture and inhuman or degrading treatment or punishment.

I have already stated that, in my view, the Court is the epicentre of a much larger whole that makes the Council of Europe (through its various monitoring mechanisms) the true home of democracy. What we have here is a system for consolidating the rule of law in all its components and all its forms that is unique in the world.

That is why, since taking up office, I have set up meetings with the Council's monitoring bodies to dialogue with them, as it is true that there are close ties between our case-law and their work.

But if there is one committee with which those ties are particularly strong, it is very much the Committee for the Prevention of Torture. Proof of that is the fact that, for several years already, the Court and the Committee meet at regular intervals to discuss issues of common interest, of which there are many.

Last March, we met for the 6th time. I have to say that whenever we have met, there has been no shortage of topics for discussion: police custody, detention of migrants, overcrowding in prisons, treatment of maximum-security prisoners, etc. There are numerous and varied examples.

It is not surprising, as detention-related issues are among the most frequently raised complaints by applicants to the Court. Of the 59 000 applications currently pending before us, over 20 000 relate to the situations of persons deprived of their liberty.



This issue is so significant within our case-law that you will find no fewer than 11 thematic factsheets on this topic on our website pertaining in one way or another to the work of the CPT.

And that is not to mention the great many judgments handed down each year which expressly refer to the CPT's reports and visits, and of course to the general recommendations of the CPT. If I had to cite just one case, it would certainly be the case of *Muršić v. Croatia* which, in 2016, at the level of the Grand Chamber, specified the minimum personal space for each prisoner in a shared cell.

I would add that the system of pilot judgments, invented by our Court to tackle systemic failings at domestic level, has been used on several occasions and with success to address problems of overcrowding in prisons. In short, it is clear that the Court and the CPT are moving in the same direction.

Anniversaries must never only look back at the past. While they do provide an opportunity to see how far we have come, they also serve to chart the course of future action. When it comes to our two institutions, they are a clear testimony to the complementarity of our respective endeavours.

Whether in the Court or in the CPT, we share the same objective: to ensure that the European continent is one where the dignity of human beings, whatever their situation, is respected everywhere. That is what we are striving to achieve each and every day.

So I would like to wish a happy anniversary to the Committee for the Prevention of Torture and I express the wish that it will continue its mission just as successfully as it has done for the past 30 years.

## Speech by Dunja Mijatović, Commissioner for Human Rights



I am very pleased and deeply honoured to have the opportunity to address you today, at this ceremony marking the 30th anniversary of the European Committee for the Prevention of Torture.

On this milestone anniversary of the CPT, I would like to pay tribute to those who were at the origins of the idea to have an independent body empowered to visit places of deprivation of liberty without restriction, anywhere in Europe. It is also a body that meets with the persons who are held in these places and talks to

them in private, and reports on its findings to the authorities. Like many ideas that have led to concrete action in the human rights field – the abolition of slavery, the fight against enforced disappearances, women’s rights, the rights of persons with disabilities – this idea comes from civil society. I would like to pay tribute to our friends from the Association for the Prevention of Torture, as well as the many human rights defenders who have worked tirelessly and courageously and sometimes in high-risk situations to protect their fellow human beings from torture and inhuman or degrading treatment or punishment.

A lot of work has been done over the last thirty years – good, meaningful work by professional and dedicated persons. The mechanism that the CPT pioneered is a unique one, and I don’t think it’s an exaggeration to say that it set the gold standard for fact-finding missions to different types of places of deprivation of liberty. Again, I would like to give credit to the persons behind this endeavour, the members of the Committee with their wide-ranging expertise in various fields, and the hard-working and competent Secretariat of the CPT that keeps the mechanism running.

Thirty years is not enough, because this kind of work is never done, as you well know. We cannot afford to be complacent. There is simply too much at stake. Poorly managed prisons where inmates are mistreated are factories for future social upheaval or violence. Police violence alienates communities and undermines trust in state institutions. As for the conditions in which migrants, refugees and asylum seekers are held, I have just returned from Greece, where I visited the islands of Lesbos and Samos, as well as Korinthos on the Peloponnese, and had very constructive talks with the authorities in Athens.

I recently spoke about the urgent need to address the deplorable situation of the migrants in the improvised camp in Vučjak in my home country of Bosnia and Herzegovina, and I will continue to advocate for systemic and human rights-compliant solutions at European level.

When it comes to preventing torture and ill-treatment, as well as combating impunity against human rights violations committed by state actors, the fundamental

importance of institutions like the CPT and the national preventive mechanisms present here today cannot be overstated.

However, there is also the need to engage at a political level. In the end, it is the political leaders who bear the bulk of the responsibility to ensure that persons deprived of their liberty are treated humanely, and that impunity is not given a chance to set in. It is particularly important to demand that the discourse, attitudes and messages that come from the highest state officials and those in charge of security structures fully reflect this principle, as their instructions and public positions are rarely ignored by their subordinates. It is indeed extremely damaging to public trust in state institutions when law enforcement officials convicted of misconduct involving ill-treatment or any other serious violation of human rights are either pardoned or receive inadequate sanctions.

I will continue to remind state authorities about the absolute prohibition against torture and that they have the duty to ensure that anyone deprived of his or her liberty must be treated humanely and in decent conditions. You can count on me to amplify your message, to push for having CPT reports published, and to give a boost to national preventive mechanisms or other bodies that fulfil a similar role.

The fight against torture is a painstaking process that bears fruit over the long term. Unfortunately, it takes a much shorter time to squander achievements and revert to inhuman methods. Let us do our utmost not to allow this to happen over the next thirty years. The task is huge, but I also think it is not impossible. I am your ally in these efforts, as always. Congratulations.

## Speech by Mykola Gnatovskyy, President of the CPT



To quote a French song: “You don’t get to be 20 every day, it only happens once”.

Well, that has been true for 30 years, and we are all here because the CPT’s 30th is today! On behalf of the Committee, thank you for taking part in our celebrations.

On this occasion, I wish to express my sincere thanks and also the gratitude of the entire Committee to the previous speakers for their kind words and their constant support to the CPT.

Let me also congratulate all former and current CPT Members and the staff of its Secretariat, as well as CPT experts and interpreters who have worked with and for the CPT during these 30 years, in particular during visits. Nothing could have been achieved without the expertise, the commitment and the hard work of each of them. They have all contributed to a great collective effort, and the figures reflecting it are impressive. In total, 451 visits carried out to date, and 405 visit reports published.

Let me also highlight a very positive development of recent years: the procedure of automatic publication of CPT Reports by States Parties to the Convention. It represents a significant step towards more transparency and more efficiency. I congratulate the 11 states which have already accepted automatic publication and invite all our member states to seriously consider accepting it.

It is pleasing to hear the previous speakers’ accolades for the Committee’s work and the results achieved over the last 30 years. The support voiced by the Council of Europe’s highest political authorities is a great source of satisfaction for the Committee. At the same time, I take their point that our goal has not yet been attained: much remains to be done for Europe to become and remain a torture-free area and it is for us to rise to this task. Today’s Conference has clearly demonstrated that as regards fundamental safeguards during custody. This is true for other areas of the CPT’s work, notably where prisons, detention of foreigners, psychiatric hospitals and social care homes are concerned. While progress has undeniably been made in enshrining rights in domestic legislation, the practical implementation of those rights continues to run into numerous obstacles. It is the Committee’s job to detect and spell out those problems and recommend to the States Parties the measures required to ensure full compliance with Article 3 of the European Convention on Human Rights. It is also down to the Committee to ensure that its Recommendations are followed up through confidential dialogue with the States Parties.

As a component of the very ambitious and effective Council of Europe Human Rights machinery, the CPT is ready and willing to make its own contribution and to co-operate with all the actors involved in torture prevention with a view to facing the challenges and meeting the expectations.

The work of the CPT on the ground continues to be highly regarded and trusted by the various ministries, agencies and staff working in the fields of relevance to the CPT's mandate. Trust and dialogue are also the key elements of successful collective work. The European Court of Human Rights and the CPT are only two elements of the team that are needed to prevent and combat torture and other forms of ill-treatment effectively. Obviously, Government partners are the main players of that team. In addition, at national level, the national preventive mechanisms play an essential role. Within the Council of Europe, we have the Human Rights Commissioner, we have standard-setting bodies. They are also part of that team, as are co-operation activities of the Council of Europe. If one of these elements is missing or weakened, all the work carried out by the others is at risk.

The previous and the current work of the CPT has demonstrated that the CPT can achieve much with rather limited resources. Over the years, it has shown that it can produce very good value for money and that it is cost efficient. Nevertheless, the demand for our work is not shrinking but rather expanding; therefore, in order to ensure that the CPT will continue on its path, it needs a stable Secretariat and an appropriate increase in its operational budget.

The wealth of expertise which exists within the Committee, its Secretariat and the Experts working with it, would indeed enable the CPT to do more, provided that it had the adequate resources. We therefore count on the support of the political bodies and hope that it will take a concrete form.

Eleanor Roosevelt said: "It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it." These words apply equally to the fight against torture. The spirit of this quote should guide the action of the CPT and of all the other Council of Europe actors for the fight against torture in the years to come.

## Speech by Anna Rurka, President of the Conference of INGOs



Firstly, I would like to thank the CPT for the work carried out for 30 years and acknowledge this mechanism's contribution to the implementation of the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The functioning of this mechanism has been enabled by the sustained action of NGOs, always played out in a dialectical relationship between state reality and the human

rights-based humanist idealism that guides all of the Council of Europe's work. The NGOs have been and continue to be ambitious when it comes to the efficiency of the legal system in Europe. If we want to enhance the effectiveness of human rights in places of deprivation of liberty, the impact of the preventive mechanisms must be reinforced. To that end, backing and support for national preventive mechanisms are indispensable. Co-operation with NGOs, at both national and Council of Europe level, continues to be a factor of success for the entire convention-based system. Another key factor is appropriate communication at all levels, including with the voluntary sector, providing a vigilant presence at grassroots level which facilitates the work and response capacity of the CPT and national mechanisms for preventing torture.

Across the world, binding and non-binding legal instruments, regional or international, reiterate the importance of monitoring places of deprivation of liberty in general, and by civil society in particular. In this context, the NGOs have an important added value compared to national preventive mechanisms and the CPT itself as their direct and constant presence on the ground puts them in a position to carry out independent and regular monitoring and forge long-lasting relations of trust with detainees. They also provide legal assistance, humanitarian aid, human contact and a link to the outside world, all of which are essential for the respect of those persons' dignity. They are also ideally placed to raise public awareness of living conditions and treatment in these places. There are many examples of excellent co-operation in cases where NGOs are regarded as partners and experts on the matters examined by anti-torture mechanisms. And yet it is regrettable to see that it is becoming increasingly difficult for these organisations, which are sometimes even penalised for their efforts.

Finally, allow me to underline once again the importance of monitoring work in connection with new and/or ongoing issues, which include questions of gender in places of deprivation of liberty, overcrowding in prisons, children and vulnerable groups placed in closed institutions and separated from their families, torture on migration routes, inhuman and degrading treatment in migrant holding facilities and, as we have heard today, safeguards for fundamental rights in police detention

and custody. Public trust in the law enforcement agencies and state institutions is a factor in social cohesion. The more people perceive the actions of these institutions as proportionate and respectful of rights, the more those actions will be seen as legitimate and worthy of their trust. I hope that we will have the strength and determination to build a Europe based not on security or the fight against terrorism and crime alone but on a desire for social cohesion, for which the Council of Europe triumvirate of human rights, democracy and the rule of law are the watchwords.



## Speech by Martine Brunschwig Graf, *President of the Association for the Prevention of Torture*



Firstly, I would like to thank, on behalf of the Association for the Prevention of Torture, everyone who has made today's event possible. Credit where it is due, and there is a lot of credit due to the European Committee for the Prevention of Torture in whose 30-year anniversary we are of course participating. Our thanks of course also go to the Council of Europe, the political body that stands up for human rights and democracy in a region which is home to 820 million citizens and is itself celebrating its

creation 70 years ago. The international non-governmental organisations and their committed activists, forming the active agents at grassroots level, also have their rightful place in these celebrations. And let's not forget the national preventive mechanisms, which are at the centre of the action.

It is good to recall what visionary thinking and the determination of women and men can lead to when they tirelessly and tenaciously act on them. I am thinking in particular here of the founder of the APT, Jean-Jacques Gautier, the prime mover behind a powerful idea that he would not see fully realised in a lifetime largely spent pursuing it. In mentioning him, as he wrote the first chapters of the history of the APT, I am also saluting all those who have served the cause of the CPT, the fundamental apparatus implementing the European Convention for the Prevention of Torture. Jean-Jacques Gautier always dreamt of an approach that was simple, effective and above all transparent for all the stakeholders. The CPT is a perfect example of that, as indeed are the 71 preventive mechanisms resulting from the Optional Protocol to the UN Convention against Torture.

Here, we are at the heart of European action to defend human rights. This 30th anniversary of the CPT reminds us that the fight for those rights and for the prevention of torture and degrading treatment requires concerted action from the three branches of power at political level. That is clearly in evidence this evening by the presence of the highest legislative, executive and judicial authorities of the Council of Europe, and this is not by chance. If preventive mechanisms are to be implemented and given the necessary credibility, they must be recognised by the authorities at all levels. The example must come from above, and recognition too.

We must take advantage of the CPT's 30th anniversary to clearly reiterate here that, once signed and ratified, international conventions must be respected, otherwise they might end up becoming fine texts with no effect. We all know that this danger exists, and it is our duty to deal with it. As we heard before: anniversaries are not there to take stock of what has been done, they are there to outline the roadmap for what we still have to do.

As Ambassador Mattei has stressed, the CPT remains a benchmark for the prevention of torture. Its analyses are documented, thorough and impartial. Its standards are regarded as fundamental principles to be followed by those involved in the region, and beyond. They are regularly cited by the European Court of Human Rights, which then gives them binding force. The CPT establishes clear diagnoses on symptoms of torture and ill-treatment in each of the Council of Europe's member states and prescribes the means of preventing them. Its reports and interventions are authoritative.

The CPT must also remain an innovative and visionary body, because it can be the trigger (or one of the triggers) of change which in the previous speeches have been described as "cultural change".

In fact, this afternoon, during the anniversary conference we co-organised with the CPT, we explored the implementation of procedural safeguards in the first hours of police custody, put forward by the CPT as long ago as in 1992 and now unanimously recognised as a key priority in prevention and a flagship project for the future. Given that we talk about the future, I would also mention here the guidelines on investigative interviewing and associated safeguards to be followed by the states, which the APT is promoting alongside two other non-governmental organisations. Without the CPT, they would not be becoming a reality now.

Change is possible, but it takes time. Jean-Jacques Gautier used to say that he was aware that he was not working for the torture victims of his own century but for those of the next century. That's where we are now. We hope that we have helped to protect many people against the risks of torture or ill-treatment in detention in recent decades. But so much remains to be done. And at a time when human rights are, paradoxically, coming under attack and at the same time enshrined as pillars of sustainable and fair development (as in the Sustainable Development goals, which include human rights in Goal 16, "Peace, justice and strong institutions"), we can see new opportunities for continuing to work unstintingly to prevent what denies human dignity itself. That is what the CPT has done, and that is what we shall continue to do in future, beyond this anniversary.



” 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.

# Appendices

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## 1. The CPT's mandate and modus operandi

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

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

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

The CPT implements its essentially preventive function through two kinds of visits – periodic and ad hoc. Periodic visits are carried out to all 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 2019)

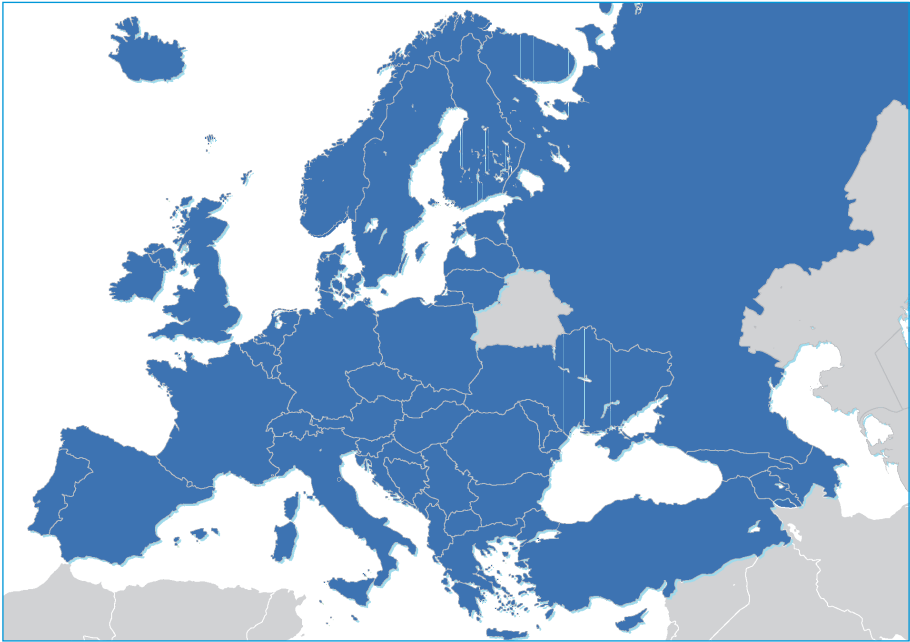
The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) was opened for signature by the member states of the Council of Europe on 26 November 1987. Since 1 March 2002, the Committee of Ministers of the Council of Europe has been able to invite any 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	03/03/2004 <sup>10</sup>	03/03/2004	06/06/2006 <sup>11</sup>
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

10. Dates of signature and ratification by the state union of Serbia and Montenegro.

11. 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 2019)



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: 1 542 206 prisoners**

(Main source: Council of Europe Annual Penal Statistics (SPACE I – 2019); data as at 31 January 2019)

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 2019)

Name	Elected in respect of	Term of office expires
Mr Mykola GNATOVSKYY, President	Ukraine	19/12/2021
Mr Mark KELLY, 1st Vice-President	Ireland	19/12/2023
Ms Therese Maria RYTTER, 2nd Vice-President	Denmark	19/12/2021
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 Jari PIJOLA	Finland	19/12/2023
Mr Djordje ALEMPIJEVIĆ	Serbia	19/12/2021
Mr Vytautas RAŠKAUSKAS	Lithuania	19/12/2023
Mr Costakis PARASKEVA	Cyprus	19/12/2023
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
Mr Philippe MARY	Belgium	19/12/2023
Ms Marie LUKASOVÁ	Czech Republic	19/12/2023
Mr Ceyhun QARACAYEV	Azerbaijan	19/12/2023
Ms Vânia COSTA RAMOS	Portugal	19/12/2023
Ms Slava NOVAK	Slovenia	19/12/2021
Mr Vincent MICALLEF	Malta	19/12/2023
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
Ms Elsa Bára TRAUŠTADÓTTIR	Iceland	19/12/2023
Ms Ifigeneia KAMTSIDOU	Greece	19/12/2023
Mr Gordana KALAJDJEV	North Macedonia	19/12/2023
Mr Aleksandar TOMČUK	Montenegro	19/12/2023
Ms Solvita OLŠENA	Latvia	19/12/2023
Ms Kristina PARDALOS	San Marino	19/12/2023
Ms Vanessa DURICH MOULET	Andorra	19/12/2023
Ms Helena PAPA	Albania	19/12/2023
Mr Arman TATOYAN	Armenia	19/12/2023
Ms Gaia PERGOLO	Italy	19/12/2023

On 31 December 2019, the seats in respect of Bosnia and Herzegovina, Greece and Iceland were vacant.



## 5. CPT Secretariat (as at 31 December 2019)

### CPT Secretariat

Mr Régis BRILLAT, Executive Secretary<sup>12</sup>

Secretariat: Ms Catherine GHERIBI, Personal Assistant

Ms Antonella NASTASIE, Assistant to the Committee

### Transversal Support Division

Mr Michael NEURAUTER, Deputy Executive Secretary, Head of Division

Mr Patrick MÜLLER, Research, information strategies and media contacts

Ms Claire ASKIN, Archives, publications and documentary research

Ms Morven TRAIN, Administrative and budgetary questions

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

## Divisions responsible for visits

Division 1		
<p>Ms Ardita ABDIU, Head of Division            Mr Julien ATTUIL            Mr Petr HNATIK            Ms Aurélie PASQUIER            Ms Yvonne HARTLAND, Administrative Assistant            Secretariat: Ms Oana MOLDOVEAN</p>		
Albania	Hungary	Monaco
Andorra	Kosovo <sup>13</sup>	Netherlands
Belgium	Latvia	Norway
Czech Republic	Liechtenstein	Slovak Republic
Estonia	Luxembourg	Slovenia
France	Republic of Moldova	
Division 2		
<p>Mr Borys WODZ, Head of Division            Mr Elvin ALIYEV            Ms Almut SCHRÖDER            Ms Dalia ŽUKAUSKIENĖ            Secretariat: Ms Natia MAMISTVALOVA</p>		
Armenia	Finland	Poland
Austria	Georgia	Russian Federation
Azerbaijan	Germany	Sweden
Bulgaria	Iceland	Turkey
Denmark	Lithuania	Ukraine
Division 3		
<p>Mr Hugh CHETWYND, Head of Division            Ms Francesca GORDON            Ms Muriel ISELI            Mr Cristian LODA            Ms Françoise ZAHN, Administrative Assistant            Secretariat: Ms Catherine THEREAU</p>		
Bosnia and Herzegovina	Malta	Serbia
Croatia	Montenegro	Spain
Cyprus	North Macedonia	Switzerland
Greece	Portugal	United Kingdom
Ireland	Romania	
Italy	San Marino	

13. 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 2019)

### 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	13	13	0
Andorra	4	0	4	4	0
Armenia	5	5	9	9	0
Austria *	6	0	6	6	0
Azerbaijan	4	7	11	11	0
Belgium	7	2	10 <sup>a</sup>	10 <sup>a</sup>	0
Bosnia and Herzegovina	5	3	8	7	0
Bulgaria *	7	5	12	12	0
Croatia	5	0	5	5	0
Cyprus	7	0	7	7	0
Czech Republic*	6	2	8	8	0
Denmark *	6	1	7	6	1 <sup>b</sup>
Estonia	5	1	6	6	0
Finland *	5	0	5	5	0
France	7	7	13	12	1 <sup>b</sup>
Georgia	6	2	8	8	0
Germany	6	3	9	9	0
Greece	7	9	15 <sup>c</sup>	14 <sup>d</sup>	1 <sup>b</sup>
Hungary	6	4	10	9	1 <sup>b</sup>
Iceland	5	0	5	4	1 <sup>b</sup>
Ireland	7	0	6	6	0
Italy	7	1	14	13	1 <sup>b</sup>
Latvia	5	3	8	8	0
Liechtenstein	4	0	4	4	0
Lithuania	5	2	7	7	0
Luxembourg *	4	1	5	5	0
Malta	5	3	8	8	0
Republic of Moldova *	6	9	15	12	3 <sup>e</sup>
Monaco *	2	0	2	2	0
Montenegro	3	0	3	3	0
Netherlands	6	5	13 <sup>f</sup>	13 <sup>f</sup>	0
North Macedonia	6	7	12	12	0
Norway *	5	1	6	6	0
Poland	6	1	6	6	0
Portugal	7	4	10	10	0
Romania	6	5	10 <sup>g</sup>	10 <sup>g</sup>	0
Russian Federation	7	22	25 <sup>h</sup>	4	21
San Marino	4	0	4	4	0
Serbia	4 <sup>i</sup>	1	5 <sup>i</sup>	5 <sup>i</sup>	0
Slovak Republic	6	0	6	6	0
Slovenia	5	0	5	5	0
Spain	7	10	17	16	1 <sup>b</sup>
Sweden *	5	1	6	6	0
Switzerland	6	1	7	7	0
Turkey	7	24	29 <sup>j</sup>	25 <sup>k</sup>	4
Ukraine *	7	8	15	14	1 <sup>b</sup>
United Kingdom	8	15	23 <sup>l</sup>	22 <sup>l</sup>	1 <sup>b</sup>

\* 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) Report published in 2020.

(c) These 15 reports cover the 16 visits carried out.

(d) These 14 published reports cover 15 visits carried out.

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

(f) 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.

(g) These 10 reports cover the 11 visits carried out.

(h) These 25 reports cover 28 visits carried out.

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

(j) These 29 reports cover the 31 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.



## **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:**

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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:**

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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:**

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Four visits carried out in 2005, 2007, 2010 and 2019 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.

One visit carried out in 2019 in pursuance of an Exchange of Letters between the International Criminal Court (ICC) and the CPT dated 2 and 9 November 2017, and in accordance with the Enforcement Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the ICC on the enforcement of sentences imposed by the ICC.

## **Visits carried out on the basis of special arrangements**

### **Kosovo:<sup>14</sup>**

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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).

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14. 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 2019)

### Periodic visits

#### Armenia

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02/12/2019 - 12/12/2019

##### *Police establishments*

- ▶ Detention Centre of Yerevan City Police Department
- ▶ Kotayq Police Division, Abovyan
- ▶ Armavir Police Division
- ▶ Artashat Police Division
- ▶ Goris Police Division
- ▶ Hrazdan Police Division
- ▶ Sevan Police Division
- ▶ Nairi Police Division, Yeghvard

##### *Prisons*

- ▶ Armavir Prison
- ▶ Central Prison Hospital
- ▶ Goris Prison
- ▶ Hrazdan Prison
- ▶ Nubarashen Prison
- ▶ Sevan Prison
- ▶ Yerevan-Kentron Prison

##### *Psychiatric establishments*

- ▶ Armash Health Centre
- ▶ National Centre for Mental Health Care (Forensic Psychiatric Unit)
- ▶ Syunik Psychiatric-Neurological Dispensary

##### *Social care establishments*

- ▶ Dzorak Social Care Centre for People with Mental Disorders

#### Bosnia and Herzegovina

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11/06/2019 - 21/06/2019

##### *Law enforcement establishments*

##### Federation of Bosnia and Herzegovina

- ▶ Detention Unit of the Federal Ministry of the Interior, Sarajevo
- ▶ Police Station "Dom Policije" of the Federal Ministry of the Interior, Sarajevo

- ▶ Headquarters of the Ministry of the Interior of the Canton of Sarajevo
- ▶ Department for Organised Crime, Sexual Crimes and War Crimes of the Criminal Police, Sarajevo Cantonal Police Headquarters
- ▶ Sarajevo Judicial Police Headquarters
- ▶ Detention Unit located in the premises of Novo Sarajevo Police Station (Canton of Sarajevo)
- ▶ Sarajevo Centar Police Station (Canton of Sarajevo)
- ▶ Hadžići Police Station (Canton of Sarajevo)
- ▶ Mostar Centar Police Station (Canton of Herzegovina-Neretva)
- ▶ Stolac Police Station (Canton of Herzegovina-Neretva)

#### Republika Srpska

- ▶ Banja Luka Police Department
- ▶ Detention unit of the Banja Luka District Prosecutor's Office
- ▶ Directorate for Organised Crime and Serious Crime of the Ministry of the Interior, Zalužani
- ▶ Detention Unit of the Zalužani Police Training Centre
- ▶ Pale Police Station (East Sarajevo Police Department)

#### *Prisons*

##### Federation of Bosnia and Herzegovina

- ▶ Mostar Prison
- ▶ Sarajevo Remand Prison

##### Republika Srpska

- ▶ Banja Luka Prison
- ▶ East Sarajevo Prison (newly-admitted remand prisoners)

#### *Psychiatric establishments*

##### Republika Srpska

- ▶ Forensic Psychiatric Hospital, Sokolac
- ▶ Special Psychiatric Hospital, Sokolac

#### *Social care establishments*

##### Federation of Bosnia and Herzegovina

- ▶ Social Care Home for Mentally Disabled, Stolac

## Denmark

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03/04/2019 - 12/04/2019

#### *Police establishments*

- ▶ City Police Station, Copenhagen
- ▶ Nykøbing Falster Police Station
- ▶ Odense Police Headquarters

### **Prisons**

- ▶ Storstrøm Prison
- ▶ Blegdamsvejens Remand Prison, Copenhagen
- ▶ Copenhagen Police Headquarters Prison (*Politigårdens Fængsel*)
- ▶ Odense Remand Prison

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

- ▶ Nykøbing Falster Holding Centre
- ▶ Ellebæk Centre for Foreigners

### **Psychiatric establishments**

- ▶ Secure Department of Slagelse Psychiatric Hospital (*Sikringsafdelingen*)
- ▶ Intensive wards SL2 and SL3 of Slagelse Psychiatric Hospital

## **France**

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04/12/2019 - 18/12/2019

### **Law enforcement establishments**

- ▶ Bobigny Police Headquarters
- ▶ Bordeaux Police Headquarters
- ▶ Cenon Police Station
- ▶ Le Bouscat Police Station
- ▶ Lens Police Headquarters
- ▶ Lille Police Headquarters
- ▶ Maubeuge Police Station
- ▶ Police Station, 19th administrative district, Paris
- ▶ Roubaix Police Headquarters
- ▶ Bavay Local Gendarmerie Brigade
- ▶ Langon Local Gendarmerie Brigade
- ▶ Solre-le-Chateau Gendarmerie Brigade

### **Prisons**

- ▶ Bordeaux-Gradignan Prison
- ▶ Lille-Annœullin Prison (targeted visit to the “radicalisation unit”)
- ▶ Lille-Loos-Sequedin Prison
- ▶ Maubeuge Prison
- ▶ Vendin-le-Vieil Prison

### **Psychiatric establishments**

- ▶ Closed units and unit for short stays within the General (civil) Psychiatry sector, Psychiatric Hospital, Cadillac
- ▶ Intensive Psychiatric Care Unit (USIP), Psychiatric Hospital, Cadillac

- ▶ Unit for Difficult Patients (UMD), Psychiatric Hospital, Cadillac
- ▶ Special Psychiatric Hospital Unit for Prisoners (UHSA), Psychiatric Hospital, Cadillac
- ▶ Forensic Unit, Hôtel-Dieu Hospital, Paris

## Greece

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28/03/2019 - 09/04/2019

### **Police establishments**

- ▶ Agia Barbara Police Station, Athens
- ▶ Alexandra Street Police Headquarters, Athens
- ▶ Aristotelous Police Station, Thessaloniki
- ▶ Chania Regional Police Headquarters, Crete
- ▶ Demokratias Police Station, Thessaloniki
- ▶ Kypseli Police Station, Athens
- ▶ Langadas Police Station
- ▶ Monasteriou General Police Headquarters, Thessaloniki
- ▶ Nigrita Police Station
- ▶ Omonia Police Station, Athens
- ▶ Serres Police Station
- ▶ Trikala Police Station
- ▶ Athens Transfer Centre for Prisoners
- ▶ Thessaloniki Transfer Centre for Prisoners

### **Prisons**

- ▶ Chania Prison, Crete
- ▶ Korydallos Men's Prison
- ▶ Korydallos Female Remand Prison (targeted interviews)
- ▶ Korydallos Prison Health Centre (former prison hospital)
- ▶ Nigrita Prison
- ▶ Thessaloniki (Diavata) Prison
- ▶ Trikala Prison

## Iceland

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17/05/2019 - 24/05/2019

### **Police establishments**

- ▶ Reykjavík Police Headquarters
- ▶ Akureyri Police Station
- ▶ Borgarnes Police Station

- ▶ Búðardalur Police Station
- ▶ Keflavík International Airport Police Station
- ▶ Keflavík Police Station
- ▶ Kópavogur Police Station
- ▶ Ólafsvík Police Station
- ▶ Selfoss Police Station
- ▶ Stykkishólmur Police Station

**Prisons**

- ▶ Akureyri Prison
- ▶ Hólmsheiði Prison
- ▶ Kvíabrygja Prison
- ▶ Litla-Hraun Prison

**Psychiatric establishments**

- ▶ Psychiatric unit of Reykjavík University Hospital (Landspítali)
- ▶ Forensic and secure wards of the Psychiatric Department of Reykjavík University Hospital (Kleppur campus)
- ▶ Psychiatric ward of Akureyri Hospital

## Ireland

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23/09/2019 - 04/10/2019

**Police stations**

- ▶ Bridewell District Garda Station, Cork
- ▶ Clontarf Garda Station, Dublin
- ▶ Cobh District Garda Station, Cork
- ▶ Mountjoy Garda Station, Dublin
- ▶ Store Street District Garda Station, Dublin

**Prisons**

- ▶ Arbour Hill Prison
- ▶ Cloverhill Prison
- ▶ Cork Prison
- ▶ Midlands Prison
- ▶ Mountjoy Prison (targeted visit)

**Psychiatric establishments**

- ▶ Department of Psychiatry, St Luke's Hospital, Kilkenny
- ▶ Sliabh Mis Mental Health Admission Unit, University Hospital Kerry, Tralee
- ▶ St Aloysius Ward, Mater Misericordiae University Hospital, Dublin

### ***Social care establishments***

- ▶ Hazelwood Centre, Dublin
- ▶ Stewarts Care residential services for adults with intellectual disabilities, Palmerstown Campus, Dublin

## **North Macedonia**

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02/12/2019 - 12/12/2019

### ***Police establishments***

- ▶ Bitola Police Station
- ▶ Gevgelija Police Station
- ▶ Gostivar Police Station
- ▶ Negotin Police Station
- ▶ Ohrid Police Station
- ▶ Gazi Baba Police Station, Skopje
- ▶ Strumica Police Station
- ▶ Tetovo Police Station

### ***Prisons***

- ▶ Gevgelija Prison
- ▶ Idrizovo Prison
- ▶ Kumanovo Prison
- ▶ Ohrid Prison
- ▶ Skopje Prison
- ▶ Štip Prison (targeted visit to the closed section)

### ***Psychiatric establishments***

- ▶ Demir Hisar Psychiatric Hospital
- ▶ Negorci Psychiatric Hospital

### ***Social care establishments***

- ▶ Demir Kapija Special Institution for Mentally Disabled Persons



## Ad hoc visits

### Italy

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12/03/2019 - 22/03/2019

#### *Prisons*

- ▶ Biella Prison
- ▶ Milan Opera Prison
- ▶ Saluzzo Prison
- ▶ Viterbo Prison

### Poland

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09/09/2019 - 16/09/2019

#### *Police establishments*

- ▶ City Police Command, Gdańsk
- ▶ Regional (*Voivodship*) Police Command, Cracow
- ▶ City Police Command, Sopot
- ▶ Metropolitan Police Command, Warsaw
- ▶ VIIth District Police Station, Warsaw-Wola

#### *Prisons*

- ▶ Gdańsk Remand Prison
- ▶ Cracow Remand Prison (Montelupich)
- ▶ Warsaw-Służewiec Remand Prison

### Portugal

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03/12/2019 - 12/12/2019

#### *Police establishments*

- ▶ PSP Metropolitan Command Headquarters, Moscavide Avenue, Lisbon
- ▶ PSP 4th Police Division/30th Police Station, Travessa de Miguel Lupi, Lisbon (Lapa)
- ▶ PSP Bela Vista Holding Facilities, Agostinho José Freire Street, Porto
- ▶ GNR Police Station, Rua Padre Andrade e Silva, São Cosme, Gondomar

#### *Prisons*

- ▶ Caxias Prison (targeted visit)
- ▶ Lisbon Central Prison (targeted visit)
- ▶ Lisbon Judicial Police Prison (targeted visit)
- ▶ Porto Central Prison
- ▶ Porto Judicial Police Prison

- ▶ Santa Cruz do Bispo Prison (Psychiatric Clinic)
- ▶ Setúbal Prison (targeted visit)

## Russian Federation

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07/10/2019 - 18/10/2019

### *Prisons*

- ▶ Pre-trial Detention Facility (SIZO) No. 1 in Omsk
- ▶ Strict-regime Correctional Colony No. 6 in Omsk
- ▶ Special-regime Correctional Colony No. 7 in Omsk
- ▶ General-regime Correctional Colony No. 1 in Yaroslavl
- ▶ Special-regime Correctional Colony No. 6 (units for life-sentenced prisoners) in Sol-Iletsk (Orenburg Region)
- ▶ Special-regime Correctional Colony No. 18 (units for life-sentenced prisoners) in Kharp (Yamalo-Nenets Autonomous Region)
- ▶ Prison Hospital No. 11 in Omsk (interviews with prisoners recently transferred from various correctional colonies in the Omsk region)

## Turkey

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06/05/2019 - 17/05/2019

### *Law enforcement establishments*

- ▶ Ankara Police Headquarters:
  - Anti-Terror Department
  - Homicide Department
  - Law and Order Department
  - Narcotics Department
  - Organised Crime Department
  - Theft Department
- ▶ Diyarbakır Police Headquarters:
  - Anti-Terror Department
  - Narcotics Department
  - Diyarbakır-Hani Police Station
  - Diyarbakır-Huzur Police Station
  - Diyarbakır-Yenişehir Police Station
  - Diyarbakır Regional Gendarmerie Commandership
  - Diyarbakır-Mermer Gendarmerie Station
- ▶ Istanbul Police Headquarters:
  - Anti-Terror Department
  - Common Detention Facility

- ▶ Istanbul-Sultanbeyli District Police Headquarters
- ▶ Istanbul-Sancaktepe Police Station
- ▶ Istanbul-Ahmet Yesevi Police Station
- ▶ Şanlıurfa Police Headquarters:
  - Anti-Terror Department
  - Juveniles Department
  - Narcotics Department

### **Prisons**

- ▶ Diyarbakır D-type High-Security Prison
- ▶ Diyarbakır E-type Prison
- ▶ Diyarbakır T-type Prison No. 2
- ▶ Diyarbakır Juvenile Prison
- ▶ Imralı F-type High-Security Prison
- ▶ Istanbul Bakırköy Prison for Women
- ▶ Istanbul-Metris T-type Prison No. 1
- ▶ Istanbul-Silivri Prison No. 5
- ▶ Istanbul-Silivri Prison No. 6
- ▶ Istanbul-Maltepe L-type Prison No. 1
- ▶ Istanbul-Maltepe L-type Prison No. 3
- ▶ Şanlıurfa E-type Prison
- ▶ Şanlıurfa T-type Prison No. 1
- ▶ Şanlıurfa T-type Prison No. 2

## **Ukraine**

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02/04/2019 - 11/04/2019

### **Social care establishments**

- ▶ “Internat” in Viktorivka (Cherkasy Region)
- ▶ “Internat” in Velykorybalske (Odesa Region)
- ▶ “Internat” in Baraboi (Odesa Region)

## **United Kingdom (England)**

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13/05/2019 - 23/05/2019

### **Prisons**

#### **Adult prisons**

- ▶ HMP & YOI Doncaster
- ▶ HMP Liverpool
- ▶ HMP Wormwood Scrubs

### Juvenile detention establishments

- ▶ HMYOI Cookham Wood
- ▶ HMYOI Feltham (Section A)
- ▶ Secure Training Centre Rainsbrook

## United Kingdom (Scotland)

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14/10/2019 - 18/10/2019

### *Prisons*

- ▶ HMP and YOI Cornton Vale
- ▶ HMP Shotts

In the context of this visit, the delegation of the CPT also examined the treatment and conditions of detention of two persons convicted by the International Criminal Court (ICC) and the International Criminal Tribunal for the former Yugoslavia (ICTY), who are serving their sentences in the United Kingdom (cf. Appendix 6).

## 8. Public statement on the Russian Federation concerning the Chechen Republic and other republics of the North Caucasian region

*(made on 11 March 2019)*

The phenomenon of torture and severe ill-treatment of persons detained by members of law enforcement agencies in the North Caucasian region of the Russian Federation, and in particular in the Chechen Republic, has been an issue of grave concern for the CPT since its first visit to the Republic in early 2000. On three previous occasions, namely in 2001, 2003 and 2007,<sup>15</sup> the CPT has found it necessary to have resort to its power to make a public statement, in view of the Russian authorities' persistent failure to improve the situation in the light of the Committee's recommendations.

Since it issued the 2007 public statement, the CPT has carried out a further three visits to the Chechen Republic (in April 2009, April/May 2011 and November/December 2017), while seeking to pursue a constructive dialogue with the Russian authorities on various matters related to the treatment of persons detained by the law enforcement agencies in that Republic. Regrettably, it is clear from the information gathered by the Committee in the course of those visits that **resort to torture and other forms of ill-treatment by members of law enforcement agencies in the Chechen Republic remains widespread**, as does the related practice of unlawful detentions which inevitably heightens significantly the risk of resort to ill-treatment, in particular due to the denial of fundamental safeguards. Further, it remains deeply worrying that, in their responses to the CPT's visit reports, the Russian authorities have failed to acknowledge the gravity of the situation.

For the CPT, it is of grave concern that, notwithstanding the efforts it has deployed over the last 20 years, torture and other forms of ill-treatment of detained persons in the Chechen Republic has remained a deep-rooted problem. This speaks not only to a dereliction of duty at the level of the Republic's authorities, but also to a failure of effective oversight and control at the Federal level. It is clear that the manner in which law enforcement officials in the Chechen Republic deal with persons in their custody must be subject to far closer and more robust supervision.

In the months preceding its November/December 2017 visit, the CPT received reports/allegations of abductions, unlawful detentions, severe ill-treatment and extrajudicial killings of a large number of people – including but not limited to LGBTI persons – by, at the instigation, or with the acquiescence of law enforcement officials at various locations in the Chechen Republic from December 2016 onwards. The facts found during the 2017 visit – which are set out in the extracts from the report on that visit appended to this public statement – lend credence to those claims. Consequently, the CPT has made repeated requests to the Russian authorities – including in the report on the 2017 visit – to be provided with clear evidence that effective investigations have been carried out into these allegations of unlawful detentions and severe ill-treatment by law enforcement officials in the Chechen Republic.

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15. See documents CPT/Inf (2001) 15, CPT/Inf (2003) 33 and CPT/Inf (2007) 17, available at: <https://www.coe.int/en/web/cpt/russian-federation>

Regrettably, the CPT's ongoing dialogue with the Russian authorities on this subject has reached an impasse.

On numerous occasions in the course of this dialogue, the Committee has stressed that assessing the effectiveness of action taken by the competent investigatory authorities when ill-treatment may have occurred constitutes an integral part of its preventive mandate, given the implications that such action has for future conduct by public officials. Indeed, when officials who order, authorise, condone or perpetrate ill-treatment are held to account for their acts or omissions, an unequivocal message is delivered that such conduct will not be tolerated.

The most straightforward way for the Russian authorities to furnish the necessary evidence and to comply with their legal obligations under Article 8(2)(d) of the Convention establishing the Committee<sup>16</sup> would be to provide full access to the relevant investigation files. In recent years, the CPT has made multiple requests of this nature to the Russian authorities. Moreover, the precise nature of the obligations of a Party to the Convention under Article 8(2)(d) has been re-emphasised during several face-to-face meetings between CPT delegations and senior representatives of the Investigative Committee of the Russian Federation and of the Investigative Committee's Investigative Departments for the North Caucasian Federal District and for the Chechen Republic.<sup>17</sup> It is of grave concern that, despite the Committee's sustained engagement on this issue, the Russian authorities have not complied with their obligation to demonstrate that effective investigations have taken place. The CPT must stress that nothing can justify an outright refusal to grant access to information of this nature, which is necessary for the Committee to carry out its task, or providing access on conditions which would be tantamount to a refusal.

**Such a state of affairs can only be qualified as an ongoing failure to co-operate with the CPT.** This is all the more worrying given that reports of unlawful detentions and ill-treatment of members of the LGBTI community and others continue to emerge from the Chechen Republic. The CPT wishes to emphasise that effective investigation of any such allegations is a core human rights obligation for the Russian Federation or indeed any other Council of Europe Member State under the European Convention on Human Rights (ECHR). Moreover, the CPT firmly believes that full co-operation with the Committee as a monitoring body designed to prevent violations of the absolute prohibition of torture enshrined in Article 3 of the ECHR represents an essential prerequisite for complying with this obligation.

It should also be emphasised that the widespread practice of police ill-treatment is not unique to this republic of the Russian Federation; this problem has been repeatedly highlighted also in respect of other republics of the North Caucasian region after the 2007 public statement, in particular in the context of the CPT's 2008, 2009, 2011 and 2016 ad hoc visits to the Republics of Dagestan, Ingushetia, Kabardino-Balkaria and North Ossetia. Key extracts from the report on the last-mentioned visit are appended to this public statement. The Committee's findings in the course of

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16. Article 8(2)(d) requires that Parties to the Convention provide the Committee with such information as is "necessary for the Committee to carry out its task".

17. Meetings of this nature have taken place in Yessentuki in December 2016, in Grozny in December 2017 and, most recently, in Moscow in October 2018.



those visits demonstrated that resort to torture and other forms of severe ill-treatment remained a common occurrence in law enforcement establishments in these republics.

As had been the case during previous CPT visits to these republics, the visiting delegations received a considerable number of credible allegations of physical ill-treatment of detained persons whilst in the custody of law enforcement agencies. The ill-treatment alleged was often of such a severity that it could amount to torture; the methods involved included the infliction of electric shocks to various parts of the body (e.g. toes, fingers, ears and genitals), extensive beating and asphyxiation using a plastic bag or gas mask. In a number of such cases, allegations of ill-treatment were supported by medical evidence, in the form of both traumatic lesions directly observed by the delegations' forensic medical experts and entries in medical documentation examined in detention facilities. Further, in some death-in-custody cases, the Committee found strong indications – including in forensic medical reports – that the injuries observed on the bodies of the persons could have contributed to their death.

**With this in mind, it is deeply regrettable that, during the twelve years that have elapsed since the last public statement, the Russian authorities have failed to heed the CPT's repeated calls for a firm message of "zero tolerance" of ill-treatment to be issued from the highest political level to all members of law enforcement agencies operating in the North Caucasian republics visited.**

The CPT's primary aim in making this public statement is to urge the Russian authorities to take decisive action to eradicate the phenomenon of ill-treatment by law enforcement officials in the Chechen Republic and elsewhere in the North Caucasian region of the Russian Federation, including through the conduct of effective investigations whenever relevant information comes to light. In pursuit of that objective and in furtherance of its mandate, the Committee is fully committed to continuing its dialogue with the Russian authorities.

## APPENDIX

**I. Extracts from the Report to the Russian Government on the visit to the Chechen Republic of the Russian Federation carried out by the CPT from 28 November to 4 December 2017 (adopted on 9 March 2018)**

## II. Facts found during the visits and action proposed

### A. Law enforcement agencies

#### ***1. Torture and other forms of ill-treatment***

11. In the course of the visit, the CPT's delegation once again received many consistent and credible allegations of recent ill-treatment of detained persons by law enforcement officials in the Chechen Republic. The great majority of the allegations related to ill-treatment inflicted in the early hours and days of detention, with a view to extracting a confession or obtaining information, or as a punishment. The ill-treatment alleged was often of such a severity that it could be considered as amounting to torture (e.g. extensive beating, including with hard objects such as a PVC pipe; asphyxiation using a plastic bag; the infliction of electric shocks to various parts of the body; etc.).

Further, a number of detained persons alleged that they had received threats of execution, use of (further) violence or reprisals against their families, in order to compel them to admit to criminal offences or to dissuade them from lodging formal complaints against the police. Some alleged victims of ill-treatment also stated that their family members had been intimidated by police officers in order to discourage them from complaining officially about the manner in which their relatives had been treated.

12. The allegations of ill-treatment came from a wide range of persons, interviewed independently of each other, and were fully consistent as regards the particular types of ill-treatment in question. As regards more specifically the allegations of the infliction of electric shocks, several persons gave very detailed descriptions of the devices used and the manner in which the electric shocks had been administered to them: field telephones with a crank and two bare wires which were usually fastened around the fingers, toes or genitals, or attached to the ear lobes with a kind of clip. In this context, it should be noted that the delegation found half a dozen examples of such Soviet-era army field telephones (model "TA-57") in a room located next to three windowless cells in the basement at Police Division No. 2 in Grozny (see also paragraph 19).

It should be added that much of the above-mentioned information was not immediately volunteered, but was only provided once the delegation had established a degree of confidence with the persons concerned. Indeed, a number of detained persons interviewed by the delegation were very reluctant to speak about their

experiences whilst in the custody of law enforcement agencies, and some were visibly frightened.

13. The information gathered by the delegation during the visit suggests that persons suspected of offences related to terrorism and participation in illegal armed groups are at a particularly high risk of being ill-treated, but they were not the only alleged victims. For example, a number of persons arrested in connection with drug-related offences also alleged that they had been severely ill-treated by the police. Many of those who said that they had not been ill-treated whilst in the custody of law enforcement agencies attributed this to the fact that they had immediately made confessions.

14. It must be stressed that the overwhelming majority of the allegations of torture and severe ill-treatment referred to prolonged periods (weeks or even months) of unofficial detention having preceded the official registration of deprivation of liberty by the police (see, in this regard, paragraphs 17 to 23). Consequently, any injuries which may have been caused by the alleged ill-treatment would almost certainly have faded or disappeared by the time of the person's entry to the official system of deprivation of liberty (and his/her first contact with health-care personnel).

15. It is noteworthy that, in stark contrast to the above, the delegation did not receive any allegations of ill-treatment of detained persons by staff working in the IVS facilities visited.

16. The findings from the 2017 visit lead the CPT to conclude that resort to torture and other forms of severe ill-treatment by members of law enforcement agencies in the Chechen Republic continues to represent a serious problem. In this respect, the recommendations made by the Committee in previous visit reports remain wholly valid.

**The CPT once again calls upon the Russian authorities to deliver, at regular intervals, a firm and unambiguous message of “zero tolerance” of ill-treatment to all members of law enforcement agencies operating in the Chechen Republic, including through the issuing of a statement to this effect from the highest political level. As part of this message, it should be reiterated that all forms of ill-treatment are absolutely prohibited, and that both the perpetrators of such acts and those condoning them will be punished accordingly. This prohibition also extends to threats of execution, use of violence or reprisals against relatives.**

Further, **the Committee reiterates its long-standing recommendation that the competent authorities promote a fundamentally different approach to methods of crime investigation. This must involve more rigorous recruitment procedures, improved professional training for law enforcement officials and the adoption of detailed instructions on the proper questioning of criminal suspects (including initial interviews by operational officers).** In the course of training, it must be made clear that the precise aim of questioning criminal suspects should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to secure a confession from someone already presumed, in the eyes of law enforcement officials, to be guilty.

## 2. Unlawful detention

17. As had been the case during previous CPT visits to the Chechen Republic, the delegation received a significant number of detailed and credible accounts from detained persons of having been held for several days or even weeks – and in most cases ill-treated – in **places which did not have the status of official detention facilities**, before being transferred to a recognised detention facility and formally detained. In this connection, a number of persons claimed that, despite their request to that effect, no information had been provided to their relatives about the fact, or location, of their detention and they were as a result held *incommunicado*.

As already mentioned (see paragraph 4)<sup>18</sup>, in the months prior to the 2017 visit, the Committee also received reports containing allegations of unlawful detentions of a large number of people by law enforcement officials at various locations in the Chechen Republic.

18. One establishment that stood out in terms of the frequency of alleged unlawful detentions – in the context of both the allegations made to the delegation during the visit and information received by the Committee beforehand – was the base of the *Kadyrov Regiment of the Special-Purpose Patrol-Sentry Police*. When the delegation visited this facility, it found out that the layout of the compound<sup>19</sup> and, more specifically, the location, design and internal features of basement-level secure rooms fully matched descriptions which the delegation had received from persons who alleged to have been held there (and subjected to severe ill-treatment) in the recent past.

It should be underlined that the aforementioned compound is not an ordinary police station to which the public has access, but rather a heavily guarded area. It is therefore inconceivable that the different persons whom the delegation interviewed individually would have been able to describe this place so accurately if they had not been held there.

19. The visit to *Police Division No. 2 in Grozny* was prompted by credible allegations received that persons had been unlawfully held for prolonged periods (up to three weeks) in the establishment's basement, as recently as September 2017.

When the delegation visited this police division, it was told by staff that the establishment had not had any place of deprivation of liberty for years and that they used IVS facilities in the proximity for detention purposes. However, the delegation discovered three windowless cells (measuring between 12 and 15 m<sup>2</sup>) in the basement of the main building, which corresponded closely to descriptions given by persons who

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18. Paragraph 4 reads: "[...] In the years since the Committee's last visit to the Chechen Republic in 2011, the CPT has continued to receive information from various sources about a widespread resort to torture and other forms of ill-treatment by members of law enforcement agencies in this Republic, as well as a lack of effective action to bring to justice those responsible for ill-treatment. In the course of 2017, such information included reports of abductions, unlawful detentions, severe ill-treatment and extrajudicial killings of a large number of people – including LGBTI persons – by, at the instigation, or with the acquiescence of law enforcement officials at various locations in the Chechen Republic from December 2016 onwards."

19. The territory of the compound was surrounded by a high wall and was composed of several buildings, of which four served as barracks. Each of the latter comprised a basement with a number of designated rooms (gym, classroom, boiler room, etc.) and a sanitary facility.

alleged that they had been held there. Further, the recently-whitewashed walls of the cells concerned still bore discernible inscriptions (including names and dates) which were highly suggestive of recent detentions.

Immediately adjacent to those cells, the delegation gained access to a room that was found to contain equipment including a stash of old field telephones fitting the description given by detained persons of the devices that had allegedly been used to inflict electric shocks upon them.

20. Given the delegation's on-the-spot findings (as well as the evasive answers by staff to questions put by the delegation), there could be little doubt that persons had been detained unlawfully in the two above-mentioned facilities in the recent past, and there were strong reasons to believe that they may have been ill-treated in the manner that they alleged.

21. Reference should also be made to the *building which formerly housed Argun City Internal Affairs Division*, a two-storey structure located immediately adjacent to the Internal Affairs IVS facility in Argun (99b, Kadyrov Street). According to various reports, a considerable number of people, including LGBTI persons, had in the past been held unlawfully and ill-treated in this building.

When visiting it, the delegation observed that the entire building had been comprehensively trashed; not a single surface in the building remained unscathed and it was strewn with debris.<sup>20</sup> Police officers present asserted that they themselves had wreaked this destruction on the building in order to obtain items such as metal doors that they could re-use in their new offices. However, the nature and the extent of the damage that had been done appeared to be far more consistent with the wholesale destruction of evidence than with an act of architectural salvage.<sup>21</sup>

22. The delegation also received allegations of **unrecorded detentions in official detention facilities**. Several of the persons interviewed during the visit claimed that, following their arrest and delivery to an Internal Affairs establishment where they had been subjected to informal questioning by operational officers and physically ill-treated, they had spent prolonged periods (as long as two months) in an IVS facility, before the fact of their deprivation of liberty was formally recorded, a protocol of detention drawn up and the first official interview carried out by an investigator. Most of the allegations of this kind related to the IVS facility of Shali District Internal Affairs Division.

23. The information gathered during the visit suggests that resort to unofficial – and therefore illegal – detention by members of law enforcement agencies remains commonplace in the Chechen Republic. It is of all the more concern that during the periods in question detained persons are exposed to a high risk of ill-treatment, without any of the legal safeguards being applied to them. It should therefore be

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20. The floors of almost every room in the building had been ripped up, wall panelling had been torn off, doors and some windows had been unhinged, and lighting and power sockets had been removed.

21. It should be added that the building had apparently already been found in this condition during an on-site inspection by the Investigative Committee earlier in the year in the context of its pre-investigation inquiry (see paragraph 25).

made clear to all law enforcement officials in the Republic that holding detained persons in places other than official places of deprivation of liberty or failure to record the detention of persons is a serious offence. Naturally, any information which is indicative of unlawful detention in a given case must receive an effective response.

In the light of the above, **the CPT calls upon the Russian authorities to take decisive action to stamp out the above-mentioned practices. This should include ensuring effective preventive monitoring at both Federal and Republican level. The Committee also recommends that effective investigations be carried out into all complaints and other information indicative of the unlawful detention of persons.** Further, **immediate steps should be taken to ensure that whenever a person is taken or summoned to an Internal Affairs establishment, for whatever reason (including for interviews with an operational officer), his/her presence is always duly and immediately recorded.**

### ***3. Investigations into cases involving allegations of unlawful detention / ill-treatment***

24. In early April 2017, “Novaya Gazeta”, a leading independent newspaper based in Moscow, reported that a large number of people had been unlawfully detained by law enforcement agencies in the Chechen Republic between December 2016 and March 2017, on the grounds of (real or perceived) sexual orientation or gender identity. According to the publication, many of them had been subjected to severe ill-treatment, including extensive beatings and the infliction of electric shocks, by law enforcement officials in an attempt to obtain the names of other LGBTI people or to punish them, and at least two had been executed.

Further, on 9 July 2017 “Novaya Gazeta” published the names of 27 people who had reportedly been apprehended in connection with a deadly attack on police officers in Grozny in December 2016 and subsequently extrajudicially executed; the names of 4 more persons were later added to this list. The article claimed that the mass execution had presumably taken place on the premises of the Special-Purpose Patrol-Sentry Police Regiment named after A. Kadyrov in Grozny (“Kadyrov Regiment”) during the night of 25 to 26 January 2017.<sup>22</sup> It appears that in the course of April 2017 the newspaper provided the competent authorities, including the Investigative Committee of the Russian Federation, with details about the alleged victims.

25. It was against this backdrop that the CPT’s delegation visited the Chechen Republic. The central issue for the delegation was to try to assess the effectiveness of the investigation. As already indicated, the delegation met Mr Boris Karnaukhov, Deputy Chairman of the Investigative Committee of the Russian Federation, and senior representatives of the Investigative Committee’s Investigative Departments for the North Caucasian Federal District and for the Chechen Republic. The information provided to the delegation during that meeting can be summarised as follows:

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22. On 31 July 2017, the newspaper published a table entitled “List of detained persons” containing photographs and other personal details, which had reportedly been compiled by the local police. The table included several persons from the above-mentioned list of 27, suggesting that they had been held in police custody.



On 18 April 2017, the Investigative Committee's Main Investigative Department for the North Caucasian Federal District (IDNC) started a pre-investigation inquiry (*проверка сообщения о преступлении*) into the above-mentioned reports, under Section 144 of the Code of Criminal Procedure (CCP). As a first step, the IDNC carried out a visual inspection at several law enforcement establishments implicated in the alleged unlawful detentions, ill-treatment and executions, such as Argun City Internal Affairs Division and its IVS facility, the Headquarters of Special Rapid Response Team "Terek" in Grozny and the "Kadyrov Regiment". As regards the latter facility, the conclusion was that it had no premises suitable for detention purposes.

Further, interviews were conducted by IDNC investigators with the commanding officers and operational staff of law enforcement agencies (including the "Kadyrov Regiment") implicated in the allegations.<sup>23</sup> It was concluded as a result that, except for one person (who was being detained on criminal charges), none of the individuals concerned had recently been taken to the premises of those agencies or otherwise deprived of their liberty.

In sum, the inquiry had established the location of nine persons<sup>24</sup> from the list of 31 by the time of the visit, while 22 of them remained missing. It was indicated that individuals in the latter group had been charged *in absentia* with participation in an illegal armed unit and were wanted by the federal authorities.<sup>25</sup>

The sequence of decisions taken within the framework of the inquiry revealed a pattern similar to what was observed during previous visits to the Russian Federation. The delegation was informed that on 17 May 2017 a decision was taken by the investigator in charge to refuse to initiate a criminal case for lack of sufficient grounds, under Section 145 of the CCP. However, that decision was revoked by the IDNC leadership on 26 May 2017 on the ground that the inquiry had been incomplete. The pre-investigation inquiry was subsequently resumed in order to conduct "further checks", again resulting 30 days later in a decision not to open criminal proceedings, which was once again revoked by the IDNC leadership. At the time of the visit, this cycle of the closing and re-opening of a pre-investigation inquiry by the IDNC was still underway, always with the same result; the last decision of refusal to initiate a criminal case was taken on 22 November 2017, only to be revoked two days later.

26. It is a well-established principle that effective investigations, capable of leading to the identification and punishment of those responsible for ill-treatment, are essential to give practical meaning to the prohibition of torture and inhuman or degrading treatment. The criteria which an investigation into allegations of ill-treatment must meet in order to be qualified as "effective" have been established through the case-law of the European Court of Human Rights. In particular, the investigation should be conducted in a prompt and reasonably expeditious manner, and should be comprehensive and thorough.<sup>26</sup>

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23. In addition, certain senior state officials of the Chechen Republic, including the Speaker of the Parliament and First Deputy Minister of Internal Affairs, were interviewed.

24. They were reportedly residing in Chechnya or had died of natural causes or had been killed in a fire fight with the police in December 2016.

25. "Novaya Gazeta" claimed that a number of families concerned had been forced to sign a declaration that their family member had gone to Syria to participate in the armed conflict.

26. See, for example, the *Mikheyev v. Russia* judgment of 26 January 2006. Reference might also be made to the CPT's 14th General Report (CPT/Inf (2004) 28).

It should be recalled in this connection that, in its judgment of *Lyapin v. the Russian Federation*,<sup>27</sup> the Court observed that in many ill-treatment cases against Russia, the authorities had never initiated official criminal proceedings, and their investigative efforts had been limited to a pre-investigation inquiry, which in accordance with the CCP are carried out before the institution of criminal investigation in order to verify the well-foundedness of criminal complaints. In many cases in this group, these pre-investigation inquiries led ultimately to refusals to open criminal proceedings. The Court held that some important investigative measures, such as the questioning of witnesses, confrontations and identification parades, could be carried out in the course of an investigation only once a criminal case had been opened. The Court concluded that the investigative authority's refusal to open a criminal investigation into credible allegations of ill-treatment was indicative of the State's failure to comply with its obligation under Article 3 of the European Convention on Human Rights to carry out an effective investigation (see §§ 133 to 136).

27. In view of the above, the CPT at this stage entertains serious doubts as to the effectiveness of the investigation into the above-mentioned reports.

28. Shortly after the visit, a written request was made by the Committee for a full list of all investigative steps taken by the IDNC (persons from whom evidence had been taken, on-site inspections carried out, etc.) as of the launch of the pre-investigation inquiry on 18 April 2017, as well as for copies of all decisions taken not to initiate criminal proceedings, together with all subsequent decisions to revoke those decisions.

Regrettably, notwithstanding a commitment given to the delegation during the visit by the Deputy Chairman of the Investigative Committee of the Russian Federation, to date the CPT has not been provided with the specific information it requested. In these circumstances, the Committee's doubts about the effectiveness of the investigation remain to be dispelled. **The CPT must therefore reiterate its request to the Russian authorities to provide the Committee with the aforementioned written information without further delay.**

29. The CPT must emphasise in this context that assessing the effectiveness of action taken by the competent investigatory authorities when ill-treatment may have occurred constitutes an integral part of its mandate, given the implications that such action has for future conduct by public officials. In order to be able to make such an assessment, it is essential for the CPT to have access to detailed information on the investigations concerned. By virtue of Article 8, paragraph 2 (d), of the Convention, Parties are obliged to provide the Committee with such information. The most straightforward way of meeting this obligation – and the practice followed in other Parties to the Convention – is for the CPT to have access to the relevant files held by the authorities responsible for the investigation. Naturally, the Committee respects the confidential character of any information provided in this context.

30. As regards the reports of unlawful detentions and ill-treatment of LGBTI persons referred to in paragraph 24, specific reference should be made to the *case of Maxim Lapunov*. Mr Lapunov, a gay man, lodged an official complaint with the Investigative

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27. Chamber judgment of 24 July 2014; application no. 46956/09.

Committee in September 2017 about his illegal detention and ill-treatment by the police in Grozny in March 2017. During a press conference held in October 2017, Mr Lapunov described in detail how he had been detained for twelve days in a basement facility presumably in the building of the Criminal Investigations Department (CID) of the Ministry of Internal Affairs of the Chechen Republic, repeatedly struck with a plastic pipe on various parts of the body and threatened with electric shocks by several police officers. The intended purpose of the alleged ill-treatment was apparently to force him to disclose the names of LGBTI persons of Chechen origin.

According to information provided to the delegation by representatives of the IDNC, a pre-investigation inquiry was launched into Mr Lapunov's complaint on 21 September 2017, i.e. the day on which they received the complaint.<sup>28</sup> The investigative steps that had been taken by the time of the visit in relation to his allegations included: taking "explanations" from him on 29 and 30 September 2017 in Essentuki, carrying out a forensic medical examination of Mr Lapunov on 6 October 2017, the identification of the place where Mr Lapunov alleged to have been held (namely the CID in Grozny) and a visual inspection of its premises, and holding interviews with police officers implicated in his allegations as well as some potential witnesses.

By decision of 20 October 2017, the investigator in charge of the case came to the conclusion that Mr Lapunov had indeed been taken to the building of the CID by police officers on 25 March 2017 as there had been a missing person report filed by his sister two days earlier and that he had been released on the same day after an operational officer had taken the necessary procedural measures to confirm his identity. Further, according to the investigator, the visual inspection of the CID premises revealed that they did not correspond to the description given by Mr Lapunov of the place in which he claimed to have been held; in particular, there were no secure rooms in the basement where persons could be held. Consequently, it was decided not to initiate a criminal case in the absence of a *corpus delicti*.

In a similar fashion to that described in paragraph 25, the aforementioned decision was revoked by the leadership of the IDNC on the ground that the inquiry had been incomplete. The inquiry was thus resumed on 23 October leading to a decision to refuse to open a criminal case on 22 November; the latter was in turn revoked on 24 November. The CPT understands that the pre-investigation inquiry into Mr Lapunov's complaint is currently underway.<sup>29</sup>

31. As in the case of the alleged execution of 31 persons referred to in paragraph 24, the CPT requested that the Russian authorities provide a detailed account of the investigative steps taken in respect of Mr Lapunov's case, including a list of all statements/"explanations" taken and copies of all decisions not to initiate a criminal case, together with all subsequent decisions to revoke those decisions.

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28. It appears that Mr Lapunov and his legal representatives initially met with the Human Rights Commissioner of the Russian Federation on 29 August 2017 and asked that his complaint letter be personally delivered to the Head of the Investigative Committee.

29. In November 2017, the Human Rights Commissioner of the Russian Federation addressed a letter to the Head of the Investigative Committee expressing her concern about the expeditiousness of the action taken by the IDNC in this case.

To date, the Committee has not received the requested information; it is therefore unable to assess the effectiveness of the investigative steps taken in the aforementioned case. That said, from the information available to the CPT, certain apparent deficiencies could be observed.

It is essential that the authorities take all reasonable steps available to them to secure the evidence concerning the case in a prompt manner, *inter alia* by seeking evidence at the scene. However, it appears that in the present case the on-site inspection by the investigator of the alleged place of detention was performed only after a considerable delay and without Mr Lapunov's participation.

Other shortcomings in the conduct of the inquiry include the failure to question apparently important witnesses (in particular, two women who had apparently witnessed the alleged apprehension of Mr Lapunov in the street and who could have possessed useful information). It should be stressed in this context that, unlike in criminal proceedings (i.e. once a criminal case has been opened), during pre-investigation inquiries potential witnesses are not obliged to give a statement to the investigator.

**II. Extracts from the Report to the Russian Government on the visit to the North Caucasian region of the Russian Federation carried out by the CPT from 4 to 12 February 2016 (adopted on 8 July 2016)**

## **II. Facts found during the visits and action proposed**

### **A. Law enforcement agencies**

#### **1. Torture and other forms of ill-treatment**

10. As was the case during previous CPT visits, in each of the two republics visited [i.e. the Republics of Dagestan and Kabardino-Balkaria], the delegation received a considerable number of credible allegations of recent **physical ill-treatment** of detained persons whilst in the custody of law enforcement agencies. The ill-treatment alleged was often of such a severity that it could be considered to amount to **torture**; the methods involved included the infliction of electric shocks to various parts of the body (e.g. toes, fingers, ears, genitals), extensive beating and asphyxiation using a plastic bag or gas mask. In the great majority of cases, the ill-treatment was said to have been inflicted during the period immediately following apprehension, when the persons concerned were subjected to initial questioning by operational officers, in order to obtain a confession or information. In general, it appeared that more severe forms of ill-treatment were applied in the first days of police custody, thereby leaving time for any trace of the resulting injuries to fade or disappear before the person was transferred to a remand facility or released.

In both republics, a significant number of allegations were also received of **excessive use of force** during apprehension by law enforcement officials (often wearing masks), after the person concerned had been handcuffed or otherwise brought under control.

In addition, accounts were received of **ill-treatment of a psychological nature**, such as threats to use physical or sexual violence or to take into custody other members of the detained person's family, not to mention verbal abuse.

The delegation also received a number of allegations of persons being held (and in most cases ill-treated), while hooded or blindfolded, in places which did not appear to be official detention facilities, before being transferred to a recognised law enforcement establishment. Such allegations mainly concerned operational officers from the Centre for Combating Extremism, in particular in the Republic of Kabardino-Balkaria.

Once again, the overall picture which emerged from the delegation's findings was that any detained persons who did not promptly confess to the crime of which they were suspected (or provide the information being sought) would be in imminent danger of being ill-treated/tortured. It should be stressed in this connection that persons suspected of offences related to terrorism, participation in illegal armed groups and illegal possession of weapons appeared to be at a particularly high risk of being ill-treated by members of law enforcement agencies. That said, many detained persons accused of drug-related offences, robbery or theft also alleged that they had been severely ill-treated.

11. On a more positive note, the delegation did not hear any allegations of physical ill-treatment by staff working in any of the IVS facilities visited in the two republics visited.

12. In a number of cases, medical evidence consistent with allegations of ill-treatment was gathered by the CPT's delegation, through both direct observation by medical members of the delegation and the examination of records in SIZO and IVS facilities and of forensic medical reports. This evidence related in particular to beatings and electric shocks. [...]

13. In the light of all the information gathered by its delegation in the course of the visit, the CPT can only conclude that resort to severe ill-treatment, even torture, by members of law enforcement agencies remains widespread in the Republics of Dagestan and Kabardino-Balkaria. In this context, it is of the utmost importance that the authorities, at both Federal and Republican level, demonstrate their strong commitment to tackling this phenomenon at its roots, which requires a series of measures on their part. These measures include delivering a firm message of "zero tolerance" of ill-treatment (see paragraph 14), stepping up professional training for law enforcement officials (see paragraph 15), effectively investigating all information regarding possible ill-treatment (see paragraph 22), and improving the practical implementation of the legal safeguards against ill-treatment or introducing new safeguards. **The CPT must stress that failure by the Russian authorities to take such measures would be indicative of a policy of tolerating, or even condoning, acts of torture and other forms of ill-treatment.**

14. First of all, a strong and clear message must be sent to all the law enforcement agencies operating on the territory of the republics visited that any form of ill-treatment of detained persons is absolutely prohibited and that the perpetrators of ill-treatment (and those condoning such acts) will be subject to severe sanctions.

This prohibition also extends to threats to inflict ill-treatment on detained persons and of reprisals against their relatives. Indeed, no one must be left in any doubt concerning the commitment of the state authorities to combating impunity. This will underpin the action being taken at all other levels.

**The CPT calls upon the Russian authorities to deliver, at regular intervals, a clear and firm message of “zero tolerance” of ill-treatment to all members of law enforcement agencies operating in the Republics of Dagestan and Kabardino-Balkaria, including through the issuing of a statement to this effect from the highest political level.**

15. As emphasised by the Committee in the past, the best possible guarantee against ill-treatment is for law enforcement officials themselves to unequivocally reject resort to such methods. This implies strict selection criteria at the time of recruitment, as well as the provision of appropriate professional training incorporating the principles of human rights, which should take place on a permanent footing at all levels of the law enforcement infrastructure. Failing that, all other efforts to combat torture and other forms of ill-treatment may well prove futile.

In the course of training, it must be made clear that the precise aim of questioning criminal suspects should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to secure a confession from someone already presumed, in the eyes of law enforcement officials, to be guilty. Moreover, greater emphasis should be made on objective evidence obtained through forensic science, thereby reducing reliance on information and confessions obtained via questioning for the purpose of securing convictions.

**The CPT calls upon the Russian authorities to take resolute measures to improve professional training of law enforcement officials in the Republics of Dagestan and Kabardino-Balkaria. In this context, greater emphasis should be given to scientific methods of crime investigation, through investment in the acquisition of modern technical means of inquiry (e.g. criminalistic and laboratory equipment) and skilled human resources. This should be combined with the adoption of detailed instructions on the questioning of criminal suspects (including initial interviews by operational officers).**

16. The CPT recalls that the electronic (i.e. audio and/or video) recording of interviews by law enforcement officials represents an important additional safeguard against the ill-treatment of detained persons. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. In this regard, the Committee notes that Russian law<sup>30</sup> provides for the possibility of using audio- and/or video-recording in the context of questioning by law enforcement officials. **The CPT recommends that the Russian authorities ensure that all interviews of detained persons with operational officers and investigators are systematically audio- and video-recorded.**

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30. Section 189 (4) of the Code of Criminal Procedure.



## 2. Investigations into cases involving allegations of ill-treatment

19. As the CPT has emphasised in the past, assessing the effectiveness of action taken by the competent investigating authorities when ill-treatment may have occurred constitutes an integral part of the Committee's preventive mandate, given the implications that such action has for future conduct by public officials. More generally, it is a well-established principle that effective investigations, capable of leading to the identification and punishment of those responsible for ill-treatment, are essential to give practical meaning to the prohibition of torture and inhuman or degrading treatment.

The criteria which an investigation into allegations of ill-treatment must meet in order to be qualified as "effective" have been established through the case-law of the European Court of Human Rights. In particular, the investigation should be thorough and comprehensive, it should be conducted in a prompt and expeditious manner, and the persons responsible for carrying out the investigation should be independent from those implicated in the events<sup>31</sup>.

20. One of the objectives of the February 2016 visit was to obtain detailed information on investigations into cases involving allegations of ill-treatment. However, [...] despite repeated requests, the CPT's delegation was not able to meet with senior officials of the Investigative Committee at Federal and Republican level to discuss its findings as regards the activities of law enforcement agencies in the Republics of Dagestan and Kabardino-Balkaria and investigations into possible ill-treatment by members of those agencies.

Consequently, the CPT decided to seek information from the Russian authorities about the concrete action taken by the Investigative Committee in relation to allegations of ill-treatment in eight individual cases (four cases from each republic), in which the findings were indicative of torture/severe ill-treatment by law enforcement officials. The cases concerned were communicated to the Russian authorities on 1 April 2016 by a letter from the President of the CPT. In that letter, the authorities were requested to provide a detailed account of the investigative steps taken in respect of each case as well as information on the outcome of investigations into these cases.

21. By letter of 16 May 2016, the Russian authorities provided some information regarding the above-mentioned cases. However, the information provided is not sufficiently detailed in order for the Committee to be able to assess the effectiveness of action taken by the competent investigating authorities in response to *prima facie* evidence of ill-treatment. In particular, the CPT's request to be provided with a detailed account of the investigative steps taken in relation to claims of ill-treatment in each case, as well as with copies of the final decisions taken by the relevant authorities, has not been complied with.

Most notably, as regards the cases of M.A. and A.G., the information provided by the authorities merely states that, as a result of a preliminary inquiry, "the arguments on the use of violence [against the persons concerned] were not confirmed; therefore,

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31. See, for example, the *Mikheyev v. Russia* judgment of 26 January 2006. Reference might also be made to the CPT's 14th General Report (CPT/Inf (2004) 28).

it was decided not to initiate legal proceedings [...]”. In this regard, it is noteworthy that the detained persons concerned had stated during an official interrogation that they had been “subjected to physical violence by unidentified police officers in order to force them to give testimony”. Further, each of them had undergone a forensic medical examination several days after apprehension, which concluded that the multiple traumatic injuries on their bodies resulted from blows with a blunt object and might have been sustained under the circumstances and in the time frame as detailed by the persons concerned.

Similarly, in the case of M.K., who had stated during an official interrogation that his bodily injuries had been inflicted by masked law enforcement officials after apprehension, the information provided merely indicates that, following a preliminary inquiry, a decision was taken by the relevant investigator on 14 April 2016 to refuse to initiate a criminal case. As in the aforementioned two cases, no account is given of concrete steps taken by the investigating authority in the context of the preliminary inquiry.

In the light of the above, **the CPT reiterates its request that the Russian authorities provide detailed information on the concrete investigative steps<sup>32</sup> taken in the context of the preliminary inquiries into the complaints of ill-treatment made by Messrs M.A., A.G and M.K., which should also include a copy of the final decision taken in each case.**

As regards the other five cases, the CPT understands from the information provided that, acting on the basis of the Committee’s letter of 1 April 2016, the competent investigating authorities have opened or re-opened preliminary inquiries into the complaints of ill-treatment and that those inquiries were still underway. **The Committee would like to receive detailed information on the outcome of the preliminary inquiries in these cases; this should include a full account of the investigative activities undertaken as well as copies of the final decisions taken by the relevant authorities.**

22. The CPT has repeatedly stressed that in order to avoid any perception of impunity within law enforcement agencies, it is crucial that the investigating authorities take effective action when any information indicative of possible ill-treatment comes to light. In this regard, the impression gained by the delegation in the Republics of Dagestan and Kabardino-Balkaria was that the relevant authorities often failed to take appropriate action in respect of allegations of ill-treatment (or other information received about the manner in which law enforcement agencies performed their task). A number of detained persons met by the delegation claimed that when they had complained to an investigator about instances of ill-treatment by law enforcement officials, the investigator had shown little interest and had taken no further action on the matter, even when they had shown him/her injuries on visible parts of the body. Moreover, some detained persons claimed that when they informed the investigator that they had been subjected to physical ill-treatment and forced by operational officers to sign a confession, they were subsequently taken back to the very same law enforcement agency and ill-treated again. It was also reported

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32. E.g. whether the complainants were interviewed, whether any third parties who could shed light on the veracity of the complaints were questioned, etc.

that, in some cases, persons who had suffered physical ill-treatment had struck a deal with the investigating authorities that in exchange for dropping some charges and a shorter sentence, they would not pursue their complaints of ill-treatment.

The CPT also wishes to reiterate that judges called upon to decide within 48 hours of apprehension on the application of a procedural preventive measure (remand in custody, etc.) are well-placed to ensure that any indications of ill-treatment are recorded and investigated at an early stage (i.e. before any traces disappear). The information gathered during the visit suggests that, although some judges have started to react to allegations of police ill-treatment made by persons brought before them (notably when the latter bear visible injuries), effective action is still not always being taken by judicial authorities at this stage. As was the case during previous visits, several persons interviewed by the delegation stated that judges before whom they had been brought had summarily dismissed their allegations of ill-treatment.

More generally, there continued to be a widespread lack of trust among detained persons in the existing system of investigating complaints of ill-treatment against law enforcement officials. In this connection, a number of persons interviewed by the delegation stated that they did not want to lodge complaints of ill-treatment out of fear of possible consequences or that they had actually been forced to withdraw their complaints as a result of threats by law enforcement officials.

In the light of the above, **the CPT reiterates its recommendation that the investigating authorities be reminded of their legal obligation to take relevant action whenever they have reason to believe that a person brought before them has been subjected to ill-treatment by law enforcement officials. Even in the absence of an express allegation of ill-treatment, they should ensure that a forensic medical examination is requested whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that a criminal suspect brought before them has been ill-treated.**

**The Committee also recommends that the Russian authorities take appropriate steps (including through the issuance of guidelines by the Supreme Court of the Russian Federation and the provision of training for judges) to ensure that a similar approach is followed by the judges before whom criminal suspects are brought for consideration of the application of procedural preventive measures.**

Further, **under no circumstances should the return of a criminal suspect to the custody of law enforcement officials be authorised if there is reason to believe that the latter have ill-treated the person in question.**

23. The information gathered during the visit suggests that **forensic medical examinations** of persons who allege ill-treatment are not always performed promptly. In this connection, the Committee notes with concern that the carrying out of forensic examinations of detained persons is still in most cases impossible without authorisation from an investigating authority. It is noteworthy in this context that only forensic doctors officially designated for the case can provide forensic medical reports which have legal force in court.

The CPT has on many occasions emphasised the importance of the role to be played by forensic doctors in the investigation of cases possibly involving ill-treatment

by law enforcement officials; it has also stressed that no barriers should be placed between persons who allege ill-treatment and doctors who can provide forensic reports having legal force. **The Committee therefore reiterates its recommendation that detained persons be able to have an examination by a recognised forensic medical expert carried out without prior authorisation from an investigating authority.**

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 29th General Report, as well as previous general reports and other information about the work of the CPT, may be obtained from the Committee's Secretariat or from its website (<http://www.cpt.coe.int/>).

[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 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.