

# 32nd GENERAL REPORT OF THE CPT

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



1 January - 31 December **2022**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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

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**French edition:**

*32<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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” The pushback of foreign nationals across borders, including their diversion at sea, without effective access to means of protection, gives the CPT real cause for concern

# Foreword

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I am pleased to present to you the 32nd General Report on the activities of the CPT, which covers the year 2022 – a year which saw a considerable reduction in the Covid-19 pandemic restrictions and in which the Committee continued its work in the field, monitoring the conditions of detention and the treatment of persons deprived of their liberty in respect of the prevention of torture and inhuman or degrading treatment or punishment.

The work of the CPT is only made possible by the consolidated commitment of the members of the Committee, the experts who assist them and our dedicated Secretariat. In 2022 we welcomed two new members and five Secretariat colleagues to the Committee. At the time of writing the seat in respect of Bosnia and Herzegovina remains vacant.

During 2022 the CPT carried out seven periodic and nine ad hoc visits to places of deprivation of liberty within Council of Europe member states. In addition, the Committee participated in High Level Talks with state ministries and authorities in Bulgaria, Croatia, Greece and North Macedonia to further strengthen the CPT's relationship with these member states in the prevention of ill-treatment of those deprived of their liberty. While the two key principles of the Committee's work with member states are cooperation and confidentiality, the reports of ten country visits were published, which included the CPT's recommendations to further enhance the prevention of ill-treatment.

In the substantive section of this 32nd General Report, the Committee focuses on the prevention of ill-treatment of foreign nationals deprived of their liberty in the context of forced removals at borders. In recent years, for various geo-political reasons, a number of Council of Europe member states have seen sometimes sudden and often prolonged increased migration flows across their national borders. During its monitoring work the CPT has met with many foreign nationals who have given credible allegations of deliberate physical ill-treatment by police and border guards, which have been supported by the findings of the delegation's medical doctors. In addition, foreign nationals detained under immigration legislation are often held – and sometimes for protracted periods – in conditions of detention which could be described as amounting to inhuman and degrading treatment. The pushback of foreign nationals across borders, including their diversion at sea, without effective access to means of protection, gives the CPT real cause for concern and the Committee calls upon all Council of Europe member states to fully respect the provisions of international law, including the prevention of torture and inhuman or degrading treatment.

I trust that you will find the overview of the CPT's work in 2022 as outlined in this General Report to be informative. Comments and suggestions as to how we might develop future reports in order to better set out and communicate the Committee's work are of course very welcome.

**Alan Mitchell**  
*President of the CPT*



” In 2022, the CPT carried out ad hoc visits to Azerbaijan, Belgium, Cyprus, Greece, Montenegro, the Republic of Moldova, Romania, Türkiye and the United Kingdom (rapid reaction visit)



# Activities during the period 1 January to 31 December 2022

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## Visits

1. In the course of 2022, the CPT organised 16 visits (totalling 140 days), including seven periodic visits<sup>1</sup> and nine ad hoc visits. Details regarding these visits (such as dates and establishments visited) are provided in Appendix 6. Three of these 16 visits were financed under the Exceptional measures for Monitoring mechanisms with on-site visits.<sup>2</sup>

### Periodic visits

2. Periodic visits were carried out to **Croatia, Italy, Latvia, the Netherlands, Poland, Portugal and San Marino**. The main objective of these visits was to examine the treatment and conditions of detention of detained persons in various types of establishment and to review the measures taken by the relevant authorities to implement recommendations made by the Committee after previous visits to the countries concerned. In this regard, particular attention was paid to persons detained by the police, to patients and residents held in psychiatric establishments and social care homes (Croatia), patients in psychiatric wards of civil hospitals and non-autonomous elderly persons accommodated in nursing homes (Italy), life-sentenced prisoners (Latvia), persons detained over terrorist offences and those deprived of their liberty under immigration legislation (Netherlands), foreign nationals detained in Border Guard establishments, remand prisoners, and forensic psychiatric patients (Poland), women held in prisons, persons held on remand and patients held in psychiatric or forensic establishments (Portugal), persons undergoing “compulsory health treatment” (involuntary psychiatric hospitalisation) and residents in a home for the elderly (San Marino).

3. In July 2022, the CPT announced its programme of periodic visits for 2023. The following eight countries were chosen: **Albania, Armenia, Cyprus, Hungary, Luxembourg, Malta, North Macedonia and the Slovak Republic**. **In addition, periodic visits to Estonia and Ukraine scheduled for 2022 were postponed to 2023.**

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1. The periodic visit to Latvia was postponed from 2021 to 2022.

2. See [CM\(2020\)182](#).



## Ad hoc visits

4. In the course of 2022, the CPT carried out ad hoc visits to **Azerbaijan, Belgium, Cyprus, Greece, Montenegro, the Republic of Moldova, Romania, Türkiye and the United Kingdom** (rapid reaction visit).

5. The primary objective of the visit to Azerbaijan in December was to examine the treatment of persons deprived of their liberty by the police. To this end, the delegation visited several police establishments in Baku and the Pre-Trial Establishment in Zabrat, where it focused on interviews with newly arrived remand prisoners concerning their treatment while in police custody.

6. The main objective of the two ad hoc visits to **Belgium** and **Cyprus** in November was to examine the treatment and conditions of detention of foreign nationals deprived of their liberty under immigration legislation as well as the procedures and safeguards applied to them in the context of their removal. More specifically, the CPT observed the preparations and conduct of a joint return operation (JRO) by air from Belgium to the Democratic Republic of the Congo (DRC), via Cyprus, which took place on 8 November 2022. The return flight was organised by Belgium, with the participation of Cyprus, among others, and was supported by the European Border and Coast Guard Agency (Frontex).

7. The primary focus of the visit to **Greece** in November was the treatment of persons held in the Korydallos Psychiatric Hospital for prisoners, with targeted follow-up visits to certain areas of the Korydallos Prison Health Centre and the Korydallos Men's Prison. The delegation also visited the recently established transgender unit in Korydallos Women's Remand Prison.

8. The main objective of the visit to **Montenegro** in June was to examine the treatment of persons deprived of their liberty by the police as well as the conditions of detention of persons held on remand in prison. In the course of the visit, the CPT also reviewed the implementation of the legal safeguards against ill-treatment and the system of police oversight.

9. The purpose of the visit to the **Republic of Moldova** in December was to examine the treatment and conditions of detention of persons held in prison. Particular attention was paid to assessing the progress achieved by the authorities in the implementation of the recommendations made by the Committee following previous visits.

10. The objective of the visit to **Romania** in September was to examine the treatment of patients held in psychiatric establishments and of residents accommodated in residential care homes. To this end, the CPT visited four civil psychiatric hospitals, where it focused on the treatment of the most acute and long-term chronic patients. The treatment and conditions of care for patients at the Pădureni-Grajduri Psychiatric and Safety Measures Hospital was a further focus. In addition, the delegation visited, for the first time, three different types of residential homes.

11. The main objective of the visit to **Türkiye** in September was to examine the treatment and conditions of detention of foreign nationals detained under

immigration legislation as well as the procedures applied to them in the context of their removal. On the occasion of the visit, the delegation also went to Imralı F-type High-Security Prison, in order to examine the treatment and conditions of detention of the four prisoners currently held in the establishment. In this regard, particular attention was paid to the communal activities offered to the prisoners and contact with the outside world.

12. The main objective of the rapid reaction visit to the **United Kingdom** in November was to examine the treatment of foreign nationals arriving by small boat in the United Kingdom after crossing the English Channel. The delegation visited Western Jet Foil and Manston Short-Term Holding Facility where all such persons are processed and held during the first 24 hours of their arrival in the country. The delegation also visited the Kent Intake Unit in Dover, where unaccompanied and separated minors are treated upon arrival.

### High-level talks with national authorities

13. It is standard practice for CPT visiting delegations to hold talks with the national authorities, both at 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 sought 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 Strasbourg on 4 February 2022 between Alan Mitchell, President of the CPT, and Davor Božinović, Deputy Prime Minister and Minister of the Interior of **Croatia**, further to their previous meeting in October 2021, to continue their discussions on the treatment of foreign nationals deprived of their liberty under immigration legislation. The talks focused on the implementation of the recommendations contained in the CPT's report on the 2020 ad hoc visit to Croatia, [published on 3 December 2021](#). The CPT's President reiterated the necessity for the Croatian authorities to maintain constant vigilance to ensure that foreign nationals intercepted by various units of the Croatian Police in the country are not subjected to treatment contrary to Article 3 of the European Convention on Human Rights.

15. High-level talks were also held in **Bulgaria** on 31 May and 1 June 2022 as a follow-up to the [public statement](#) issued by the CPT in November 2021, which had addressed the persistent lack of implementation of long-standing recommendations of the CPT concerning the situation of persons placed in social care institutions and psychiatric hospitals in Bulgaria. Discussions were also held on the subject of other CPT recommendations (concerning police and prisons) made in the report on the October 2021 periodic visit to Bulgaria, [published on 18 October 2022](#).

16. On 16 May 2022, the President of the CPT, Alan Mitchell, and the Vice-Governor of the Council of Europe Development Bank (CEB), Tomáš Boček, met the Prime Minister of **North Macedonia**, Dimitar Kovačevski, to exchange on the prison reform. They urged government officials to pursue their commitment to develop a professional prison service in line with CPT recommendations.

17. In addition, high-level talks took place in **Greece** on 7 and 8 September 2022 with senior Government Ministers to talk about the action being taken by the Greek Government to address the serious concerns of the Committee regarding the fundamental shortcomings in the treatment and conditions of detention of persons held in prisons. In this context, the delegation was keen to learn about the measures being taken by the government to tackle the systemic problems of overcrowding and understaffing in prisons and to implement the CPT's recommendations, as set out in the report on its 2021 visit [published on 2 September 2022](#).

## Plenary meetings and activities of subgroups

18. The CPT held three plenary meetings in 2022 (in March, July and October), during which 13 visit reports were adopted.

19. In addition to continuing its discussion of the ongoing intergovernmental activities of the Council of Europe on matters within the CPT's mandate and of its own internal working methods, during the March plenary meeting the CPT held an exchange of views with Professor D. Marcelo Aebi (School of Criminal Sciences, University of Lausanne, Switzerland), on the Council of Europe Annual Penal Statistics (SPACE) and recent developments and trends in prison populations in various Council of Europe member states.

Two exchanges of views were held during the October plenary meeting, with Jens Modvig (former Chair of the UN Committee against Torture) on the Revised Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and with Tim Opgenhaffen (University of Leuven, Belgium) on the issue of restrictions of freedom of movement in residential care institutions.

20. The two standing subgroups of the CPT, the Working Group on Health and the Working Group on the CPT's Jurisprudence, met either before or during the week of the plenary meetings. 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

21. In 2022, the CPT continued to promote contact with other bodies **within the Council of Europe**.

The President of the CPT presented the 31st General Report to the Ministers' Deputies at a hearing which took place on 20 April. He also gave a presentation during the 27th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) on 22 June.

22. Other Council of Europe activities in which the CPT participated included, *inter alia*: a training seminar for temporary detention centre officials in Azerbaijan, entitled “Standards processing and respect for detainees’ rights, for a better detention service”, organised by the Council of Europe’s Unit for Cooperation in Police and Deprivation of Liberty, in cooperation with the Azerbaijani authorities on 26-27 April; a Conference on “Countering terrorism and violent extremism – towards a human-rights coordinated approach” organised by the Human Rights Training Office in Tunis on 22-23 June; an International Conference on the Application of the ECHR in Contested European Territories organised by the Irish Centre for Human Rights (1 September) in the framework of the Irish Presidency of the Committee of Ministers; a hearing on “the impact of the COVID-19 pandemic on prison population in Europe” organised by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly on 6 September; a European NPM Conference “Monitoring the rights of specific groups of people deprived of their liberty” on 5-6 October and a Round Table on “Professional Policing: Treatment of Apprehended Persons and Consequences” co-organised by the Hungarian Ministry of Justice and the Council of Europe Department for the Execution of ECHR Judgments on 12-13 October.

23. Regarding interlocutors **outside the Council of Europe**, the CPT maintained its close contacts with the United Nations. A delegation of the CPT held an exchange of views with the Subcommittee on Prevention of Torture (SPT) on 9 June in Geneva. Contacts were also maintained with ICRC. The Secretariat also maintained contacts with EU officials, in particular on the occasion of the Annual EU-CoE consultations with DG NEAR (Progress Report on the 2022 EU Enlargement Package), (30 May), and the visit of Frontex newly recruited Fundamental Rights Monitors (7-10 November).

24. Contacts with other external bodies also included, *inter alia* participation in: an international Round Table on “Shifting the Approach: Successful Alternatives to Solitary Confinement for Inmates with Mental Health Illness” organised by Physicians for Human Rights Israel (PHRI) and Antigone (10 January); a Conference on “The respect for human rights during immobilisation and mechanical restraint of persons deprived of their liberty” organised by the Catalan Ombudsman Office (15 June); the 5th annual meeting of APT/ODIHR on “Monitoring the use of force and law enforcement equipment in the criminal justice system” (24-25 August); the 1st World Conference on Health in Detention organised by ICRC (27-29 June); *Concertina – Rencontres autour des enfermements* (2-3 July); an international conference on “Standards and practices as regards the prevention of torture and other cruel, inhuman or degrading treatment during arrest, interview and police custody” organised by the Moroccan Royal Institute of Police (20 September).



” Many persons are inappropriately held in large psychiatric institutions without any hope of return into the community, which is very damaging to their wellbeing



# Publications

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## Introduction

25. Ten CPT visit reports were published in 2022. As of 31 December 2022, 445 of the 483 reports transmitted to governments had been published. A state-by-state table showing the situation as regards publication of CPT visit reports is set out in Appendix 5.

## Selected publications

26. This section takes a closer look at some of the visit reports and related government responses published in 2022.

### Albania

#### Report on the ad hoc visit to Albania in November 2021 and response of the Albanian authorities

*(situation of male and female forensic psychiatric patients)*

27. In the visit report, the CPT recalls the longstanding dialogue with the Albanian authorities as to the situation of forensic psychiatric patients in the country, and the commitment expressed by the authorities to construct a dedicated facility under the responsibility of the Ministry of Health and Social Protection.

28. The CPT notes the arrangements made by the Albanian authorities to transfer all male forensic psychiatric patients from Zaharia Special Institution for Ill Inmates in Kruja to Lezha Prison, pending the construction of a permanent facility.

29. As to Lezha Prison, the CPT noted good living conditions overall in the two blocks reserved for male forensic psychiatric patients, but expressed concern about several issues, which include their limited capacity and the carceral environment.

30. The CPT also visited the Prison Hospital in Tirana, which accommodates female forensic patients. The Committee noted various shortcomings, including a lack of activities, resulting in patients remaining in their cells for up to 23 hours per day.

31. Given the structural deficiencies observed both at Lezha Prison and the Prison Hospital, the Committee stressed the urgent need to find a permanent solution for the accommodation and treatment of male and female forensic psychiatric patients by creating a specialised forensic psychiatric facility (as is required by the relevant mental health legislation).

32. In response to the report, the Albanian authorities announced the completion of the aforementioned transfer of male forensic psychiatric patients to Lezha Prison and confirmed the temporary closure of the Zaharia Special Institution.

33. Further, the Albanian authorities provide details about the preparations made to receive the forensic psychiatric patients in Lezha in good order, including in respect of staff and their training as well as the facilities and medical equipment available. They also mention the individualised multi-disciplinary treatment plans, the development and implementation of which are assisted by psychiatrists working with the Ministry of Health.

34. The CPT is updated about the progress made in the construction of a Special Medical Institution as permanent accommodation for forensic psychiatric patients.

Report and response published in April 2022  
(CPT/Inf (2022) 08 and CPT/ Inf (2022) 15)

## **Belgium**

### **Report on the ad hoc visit to Belgium in November 2021 and response of the Belgian authorities**

*(situation in Belgian prisons in light of the recommendations made in the report on the periodic visit carried out in March/April 2017 and the public statement issued in July 2017)*

35. The delegation conducted follow-up visits to Antwerp, Lantin, and St. Gilles Prisons, as well as a first visit to Ypres Prison. It paid particular attention to issues such as material conditions, overcrowding, activities, healthcare (including the situation in the psychiatric annexes), staffing – and working conditions, especially in the context of prison staff strikes and the implementation of the legal provisions on guaranteed service – management of the COVID-19 pandemic and the establishment of the national preventive mechanism (NPM).

36. The delegation received no allegations of physical ill-treatment of prisoners by staff in any of the prisons visited, which was to be welcomed. In general, relations between staff and inmates appeared to be relaxed. In contrast, inter-prisoner violence was a recurring problem in the establishments visited, as was also acknowledged

by management and some staff members. This problem was clearly related to overcrowding, understaffing and inadequate staff presence.

37. All prisons visited were overcrowded to varying degrees. Indeed, overcrowding remained a major (and long-standing) problem affecting the entire Belgian prison system. As the delegation was informed during the visit, the Belgian authorities have continued their efforts to tackle the phenomenon of prison overcrowding through, on the one hand, legislative initiatives aimed at reducing both the number of persons sent to prison and the time spent there, and, on the other hand, the modernisation and expansion of the prison estate. While noting these measures (both those planned and those already implemented), the CPT again called on the Belgian authorities to continue to reduce the prison population and to combat prison overcrowding, in accordance with the relevant recommendations of the Council of Europe.

38. Overall, the vast majority of prisoners (in particular those on remand) had virtually no organised activities outside their cells and spent up to 23 hours a day in their cells. The CPT called upon the Belgian authorities to intensify their efforts to develop activity programmes for both sentenced and remand prisoners, in particular as regards work, educational and professional activities.

39. With respect to health services in the prisons visited, staffing levels and attendance times were clearly insufficient. There were also persistent problems with respect for the confidentiality of consultations and medical data. As for psychiatric and psychological care, the delegation's findings suggested that both had remained inadequate. The Committee reiterated its long-standing recommendations on the above topics.

40. The delegation made brief visits to the psychiatric annexes of the Antwerp, Lantin and St. Gilles Prisons. It was found that material conditions had generally improved in the first two establishments. Conditions were also generally acceptable in the cells of the psychiatric annex of St-Gilles Prison. As regards therapeutic interventions, while there was in principle a range of such activities, in practice these were often interrupted as the number of prison officers present was insufficient to provide the necessary escorts and security.

41. As regards prison staff, the situation remained difficult in all the prisons visited (with the exception of Ypres Prison, where staffing was satisfactory). Due to numerous vacancies and a high rate of absenteeism, the actual number of custodial staff present in the inmate accommodation areas during any given shift could be extremely low. The challenging staffing situation continued to be exacerbated by frequent prison staff strikes, a phenomenon described by the CPT in many of its reports on visits in Belgium and in the public statement. Despite the adoption in 2019 of new legislative provisions on "guaranteed service" in prisons, strikes continued to take place, sometimes without such provisions being respected or implemented. Another problem was that agreements on minimum staffing levels for strikes, concluded locally in each prison (in accordance with the above-mentioned law) between the management and the unions, were not always respected in practice. The CPT recommended that measures be taken to ensure that



the guaranteed service in prisons is effectively implemented during each concerted stoppage of work by prison staff.

42. In their response, the Belgian authorities provided information on the progress in their efforts to reduce prison overcrowding, build new prisons and improve prison healthcare. Further, the authorities informed the CPT of the commissioning of the new prison in Haren (Brussels) and of efforts to ensure the implementation of the legal provisions concerning guaranteed service during industrial action in prisons, as well as the establishment of the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Report and response published in November 2022  
(CPT/Inf (2022) 22 and CPT/Inf (2022) 23)

## **Bulgaria**

### **Report on the periodic visit to Bulgaria in October 2021 and response of the Bulgarian authorities**

*(treatment of persons in police custody; material conditions, regime and healthcare in prisons; situation of patients/residents in psychiatric/ social care establishments)*

43. In respect of the treatment, conditions and legal safeguards offered to patients with psychiatric disorders and residents of social care institutions, the report notes a persistent failure by the Bulgarian authorities to address most of the fundamental shortcomings and to implement the specific recommendations repeatedly made by the CPT for many years. Therefore, the Committee decided, at its 106th plenary meeting in October 2021, to make a public statement, pursuant to Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

44. The report goes into detail describing the key concerns raised by the CPT throughout the years as regards the situation of patients and residents in psychiatric and social care establishments. The Committee criticises the lack of action taken by the Bulgarian authorities to eradicate the deliberate physical ill-treatment of residents and patients by staff. It also criticises an appalling level of hygiene in some social care homes and a deplorable shortage of staff both in social care homes and psychiatric hospitals which is a result of decades of neglect and lack of support from the Bulgarian authorities.

45. The report further states that, despite repeated comments and recommendations by the CPT, the use of seclusion and mechanical restraint continues illegally in social care institutions and, in psychiatric hospitals, does not conform with international guidelines and is often recorded fraudulently or not at all.

46. The Committee concludes that patients with psychiatric disorders in Bulgaria are not provided with a range of modern psychiatric treatments, which is in itself neglectful and harmful to their wellbeing.

47. Finally, the Committee reiterates its concern regarding the lack of progress with de-institutionalisation in social care and psychiatric services in Bulgaria. It is the Committee's view that the persisting scarcity of effective, community based mental health support services is resulting in many persons being inappropriately held in large psychiatric institutions without any hope of return into the community, which is very damaging to their wellbeing.

48. The Committee calls for urgent action in all areas – legislation, infrastructure, human resources and training, and the development of bio-psycho-social treatments in line with modern practices across Europe. The whole systemic approach to mental health care and institutional social care in Bulgaria must radically change. This change must include fundamentals – fighting the stigma around mental health, changing the paternalistic, controlling attitude towards patients with psychiatric disorders and social care residents, involving them in their treatment and care, and making genuine efforts to integrate persons with psychiatric disorders and learning disabilities into communities instead of shamefully hiding them in remote locations as has been done for so long.

49. In respect of persons in police custody, the report notes that the vast majority of the interviewed persons stated that they had been treated correctly by the police. However, the CPT regrets the absence of any real progress in the application of fundamental safeguards against ill-treatment – namely the right to notify one's detention to a third party, the right of access to a lawyer and to a doctor, and the right to be informed of the above-mentioned rights; the findings show that these safeguards are hardly ever applicable during the initial 24-hour police custody.

50. As regards prisons, the Committee once again calls upon the Bulgarian authorities to take resolute action to tackle the phenomenon of inter-prisoner violence in Bulgarian prisons and at Sofia Prison in particular.

51. Further, the CPT deplors the extremely poor and, in some areas, unacceptable material conditions found in large parts of Sofia Prison and in most of the accommodation at Kremikovtsi Prison Hostel. The Committee recommends that steps be taken as a matter of priority to close this establishment and to transfer the prisoners to other prison hostels offering better material conditions.

52. The Committee also calls upon the Bulgarian authorities to reinforce severely understaffed healthcare teams in prisons visited, significantly increase the supply of free-of-charge medication and improve the provision of psychiatric care to prisoners.

53. Moreover, the CPT stresses once again that inadequate penitentiary staff complements can only increase the risk of violence and intimidation between prisoners. They also undermine the quality, pertinence and effectiveness of the activities offered to inmates and jeopardise the prospect of preparation for release and social rehabilitation.

54. In their response, the Bulgarian authorities set out the measures, taken or envisaged, to implement the recommendations made by the Committee in the report. In particular, the Ministry of Justice informs the Committee about the ongoing penitentiary infrastructure renovation projects, the plans to build new prisons, and their efforts to recruit more custodial and prison healthcare staff. The Ministry of Health informs that, following the CPT visit, it has carried out inspections to the respective psychiatric hospitals and took measures to address the shortcomings found. Finally, the Ministry of Labour and Social Policy states in their response that they fully share the view of the CPT that institutional social care in Bulgaria needs a fundamental reform and lists the actions planned to implement the recommendations of the CPT.

Report and response published in October 2022  
(CPT/Inf(2022) 20 and CPT/Inf(2022) 21)

## **Greece**

### **Report on the ad hoc visit to Greece in November/December 2021 and response of the Greek authorities**

*(situation of persons in prisons, with a focus on systemic deficiencies in prisons)*

55. The CPT found that the Greek prison system remained in a dire state with inadequate progress in addressing the systemic deficiencies of overcrowding, high levels of inter-prisoner violence, chronic staffing shortages, inadequate material conditions and poor healthcare. The visit report describes the critical findings from visits undertaken to Korydallos Men's Prison (the largest remand establishment in the country), Nigrita Prison and to the prisons on the islands of Chios, Corfu and Kos.

56. While lower levels of inter-prisoner violence at Korydallos Men's Prison were in evidence as compared to April 2019, the CPT found that overall, most Greek prisons still do not provide a safe and secure environment for prisoners. This is directly linked to the continued shortages of staff, resulting in control being ceded to particular groups of prisoners, often formed along ethnic lines, within the accommodation wings. The report advocates for a substantial increase in the number of prison officers and for the introduction of a dynamic security approach in prisons.

57. Living conditions in large parts of Korydallos Men's Prison, and in some of the wings in Chios, Corfu and Nigrita prisons were extremely poor, with severe overcrowding, broken installations, dirty cells and inadequate hygiene. There is also a need to improve the quality and distribution of food in prisons, and to provide greater support for persons who are indigent. The CPT also found that living conditions for transgender women and for persons under protection needed to be improved. Further, prisoners had nothing with which to occupy their days other than watching television, hanging around the wing corridors and walking in the yards.

58. The CPT again found that the dreadful staffing situation in all the prisons visited was glaring and clearly undermined the functioning of the prison system.

59. The widespread deficiencies regarding the state of healthcare services in prisons persisted. Problematic issues such as access to healthcare, medical screening upon arrival or medical confidentiality are all compounded by the severe shortage of healthcare staff and the continued lack of integrated management of healthcare services. The report also criticises the way in which autopsies are carried out and the lack of thorough inquiries into deaths in custody.

60. On a positive note, the treatment of patients at Korydallos Prison Health Centre had improved, due primarily to lower patient numbers and higher staffing levels. Further, some progress in the treatment of persons held at Athens Transfer Centre for Prisoners was noted. However, the CPT is again highly critical of the conditions in which prisoners are transported around the country by the Hellenic Police.

61. The report concludes that during the last 10 years, there has been a continuous lack of strategic direction and investment by successive governments to address the chronic crisis within prisons. The fundamental question of what kind of prison system Greece wants to operate has not been addressed. Once this question is comprehensively answered, the requisite funding and resources must be made available to ensure its realisation.

62. In the meantime, far too many prisoners in Greece continue to be held in conditions which represent an affront to their human dignity. The agenda must be to ensure that prisons move away from merely warehousing persons in overcrowded, dangerous and poor conditions with no purposeful activities, to become places which offer decent living conditions and prepare persons for reintegration back into the community upon their release. In addition to providing adequate places for prisoners, this requires, above all, investing in sufficient competent staff to manage prisons and provide the requisite support to persons held in prison.

63. In their response, the Greek authorities provide information on the measures taken to implement the recommendations made in the CPT's report. In particular, reference is made to a revised Strategic Plan for the prison system, which will take into account the CPT's proposals, and to the establishment of a small transgender women's unit at Korydallos Women's Remand Prison.

Report and response published in September 2022  
(CPT/Inf (2022) 16 and CPT/Inf (2022) 17)

## Switzerland

### Report on the March/April 2021 periodic visit to Switzerland and response of the Swiss authorities

*(situation of persons deprived of their liberty in police establishments, prisons, psychiatric institutions and certain facilities for foreign nationals in seven different cantons of the Confederation)*

64. On the subject of law enforcement, the CPT has received a number of complaints of excessive use of force by police officers during apprehension and recommends

that action to prevent police violence be enhanced. The Committee considers that the practice, which was observed in two police stations visited in the canton of Vaud, of using police premises for weeks beyond the legal time limit for pre-trial detention or for executing sentences is unacceptable. The situation was aggravated by a combination of poor conditions of detention and a very poor detention regime and the Swiss authorities were asked to take immediate action to put an end to this practice. The CPT also requests that the authorities strengthen safeguards against ill-treatment and remove without delay the restraint chairs/beds present in some police premises.

65. As regards persons on remand or serving custodial sentences, the CPT did not receive any allegations of physical ill-treatment by prison staff in the establishments visited. However, the CPT remains concerned that its long-standing recommendations concerning prison overcrowding, which remains a considerable problem in the prisons visited in French-speaking Switzerland, have still not been implemented. This results in deplorable material conditions for both prisoners and prison staff and has a negative impact on the type of activity regime offered. Moreover, the situation in terms of activity regime has not improved for most persons on remand detention, who still often spend up to 23 hours a day in their cells. In contrast, in the canton of Zurich, adult remand prisoners can now benefit from an adequate regime as well as some occupational activities and association time. This example should be followed.

66. The federal legislation governing the penal status of juveniles (DPMIn) provides that establishments intended for the detention of juveniles may hold both juveniles and (young) adults up to the age of 25 together in the same accommodation wing. This is not only contrary to the CPT's standards, but also to the general criterion of separation of adults and juveniles, as enshrined in international treaty law.

67. Despite the efforts made by the Swiss authorities to increase the accommodation capacity for persons subject to institutional therapeutic treatment or preventive detention measures, the Committee regrets that the number of specialised places is still insufficient when compared to needs. Consequently, persons with psychiatric disorders continue to be held in non-specialised establishments which are not fit for this purpose. However, the psychiatric treatment of prisoners with mental health problems in the crisis intervention unit, as observed in Limmattal Prison, can be considered good practice and should be extended to other cantons. In addition, at Solothurn Prison, the CPT notes positively the innovative approach of two pilot projects concerning the implementation of an integration regime and a small-scale preventive detention regime on a trial basis for persons subject to the abovementioned measures. The CPT also recommends that the Swiss authorities give priority to the therapeutic aspect, while taking into account necessary security measures, in particular by guaranteeing the possibility of relaxation of the regime leading to the eventual prospect of release.

68. In their response to the report, the Swiss authorities provide detailed information on the recommendations made by the CPT. In particular, the Swiss Federal Council indicates that the matter of preventing police violence is given all due

attention and stresses that ill-treatment by members of the Swiss police force is not tolerated. Finally, the State Secretariat for Migration (SEM) pays specific attention to the situation of asylum seekers at the Federal Centre for Asylum Seekers (CFA) in Boudry. Following the CPT visit, the conclusions of an external investigation and an internal audit were published. The SEM also informed the Committee that it took the accusations of violence against asylum seekers seriously and that it would take appropriate action in the event of any violations by external staff or service providers (such as security).

Report and response published in June 2022  
([CPT/Inf \(2022\) 09](#) and [CPT/ Inf \(2022\) 10](#))



” The CPT has identified clear patterns of physical ill-treatment against foreign nationals in the context of pushback operations

# The prevention of ill-treatment of foreign nationals deprived of their liberty in the context of forced removals at borders

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## Preliminary remarks

69. The prevention of ill-treatment of refugees, asylum seekers and migrants deprived of their liberty<sup>3</sup> within the Council of Europe area remains a priority for the CPT. In its 7th and 19th General Reports,<sup>4</sup> the Committee set out its thinking on the rights of foreign nationals in immigration detention. Since 2009, the CPT has continued to receive numerous allegations of ill-treatment of foreign nationals by state officials and to visit immigration detention centres with appalling conditions. In addition, it has met increasing numbers of persons who claimed that they had been violently removed by force from the territory of a Council of Europe country, at land or sea borders, without consideration of their individual circumstances, vulnerabilities, protection needs or risk of ill-treatment when returned (so-called “pushbacks”). The increasing resort to pushbacks in recent years with minimal accountability by state actors has led the CPT to set out its views in the paragraphs below on the need to put in place appropriate oversight structures to end this phenomenon. All persons deprived of their liberty should be treated with dignity and in accordance with human rights principles as recognised by international law.

70. The numerous reported instances of summary and forced removals of foreign nationals at several Council of Europe member states’ land and sea borders – characterised, *inter alia* by acts of physical ill-treatment, disregard for basic legal safeguards and access to asylum, and poor material conditions of detention – have been documented by various international and civil society organisations, including through the use of geolocation technology. The widespread phenomenon of pushbacks – both in their scale and geographical scope – has been denounced by the Parliamentary Assembly of the Council of Europe, the Council of Europe Commissioner for Human Rights and the European Parliament, among others.

71. In conducting its fact-finding visits, the CPT is well aware of the context in which pushbacks of different categories of foreign nationals at borders take place.

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3. The generic term “foreign nationals deprived of their liberty” is used to describe persons on the move and includes refugees, asylum seekers and migrants, regardless of their legal status.

4. See [CPT/Inf \(97\) 10](#), paragraphs 24 to 36, and [CPT/Inf \(2009\) 27](#), paragraphs 75 to 100.



This is characterised by the rapidly changing circumstances of mixed-migratory flows and complexities relating to large-scale arrivals of persons on the move to European countries, and more specifically those within the European Union (EU). The Committee's experience shows that migration routes can change unpredictably as they are linked to external factors, such as conflict, poverty, volatile political situations in the countries of origin or transit, and the sophistication of human smuggling networks. In addition, states multiply their policy, legislative and practical measures aiming to obtain full control over their borders. Reinforcement of border controls, construction of fences along borders, resorting to deterrence policies to reduce pull-factors, use of surveillance technologies, increasing provision of technical and operational support by the European Border and Coast Guard Agency (Frontex), the progressive "externalisation" of migration controls and the "instrumentalisation" of migration have all become part of the changing landscape in which the CPT and other monitoring bodies carry out their assessments.

72. In its 2012 landmark judgment in the case of *Hirsi Jamaa and Others v. Italy*<sup>5</sup> – relying, *inter alia* on the findings of the CPT – the European Court of Human Rights ("the Court") found that the forced return to Libya of 23 applicants who had *prima facie* claims for international protection was in violation of Article 3 of the European Convention on Human Rights ("the Convention", ETS No. 5) and Article 4 of Protocol No. 4 to the Convention (ETS No. 46). Since this judgment, the jurisprudence of the Court has developed consistently in ascertaining violations of Article 3 of the Convention, and notably its procedural limb (or in conjunction with Article 13). In particular, the practice of summary and forced removal of applicants intercepted at land or sea borders (or shortly after their entry into the territory of a Council of Europe member state) without an individual assessment by the authorities of the removing state of the merits of their asylum claims, has been found to violate a state's Article 3 obligations. Further, the Court established that whenever a state has jurisdiction, for example by exercising control and authority over an individual, it is under an obligation to guarantee to that individual their Convention rights and freedoms. This principle applies regardless of where foreign nationals are intercepted or apprehended by state agents, whether operating inside or outside state territory. In addition, the Court has repeatedly drawn on the Committee's findings to conclude that the conditions in which detained foreign nationals had been held were in breach of Article 3 of the Convention which also had implications for transfers to some EU member states under the Dublin Regulation (Regulation (EU) 604/2013).

### **The CPT's mandate in the context of forced removals at borders**

73. In examining the treatment of detained foreign nationals in the context of pushback operations at frontiers, the CPT has always respected the inviolable right of states to control their sovereign borders and acknowledged the disproportionate challenges faced by certain countries confronted with large-scale mixed-migratory arrivals, especially by virtue of their geographical situation. Consequently, the Committee has repeatedly stated in its reports that responding to these challenges

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5. *Hirsi Jamaa and Others v. Italy*, application no. 27765/09, Grand Chamber judgment of 23 February 2012.

requires a concerted European approach in addressing mixed-migration flows. At the same time, the CPT has been adamant in reaffirming that these challenges cannot absolve Council of Europe member states from meeting their human rights obligations. There can be no derogations from fundamental norms of international law such as the prohibition of torture and inhuman or degrading treatment of persons deprived of their liberty, and their right not to be sent back to a country where there are substantial grounds for believing that they would run a real risk of being subjected to such treatment.

74. During its monitoring activities at borders, the CPT's main task consists in preventing acts of torture, physical ill-treatment, and other forms of inhuman and degrading treatment by law enforcement officials<sup>6</sup> against foreign nationals who are intercepted, apprehended or otherwise, *de jure* or *de facto*, deprived of their liberty. Attention is also paid by the Committee to the need to reinforce fundamental safeguards against ill-treatment and the procedural guarantees protecting them from being sent back to a country where they would be at risk of ill-treatment.

75. In sum, the CPT has a clear mandate to monitor the treatment of persons deprived of their liberty in the context of border control activities at land and sea borders of Council of Europe member states – regardless of whether such deprivation of liberty has taken place at official border crossings, the green border (territory between official land border crossing points) or international waters. The goal is to prevent possible violations of the substantive and procedural limbs of Article 3 of the Convention. To this end, the Committee has begun to develop a cross-border fact-finding methodology which takes into account the clear and objective determination of *de facto* deprivation of liberty of foreign nationals, a rigorous interpretation of the various legal instruments governing such operations (irrespective of the different terminology and legal categorisations adopted by states), a forensic medical assessment of any injuries observed on the persons concerned and their ability to access an independent, individualised and objective asylum procedure in which the risk of *refoulement* can be rigorously examined.

### **The CPT's experience and methodology in examining pushback operations**

76. The CPT has examined pushback practices along all the main migratory routes towards Europe (namely the so-called Western Balkan route, Western Mediterranean, Central Mediterranean and Eastern Mediterranean routes as well as, more recently, the Eastern Borders route). In doing so, it has visited police, border guard and coast guard stations, green border zones, pre-removal and reception facilities, transit zones and other places of *de facto* deprivation of liberty. In each place, it has spoken with foreign nationals about their treatment by law enforcement officials. Further, it has reviewed custody records, obtained copies of various logbooks (shift handover reports, shift charts, patrol reports, daily logbooks of sea vessels, lists of personnel involved in pushback operations, etc.) and examined CCTV footage of stationary and mobile thermo-visual cameras covering border areas, in the attempt to reconstruct the main elements of pushback operations and assess the levels of accountability and transparency.

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6. The term "law enforcement officials" includes police and border guard officers and other state agents.

77. The methodology applied by the CPT in the scrutiny of violent pushback operations consists of identifying the alleged victim, collecting a detailed account of the allegations, documenting any medical evidence and psychological impact on the victim and assessing their compatibility with the allegation. This includes a forensic examination of any injuries by the Committee's medical doctors (in compliance with the standards of the "Istanbul Protocol"<sup>7</sup>). Further, to corroborate the findings, a triangulation of the information is pursued through separate and individual interviews – with the help of interpreters as required – with members of the same migrant group and the examination of available medical documentation and injury reports.

78. In the course of its monitoring and fact-finding activities, the Committee has also been confronted with challenges inherent to the summary nature of pushback operations and their volatile context. First and foremost, the Committee needed to establish whether persons on the move have been *de jure* or *de facto* deprived of their liberty by law enforcement officials, in the sense of Article 5 of the Convention (for instance, in terms of resort to handcuffing, transportation in a police van or escort to a gate in the border fence for a non-negligible period of time, and the coercive nature of the operation, including the threat and/or use of force).<sup>8</sup> Further, the CPT needed to assess the compatibility of the injuries observed on foreign nationals with the alleged ill-treatment in terms of their origin being linked with the purported actions of law enforcement officials rather than stemming from alternative causes (for example, so-called "forest injuries", which the person might have sustained in the woods). On some occasions, national authorities have challenged the CPT's findings and attempted to hinder the work of its delegations.

79. As concerns compliance with the principle of *non-refoulement*, the Committee examines in detail the system of safeguards afforded to intercepted and apprehended persons in each contextual situation. This raises issues such as the existence and enforcement of bilateral protocols for technical and police cooperation and readmission agreements with countries of destination (which do not always provide for sufficient procedural guarantees), as well as whether the existing asylum procedures provide for an effective protection against *refoulement* and/or chain *refoulement*. More specifically, in the case of a pushback to another Council of Europe member state, the CPT's assessment is also guided by the objective risk of chain *refoulement* that the person concerned might face if removed onwards to a third country. Such an assessment might also be based on the Committee's own observations and experience in the relevant country (in terms of access to an effective asylum procedure). In the case of a forced removal to a non-Council of Europe member state, the CPT has often relied on country-of-origin information, the objective assessments of the risks in case of returns from the United Nations High Commissioner for Refugees (UNHCR) and whether the relevant country is a state party to the 1951 Convention relating to the Status of Refugees.

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7. Office of the United Nations High Commissioner for Human Rights (OHCHR), Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition), published on 29 June 2022.

8. See, for example, *Foka v. Turkey*, application no. 28940/95, judgment of 24 June 2008; *De Tommaso v. Italy*, application no. 43395/09, Grand Chamber judgment of 23 February 2017; and *Ilias and Ahmed v. Hungary*, application no. 47287/15, Grand Chamber judgment of 21 November 2019.

## The CPT's substantive findings in the context of forced removals at borders

80. The CPT has identified and established clear patterns of physical ill-treatment deployed against foreign nationals in the context of pushback operations across Council of Europe member states' borders. These consist primarily of foreign nationals being beaten upon their apprehension or at the time of their pushback – punches, slaps, blows with truncheons, other hard objects or non-standard items (such as barrels of automatic weapons, wooden sticks or the branches of trees) – by police or border guards, members of the coast guard, or other law enforcement officials. It is not uncommon for these officials to remove their identification tags and police insignia and to wear balaclavas in order to hide their identity.

81. Other forms of inhuman and degrading treatment were also deployed, such as firing bullets close to the persons' bodies while they lay on the ground, pushing them into rivers (sometimes with their hands still tied), removal of their clothes and shoes and forcing them to walk barefoot and/or in their underwear and, in some cases, even fully naked across the border. The use of unmuzzled dogs to threaten or even chase foreign nationals, seizure and destruction of property, and deprivation of food and water for prolonged periods were frequently reported. These and other actions were generally perceived by the persons concerned as being a threat to their physical integrity and/or demeaning and intended to humiliate them.

82. The CPT has directly documented recognisable medical evidence, such as the classic "tram-line" hematomas on various parts of foreign nationals' bodies (which are consistent with truncheon blows) and typical dog-bite wounds on their limbs. Further, it also found corroborative evidence of the conduct of pushback operations at the timing and location indicated by the persons concerned in informal logbooks held, for instance, at the relevant police stations. In some cases, the examination of audio-visual recordings, such as CCTV footage and photographs, of green border areas also provided elements of proof of excessive use of force by law enforcement officials against foreign nationals and their summary removal across border fences.

83. The prolonged and sometimes informal detention of intercepted and apprehended foreign nationals in inadequate conditions prior to their removal is another focus for the CPT. Many of its reports, from which the Court has drawn evidence in support of breaches of Article 3 of the Convention, have consistently described the extremely poor material conditions of detention in police and border guard stations or places of informal detention. In numerous instances, families with children, unaccompanied and separated children, and other persons with vulnerabilities were also held in conditions which might easily amount to inhuman and degrading treatment. In some instances, the Committee has also been critical of the unsafe and appalling conditions in which detained foreign nationals have been transported during their removal, crammed into the back of police vans and denied food and water or access to the toilet for prolonged periods of time.

## The diverse scenarios of pushbacks examined by the CPT

84. In terms of *modus operandi* of pushback operations carried out by law enforcement officials, a first scenario identified by the CPT relates to interception at sea and subsequent pushbacks of foreign nationals by force to the countries from which they

departed or transited. A number of consistent and credible allegations were received concerning acts by coast guard officials preventing boats carrying foreign nationals from reaching territorial waters, including excessive use of force and removing the fuel or engine of the boat. Moreover, the Committee received credible allegations from foreign nationals that, after they had landed by boat, they were re-embarked on inflatable dinghies by state agents, deliberately towed back out to sea and cast adrift.

85. A second scenario concerns the use of transit zones at border crossings. In a few instances, these constituted the only entry points to register new arrivals – including families with children, unaccompanied and separated children, and other persons with vulnerabilities – and to lodge asylum applications. Access to these transit zones – and consequently to asylum – was severely restricted and persons were detained there in carceral and cramped conditions for weeks and sometimes months on end, without an assessment of their vulnerabilities or the provision of adequate safeguards. In this context, the CPT could establish that foreign nationals, many of whom alleged physical ill-treatment and other forms of inhuman and degrading treatment by police officers, had previously been subjected to automatic and summary forced removal through a gate to a narrow strip of state territory on the external side of the border fence, without being properly identified and registered and in the absence of any effective assessment of the risks of *refoulement*, including chain *refoulement*.

86. A third scenario relates to the use of police and border guard stations processing large numbers of foreign nationals intercepted at or apprehended near borders in appalling conditions of detention. They were subsequently summarily removed using force during pushback operations, in the absence of an individual assessment of the risk of ill-treatment in case of removal. This included official detention facilities but also informal places of detention, such as disused police stations, abandoned buildings, garages, containers or tents. Persons interviewed alleged that they had been confined in these places for periods ranging from a few hours to several days. These claims were regularly accompanied by allegations of deliberate physical ill-treatment by law enforcement officials.

87. A fourth scenario concerns interception at or apprehension near land borders, *de facto* detention, immediate transport to the border and subsequent pushback operations by means of collective expulsions at specific locations at the green border. Persons interviewed by members of the Committee consistently alleged that they had not been identified and registered, that their requests for asylum had been ignored and that they had not been provided with fundamental safeguards, emergency medical assistance or effective remedies (with automatic suspensive effect) against their immediate and forced removal. These claims were frequently accompanied by credible, detailed and concordant allegations of physical and other forms of severe ill-treatment.

88. Under the Convention, collective expulsions – which concern the forced removal of individuals as a group, regardless of their legal situation and without an objective examination of each individual case – are prohibited. Although the Court's 2020 judgment in the case of *N.D. and N.T. v. Spain* might suggest the requirement of the existence of genuine and effective means of legal entry and whether foreign

nationals had cogent reasons for not making use of them,<sup>9</sup> it did not reduce the scope of Article 3, which is absolute. Indeed, in its recent case law,<sup>10</sup> the Court has established that a violation of the prohibition of collective expulsion under Article 4 of Protocol No 4 to the Convention can go hand in hand with the violation of the prohibition of torture and other forms of ill-treatment under Article 3. By refusing the applicants' entry into the country or unlawfully pushing them back to Belarus, while denying them the possibility of lodging applications for international protection or providing a genuine and effective possibility of submitting arguments against their expulsion, the responding country failed to protect them from exposure to a real risk of being subjected to ill-treatment.

### The need for reinforcing safeguards against *refoulement* and against ill-treatment

89. The CPT has consistently advocated for the need to reinforce the procedural safeguards against *refoulement* to prevent violations of Article 3 of the Convention. In its 7th General Report<sup>11</sup> the Committee, for the first time, set out the safeguards that should be afforded to all foreign nationals deprived of their liberty under immigration legislation, stating that it sees as its role to ensure that the decision-making process concerning the removal of foreign nationals as a whole offers suitable guarantees, including as regards the level of competence of those making the decision and the possibility to appeal such decisions to an independent body. Emphasis was placed on access to a confidential, independent and objective asylum process based on an individual risk assessment.

90. In the CPT's view, there must be effective procedures in place to ensure that foreign nationals intercepted or apprehended at the border and/or entering the country are individually identified and registered, undergo health screening and a vulnerability assessment, and are offered the opportunity to apply for asylum. They should also receive individualised removal orders and be placed in a position to effectively make use of the legal remedies available against their forced removal, based on an individual assessment of the *prima facie* risk of ill-treatment in the case of removal. By effectively granting these procedural safeguards to foreign nationals deprived of their liberty under immigration legislation, states can ensure that the risk of ill-treatment and *refoulement* contrary to Article 3 is significantly reduced.

91. The CPT also recalls that foreign nationals apprehended by the police should, from the very outset of their deprivation of liberty, enjoy the protection of the fundamental safeguards against ill-treatment during detention, notably the rights to notify a third party of their detention, to have access to a lawyer and to a doctor and to be systematically and fully informed of their rights, their legal situation (including

9. *N.D. and N.T. v. Spain*, application nos. 8675/15 and 8697/15, Grand Chamber judgment of 13 February 2020.

10. *M.K. and Others v. Poland*, application nos. 40503/17, 42902/17 and 43643/17, judgment of 23 July 2020; see also *D.A. and Others v. Poland*, application no. 51246/17, judgment of 8 July 2021; *A.B. and Others v. Poland*, application no. 42907/17, judgment of 30 June 2022, *A.I. and Others v. Poland*, application no. 39028/17, judgment of 30 June 2022; and *T.Z. and Others v. Poland*, application no. 41764/17, judgment of 13 October 2022.

11. See [CPT/Inf \(97\) 10](#), paragraphs 24 to 36.

the grounds for their detention) and the procedure applicable to them, with the assistance of a qualified interpreter if necessary.

92. The Committee has stated that, in the case of complex rescue operations at sea or interception of foreign nationals in remote border areas, a certain delay in the enjoyment of such safeguards could be justifiable. However, this should not imply a complete derogation from these rights for the purpose of conducting an expedited and summary removal of the persons concerned.

93. On numerous occasions during its visits, the CPT found no evidence that the above-mentioned rights were afforded in practice to intercepted or apprehended foreign nationals, who moreover alleged that they had been subjected to ill-treatment in the context of pushback operations. Further, it was common for foreign nationals' belongings, including mobile phones, to be either seized or destroyed.

94. The CPT has also stressed the importance of additional safeguards against ill-treatment. The use of individualised detention orders and custody records for all foreign nationals deprived of their liberty in the context of border control activities would significantly reinforce the practical application of the other fundamental safeguards against ill-treatment. Every instance of detention of a person must be fully and accurately recorded so that there can be no arbitrary detention. The CPT also considers that all law enforcement officials should display clearly visible identification numbers or tags on their uniforms and that border control activities should be video recorded – both as a safeguard against ill-treatment as well as a protective measure against false accusations. Further, there can be no justification for balaclavas to be systematically worn by law enforcement officials undertaking border control activities.

### Challenges ahead in the CPT's view

95. First, the CPT wishes to recall that immigration detention should only be used as a measure of last resort for foreign nationals crossing borders, after careful and individual examination of each case. Further, children should not be deprived of their liberty. Families with children, unaccompanied and separated children, and other persons with vulnerabilities should be offered suitable accommodation and support.

96. A significant challenge relates to the attempt by certain Council of Europe member states to introduce measures that aim to legalise pushback practices. These include:

- ▶ Adopting national legislation legalising pushbacks, often in the context of applying national emergency measures to prevent large numbers of foreign nationals from crossing their borders. This notably includes measures to allow for the temporary suspension of asylum applications (or the increased use of the "safe third country" concept) and automatic forced removal of all intercepted or apprehended foreign nationals, without an assessment of their individual situation. It also comprises the introduction of new criminal offences for unlawful border crossings, allowing for the imprisonment and/or mandatory expulsion of foreign nationals. These measures expose persons to possible treatment contrary to Article 3 of the Convention, as they do not allow them to present their individual claims.

- ▶ Concluding a series of bilateral or multilateral protocols for technical and police cooperation, readmission agreements, or treaties with non-European countries, aimed at intercepting and diverting large numbers of foreign nationals at the borders, as well as returning them to the countries from which they departed or transited. In some instances, such agreements did not include a *non-refoulement* clause and allowed for the summary removal of foreign nationals without an individual assessment of the risk of exposing the persons concerned to ill-treatment in the receiving country in case of removal.
- ▶ Applying a customised interpretation of Article 13 of the Schengen Borders Code (Regulation (EU) 2016/399) and making extensive use of the exclusion clause of the EU Return Directive (Directive 2008/115/EC) in a manner that would allow for this Directive, as well as the relevant fundamental safeguards contained therein, not to be applied to foreign nationals who are apprehended and intercepted deep inside the territory of an EU member state in the context of irregular crossings of the external borders into the Schengen area. Further, states also encourage the introduction of expedited procedures for forced removals at borders under the common EU rules, which can be interpreted in a manner that would justify pushback practices. In December 2021, the European Commission presented two legislative proposals, including one for a Regulation addressing situations of “instrumentalisation” in the field of migration and asylum and a second mainly for amending the Schengen Borders Code. Both proposals, if adopted, would leave a large margin of interpretation to states, with a concrete risk of derogating from existing standards and directly returning persons at borders without applying the necessary procedural safeguards.

97. What is common in these measures is that they greatly increase the potential for informal pushback practices with a concrete risk that this might lead to violations of the principle of *non-refoulement* and, ultimately, of the prohibition of torture and other forms of ill-treatment. Whatever measures Council of Europe member states introduce to prevent foreign nationals from crossing their borders or to justify removals, states are bound by their non-derogable, peremptory obligations under Article 3 of the Convention.

### **The need for effective investigations, accountability, monitoring and complaints mechanisms**

98. The CPT considers, in line with the Court’s case law, that all allegations or other relevant information indicative of ill-treatment in the context of pushback practices, should be investigated effectively and that, where offences are found to have occurred, the responsible officials should be held to account. In its 14th General Report,<sup>12</sup> the CPT set out the criteria that should be met if any investigations into alleged ill-treatment are to be seen as effective and capable of leading to the identification and punishment of those responsible for ill-treatment; it is notably essential that all investigations strictly comply with the criteria of independence and thoroughness as well as those of transparency, promptness and victim participation. Further, once ill-treatment has been established and proven, adequate disciplinary and criminal

12. See [CPT/Inf \(2004\) 28](#), paragraphs 25 to 42.



sanctions should be imposed commensurate to the gravity of the case. Combating impunity also requires positive action, through training and by example, to promote a culture where resort to ill-treatment is regarded as unprofessional.

99. Moreover, the Committee has consistently pointed out the need to put in place robust mechanisms capable of holding to account any state official found to misbehave or act outside the law. This includes clear rules on the detailed recording of every law enforcement operation during which foreign nationals who attempt to cross or have previously crossed the border into the country are intercepted, apprehended or prevented from entering the country. These records should, at a minimum, contain the time, precise location and a brief description of each intervention, the officers involved, the identification of foreign nationals, whether any means of restraint or use of force were applied, and the outcome of the intervention.

100. Regrettably, the findings gathered by the CPT during its visits indicate that few investigations have been carried out by states into allegations of physical ill-treatment and other forms of inhuman and degrading treatment in the context of pushback operations, and that – when carried out – they often do not comply with the criteria of effectiveness.<sup>13</sup> Consequently, law enforcement officials involved in these practices are not identified or held to account and the cycle of ill-treatment remains unchallenged.

101. In addition, there is to date no effective and independent system for systematically monitoring border control activities. Professional independent oversight and monitoring is essential when border control activities take place in remote or out-of-sight locations such as the high seas or the green border. Such mechanisms can gather the information and evidence required to assess allegations or other relevant information indicative of ill-treatment in the context of alleged pushbacks, allow for accountability and the prevention of further human rights violations, and enable effective investigations to be carried out.

102. In its 30th General Report,<sup>14</sup> the CPT commented on the proposal of the European Commission that each EU member state shall establish an “independent monitoring mechanism” (COM (2020) 612 final), given the potential for such monitoring mechanisms to contribute to the prevention of ill-treatment of persons deprived of their liberty. Provided that the criteria outlined by the CPT in terms of effectiveness and independence are met, such mechanisms might fill the current gap created by the absence of systematic, independent monitoring at borders where alleged ill-treatment and pushbacks reportedly continue to take place.

103. More specifically, any such monitoring mechanism should be provided with a mandate and powers to conduct regular and unannounced inspections. It should have unimpeded access to visit law enforcement establishments, directly observe all border control operations, and inspect all relevant documentation and records (such as custody records, shift handover notes or shift patrol reports and CCTV footage). In addition, it should be granted full institutional and operational independence from the relevant authorities responsible for policing the borders, be provided with

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13. In this regard, see for example the recent Court judgment in the case of *Alhowais v. Hungary*, application no. 59435/17, judgment of 2 February 2023, which concerned the ineffective investigation into the death of a Syrian national who drowned during a border control operation at a river on the Hungarian-Serbian border.

14. See *CPT/Inf (2021) 5*, paragraphs 20 to 21.

adequate human and financial resources (including staff with adequate expertise), be empowered to publicly produce reports with clear recommendations, and be entitled to communicate directly with the competent prosecutorial authorities if malpractice is observed. Reference is made to the EU Agency for Fundamental Rights' (FRA) practical guidance on establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders.<sup>15</sup>

104. In this context, the CPT also stresses the need for states to set up effective complaints mechanisms to which foreign nationals alleging ill-treatment in the context of pushback operations can appeal and obtain redress. Foreign nationals detained under immigration legislation interviewed by the CPT generally did not have the possibility to lodge complaints. In its 27th General Report,<sup>16</sup> the Committee set out the basic principles required for such a complaints mechanism to be effective.

## Conclusions

105. In the CPT's view, there is a high risk that states' responsibility under Article 3 of the Convention is engaged in the context of pushback operations. During its different monitoring visits, the CPT was able to examine for itself the numerous consistent and credible allegations of ill-treatment of foreign nationals deprived of their liberty under immigration legislation who claimed that they had been subjected to violent pushback operations at the borders of several Council of Europe member states. It is evident that such illegal pushback practices continue to occur at several borders in Europe.

106. It is therefore imperative that a human rights-based approach prevails in all activities related to border control and in dealing with mixed-migratory arrivals. Regardless of where they take place – at land or sea borders – pushback operations of foreign nationals, often accompanied by physical ill-treatment and other forms of inhuman or degrading treatment, must end. The absolute nature of the prohibition of torture and other forms of ill-treatment under Article 3 of the Convention requires that individuals may not be sent back to a country where there are substantial grounds for believing that they would run a real risk of being subjected to ill-treatment, without first assessing their claim as to whether this is safe.

107. Consequently, based on its preventive mandate, the CPT calls upon all member states of the Council of Europe to act, individually and collectively, to protect foreign nationals deprived of their liberty under immigration legislation from any form of ill-treatment and from pushbacks at borders, and particularly at the external borders of the EU. Further, there is a need to reinforce the safeguards against *refoulement* and ill-treatment and promote the operation of independent monitoring mechanisms at these borders. The CPT will continue to closely monitor the treatment of foreign nationals deprived of their liberty at borders and stands ready to assist member states with its expertise.

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15. <https://fra.europa.eu/en/publication/2022/border-rights-monitoring>

16. See CPT/Inf (2018) 4, paragraphs 68 to 91.



” On 31 December 2022, the CPT comprised 46 members. The seat in respect of Bosnia and Herzegovina was still vacant.



# Organisational matters

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## CPT membership

108. On 31 December 2022, the CPT comprised **46** members. The seat in respect of Bosnia and Herzegovina was still vacant.

109. In the course of 2022, two new members were elected: Anna Jonsson Cornell (in respect of Sweden) and Jean-Charles Gardetto (in respect of Monaco) and three members were re-elected: Juan-Carlos da Silva Ochoa (in respect of Spain), Tinatin Uplisashvili (in respect of Georgia) and Victor Zaharia (in respect of Republic of Moldova).

A list of CPT members as at 31 December 2022 is set out in Appendix 3.

110. The next biennial renewal of the CPT's membership is due to take place at the end of 2023, the terms of office of 23 members of the Committee expiring on 19 December of that year.

The CPT trusts that each of the national delegations concerned in the Parliamentary Assembly will propose a list 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 2023 at the latest. If the election procedure for all the seats can be completed before the end of 2023, this will greatly facilitate the planning of the CPT's activities for the following year.

## Bureau of the CPT

111. In 2022, the composition of the Committee's Bureau remained unchanged; it consisted of Alan Mitchell (in respect of United Kingdom) – President, Hans Wolff (in respect of Switzerland) – 1st Vice-President, and Therese Maria Rytter (in respect of Denmark) – 2nd Vice-President.

## Secretariat of the CPT

112. 2022 saw several changes to the Secretariat of the CPT with the departure of four colleagues. The Committee would like to express its gratitude to Claire Askin and Michael Neurauter, who have left the Organisation, for their contribution to the CPT's work over many years, as well as to Natacha de Roeck and Aurélie Pasquier, who have taken up new functions in other parts of the Organisation. In addition, the temporary contracts of Mira Mastronardi-Korsos and Rafael Ismayilov ceased in October 2022 at the end of the yearly 9 months period applicable to temporary staff.

The Committee also welcomes the appointment of three staff members in 2022, namely: Marco Leidekker as Head of Division I, Catherine O'Baoill as administrative assistant and Patrice Weber as Information strategies and communications officer. In addition, two new administrators have joined the CPT Secretariat, namely: Paolo Lobba and Kelly Sipp.

A list of Secretariat members as at 31 December 2022 is set out in Appendix 4.



” Ad hoc visits are organised when they appear to the Committee “to be required in the circumstances”



# Appendices

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

The CPT was set up under the 1987 Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. According to Article 1 of the Convention, “[t]he 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 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 establishments to encompass, for example, psychiatric hospitals, social welfare institutions, military detention facilities, immigration detention centres, and establishments in which juveniles 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 – cooperation 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 in preventing 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 national authorities. The Committee’s visit report is, in principle, confidential; however, most of the reports are eventually published at the request of the Government concerned.

## 2. The CPT's field of operations (as at 31 December 2022)

All member states of the Council of Europe are States Parties to the Convention establishing the Committee.<sup>17</sup>

Council of Europe Member States	Date of signature	Date of ratification	Date of entry into force
<b>Albania</b>	02/10/1996	02/10/1996	01/02/1997
<b>Andorra</b>	10/09/1996	06/01/1997	01/05/1997
<b>Armenia</b>	11/05/2001	18/06/2002	01/10/2002
<b>Austria</b>	26/11/1987	06/01/1989	01/05/1989
<b>Azerbaijan</b>	21/12/2001	15/04/2002	01/08/2002
<b>Belgium</b>	26/11/1987	23/07/1991	01/11/1991
<b>Bosnia and Herzegovina</b>	12/07/2002	12/07/2002	01/11/2002
<b>Bulgaria</b>	30/09/1993	03/05/1994	01/09/1994
<b>Croatia</b>	06/11/1996	11/10/1997	01/02/1998
<b>Cyprus</b>	26/11/1987	03/04/1989	01/08/1989
<b>Czech Republic</b>	23/12/1992	07/09/1995	01/01/1996
<b>Denmark</b>	26/11/1987	02/05/1989	01/09/1989
<b>Estonia</b>	28/06/1996	06/11/1996	01/03/1997
<b>Finland</b>	16/11/1989	20/12/1990	01/04/1991
<b>France</b>	26/11/1987	09/01/1989	01/05/1989
<b>Georgia</b>	16/02/2000	20/06/2000	01/10/2000
<b>Germany</b>	26/11/1987	21/02/1990	01/06/1990
<b>Greece</b>	26/11/1987	02/08/1991	01/12/1991
<b>Hungary</b>	09/02/1993	04/11/1993	01/03/1994
<b>Iceland</b>	26/11/1987	19/06/1990	01/10/1990
<b>Ireland</b>	14/03/1988	14/03/1988	01/02/1989
<b>Italy</b>	26/11/1987	29/12/1988	01/04/1989
<b>Latvia</b>	11/09/1997	10/02/1998	01/06/1998
<b>Liechtenstein</b>	26/11/1987	12/09/1991	01/01/1992
<b>Lithuania</b>	14/09/1995	26/11/1998	01/03/1999
<b>Luxembourg</b>	26/11/1987	06/09/1988	01/02/1989
<b>Malta</b>	26/11/1987	07/03/1988	01/02/1989
<b>Republic of Moldova</b>	02/05/1996	02/10/1997	01/02/1998
<b>Monaco</b>	30/11/2005	30/11/2005	01/03/2006
<b>Montenegro</b>			06/06/2006 <sup>18</sup>
<b>Netherlands</b>	26/11/1987	12/10/1988	01/02/1989
<b>North Macedonia</b>	14/06/1996	06/06/1997	01/10/1997
<b>Norway</b>	26/11/1987	21/04/1989	01/08/1989
<b>Poland</b>	11/07/1994	10/10/1994	01/02/1995
<b>Portugal</b>	26/11/1987	29/03/1990	01/07/1990
<b>Romania</b>	04/11/1993	04/10/1994	01/02/1995
<b>San Marino</b>	16/11/1989	31/01/1990	01/05/1990
<b>Serbia</b>	03/03/2004	03/03/2004	01/07/2004
<b>Slovak Republic</b>	23/12/1992	11/05/1994	01/09/1994
<b>Slovenia</b>	04/11/1993	02/02/1994	01/06/1994
<b>Spain</b>	26/11/1987	02/05/1989	01/09/1989
<b>Sweden</b>	26/11/1987	21/06/1988	01/02/1989
<b>Switzerland</b>	26/11/1987	07/10/1988	01/02/1989
<b>Türkiye</b>	11/01/1988	26/02/1988	01/02/1989
<b>Ukraine</b>	02/05/1996	05/05/1997	01/09/1997
<b>United Kingdom</b>	26/11/1987	24/06/1988	01/02/1989
Council of Europe Non-Member States	Date of signature	Date of ratification	Date of entry into force
<b>Russian Federation</b>	28/02/1996	05/05/1998	01/09/1998

<sup>17</sup> The Convention was opened for signature by the member states of the Council of Europe on 26 November 1987.

<sup>18</sup> 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.

Since 1 March 2002, the Committee of Ministers of the Council of Europe may invite any non-member state of the Council of Europe to accede to the Convention. To date, no such invitation has been made.

As of 16 March 2022, the Committee of Ministers decided, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceases to be a member of the Council of Europe as from that date. From this date, however, the Russian Federation continues to be a Contracting Party to the Convention as a non-member of the Council of Europe (Resolution CM/Res(2022)3).

## **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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Three visits carried out in 2010, 2013 and 2020 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 in 2008 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 the above-mentioned Exchange of Letters 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 dated 19 December 2007.

### **United Kingdom**

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Four visits carried out in 2005, 2007, 2010 and 2019 in pursuance of the above-mentioned Exchange of Letters 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 dated 11 March 2004.

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 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, adopted on 8 November 2007.



## Special monitoring arrangements

### Kosovo<sup>19</sup>

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).

Three visits carried out in 2010, 2015 and 2020 on the basis of the above-mentioned agreement between the Council of Europe and UNMIK. The reports on the aforementioned visits have been published (together with the responses provided by UNMIK).

<sup>19</sup> All references 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.

### CPT members



*Some members of the CPT do not appear in this picture.*

### 3. CPT members

in order of precedence (as at 31 December 2022)

Name	Elected in respect of	Term of office expires
Alan MITCHELL, President	United Kingdom	19/12/2025
Hans WOLFF, 1st Vice-President	Switzerland	19/12/2025
Therese Maria RYTTER, 2nd Vice-President	Denmark	19/12/2025
Jari PIRJOLA	Finland	19/12/2023
Vytautas RAŠKAUSKAS	Lithuania	19/12/2023
Gergely FLIEGAUF	Hungary	19/12/2025
Nico HIRSCH	Luxembourg	19/12/2025
Alexander MINCHEV	Bulgaria	19/12/2025
Ömer MÜSLÜMANOĞLU	Türkiye	19/12/2025
Mark KELLY	Ireland	19/12/2023
Philippe MARY	Belgium	19/12/2023
Marie LUKASOVÁ	Czech Republic	19/12/2023
Dagmar BREZNOŠČÁKOVÁ	Slovak Republic	19/12/2023
Ceyhun QARACAYEV	Azerbaijan	19/12/2023
Răzvan Horațiu RADU	Romania	19/12/2023
Vânia COSTA RAMOS	Portugal	19/12/2023
Elisabetta ZAMPARUTTI	Italy	19/12/2023
Olga NOYANOVA	Russian Federation	19/12/2023
Slava NOVAK	Slovenia	19/12/2025
Vincent DELBOS	France	19/12/2025
Chila VAN DER BAS	Netherlands	19/12/2025
Arman TATOYAN	Armenia	19/12/2023
Victor ZAHARIA	The Republic of Moldova	19/12/2025
Tinatin UPLISASHVILI	Georgia	19/12/2025
Elsa Bára TRAUSTADÓTTIR	Iceland	19/12/2023
Juan Carlos DA SILVA OCHOA	Spain	19/12/2025
Ifigeneia KAMTSIDOU	Greece	19/12/2023
Gordan KALAJDJIEV	North Macedonia	19/12/2023
Aleksandar TOMCUK	Montenegro	19/12/2023
Solvita OLSENA	Latvia	19/12/2023
Kristina PARDALOS	San Marino	19/12/2023
Vanessa DURICH MOULET	Andorra	19/12/2023
Helena PAPA	Albania	19/12/2023
Gunda WÖSSNER	Germany	19/12/2025
Judith ÖHRI	Liechtenstein	19/12/2025
Marius CARUANA	Malta	19/12/2023
Sebastian ŁADOŚ	Poland	19/12/2023
Marios ANASTASI	Cyprus	19/12/2023
Asbjørn RACHLEW	Norway	19/12/2025
Sanja BEZBRADICA JELAVIĆ	Croatia	19/12/2025
Karin ROWHANI-WIMMER	Austria	19/12/2025
Mari AMOS	Estonia	19/12/2025
Dmytro YAGUNOV	Ukraine	19/12/2025
Nikola KOVAČEVIĆ	Serbia	19/12/2025
Anna JONSSON CORNELL	Sweden	19/12/2025
Jean-Charles GARDETTO	Monaco	19/12/2025

On 31 December 2022, the seat in respect of Bosnia and Herzegovina was vacant.

## CPT secretariat



*Some members of the CPT secretariat do not appear in this picture.*

## 4. CPT Secretariat (as at 31 December 2022)

### CPT Secretariat

Mr Régis BRILLAT, Executive Secretary  
 Secretariat: Ms Catherine GHERIBI, Personal Assistant  
 Ms Antonella NASTASIE, Assistant to the Committee

### Transversal Support Division

..., Head of Division  
 Morven TRAIN, Administrative and budgetary questions  
 Patrice WEBER, Information strategies and management, Communication

## Divisions responsible for visits

### Division 1

Marco LEIDEKKER, Head of Division	Albania	Liechtenstein
Petr HNATIK	Andorra	Luxembourg
Kelly SIPP	Belgium	Republic of
..., Administrator	Czech Republic	Moldova
	Estonia	Monaco
Catherine O'BAOILL, Administrative Assistant	France	Netherlands
	Hungary	Norway
	Kosovo	Slovak Republic
Secretariat: Oana MOLDOVEAN	Latvia	Slovenia

### Division 2

Borys WODZ, Head of Division	Armenia	Iceland
Elvin ALIYEV	Austria	Lithuania
Almut SCHRÖDER	Azerbaijan	Poland
Dalia ŽUKAUSKIENĖ	Bulgaria	Russian
	Denmark	Federation
	Finland	Sweden
	Georgia	Türkiye
Secretariat: Natia MAMISTVALOVA	Germany	Ukraine

### Division 3

Hugh CHETWYND, Head of Division	Bosnia and	North Macedonia
Francesca GORDON	Herzegovina	Portugal
Paolo LOBBA	Croatia	Romania
Cristian LODA	Cyprus	San Marino
Sebastian RIETZ	Greece	Serbia
	Ireland	Spain
Françoise ZAHN, Administrative Assistant	Italy	Switzerland
	Malta	United Kingdom
Secretariat: Lamia ABDENNOURI	Montenegro	

## 5. CPT visits, reports and publications (as at 31 December 2022)

### Visits carried out in pursuance of Article 7 of the Convention

Member States of the Council of Europe	Periodic visits	Ad hoc visits	Reports sent	Reports published	Reports not published
Albania *	6	8	14	14	0
Andorra	4	0	4	4	0
Armenia	5	5	10	10	0
Austria *	7	0	7	6	1
Azerbaijan	5	8	12	11	1
Belgium	7	5	11 <sup>a</sup>	11 <sup>a</sup>	0
Bosnia and Herzegovina	5	4	9	8	1
Bulgaria *	8	6	14	14	0
Croatia	6	1	6	6	0
Cyprus	7	1	7	7	0
Czech Republic *	6	2	8	8	0
Denmark *	6	1	7	7	0
Estonia	5	1	6	6	0
Finland *	6	0	6	6	0
France	7	8	15	15	0
Georgia	6	3	9	9	0
Germany	7	3	10	10	0
Greece	7	12	17 <sup>b</sup>	17	0
Hungary	6	4	10	10	0
Iceland	5	0	5	5	0
Ireland	7	0	7	7	0
Italy	8	7	15	14	1
Latvia	6	3	9	8	1
Liechtenstein	4	0	4	4	0
Lithuania	6	2	8	7	1
Luxembourg *	4	1	5	5	0
Malta	5	4	9	9	0
Republic of Moldova *	7	10	16	13	3 <sup>c</sup>
Monaco *	3	0	3	3	0
Montenegro	4 <sup>d</sup>	1	5	4	1
Netherlands	7	5	14 <sup>e</sup>	13 <sup>e</sup>	1
North Macedonia	6	8	14	14	0
Norway *	5	1	6	6	0
Poland	7	1	8	7	1
Portugal	8	4	11	11	0
Romania	6	7	11 <sup>f</sup>	11 <sup>f</sup>	0
San Marino	5	0	4	4	0
Serbia	5 <sup>d</sup>	1	6 <sup>d</sup>	6 <sup>d</sup>	0
Slovak Republic	6	0	6	6	0
Slovenia	5	0	5	5	0
Spain	8	10	18	18	0
Sweden *	6	1	7	7	0
Switzerland	7	1	8	8	0
Türkiye	8	25	30 <sup>g</sup>	27	3
Ukraine *	7	9	16	16	0
United Kingdom	9	16	25 <sup>h</sup>	25 <sup>i</sup>	0
Non-member States of the Council of Europe	Periodic visits	Ad hoc visits	Reports sent	Reports published	Reports not published
Russian Federation <sup>i</sup>	8	22	27 <sup>j</sup>	4	23

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

- (a) Including one report on the visit to Tilburg Prison (Netherlands) in 2011.
- (b) These 17 reports cover 18 visits carried out. The report published in 2021 covered two visits.
- (c) Two reports concerning visits to the Transnistrian region and one report concerning a visit to Prison No. 8 in Bender.
- (d) Including one visit organised in September 2004 to Serbia and Montenegro.
- (e) Including a separate report on the visit to Tilburg Prison in the context of the periodic visit in 2011. Also including two separate reports covering the 1994 visit to the Netherlands Antilles and to Aruba
- (f) These 11 reports cover 12 visits carried out.
- (g) These 30 reports cover 32 visits carried out.
- (h) Including two separate reports covering the 2010 visit to Jersey and Guernsey.
- (i) These 27 reports cover 30 visits carried out.
- (j) As of 16 March 2022, the Committee of Ministers decided, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceases to be a member of the Council of Europe as from that date. From this date, the Russian Federation continues to be a Contracting Party to the Convention as a non-member of the Council of Europe (Resolution CM/Res(2022)3).

## 6. Countries and places of deprivation of liberty visited by CPT delegations

(January – December 2022)

### Periodic visits

#### Croatia

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19-29 September 2022

##### *Establishments under the authority of the Ministry of Interior*

- ▶ Rijeka Police Station I
- ▶ Rijeka Police Station II
- ▶ Split Police Station I
- ▶ Split Police Station II (Bačvice)
- ▶ Headquarters of the Požeško-Slavonska County Police Administration
- ▶ Zagreb Detention and Escort Unit (Oranice)
- ▶ Zagreb Police Station III (Dubrava)
- ▶ Zagreb Police Station IV (Maksimir)
- ▶ Zagreb Police Station VI (Novi Zagreb)
- ▶ Velika Gorica Police Station

##### *Establishments under the authority of the Ministry of Justice and Public Administration*

- ▶ Lepoglava Penitentiary
- ▶ Požega Penitentiary (sections for female prisoners)
- ▶ Požega Prison (focussed visit on latest arrivals)
- ▶ Zagreb Prison
- ▶ Zagreb Prison Hospital

##### *Establishments under the authority of the Ministry of Health*

- ▶ Ugljan Psychiatric Hospital
- ▶ Psychiatric Clinic of the Clinical Hospital Centre (KBC) of Rijeka
- ▶ Psychiatric Clinic of the Clinical Hospital Centre (KBC) of Split

##### *Establishments under the authority of the Ministry of Labour, Pension System, Family and Social Policy*

- ▶ Mirkovec Branch of the Adult Home Zagreb
- ▶ Stančić Centre for Rehabilitation

## Italy

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28 March-8 April 2022

### **Law enforcement establishments**

- ▶ Milan State Police Headquarters (*Questura, Via Fatebenefratelli*)
- ▶ Milan Carabinieri Porta Monforte Station (*Comando di Compagnia, Viale Umbria*)
- ▶ Milan Municipal Police Bureau for Arrests and Apprehensions (*Ufficio Arresti e Fermi, Via Custodi*)
- ▶ Rome State Police Headquarters (*Questura, Via di San Vitale*)
- ▶ Rome State Police Lazio Railway Police Department
- ▶ Rome Carabinieri Centro Station (*Comando di Compagnia, Via Giovanni Giolitti*)
- ▶ Turin State Police San Paolo Station (*Commissariato, Corso Racconigi*)
- ▶ Turin Carabinieri Oltre Dora Station (*Comando di Compagnia, Corso Vercelli*)
- ▶ Turin Carabinieri Mirafiori Station (*Via Guido Reni*)

### **Prison establishments**

- ▶ San Vittore Prison, Milan
- ▶ Monza Prison
- ▶ Lorusso e Cutugno Prison, Turin
- ▶ Regina Coeli Prison, Rome (targetted visit)

### **Psychiatric establishments**

- ▶ Niguarda Great Metropolitan Hospital (SPDC unit), Milan
- ▶ Cinisello Balsamo Hospital (SPDC unit)
- ▶ Melegnano Hospital (SPDC Unit)
- ▶ San Camillo Hospital (SPDC Unit), Rome

### **Social care establishments**

- ▶ Pio Albergo Trivulzio Nursing Home (RSA), Milan
- ▶ Palazzolo Nursing Home (RSA), Milan

## Latvia

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10-20 May 2022

### **Law enforcement establishments**

- ▶ Detention Facility of the Public Order Police Department, Rīga Regional Department
- ▶ Daugavpils Police Station
- ▶ Jekabpils Police Station
- ▶ Ogre Police Station
- ▶ Daugavpils Municipal Police Station



- ▶ Daugavpils Immigration Detention Centre
- ▶ Mucenieki Immigration Detention Centre
- ▶ Holding room of the State Border Guard at Riga International Airport

### **Prisons**

- ▶ Daugavgriva Prison
- ▶ Jelgava Prison
- ▶ Riga Central Prison

### **Psychiatric hospitals**

- ▶ Akniste Neuropsychiatric Hospital
- ▶ Daugavpils Neuropsychiatric Hospital

## **The Netherlands**

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10-25 May 2022

### **The Kingdom in Europe**

- ▶ Amsterdam City Police Station (Elandsgracht)
- ▶ Amsterdam South Police Station (Flierbosdreef)
- ▶ Dordrecht Police Station
- ▶ 's-Hertogenbosch Police Station
- ▶ Dordrecht Prison
- ▶ Vught Prison
- ▶ Zwolle Prison (targeted visit to the Terrorist department (TA))
- ▶ Closed Family Facility (GGV) at Zeist Immigration Detention Centre
- ▶ Schiphol Immigration Detention Centre (Amsterdam)
- ▶ Rotterdam Immigration Detention Centre

### **Aruba**

- ▶ Aruba Correctional Institution (KIA)
- ▶ Noord (Shaba), San Nicolas and Santa Cruz Police Stations
- ▶ Dakota Immigration Detention Facility

### **Curaçao**

- ▶ Centre for Detention and Correction Curaçao (SDKK)
- ▶ Barber and Rio Canario Police Stations, as well as the police detention facility located at SDKK premises
- ▶ "Illegalen Barakken" Immigration Detention Facility

### **Sint Maarten**

- ▶ "Point Blanche" Prison
- ▶ Philipsburg Police Station
- ▶ Simpson Bay Immigration Detention Facility.

## Poland

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21 March-1 April 2022

### **Police establishments**

- ▶ Metropolitan Police Headquarters, Biała Podlaska
- ▶ Metropolitan Police Headquarters, Białystok
- ▶ Police establishment for children, Białystok
- ▶ District Police Headquarters, Bielsk Podlaski
- ▶ District Police Headquarters, Chojnice
- ▶ District Police Headquarters, Człuchów
- ▶ District Police Headquarters, Gostynin
- ▶ Metropolitan Police Headquarters, Grudziądz
- ▶ District Police Headquarters, Siemiatycze
- ▶ District Police Headquarters, Świecie
- ▶ Metropolitan Police Headquarters, Toruń
- ▶ Metropolitan Police Headquarters, ul. Nowolipie 2, Warsaw
- ▶ District Police Headquarters, Warsaw IV, ul. Żytnia 36, Warsaw
- ▶ District Police Headquarters, Warsaw V, ul. Żeromskiego 7, Warsaw
- ▶ District Police Headquarters, Warsaw VI, ul. Jagiellońska 51, Warsaw

### **Border Guard establishments**

- ▶ Guarded Centre for Foreigners in Biała Podlaska
- ▶ Guarded Centre for Foreigners in Białystok
- ▶ Guarded Centre for Foreigners in Wędrzyn

### **Prisons**

- ▶ Białystok Remand Prison
- ▶ Prison No. 1 in Grudziądz

### **Psychiatric establishments**

- ▶ National Centre for Prevention of Dissocial Behaviour in Gostynin and its branch in Czersk

## Portugal

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23 May-3 June 2022

### **Establishments under the authority of the Ministry of Internal Administration**

- ▶ PSP Metropolitan Command Headquarters, Moscavide Avenue, Lisbon
- ▶ PSP District Command Coimbra, Rua Elísio de Moura, Coimbra
- ▶ PSP 3rd Police Division, Rua André de Resende, Lisbon (Benfica)

- ▶ PSP Police Division Loures, Rua José Dias Coelho, São João da Talha
- ▶ PSP Police Station Cruz de Pau, Rua Binta, Amora
- ▶ PSP 3rd District Police Station, Travessa da Água da Flor, Lisbon (Bairro Alto)
- ▶ PSP 4th District Police Station, Rua da Palma 169, Lisbon (Palácio da Folgosa)
- ▶ PSP 63rd District Police Station, Rua Bernardino Machado 4, Lisbon (Damaia)
- ▶ PSP Metropolitan Command Headquarters, Rua Agostinho José Freire, Porto (Quinta da Bela Vista)
- ▶ PSP 6th District Police Station, Rua de Naulila 206, Antas, Porto
- ▶ GNR Police Station, Rua João de Deus, Sintra
- ▶ GNR Police Station, Bairro Nicolau Chanterenne, Ançã
- ▶ GNR Police Station, Rua da Eirinha, Penacova
- ▶ GNR Police Station, Rua Armindo Moreira, Sao Pedro de Avioso Maia (Porto)

#### ***Establishments under the authority of the Ministry of Justice***

- ▶ Aveiro Prison (targeted visit)
- ▶ Coimbra Judicial Police Detention Zone
- ▶ Lisbon Central Prison
- ▶ Lisbon Judicial Police Prison (targeted visit)
- ▶ Porto Custóias Prison (targeted visit)
- ▶ Porto Judicial Police Prison (targeted visit)
- ▶ Tires Prison
- ▶ Santa Cruz do Bispo Women's Prison
- ▶ Psychiatric Clinic of Santa Cruz do Bispo Prison
- ▶ Campus de Justiça, Court Detention Area (Block B), Alameda dos Oceanos, Lisbon (targeted visit)

#### ***Establishment under the authority of the Ministry of Health***

- ▶ Forensic Unit of Magalhães Lemos Hospital, Porto

## **San Marino**

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19-22 September 2022

#### ***Law enforcement agencies***

- ▶ Gendarmerie and Civil Police Headquarters
- ▶ Operational Section of the Rock Guard

#### ***Prison establishments***

- ▶ San Marino Prison

#### ***Psychiatric hospitals***

- ▶ Emergency Department of San Marino Civil Hospital

#### ***Social care institutions***

- ▶ "La Fiorina" Institution

## **Ad hoc visits**

### **Azerbaijan**

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12-19 December 2022

#### ***Police establishments***

- ▶ Temporary Detention Centre of the Department for Combating Organised Crime,
- ▶ Temporary Detention Centres of Narimanov, Nasimi and Sabayil districts
- ▶ Police Station No. 22

#### ***Penitentiary establishments***

- ▶ Pre-Trial Establishment in Zabrat
- ▶ Penitentiary Establishment No. 4 (for sentenced women)
- ▶ Juvenile Correctional Establishment.

### **Belgium**

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7-10 November 2022

#### ***Immigration detention centres***

- ▶ Repartition Centre 127bis

### **Cyprus**

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7-9 November 2022

#### ***Immigration detention centres***

- ▶ Menoyia Detention Centre for foreign nationals

### **Greece**

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8-11 November 2022

#### ***Prison establishments***

- ▶ Korydallos Men's Prison
- ▶ Korydallos Prison Health Centre
- ▶ Transgender unit in Korydallos Women's Remand Prison
- ▶ Korydallos Psychiatric Hospital for prisoners

## Montenegro

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7-13 June 2022

### **Police establishments**

- ▶ Bar Security Centre (CB)
- ▶ Bijelo Polje Security Centre (CB)
- ▶ Mojkovac Security Department (OB)
- ▶ Nikšić Security Centre (CB)
- ▶ Pljevlja Security Centre (CB)
- ▶ Podgorica Security Centre (CB)
- ▶ Police Directorate Offices, "Limenka", Podgorica
- ▶ Police Directorate Offices, "Delta City", Podgorica

### **Prison establishments**

- ▶ Remand Prison, Bijelo Polje
- ▶ Remand Prison, Spuž Prison Complex

## The Republic of Moldova

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9-13 December 2022

### **Prison establishments**

- ▶ Prison no. 4 in Cricova
- ▶ Prison no. 13 in Chişinău
- ▶ Prison no. 18 in Brăneşti

## Romania

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19-30 September 2022

### **Psychiatric hospitals**

- ▶ Bălăceanca Psychiatric Hospital
- ▶ Psychiatric Clinic of Emergency County Hospital "Mavromati", Botoşani
- ▶ Obregia Psychiatric Hospital, Bucharest (targeted visit)
- ▶ Socola Psychiatric Hospital, Iaşi; and
- ▶ Pădureni-Grajduri Psychiatric and Safety Measures Hospital, Iaşi

### **Residential Care Homes**

- ▶ Neuropsychiatric Recovery and Rehabilitation Centre in Costâna
- ▶ Neuropsychiatric Recovery and Rehabilitation Centre in Sasca Mică
- ▶ Centre for the Recovery and Rehabilitation of Disabled Persons in Păstrăveni
- ▶ Care and Assistance Centre in Mirceşti

## Türkiye

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20-29 September 2022

### *Immigration detention centres*

- ▶ Edirne Removal Centre
- ▶ Gaziantep Removal Centre
- ▶ Istanbul-Silivri Removal Centre
- ▶ Istanbul-Tuzla Removal Centre
- ▶ Şehit Ozan Özen (Pendik) Branch of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department
- ▶ Tuzla Branch of the Unit for the Fight against Migrant Smuggling of Istanbul Police Department
- ▶ Holding facilities in the transit zone of Istanbul Airport.

### *Prison*

- ▶ Imralı F-type High-Security Prison

## United Kingdom

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25-28 November 2022

### *Immigration detention centres*

- ▶ Manston Short-Term Holding Facility
- ▶ Kent Intake Unit in Dover
- ▶ Western Jet Foil Short-Term Holding Facility

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 32th 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 46 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.

