



CPT/Inf (2008) 29

**Report to the Croatian Government
on the visit to Croatia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 4 to 14 May 2007

The Croatian Government has requested the publication of this report and of its responses. The Government's responses are set out in document CPT/Inf (2008) 30.

Strasbourg, 9 October 2008

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Copy of the letter transmitting the CPT's report

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Strasbourg, 29 November 2007

Dear Sir,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Croatian Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to Croatia from 4 to 14 May 2007. The report was adopted by the CPT at its 64th meeting, held from 5 to 9 November 2007.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Croatian authorities to provide **within six months** a response giving a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Croatian authorities to provide, in the above-mentioned response, reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made. As regards the latter, the Committee would be grateful if the information requested in paragraph 50 could be provided **within three months**.

The CPT would ask, in the event of the response being forwarded in the Croatian language, that it be accompanied by an English or French translation. It would be most helpful if the Croatian authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's visit report or the future procedure.

Yours faithfully

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

I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT visited Croatia from 4 to 14 May 2007. The visit formed part of the Committee’s programme of periodic visits for 2007, and was the third visit to Croatia to be carried out by the CPT¹.

2. The visit was carried out by the following members of the CPT:

- Andres LEHTMETS, 2nd Vice-President of the CPT (Head of delegation)
- Mario FELICE
- Ladislav GETLÍK
- Emilio GINES SANTIDRIÁN
- Zdeněk HÁJEK
- Isolde KIEBER

who were supported by the following members of the CPT’s Secretariat:

- Johan FRIESTEDT
- Isabelle SERVOZ-GALLUCCI.

They were assisted by:

- Roger HOUCHIN, Co-director of the Glasgow Centre for the Study of Violence, Glasgow Caledonian University, United Kingdom (expert)
- Mirko BRODNJAK (interpreter)
- Ivana DULČIĆ (interpreter)
- Nada MAJER (interpreter)
- Nataša MANČE (interpreter)

¹ The first periodic visit took place in 1998, and the second in 2003. The CPT’s reports on these visits have been made public at the request of the Croatian authorities (see CPT/Inf (2001) 4 and CPT/Inf (2007) 15). Further, the Croatian authorities’ responses to the 1998 and 2003 visit reports have also been made public (see CPT/Inf (2001) 5 and CPT/Inf (2007) 16).

- Jasenka ŠAFRAN (interpreter)
- Tanja ŽAKULA (interpreter).

B. Establishments visited

3. The delegation visited the following places of deprivation of liberty:

Establishments under the authority of the Ministry of the Interior

Brod-Posavina Police Administration

- Nova Gradiška Police Station

Istria Police Administration

- Labin Police Station
- Pula Police Station

Osijek-Baranja Police Administration

- Beli Manastir Police Station

Primorje-Gorski Kotar Police Administration

- Pasjak Road Border Crossing Police Station
- Rijeka I Police Station
- Rupa Border Police Station

Varaždin Police Administration

- Varaždin Police Station

Zagreb Police Administration

- Črnomerec Zagreb II Police Station (follow-up visit)
- Zagreb Airport Police Station (follow-up visit)
- Detention and Escort Unit ("JZP"), Senjak district, Zagreb
- Ježevo Detention Centre for Illegal Immigrants (follow-up visit)

Establishments under the authority of the Ministry of Justice

- Lepoglava Prison (follow-up visit)
- Osijek Prison (follow-up visit)
- Rijeka Prison
- Požega Re-education Institution for girls and young women

In addition, the delegation interviewed recently arrived remand prisoners at Zagreb Prison.

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

- Vrapče Psychiatric Hospital (follow-up visit)
- Pula Social Care Home for adults with psychiatric disorders or intellectual disabilities

C. Consultations held by the delegation and co-operation encountered

4. In the course of the visit, the CPT's delegation held consultations with Ante-Zvonimir GOLEM, State Secretary at the Ministry of Health and Social Welfare, Velimir ČOLOVIĆ, Assistant to the Minister of Justice, and Jakob BUKVIĆ, Deputy General Director of the Police, Ministry of the Interior, as well as with other senior officials from these Ministries. It also met Jurica MALČIĆ, the Croatian Ombudsman, and held discussions with members of non-governmental and international organisations active in areas of concern to the CPT.

A list of the national authorities and organisations consulted during the visit is set out in Appendix II to this report.

The CPT wishes to express its appreciation for the assistance provided to its delegation by the liaison officer designated by the national authorities, Damir BRNETIĆ, before, during and after the visit.

5. The co-operation received both from the national authorities and from staff at the establishments visited was generally very good. The delegation enjoyed ready access to all the places visited (including ones not notified in advance) and was able to speak in private with persons deprived of their liberty, in compliance with the provisions of the Convention. In addition, it was granted access to all the documentation necessary for the carrying out of its task.

However, several persons met in the prison establishments visited indicated that they feared repercussions following their meeting with the delegation. In this context, it should be recalled that any kind of retaliatory action against a person after he/she has spoken to a CPT delegation would be totally incompatible with the obligations of Parties to the Convention.

6. The delegation noted that the management of Vrapče Psychiatric Hospital was not familiar with the pertinent extracts of the CPT's report on the 2003 visit to Croatia. In this respect, **the CPT would like to underline the importance of Parties bringing the contents of the report drawn up by the Committee after a visit to the attention of all the relevant authorities and staff, in an appropriate form. It would also be desirable to make use of the reports on CPT visits during the training of the different categories of staff working with persons deprived of their liberty.**

7. The CPT wishes to stress that the principle of co-operation between States Parties and the Committee, as set out in the Convention, is not limited to steps taken to facilitate the task of a visiting delegation. It also requires that decisive action be taken to improve the situation in the light of the Committee's recommendations. The CPT is pleased to note that efforts had been made after the 2003 visit to implement certain recommendations (e.g. as regards conditions of detention of persons detained by the police in Zagreb and at Ježevo Detention Centre for Illegal Immigrants). That said, virtually no action has been taken in respect of a number of other important recommendations (e.g. provision of health care at Osijek and Lepoglava Prisons; programmes of activities for remand prisoners). Of particular concern to the Committee is the failure of the Ministry of Health and Social Welfare to react to the recommendations and comments made in the 2003 visit report in respect of psychiatric establishments and social care homes. The CPT calls upon the Croatian authorities to take all the necessary steps to improve the situation in the light of the Committee's recommendations, in accordance with the principle of co-operation which lies at the heart of the Convention.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Establishments under the authority of the Ministry of the Interior

1. Preliminary remarks

8. The legal provisions governing deprivation of liberty by the police have remained, on the whole, unchanged since the 2003 visit (cf. paragraphs 8 to 11 of CPT/Inf(2007) 15 and CPT/Inf(2007) 16). It should be recalled that a criminal suspect apprehended by the police (*uhićenje*) must be brought before an investigating judge without delay and, at the latest, within 24 hours. The judge may order his detention (*zadržavanje*), which as a rule takes place in a prison establishment, or release him. In exceptional circumstances, the judge may prolong detention by the police by an additional 24 or 48 hours².

9. Foreign nationals awaiting deportation may be held by the police under the 2003 Aliens Act for up to 12 hours. If deportation cannot be immediately enforced or if the foreign national concerned has not been identified, he should be accommodated in a detention centre under the authority of the Ministry of the Interior for a period of up to 90 days. The latter period may be extended for identification purposes, for security reasons or if the foreign national has submitted an application for asylum in the course of the deportation process³.

10. The information gathered by the CPT's delegation during the 2007 visit suggests that the above-mentioned legal time-limits were generally respected in practice. However, the Committee remains concerned about the use of summons (*poziv*) directing persons to present themselves on police premises to provide information necessary for performing police tasks (a procedure commonly referred to as "informative talks")⁴. Some persons met by the delegation complained that they had been summoned to a police station and engaged in such "talks" for several hours, before being formally declared criminal suspects (on the basis of an arrest warrant which had been previously issued against them) and before being allowed to contact a lawyer (see also paragraph 18). **The CPT would like to receive the comments of the Croatian authorities on this issue.**

² See Sections 100 and 101 of the 2003 Code of Criminal Procedure.

³ See Sections 58 and 59 of the Aliens Act.

⁴ See Section 186 (3) of the Code of Criminal Procedure (cf. also paragraph 11 of CPT/Inf(2001) 4).

2. Ill-treatment

11. As had been the case during previous CPT visits to Croatia, the majority of the persons met by the delegation during the 2007 visit who were, or had recently been, detained by the police, indicated that they had been treated in a correct manner. However, a not insignificant number of the persons interviewed did make allegations of physical ill-treatment at the time of apprehension after having been brought under control (e.g. punches, kicks), and/or during subsequent questioning by police officers, in order to obtain confessions or information (e.g. slaps, punches, kicks, baton blows). In a few cases, the allegations involved baton blows to the soles of the feet, asphyxiation by means of placing a plastic bag over the detainee's head and sleep deprivation⁵. In certain cases, the ill-treatment alleged was of such severity that it could be considered as amounting to torture. It is noteworthy that the latter cases concerned persons whose police custody had been prolonged beyond 24 hours by a judge.

Moreover, the delegation received some accounts of verbal abuse and threats of force by police officers, in particular during questioning.

12. At Ježevo Detention Centre for Illegal Immigrants, the delegation received two isolated allegations of excessive use of force (e.g. punches, kicks) by custodial staff, in the context of staff intervening to prevent inter-detainee violence/intimidation. Further, some allegations were heard of verbal abuse.

13. At the outset of the 2007 visit, the CPT's delegation was informed of various measures taken by the Ministry of the Interior with a view to putting an end to ill-treatment by the police. In particular, instructions had been adopted aimed at ensuring that police staff strictly observe the relevant legislation and regulations when dealing with persons in custody. Efforts had also been made to step up professional training in order to improve the attitude of police officers towards detained persons. Nevertheless, the information gathered during the visit suggests that continued determined action is needed to combat ill-treatment by the police. **The CPT recommends that a clear message of "zero tolerance" of ill-treatment (whether of a physical or verbal nature) be delivered, from the highest level and through ongoing training activities, to all police officers. Police staff should also be reminded that no more force than is strictly necessary should be used when bringing persons presenting violent and/or agitated behaviour under control, be it at the time of apprehension or in a detention facility; once such persons have been brought under control, there can never be any justification for their being struck.**

⁵ For instance, police officers entering cells every 5 minutes at night and threatening detained persons to use force if they fell asleep.

14. It is equally important to promote a culture respectful of the law, where it is regarded as unprofessional – and unsafe from a career path standpoint – to work and associate with colleagues who have resort to ill-treatment. This implies the existence of a clear reporting line, including the adoption of effective safeguards for protecting whistle-blowers. Police officers interviewed on this matter during the 2007 visit generally indicated that if they had reason to believe that colleagues had ill-treated a detained person, they would inform the head of the police station where the possible ill-treatment had occurred, despite the existence of special investigation teams whose task was to inquire into such cases. **The CPT recommends that the Croatian authorities establish, within the police, a clear reporting line for information indicative of ill-treatment (which implies the obligation for staff to immediately forward such information to the competent authorities and services).**

15. The CPT must also stress that, if the emergence of information indicative of ill-treatment is not followed by a prompt and effective response, those minded to ill-treat persons deprived of their liberty will quickly come to believe that they can perpetrate such acts with impunity.

From the information collected during the 2007 visit, it would appear that judges and prosecutors do not always pay sufficient attention to allegations of ill-treatment and frequently fail to take action. At best, the head of the police station where the person making the allegation had been detained would be asked to provide information concerning the alleged ill-treatment. **The CPT recommends that whenever a detained person brought before a judge alleges ill-treatment by police officers, these allegations be recorded in writing, a forensic medical examination be immediately ordered, and the necessary steps be taken to ensure that the allegations are properly investigated. Such a procedure should be followed whether or not the person concerned bears visible external injuries. Moreover, even in the absence of an express allegation of ill-treatment, judges and prosecutors should adopt a proactive attitude; for instance, whenever there are other grounds to believe that a person could have been the victim of ill-treatment, a forensic medical examination should be requested. If necessary, the law should be amended to reflect these principles.**

3. Safeguards against the ill-treatment of persons deprived of their liberty

16. In its previous visit reports, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons detained by the police, and their operation in practice. The Committee has placed particular emphasis on three fundamental rights of detained persons, namely to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor. The CPT must stress again that it is during the period immediately following deprivation of liberty that the risk of ill-treatment is at its greatest. It follows that it is essential that all categories of persons deprived of their liberty enjoy these rights from the very outset of their deprivation of liberty (i.e. as from the moment the persons concerned are first obliged to remain with the police). It is equally fundamental that persons detained by the police be informed without delay of their rights, including those mentioned above, in a language they understand.

As regards the legal provisions pertaining to the above-mentioned rights, no changes have taken place since the 2003 visit. It became clear during the 2007 visit that most of the recommendations of the CPT in previous visit reports aimed at strengthening the existing safeguards have not been implemented.

17. As regards notification of custody, the CPT remains concerned by the degree of latitude given to police officers by the Code of Criminal Procedure to notify the family of an apprehended person at the time of their choosing within the first 24 hours of custody. During the 2007 visit, most detained persons interviewed by the delegation stated that they had been informed of their right to notify their family of their situation soon after apprehension; however, a number of persons alleged that police officers had decided not to allow them to exert this right for periods of up to 24 hours.

The CPT calls upon the Croatian authorities to take effective steps to ensure that persons deprived of their liberty by the police, for whatever reason, are granted the right to notify a close relative or third party of their choice about their situation as from the very outset of their deprivation of liberty. The exercise of this right could be made subject to certain exceptions designed to protect the legitimate interests of the police investigation; however, those exceptions must be clearly circumscribed in law and made subject to appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the specific reasons therefor and to require the approval of a senior police officer unconnected with the case at hand, a prosecutor or a judge).

18. The majority of the persons interviewed by the delegation during the 2007 visit indicated that they had been informed of their right of access to a lawyer shortly after apprehension. However, as during previous visits, it appeared that many persons detained by the police had been allowed to exercise that right only some time after apprehension, in particular after a statement relating to a specific criminal offence had been obtained from them.

The fact that persons summoned to a police station for “informative talks” were still not allowed to have access to a lawyer is another matter of continuing concern to the Committee. Police officers interviewed by the delegation stated that, in the context of such “talks”, access to a lawyer could only be granted when a person was formally declared a suspect.

In the light of the above, **the CPT again calls upon the Croatian authorities to take effective steps without any further delay to ensure that the right of access to a lawyer (including the right to have a lawyer present during police questioning) is enjoyed by all persons detained by the police, as from the very outset of their deprivation of liberty. This right should apply not only to criminal suspects but also to anyone who is under a legal obligation to attend - and stay at - a police establishment. If necessary, the law should be amended.** Naturally, the fact that a detained person has stated that he wishes to have access to a lawyer should not prevent the police from beginning to question/interview him on urgent matters before the lawyer arrives. Provision could also be made for the replacement of a lawyer who impedes the proper conduct of an interrogation, on the understanding that such a possibility should be strictly circumscribed and subject to appropriate safeguards.

19. The CPT is concerned that, during the 2007 visit, the Croatian legal aid system appeared to display the same shortcomings as in 2003. In many instances, *ex officio* lawyers had had no contact with the detained persons until the first court hearing. In addition, in some cases, detained persons expressed scepticism about *ex officio* lawyers’ independence from the police. **The CPT reiterates its recommendation that the system of free legal aid to detained persons be reviewed, in order to ensure its effectiveness from the very outset of police custody. Particular attention should be paid to the issue of independence of *ex officio* lawyers from the police.**

20. Despite certain regulations adopted in recent years concerning medical care for persons held by the police, there is still no formal legal provision guaranteeing the right of persons taken into police custody to have access to a doctor. Such access remains, in practice, at the discretion of police officers. Some detained persons complained that access to medical assistance had been denied, or granted after a delay, despite repeated requests.

Further, it transpired that medical examinations of detained persons were routinely carried out in the presence of police officers. Some detained persons claimed that they had not dared to show the doctor certain injuries and to talk about their origins as a police officer was standing next to them. In addition, the delegation observed that results of the medical examinations (including the related statements made by the person concerned) were attached to detained persons' legal files and thus accessible to police officers.

As regards the content of the medical form filled in by doctors following an examination, it should be noted that no conclusion was drawn by the doctor as to the consistency between the medical findings and any allegations made by the person concerned.

The CPT calls upon the Croatian authorities to take measures to ensure that the right of access to a doctor for persons taken into police custody is formally guaranteed in law and fully implemented in practice. The relevant measures should include action to ensure that:

- **all medical examinations are conducted out of the hearing and – unless the doctor expressly requests otherwise in a given case – out of the sight of police officers;**
- **the confidentiality of medical data is strictly respected;**
- **the medical report drawn up by a doctor following an examination of a detained person contains conclusions as to the degree of consistency between any allegations of ill-treatment made by the detained person and the objective medical findings.**

21. Despite repeated recommendations by the CPT, the Croatian authorities have still not issued forms setting out the rights of persons in police custody. A number of detained persons, in particular foreign nationals, complained during the visit that they lacked information on their rights. **The Committee calls upon the Croatian authorities to issue without further delay a form setting out in a straightforward manner the rights of persons in police custody and to ensure that the form is systematically given to such persons as from the outset of police custody (that is, immediately upon first entry into police premises). Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case. The form should be made available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights.**

22. During the 2007 visit, the delegation observed that there had been little improvement in the establishments visited as regards the keeping of custody records. Police stations continued to keep a variety of custody registers, which were often poorly maintained (e.g. with important information – such as the time or date of release/transfer and of notification of custody – missing or inaccurate).

The CPT reiterates its recommendation that measures be taken to ensure that any detention in a police establishment is properly recorded. Further, the Committee invites the Croatian authorities to ensure that standard-format and comprehensive custody registers are kept at each police establishment. Such registers should record all aspects of the person's custody and all the action taken in connection with it (time and reason(s) for the arrest; when the person arrived at the police station; when informed of rights; signs of injury, health problems, mental disorder, etc; in which cell the person is placed; when offered food, when interrogated; contacts with and/or visits by next-of-kin, lawyer, doctor or consular official; when transferred; when brought before a judge; when remanded in custody or released, etc.).

23. Despite the existence of a number of bodies entitled to visit places where persons are detained by the police (e.g. judges, prosecutors, the Ombudsman's Office), it transpired during the 2007 visit that there was still no practice of regular inspections of police detention facilities. **The CPT recommends that the Croatian authorities take steps to develop systems for regular and independent inspections of police detention facilities. The bodies carrying out the inspections should be empowered to interview detained persons in private and to examine material conditions, custody records and the exercise by detained persons of their rights.**

4. Conditions of detention

24. The CPT is pleased to note that serious efforts had been made in Zagreb to provide adequate conditions in police establishments. The makeshift holding facility used for overnight stays at Zagreb II - Črnomerec Police Station had been dismantled. Persons detained by the police in the capital who had to stay overnight in police custody were taken to the new Police Detention and Escort Unit ("JZP"). Opened in 2006 and located adjacent to Zagreb Criminal Court, this Unit offered accommodation of a good standard. It comprised ten cells, each measuring 30 m² and equipped with six sleeping areas. Access to natural light and ventilation were satisfactory and each cell had adequate artificial lighting. Further, the cells had integral sanitation, and basic hygiene items were given to detained persons, who also had access to a shower room. Moreover, all cells were equipped with a call bell system.

25. In contrast, material conditions observed in police cells outside Zagreb continued to exhibit a number of shortcomings. Lack of proper access to natural light was a common feature of the cells visited (either access to natural light was obstructed by panels fitted to windows or the cells had no windows). Moreover, in a number of instances, artificial lighting was very poor (in particular at Labin, Nova Gradiška and Rijeka-I Police Stations). Further, in some police stations, the cells were too small for holding persons for longer than a few hours (e.g. some 3 m² at Beli Manastir Police Station); however, overnight stays were not uncommon in these stations. Further, cell equipment occasionally left something to be desired (e.g. at Rupa Border Police Station), and at Varaždin Police Station, in-cell toilets were not partitioned. In addition, there were generally no arrangements for providing food at appropriate times for persons held for prolonged periods.

It should also be noted that none of the cells were equipped with a call bell system, despite often being located far away from on-duty police officers; this clearly entails the risk of incidents (including suicide attempts) not being responded to in good time.

26. Particular reference should be made to Nova Gradiška Police Station. Police officers met by the delegation acknowledged that this police station's holding facilities, which consisted of two cage-like cells that were narrow and dark, were unsatisfactory. The sanitary facilities, located in an adjacent building, were also in poor condition. At the end of the visit, the CPT's delegation stressed that suitable alternative holding facilities should be found for persons detained by the Nova Gradiška police, and requested information on steps taken in this respect. In their subsequent letter of 13 August 2007, the Croatian authorities informed the Committee that these cells had been withdrawn from service following the delegation's observations and that the Brod-Posavina Police Administration had organised transportation to other police stations offering adequate material conditions of detention. The CPT welcomes these measures.

27. **The CPT recommends that the Croatian authorities redouble their efforts to bring material conditions in police cells into line with the criteria set out in the 1998 visit report⁶. More specifically, steps should be taken to:**

- **ensure that police cells are of a reasonable size for their intended occupancy (ideally, single-occupancy cells used for overnight stays should be of some 7 m², with at least 2 metres from wall to wall and 2.5 metres from floor to ceiling);**
- **improve in-cell lighting (access to natural light/artificial lighting) in the cells visited outside Zagreb;**
- **offer food at appropriate intervals to detained persons (which implies that budgetary means must exist for providing food), including at least one full meal (i.e. something more substantial than a sandwich) every day;**
- **partition in-cell toilets at Varaždin Police Station;**
- **install a call system in police cells.**

28. A number of criminal suspects interviewed outside the capital alleged that they had been held for prolonged periods of time (e.g. up to 27 hours) in offices, sitting on a chair/bench or sleeping on the floor without a mattress. Police officers spoken to by the delegation confirmed that such situations did occasionally occur. In addition, as with previous visits, allegations were received of criminal suspects being handcuffed to radiators or other items of furniture for several hours. **The CPT calls upon the Croatian authorities to take urgent steps to ensure that persons held overnight are accommodated in a designated holding facility offering appropriate security conditions and provided with a clean mattress and clean blankets. While it may be necessary for a criminal suspect in police custody to be handcuffed at certain stages of the procedure, handcuffs should not be used as a substitute for proper holding facilities.**

⁶ See paragraph 40 of CPT/Inf (2001) 4.

29. At the beginning of the 2007 visit, the delegation was informed that the Croatian authorities intended to invest 2.07 million HRK in order to fit police cells with video surveillance cameras. Such a surveillance system had been installed at Varaždin Police Station. Regrettably, the non-partitioned in-cell toilets were within the cameras' field of vision.

As a matter of principle, the CPT has no objection to the use of cameras for the surveillance of police detention areas, provided that the privacy of detained persons is preserved when they are using a toilet and washing themselves. However, such video surveillance systems should not prevent detained persons from having direct contact with staff; they should not, under any circumstances, replace the frequent observation of cells by police officers to ensure the safety of detained persons. It is also essential that the monitoring of the video cameras takes place in a designated room by assigned officers, and out of the public view, and that any incidents be recorded in a logbook.

The CPT recommends that the Croatian authorities adopt regulations governing the use of video surveillance in police detention areas, taking due account of the above remarks. In this context, the Committee would like to know whether video recording is envisaged and, if so, under which circumstances and safeguards.

The CPT also trusts that investing financial resources in installing such equipment will not be at the expense of improving material conditions of detention in police cells.

30. During the follow-up visit to **Zagreb International Airport**, the delegation was told that foreign nationals who had been refused entry to Croatia and were to be deported shortly, continued to be confined in the airport transit lounge, even overnight. At the same time, a new facility designed to accommodate asylum seekers for up to 48 hours had been opened a year previously, although the delegation was informed that no asylum seekers had as yet been accommodated there. This facility consisted of a room measuring 21 m², with two bunk beds with mattresses, a heating system and good access to natural light and artificial lighting. However, **there was no call bell system.**

The CPT urges the Croatian authorities to ensure that foreign nationals who are refused entry to Croatian territory at Zagreb International Airport are provided with acceptable conditions while awaiting deportation.

31. In the course of the 2007 visit, the delegation was informed that regulations on the procedures applicable to foreign nationals held under aliens legislation (including conditions of detention at air and seaports) had been adopted. **The CPT would like to receive a copy of these regulations.**

5. Follow-up visit to Ježevo Detention Centre for Illegal Immigrants

a. introduction

32. The CPT's delegation carried out a follow-up visit to the Ježevo Detention Centre for Illegal Immigrants, which had previously been visited in December 2003 (see CPT/Inf (2007) 15, paragraphs 40 to 62). The Centre's capacity had been reduced to 108 places following the opening of the Reception Centre for Asylum Seekers in Kutina. At the time of the visit, the Ježevo Detention Centre was accommodating 83 foreign nationals (including four women and at least nine juveniles)⁷, mostly from the former Yugoslav republics or Albania and Turkey. Two categories of foreign nationals were being held at the Centre: those awaiting the enforcement of a removal order and persons who had requested asylum after having been issued with a deportation order; there were respectively 80 persons in the first category and three in the second at the time of the visit.

b. conditions of detention

33. The delegation observed certain improvements as regards material conditions at the Centre. In particular, following refurbishment, the dormitories on the second floor of the building where foreign nationals were being accommodated were of a good standard in terms of lighting and ventilation. However, conditions remained cramped, especially in the seven dormitories for men (which contained twelve beds for some 30 m²). Women and families were accommodated in three rooms measuring some 11.5 m² and containing four beds, as well as a fully-partitioned sanitary annexe (including a shower).

As during the 2003 visit, beds were the only piece of furniture in the rooms, no personal lockable space being provided. Further, some detained persons complained of backache due to the condition of the beds (sparsely positioned metal slats through which the mattresses were sagging) and the poor state of the mattresses. The delegation was told that the Centre was expecting 100 new beds and mattresses in September 2007.

34. Access to toilet facilities was not a problem during the day, when detained persons could circulate freely within the Centre; however, male detainees complained about the fact that only one toilet was directly available to all of them at night.

As regards access to shower facilities, it was available for one hour per day; however, some of the male detainees complained about the insufficient provision of hot water in the common shower room. Further, the delegation observed that the showers in the sanitary annexes within the women's rooms were not all in good working order.

⁷ The Centre's management could not inform the delegation as to the total number of juveniles (i.e. persons under the age of 18) being held at the time of the visit as, according to the management, only persons under the age of 14 were considered to be juveniles, and there were no such persons being held at the Centre. However, upon examination of detained persons' files, the delegation came across nine persons aged between 16 and 18 at the Centre at the time of the visit.

35. **The CPT recommends that material conditions at Ježevo Detention Centre be improved in the light of the above remarks. In particular, steps should be taken to:**

- **reduce occupancy levels in the dormitories;**
- **provide detained persons with lockable space for keeping personal belongings;**
- **ensure that male detainees have ready access to a sufficient number of toilets at night;**
- **improve the provision of hot water in the common shower room and extend the number of hours during which the shower room is available. Further, the necessary repairs should be made in the sanitary annexes in the women's rooms.**

The Committee would also like to receive confirmation that new beds and mattresses have been received.

36. The delegation received several complaints from foreign nationals concerning the insufficient quantity and lack of variety of the food served at the Centre. Some detained persons also complained that dinner was served too early (6 p.m.) with the result that they had to last for at least 14 hours until breakfast the next morning. The Centre's management was aware of these problems and was planning to remedy the situation. **The CPT would like to receive information on the steps taken to improve the situation with respect to the provision of food at Ježevo Detention Centre.**

37. All foreign nationals detained at Ježevo had their clothes removed upon arrival and were obliged to wear sportswear provided by the establishment (even though some of them claimed that they had appropriate clean clothing among their personal belongings). According to the management, this practice was due to the fact that some detained persons' clothes were dirty upon arrival and to a concern that such clothes might be damaged during the stay at the Centre. **The CPT invites the Croatian authorities to review the current approach to the clothing of foreign nationals held at Ježevo Detention Centre; persons arriving at the establishment should be offered the possibility to wear their own clothes during their stay if they are suitable and, if necessary, to have these clothes washed and repaired.**

38. As regards the availability of activities to persons detained at the Centre, the delegation was pleased to observe that progress had been made since the 2003 visit. In particular, a spacious common room had been constructed next to the dining hall; foreign nationals could spend most of the day in that room, watching TV or playing cards. There was also a facility for buying drinks and cigarettes. Further, following the construction of a perimeter fence separating the Centre from the neighbouring motorway, a football pitch serving as an outdoor exercise area had been set up; the delegation was told that it had been completed the day before the visit but, due to bad weather conditions, had not yet been used. According to the Centre's regulations, foreign nationals could have access to the football pitch for 3 hours a day in the winter and 5 hours a day in the summer.

The CPT invites the Croatian authorities to continue developing purposeful activities for foreign nationals at Ježevó Detention Centre, with a view to enlarging the offer of such activities (e.g. provision of books and recent newspapers/magazines in various foreign languages, games, etc.). The longer the period for which persons are detained, the more developed should be the activities which are offered to them.

c. health care

39. The health-care staff comprised a doctor and a nurse working from 8 a.m. to noon at weekdays. The doctor was also on call at weekends, and a medical hotline could be called in case of emergency. However, unlike in 2003, there were no psychologists working at the Centre; **the CPT would like to have the comments of the Croatian authorities on this issue.**

40. All newly arrived foreign nationals were seen by a member of the health-care team upon their arrival at the Centre; this represents a positive change compared to the situation in 2003. However, the individual medical files drawn up in respect of detained persons were not sufficiently detailed; for example, information from the initial medical screening was sometimes missing, as was information about medical consultations with outside medical specialists. **The CPT recommends that steps be taken to improve the quality of individual medical files drawn up in respect of foreign nationals held at Ježevó Detention Centre, in the light of the above remarks.**

d. staff

41. In its report on the 2003 visit (cf. paragraph 53 of CPT/Inf (2007) 15), the CPT stressed the importance of staff working with foreign nationals deprived of their liberty being carefully selected and appropriately trained. As well as possessing well-developed interpersonal communication skills, the staff concerned should be familiarised with the different cultures of the detainees and at least some of them should have relevant language skills. Further, they should be trained to recognise possible symptoms of stress reaction displayed by detained persons (whether post-traumatic or induced by socio-cultural changes) and to take appropriate action.

As far as the delegation could ascertain, no tangible progress has been made in this area at Ježevo. Staff working at the Centre had received little specialised training for the job. Further, the delegation noted that relations between staff and detained persons were limited and distant, staff regarding their task as being reduced to guarding detainees. **The CPT recommends that the Croatian authorities provide staff working at Ježevo Detention Centre with appropriate training, taking into consideration the above remarks, and encourage greater interpersonal communication between staff and detainees.**

42. The delegation noted that some staff openly carried batons in the detention areas. As stressed by the CPT in the past, to carry batons in a visible manner is clearly not conducive to the development of positive relations between staff and detainees. **The CPT calls upon the Croatian authorities to ensure that staff working in centres for foreign nationals do not openly carry batons in detention areas. If it is deemed necessary for staff to be armed with such equipment, it should be hidden from view.**

43. The delegation was informed that the Centre employed eight female members of staff; however, none of them were present in the detention areas at the time of the visit (despite the fact that there were four women in custody). **The CPT would like to receive the Croatian authorities' comments on this point.**

e. information for detained foreign nationals

44. As for other categories of persons deprived of their liberty, persons detained under aliens legislation should enjoy certain fundamental rights as from the outset of their detention, i.e. the right to inform a person of their choice of their situation, and to have access to a lawyer and a doctor. It is equally fundamental that foreign nationals detained by law enforcement authorities be informed without delay of all their rights and the procedures applicable to them in a language they understand.

The delegation was told that foreign nationals detained at the Centre were told to read notice boards, which displayed information in a variety of languages. Nevertheless, a number of foreign nationals did not appear to be aware of their rights and the procedures applicable to them and there was a lack of clarity about the possibility to make one free phone call and the obligation to pay for accommodation and food at the Centre⁸.

The CPT invites the Croatian authorities to take further measures to ensure that foreign nationals held at Ježevo Detention Centre are aware of their rights and the procedures applicable to them.

⁸ Pursuant to Section 67 of the 2003 Aliens Act, a foreign national is bound to bear the costs of accommodation at the Centre and other costs that are incurred during his forcible expulsion. For an indigent foreign national, such costs must be borne by an employer who has employed the foreign national concerned without proper permission, or the person who has undertaken to bear the costs of the foreign national during his stay in Croatia. Costs that cannot be recovered in line with the latter provisions are paid from the resources of the national budget.

f. contact with the outside world

45. The CPT welcomes the installation of additional pay phones at the Centre, as recommended in the 2003 visit report. However, foreign nationals' mobile phones continued to be systematically removed upon admission to the Centre. In this connection, the CPT wishes to recall that immigration detainees are neither convicted nor suspected of criminal offences. **The Committee reiterates its invitation to the Croatian authorities to reconsider their policy of systematically removing the mobile phones of foreign nationals held at Ježevo Detention Centre.**

g. juveniles

46. The examination of files revealed that the Centre was accommodating at least nine juveniles (between the ages of 16 and 18) who had been arrested together with adults with whom they were travelling. Each of the juveniles had been assigned a guardian (appointed by the Social Care Centre) from among the group of people with whom they had been apprehended, and the juveniles and guardians were accommodated in the same dormitory.

The CPT accepts that there may be exceptional situations (e.g. children and parents being held as immigration detainees) in which it is plainly in the best interests of juveniles not to be separated from particular adults. However, to accommodate juveniles and unrelated adults together inevitably brings with it the risk of domination and exploitation. **The CPT recommends that the Croatian authorities review the practice of holding juveniles and unrelated adults in the same accommodation at Ježevo Detention Centre.**

B. Establishments under the authority of the Ministry of Justice

1. Preliminary remarks

47. The delegation carried out first-time full visits to Osijek and Rijeka Prisons⁹ and to the country's only re-education institution for girls and young women, in Požega. Further, it paid a follow-up visit to Lepoglava Prison¹⁰, where it focused on the situation of prisoners serving very long terms as well as inmates considered to present a particular security risk.

48. The problem of prison overcrowding in Croatia has worsened since the CPT's previous visit. The prison population has grown by some 40% in the last three years and stood at 4,080 in April 2007 (for an overall capacity of 3,009 places). During the visit, the delegation witnessed the negative impact of overcrowding on many aspects of life in the prisons visited: reduced out-of-cell activities, limited possibilities for visits and telephone calls, and increased tension between prisoners and staff.

Officials from the Ministry of Justice met during the visit saw the causes of overcrowding in the increased use of pre-trial detention, changes in the Criminal Code which had resulted in longer minimum sentences, and a growing number of persons being imprisoned for refusal to pay fines. At the initial talks with the Ministry of Justice, the delegation was informed of various measures designed to relieve the problem of overcrowding. In the first place, efforts were being made to encourage the use of alternatives to imprisonment, through the provision of training to judges and prosecutors; however, it was indicated that the success of those efforts remained modest. Further, plans were being made to introduce a system of probation. The Ministry was also working towards an increased use of conditional release (some 60% of the proposals for such release had reportedly been accepted in 2006). There were also plans to extend the prison estate, through the construction of a new prison (with a capacity of 400 places), additional detention blocks at Glina and Zagreb Prisons (with 240 places and 300 places respectively), and a psychiatric prison hospital in Šibenik (with 100 beds).

As previously stressed by the Committee, providing additional accommodation cannot on its own offer a lasting solution. The only viable way to control overcrowding is to adopt policies designed to limit or modulate the number of persons sent to prison. In this connection, the CPT must stress the need for a strategy covering both admission to and release from prison, to ensure that imprisonment really is the ultimate remedy. This implies, in the first place, an emphasis on non-custodial measures in the period before the imposition of a sentence and, in the second place, the adoption of measures which facilitate the reintegration into society of persons who have been deprived of their liberty.

The CPT recommends that the Croatian authorities redouble their efforts to combat prison overcrowding and, in so doing, to be guided by Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec(2003)22 on conditional release (parole).

⁹ Osijek and Rijeka Prisons are both establishments designed for holding remand prisoners and persons serving sentences of up to six months' imprisonment (*zatvori*). However, a number of sentenced prisoners held at the time of the visit were serving terms greatly exceeding six months.

¹⁰ Lepoglava Prison is an establishment designed for holding inmates serving sentences longer than six months (*kaznionica*).

49. It is essential to ensure that all prisoners (including those on remand) spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature, such as work, preferably with vocational value, education, sport, and recreation/association. This is not only a fundamental part of the process of social rehabilitation, but it also contributes to the establishment of a more secure environment within prisons.

According to the information provided by the Croatian authorities, some progress had been made since the 2003 visit as regards work opportunities for inmates, with 32% of the prison population being offered work in 2006 as compared to 27% in 2003. At the same time, the provision of education and vocational training had remained limited. **The CPT recommends that the Croatian authorities continue to make efforts to develop work opportunities for prisoners (both sentenced and remand). Further, efforts should be made to develop programmes of education and vocational training in all prison establishments.**

2. Ill-treatment

50. Most inmates interviewed in 2007 had no complaints about the way they were treated by staff.

No allegations of physical ill-treatment by staff were heard at *Požega Re-education Institution* for girls and young women. However, several consistent accounts of offensive remarks by certain members of staff were heard (in the context of young women forming intimate relationships with each other); such remarks continued to poison the general atmosphere in the establishment, despite the Ombudsman's earlier intervention on this issue.

At *Lepoglava Prison*, the delegation received some allegations of physical ill-treatment by staff of inmates in the Unit for "increased supervision" (e.g. slaps, punches, kicks and baton blows whilst handcuffed). The ill-treatment had apparently occurred before January 2007, after the prisoners concerned had refused to obey staff orders; it had been inflicted by groups of staff out of the field of vision of the detention area's video-surveillance camera. Further, the delegation received allegations of verbal abuse of inmates by staff and psychological pressure at the establishment's Unit 4B.

Some allegations of physical ill-treatment were also heard at *Osijek Prison*. The ill-treatment alleged consisted of punches, kicks and baton blows (whilst handcuffed), and related to prisoners refusing to obey staff orders or attempting to escape.

At *Rijeka Prison*, the delegation received a few allegations of physical ill-treatment which referred to the placement of inmates in the disciplinary cell. Specific mention should be made of the case of a female prisoner met by the delegation, who alleged that during the night of 15 January 2007, after making noise in her cell and threatening to commit self-harm, she had been pulled by the hair out of her cell by a male officer and dragged to the disciplinary cell, where she was apparently punched, kicked and hit with batons on the head and the legs. The prisoner was allegedly left only in her underwear in the unheated disciplinary cell until the next morning, when a female officer brought her to the doctor's office. The record drawn up by the doctor contained the following findings: "a scratch on the back [...] on the right hand side above the right hip, a 2 cm long scratch [...] on the left buttock, a haematoma measuring 5 x 4 cm – fresh trauma. Diagnosis: post contusionem capitis, cephalgia". The case was referred to the prosecutor's office which carried out an inquiry; that inquiry was discontinued on 4 May 2007 on the grounds that there were no elements supporting the allegations of ill-treatment by staff while performing their duties. **The CPT would like to receive, within three months, a copy of the file concerning this case.**

51. **The CPT recommends that the management of Lepoglava, Osijek and Rijeka Prisons deliver to prison staff the firm message that both physical ill-treatment and verbal abuse of prisoners, as well as psychological pressure, are not acceptable and will be dealt with severely.**

The Committee also recommends that appropriate measures be taken to upgrade the skills of prison staff in handling high-risk situations without using unnecessary force, in particular by providing training in ways of averting crises and defusing tension and in the use of safe methods of control and restraint.

Further, **the CPT recommends that staff working at Požega Re-education Institution receive the clear message that offensive remarks towards inmates will not be tolerated and will be subject to sanctions.**

52. The CPT has misgivings about the manner in which investigations of prisoners' complaints may be carried out. The delegation received several accounts from prisoners according to which prison officers had apparently "advised" them to stress in their letter of complaint that they had shown reprehensible behaviour before the incident occurred, or had urged them to write false statements about an incident they had witnessed. Further, some inmates complained about the passivity of the bodies (prison management, judges) to which they had complained of ill-treatment. **The CPT recommends that prison staff receive the clear message that any kind of threats or intimidating action against a prisoner who has complained or any attempts to present a fabricated account of situations giving rise to complaints will not be tolerated and will be subject to sanctions.**

Further, **the CPT would like to receive detailed information on the complaints and disciplinary procedures in respect of prison staff, including the safeguards incorporated to ensure their objectivity, proper documentation, timely consideration and resolution.**

In addition, in order to obtain a nationwide view of the situation concerning the treatment of prisoners by prison staff, **the CPT would like to receive the following information for 2006 and 2007 in respect of all prisons in Croatia:**

- **the number of complaints of ill-treatment lodged against prison staff;**
- **an account of the outcome of such complaints, including any disciplinary and/or criminal sanctions imposed.**

53. During the 2007 visit, the CPT's delegation heard some allegations of inter-prisoner violence and/or intimidation. The prison authorities generally appeared to have taken the necessary preventive measures (including segregation of the possible perpetrators) in such cases. However, a few prisoners alleged that prison staff were too slow to react to cases of inter-prisoner violence/intimidation. In this context, the Committee is concerned by reports received in the aftermath of the 2007 visit from prisoners held at Lepoglava Prison's Unit 4B, according to which the tension between them and other inmates had increased (e.g. insults, assaults) without any proper reaction from staff. **The CPT recommends that the Croatian authorities remain vigilant with regard to the issue of inter-prisoner violence/intimidation.**

3. Conditions of detention in the establishments visited

a. follow-up visit to Lepoglava Prison

54. Lepoglava Prison had previously been visited in 1998 and 2003 (cf. paragraph 49 of CPT/Inf (2001) 4 and paragraph 64 of CPT/Inf (2007) 15). During the 2007 visit, the delegation concentrated on the "*Zvijezda*" closed-type building, where most prisoners sentenced to very long terms and all inmates considered to present a particular security risk were accommodated. The establishment's capacity had been reduced to 523 in recent years; however, the number of prisoners held had significantly increased (724 in 2007, including 598 in the "*Zvijezda*" building, as compared to 574 in 2003, including 500 in the "*Zvijezda*" building).

i. prisoners serving very long terms

55. At the time of the 2007 visit, 64 prisoners were serving very long terms (20 years of imprisonment or more), including 36 inmates with a “sentence of long term imprisonment” under Section 53 of the Criminal Code¹¹. 57 of these inmates were allocated to the various closed detention units (and seven were accommodated in semi-open units).

56. Material conditions of detention of these prisoners were similar to those of other sentenced prisoners. They were held two to four in a cell measuring some 6 m² to 11 m² (including a sanitary annexe). Some inmates stated that they had complained about the overcrowded conditions in which they were being held to the executing judge, who generally confirmed that these conditions violated Croatian law, without taking further action.

The delegation was informed that some efforts were being made to respond positively to requests made by prisoners to be transferred to semi-open units or to other prison establishments. **The CPT calls upon the Croatian authorities to take urgent steps at Lepoglava Prison to substantially reduce the occupancy rates in the cells of the “Zvijezda” building holding prisoners serving very long terms, the objective being to provide a minimum of 4 m² per prisoner. The 6 m² cells should not hold more than one prisoner and the 11 m² cells should not hold more than two.**

57. Efforts had been made since the 2003 visit to ensure that all prisoners at Lepoglava Prison – including those serving very long terms – had access to various activities. According to the information provided to the delegation, some 60% of prisoners serving very long sentences were offered work. Further, some 15% of inmates were involved in vocational training programmes, and some 8% had access to English and German language courses in 2006. Approximately 10% of inmates could participate in sports activities on a daily basis (football, basketball, boxing, etc.). Moreover, in each detention unit, inmates had access to association/TV rooms and a room designed for indoor sports.

Despite these efforts, some inmates interviewed by the delegation who were serving very long sentences stressed that they had serious difficulties in coming to terms with their sentence, in particular during the initial period of their detention when they were generally offered few activities. In this connection, the CPT would like to recall that long-term imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, prisoners serving very long sentences may experience a range of psychological problems (including loss of self-esteem and impairment of social skills) and have a tendency to become increasingly detached from society, to which almost all of them will eventually return. In the Committee’s view, the programmes of activities which are offered to such prisoners should seek to compensate for these effects in a positive and proactive way.

¹¹ Such inmates were convicted of the most serious crimes and were serving sentences ranging from 20 to 40 years’ imprisonment.

The CPT invites the Croatian authorities to pursue their efforts to provide prisoners serving very long terms with more opportunities, preferably of a long-term nature, for work and other purposeful activities (such as education or vocational training). Appropriate steps should be taken to lend meaning to their long period of imprisonment; in this respect, the provision of long-term individualised custody plans and appropriate psychological and social support are important elements in assisting such prisoners to come to terms with their period of incarceration.

ii. prisoners considered to present a particular security risk

58. During the 2007 visit, special attention was paid to the situation of the sixteen inmates placed in the Unit for “increased supervision”¹².

59. The Croatian authorities have implemented the majority of the Committee’s recommendations regarding *placement* in this Unit (including regular risk assessment reviews, provision of information to the prisoners concerned on the reasons for placement and possibilities to appeal)¹³. In accordance with procedures at Lepoglava Prison, risk assessments for placement at this Unit should be carried out by a special commission (involving the Deputy Prison Director, the Head of Security and the Head Educator).

However, not a single prisoner interviewed by the delegation had been heard in person by the special commission. Further, in a number of cases, the reasoning for decisions on placement and its prolongation appeared to be stereotyped and repetitive. In this connection, it appeared from discussions with staff that the dominant factors leading to retention of the high security risk status were historical ones, like the violent nature of the crime committed (often many years before). Several inmates had been permanent occupants of the Unit for a number of years and considered that such continued placement was an additional punishment for their crime. This generated feelings of injustice as they had reason to believe that whatever attitude they adopted, they would remain in the Unit for “increased supervision” until the end of their sentence.

60. In the CPT’s view, placement in conditions of especially high security or control should be based on a full individualised assessment of the risks requiring it. The prisoner concerned should be offered the opportunity to express his views on the matter. Further, continued placement should not be a purely passive response to a prisoner’s problematic behaviour. Instead, reviews of placement should be objective and meaningful, and should form part of a positive process designed to address the prisoner’s problems and permit his return into the mainstream prison population. In addition, it is essential for the management of prisoners whose personality or behaviour is likely to mean that they will spend considerable periods of time in conditions of high security or control, that decisions reached about their management are not only fair but can be seen to be fair. The absence of such an approach is likely to result in an increased sense of grievance and descent into a vortex of deteriorating behaviour. **The CPT recommends that the approach to placement in the Unit for “increased supervision” be reviewed, in the light of the above remarks.**

¹² Cf. Section 135 of the Law on the Execution of Sentences.

¹³ Cf. paragraph 86 of CPT/Inf (2007) 15.

61. The Unit had been renovated since the 2003 visit and offered good *material conditions*. It comprised thirteen cells measuring between 7 m² and 13 m² and holding one or two inmates. The cells were adequately equipped, including a partitioned sanitary annexe.

62. The existence of a satisfactory *programme of activities* for the inmates in question and the pursuit of a relatively relaxed regime within the Unit had been a key area of concern for the CPT during its previous visits¹⁴. Regrettably, the delegation's findings from the 2007 visit show that little progress has been made in this respect. Admittedly, inmates are now entitled to take daily outdoor exercise and have access to the Unit's three common rooms for up to four hours a day. However, they are still not offered any work, vocational training or education. In the CPT's view, such a state of affairs is not a suitable way to respond to disruptive behaviour in prison and to reduce the risk of re-offending after release.

The CPT recommends that a broad range of purposeful activities (including work and education) be made available to prisoners held in the Unit for "increased supervision". The activity plans should be based on an individualised needs assessment by a multi-disciplinary team (involving educators and a psychologist), in consultation with the inmates concerned.

63. The delegation observed that *staff-inmate relations* in the Unit were far from positive. The basis of the prisoner-management strategy was rigorous adherence to the rules and regulations. The delegation was informed that prison officers assigned to the Unit had been carefully selected on the basis of their communication skills, experience and personality. However, they had not volunteered to work in the Unit and had not been offered any special training. In addition, there was no policy regarding when staff should be moved out of the Unit.

The CPT recommends that steps be taken to review the prisoner management policy in the Unit for "increased supervision" in order to build positive relations between staff and prisoners. In this context, action should be taken to ensure that prison officers assigned to the Unit have a genuine commitment to the exercise of their skills in a more challenging environment and are given special training in working with prisoners considered to be difficult. Further, their suitability for the work should be reviewed at regular intervals.

64. The delegation also visited Unit 4B, which was accommodating 36 prisoners who constituted a particular security risk as a result of their role during the armed conflict in the 1990's¹⁵. The Unit contained fifteen cells measuring between 7 m² and 11.5 m² (including the sanitary annexe) and holding generally from two to four inmates. **The occupancy rates in the cells of this Unit should be reduced** (see paragraph 56).

65. The prisoners held in Unit 4B were allowed to move around outside their cells for up to 12 hours a day (including three-and-a-half hours of outdoor exercise). The CPT welcomes the fact that a number of these prisoners had been offered work. However, **efforts should be pursued to develop activity and support programmes provided to these inmates, with a view to bringing them to the same level as those of other prisoners held at Lepoglava and responding to their specific needs.**

¹⁴ See paragraphs 66 and 67 of CPT/Inf (2001) 4.

¹⁵ Those prisoners had been transferred from Unit 1D to 4B following the 2003 visit (see paragraphs 88 and 89 of CPT/Inf (2007) 15).

b. Osijek and Rijeka Prisons

66. Osijek Prison had been briefly visited by the CPT in 2003 (see paragraph 64 of CPT/Inf (2007) 15). With an official capacity of 121, at the time of the 2007 visit the establishment was accommodating 177 inmates (of whom 136 were on remand, including five women, and 41 were sentenced, including seven for misdemeanour offences). The CPT's delegation was informed that, due to the increase in the number of prisoners held, premises designed for the organisation of activities had been converted into prisoner accommodation.

Rijeka Prison occupies a four-storey building, constructed in 1905, which is adjacent to the local court building in the centre of town. With an official capacity of 116, the establishment was holding 176 inmates at the time of the visit (126 on remand, including two women, and 48 sentenced prisoners, including nine women).

i. *material conditions*

67. Whereas in 2003 conditions at Osijek Prison had been assessed by the CPT's delegation as generally adequate, at the time of the 2007 visit, the situation was marked by serious overcrowding. Up to twenty remand prisoners were being held in cells of up to 39 m² (including a sanitary annexe). According to inmates, the situation had been even worse in the recent past, when in certain cells the living space per prisoner had been some 1.5 m² and some inmates had been compelled to sleep on mattresses placed on the floor, in the chapel or in the meeting room for lawyers. On the positive side, cell equipment was adequate and a call system was in the process of being installed.

As regards sentenced prisoners, efforts were being made to observe the official norm of 4 m² of living space per person (e.g. seven prisoners in a cell of some 29 m²).

68. The situation was on the whole better at Rijeka Prison. Two to eight inmates were being held in cells measuring 9 to 33 m²; thus in most of the cells, the official standard of 4 m² of living space per person was respected. However, there were some exceptions (e.g. ten remand prisoners in cell no. 25, measuring some 22.5 m²; four sentenced inmates in cell no. 7, measuring 12.5 m²). Further, two double-occupancy cells (nos. 6 and 8) were not suitable for holding even one inmate; they measured a mere 5 m², and access to natural light in these cells was very limited (the cell window facing a wall about one meter away).

The cell equipment was appropriate and cells had been fitted with a call system. However, the delegation received several complaints that the heating was switched off at 4 p.m. in the winter.

69. The state of cleanliness was good at Rijeka Prison. However, at Osijek Prison, the delegation observed that some cells were infested by cockroaches; **measures should be taken to address this situation.**

70. Prisoners at both establishments were granted access to shower facilities once a week in the winter and twice a week during the rest of the year (additional showers were allowed after sports activities). However, some inmates at Osijek Prison complained that they had not been allowed to shower for ten days.

71. In the light of the above observations, **the CPT recommends that steps be taken to:**

- **reduce cell occupancy rates at Osijek Prison in the cells for remand prisoners, applying the minimum standard of 4 m² of living space per person in multi-occupancy cells ;**
- **ensure that the official norm of 4 m² of living space per prisoner is respected in all multi-occupancy cells at Rijeka Prison; as regards cells nos. 6 and 8 (as well as any other cell measuring less than 6 m² in other prison establishments), they should be taken out of service as prisoner accommodation;**
- **ensure that cells at Rijeka Prison are properly heated in winter;**
- **increase the frequency of showers for inmates in the light of Rule 19.4 of the revised European Prison Rules¹⁶.**

Further, **the CPT would like to know whether the installation of a call system in the cells of Osijek Prison has been completed.**

ii. programme of activities

72. All prisoners were entitled to at least two hours of daily outdoor exercise¹⁷. Inmates at Osijek Prison had access to exercise yards for two hours a day; however, outdoor exercise was usually restricted to one hour a day at Rijeka Prison, and occasionally even to half an hour.

73. Efforts were being made at both establishments to provide *sentenced prisoners* with some kind of activity. At Osijek Prison, the delegation was informed that 26 of these inmates had work (in the kitchen, laundry, the prison's workshops or outside the prison). The situation at Rijeka Prison was similar, with the majority of sentenced prisoners working in the kitchen, laundry and workshops. However, no vocational training or education was being provided at either establishment. Prisoners at Osijek Prison had access to organised sports activities three times a week for one hour in a dedicated sports area, and prisoners at Rijeka could use sports equipment in the exercise yard. As regards reading material, despite an arrangement with the city library to allow inmates to borrow books, the supply of books at Osijek Prison appeared to be problematic. There were no such difficulties at Rijeka Prison, which had a library with some 1,500 books.

¹⁶ According to Rule 19.4 of the Committee of Ministers' Recommendation Rec (2006) 2 on the European Prison Rules, "adequate facilities shall be provided so that every prisoner may have a bath or shower, [...] if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene".

¹⁷ Cf. Section 14 of the Law on the Execution of Sentences and Section 54 of the Regulations on the house rules in detention facilities.

As for the regime of *remand prisoners*, it remained very poor. Admittedly, a small number of remand prisoners at Osijek had access to organised sports activities, once to three times a week, and a few of these prisoners were engaged in work activities (none at Rijeka). However, most inmates on remand were confined to their cells for some 22 hours a day (and even some 23 hours at Rijeka) with little to occupy their time (the only forms of distraction being watching TV, or videos for those who could afford them, listening to the radio and playing cards/board games).

74. The CPT recommends that steps be taken to ensure that:

- **all prisoners at Rijeka Prison have access to at least two hours of daily outdoor exercise, as prescribed by Croatian law;**
- **remand prisoners at Osijek and Rijeka Prisons are offered a programme of purposeful activities (work, preferably of a vocational value, education, sports, recreation/association, etc.);**

The CPT also invites the Croatian authorities to improve the supply of books and newspapers at Osijek Prison.

c. Požega Re-education Institution for girls and young women

75. Opened in 1981, Požega Re-education Institution for girls and young women consists of two buildings, dating back to 1918. It is the country's only institution accommodating girls and young women (aged between 14 and 23) who have been subjected to a residential educational measure by a court¹⁸. With an official capacity of 50, the institution was accommodating eight young women (aged between 17 and 19) at the time of the visit. The delegation was informed that, within the last ten years, the establishment had never held more than 25 inmates. The average stay in the institution was one and a half years.

76. The legal provisions pertaining to placement in a re-education institution were summarised in the report on the 1998 visit (see paragraph 116 of CPT/Inf (2001) 4). It should be recalled that a juvenile judge decides on a placement in a re-education institution for a period ranging from six months to three years. This decision is reviewed on the basis of six-monthly reports submitted by the management of the institution about the individual's response to treatment and educational programmes.

¹⁸ Male young offenders are held at Turupolje Re-education Institution, which was visited by the CPT in 1998 (cf. paragraphs 116-130 of CPT/Inf (2001) 4).

The law leaves the institution's management a broad margin of appreciation and gives staff considerable power over young persons held in the institution. There should therefore be adequate systems of accountability and appeal to counter the risk of staff abusing their power. Some shortcomings were observed in this respect. For example, very few judges held a court hearing before taking a decision on the prolongation of placement; further, out of the eight young women, only one had been heard by a judge before a decision on the prolongation of that measure was taken. In addition, the delegation was informed that the presence of a legal representative for juveniles at such hearings was a rare occurrence. **The CPT invites the Croatian authorities to take steps (including of a legal nature, if necessary) to improve the level of accountability in the context of the judicial review of placement. In particular, young offenders held at re-education institutions should systematically be heard by a judge before a decision is made on whether the measure should be prolonged or not. In this context, juveniles should be heard in the presence of their legal representative.**

i. material conditions

77. Material conditions at Požega Re-education Institution were, on the whole, of a very good standard. Seven of the young women were accommodated in the main building, in the Semi-Open Ward, which comprised six rooms measuring between 13 m² and 22 m² and was designed to hold three to four young persons. The rooms were well lit and ventilated, equipped with bunk beds and wardrobes, and nicely decorated. There was a common sanitary facility comprising three toilets and three showers.

The eighth young woman was accommodated, at her own request, in the Special Control and Supervision Ward (OPSN)¹⁹, in a room measuring 13 m² and equipped with two bunk beds and wardrobes. Conditions in that room were of an acceptable standard, but it was more austere than the other rooms.

The Institution also comprised an Open Ward, where young women who had achieved the highest grade of the incentive system (see paragraph 79) would be accommodated; however, that ward had never been used.

78. It is noteworthy that the delegation received hardly any complaints about the food provided at the Institution, which came from the nearby Požega Prison and was served in a large dining room.

¹⁹ The OPSN may be used during the admission procedure and in the course of the implementation of educational measures when a young woman fails to comply with the regime or for her own safety. In this context, individualised and reinforced measures of care, protection, education and supervision are taken.

ii. programme of activities

79. After admission, during an initial 30-day observation period, an individual activity programme was drafted in respect of each young woman. This programme was reviewed after three months. The assessment period concluded with a “treatment meeting”, at which all the educators and specialists agreed on an individualised treatment/activity programme. The programme was sent to the juvenile judge.

The regime at the institution comprised an incentive scheme with a hierarchy of grades, which allowed the young women to attain additional privileges and eventual release in exchange for displaying approved behaviour. Breach of the level of expected conformity at any grade resulted in a return to a lower grade and possibly placement in the OPSN.

80. The young women could pursue primary or secondary educational programmes (three of them were taking part in such programmes at the time of the visit). Thanks to donations, an IT workshop with four computers had also been set up. However, the vocational training opportunities were generally limited to sewing and cooking. The majority of the young women worked in textile workshops adjacent to Požega Prison.

Further, the young women had access to a pleasant yard for up to two hours a day during weekdays, and outdoor sports activities (e.g. handball, volleyball) were organised once or twice a week for one hour. In addition, an indoor gym, art workshop and photographic workshop were in the process of being set up.

81. The CPT considers that the care of young persons in custody requires special efforts to reduce the risks of long-term social maladjustment. This calls for a multidisciplinary approach, drawing upon the skills of a range of professionals (including teachers, trainers and psychologists), in order to respond to the individual needs of young persons and offer them a wide range of opportunities to demonstrate personal growth and competence acquisition. Despite the efforts made by staff at Požega, the institution fell short of providing an appropriate range of development activities. The work and vocational opportunities offered to the young women were limited and “stereotyped”. It should also be noted that each of the educators performed a variety of functions (therapy, assessment, discipline) which might create a conflict of interest.

The CPT invites the Croatian authorities to review the educative and socio-therapeutic approach at Požega Re-education Institution, in the light of the above remarks.

4. Health-care services

82. With respect to health-care staff resources, the situation was generally satisfactory at *Požega Re-education Institution*. A doctor attended the establishment on weekdays and was on call in case of emergency. Three nurses were also available during weekdays. Further, there were regular consultations with a gynaecologist.

The situation was also generally adequate at *Rijeka Prison*. A full-time doctor worked on weekdays and an additional doctor visited the prison once a week. Further, arrangements had been made to ensure access to specialists, including a physiotherapist and a dentist. However, dental care was limited to emergency treatment. There were only two full-time nurses working on weekdays, which was not sufficient given the number of prisoners at the time of the visit.

The staffing situation at *Osijek* and *Lepoglava Prisons* was unsatisfactory. At *Osijek*, a full-time doctor's post was vacant. A part-time doctor visited the establishment four times a week (for two to three hours at a time) and was otherwise on call. As for nursing staff, there was only one full-time nurse employed on weekdays (the second nurse's post was vacant).

At *Lepoglava*, the full-time doctor had been on sick leave for almost a year. A second doctor, working full-time, was struggling to cope with the workload of caring for over 700 inmates. Attempts to employ another doctor on a full-time basis had been unsuccessful. As for the establishment's complement of nurses, it was a mere six (one of whom was on duty at night and weekends).

Not surprisingly, the CPT's delegation received many allegations about long delays in getting access to a doctor at *Osijek* and *Lepoglava Prisons*. Prisoners held at *Lepoglava Prison's* 4B Unit in particular complained that the doctor was only available on Thursdays and in emergencies.

83. **The CPT recommends that steps be taken to ensure that health-care staffing levels correspond to the needs of the actual prison population in each of the establishments visited, and in particular, to:**

- **fill the full-time doctor's post at *Osijek Prison*;**
- **significantly reinforce medical staff at *Lepoglava Prison*, by employing the equivalent of at least two full-time doctors and substantially increasing the complement of nurses;**
- **increase the number of posts for nurses at *Osijek* and *Rijeka Prisons* to three at each establishment. In this context, measures should be taken to ensure that a person qualified to provide first aid, preferably someone with a recognised nursing qualification, is present around the clock on the premises, including at weekends, at *Osijek* and *Rijeka Prisons*;**
- **improve the provision of dental care at *Rijeka Prison*.**

The Committee also invites the Croatian authorities to find appropriate arrangements for substitutes in the absence of health-care staff (in case of extended sick leave, training, etc.).

84. The provision of adequate psychiatric care was problematic at Lepoglava Prison. Efforts to employ a full-time psychiatrist had not been successful, due to the fact that remuneration and other working conditions fell short of those offered in health establishments; instead, two psychiatrists attended the establishment for a total of six hours a week²⁰, and a third from Zagreb Prison Hospital was involved in various programmes for different categories of patients (e.g. drug-addicts, inmates with post-traumatic-stress-disorder (PTSD), sexual offenders).

The situation was somewhat better in the other establishments visited. Psychiatric care at Požega Re-education Institution was provided by the visiting doctor, who was a psychiatrist by specialisation. Two psychiatrists visited Osijek Prison on a weekly basis, for a total of three hours on average. At Rijeka Prison, a psychiatrist visited the establishment once a week for some four hours. However, at the latter establishment, the delegation noted with concern that a significant number of inmates (some 50%) were receiving psychotropic medication (mainly tranquillisers).

As for psychologists, only Požega Re-education Institution employed such a member of staff.

The CPT recommends that steps be taken to:

- **significantly increase the hours of attendance of psychiatrists at Lepoglava Prison;**
- **review the provision of psychiatric care at Rijeka Prison, in the light of the above remarks;**
- **ensure that prisoners at Lepoglava, Osijek and Rijeka Prisons benefit from the services of a psychologist.**

85. Medical equipment could be considered as generally adequate at Lepoglava and Rijeka Prisons and at the Požega Institution. However, the medical facilities at Osijek Prison were poorly equipped (there was only a stethoscope and an apparatus for measuring blood pressure). **The CPT recommends that steps be taken to address this situation.**

86. As regards medical examination on admission and the recording of injuries, measures had been taken since the 2003 visit to ensure that prisoners' medical files contained a detailed account of statements made by the prisoner concerned, and that a report was drawn up by the doctor and a copy made available to the inmate or his lawyer upon request. The delegation observed that these requirements were generally observed at Lepoglava and Rijeka Prisons, as well as in Požega. However, the doctor's conclusions in the light of the medical findings and the relevant statements made by the inmate were missing. Further, there were a few allegations from prisoners that they had not been given a copy of the medical report despite their requests. **The Committee invites the Croatian authorities to remedy these shortcomings.**

²⁰ It should be mentioned in this regard that 28 inmates were undergoing compulsory psychiatric treatment at the time of the 2007 visit.

The situation at Osijek Prison was in sharp contrast to the one observed in the other establishments visited. It appeared that some inmates had not been examined upon admission or that the results of the examination had not been recorded. Further, the medical records seen by the delegation were poorly maintained: injuries were generally recorded in a cursory manner and information on prisoners' medical history and treatment was often missing. **The CPT calls upon the Croatian authorities to take immediate steps to ensure that all newly arrived prisoners at Osijek Prison undergo an initial examination by health-care staff (i.e. by a doctor or a fully qualified nurse reporting to a doctor) within 24 hours of arrival, and that the results of that examination – as well as of any further examinations – are properly recorded.**

87. As regards medical confidentiality, the CPT made recommendations in its previous visit reports aimed at stopping the practice of prison officers being present during medical examinations of prisoners. In their last response, the Croatian authorities informed the Committee that the directors of all prison establishments had been instructed to ensure that medical consultations are, as a rule, carried out without prison officers being present (medical staff being informed that a prison officer could be present if they so required). However, the delegation's observations from the 2007 visit suggest that, except in the Požega Re-education Institution, the presence of non-health care staff during medical examinations remained more the rule than the exception. **The Committee calls upon the Croatian authorities to take decisive measures to ensure that medical examinations of prisoners are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of prison officers. If necessary, the relevant legal provisions should be amended.**

88. At the beginning of the 2007 visit, the CPT's delegation was informed that the Croatian Government had made proposals for amending the provisions of the Law on the Execution of Sentences relating to the handcuffing and anklecuffing of inmates refusing to be tested for illicit or psychoactive substances and transmissible diseases, in accordance with the recommendation made by the Committee in its report on the 2003 visit. **The CPT would like to know whether these proposed amendments have been adopted.**

5. Other issues of relevance to the CPT's mandate

a. staff

89. At the outset of the 2007 visit, Ministry of Justice officials informed the delegation that actual staffing levels in all prison establishments were generally inadequate. The delegation observed at the establishments visited that the number of prison staff effectively working was always less than the number of posts²¹ and there was a heavy dependence on overtime. Further, there was a significant incidence of sick leave among custodial staff at Rijeka and Osijek Prisons.

The situation was of particular concern at Osijek Prison. Although the effective number of prison officers was 69, the delegation was struck by the very small proportion of staff who were actually in contact with prisoners (there were only two prison officers present in each detention areas²²). Staff working in the detention areas indicated that they felt constantly threatened by prisoners, and attributed this situation both to the fact that they had very few opportunities to talk to inmates and to the failure to provide them with purposeful activities (see also paragraph 73).

The CPT wishes to stress once again that ensuring positive staff-inmate relations will depend greatly on having an adequate number of staff present at any given time in detention areas. An overall low staff complement and/or specific staff attendance and deployment systems which diminish the possibilities of direct contact with prisoners will certainly impede the development of positive relations; more generally, it will generate an insecure environment for both staff and prisoners. Further, an inadequate number of staff in detention areas can easily result in high levels of stress among staff who are present, a situation which is likely to exacerbate the tension inherent in any prison environment.

The CPT recommends that the Croatian authorities improve staffing levels in the prisoner accommodation areas in the establishments visited. This implies not only that all prison officers' posts be filled, but also that the management of staff in detention areas be reviewed. This review should be founded on the requirement to provide all categories of prisoners with a full range of activities (including outdoor exercise).

90. During the 2007 visit, the delegation observed that some prison officers at Osijek and Rijeka Prisons continued to carry batons in the full view of inmates. Staff uniforms had been designed in such a way as to make it possible to keep such equipment out of view; however, prison staff complained that the placing of batons in the pockets of their uniforms impeded movement. **The CPT recommends that further steps be taken to end the practice of staff openly carrying batons in detention areas. If deemed appropriate, staff uniforms should be re-designed.**

²¹ By way of illustration, 225 prison officers (out of 343 posts) were working at Lepoglava Prison.

²² At the time of the visit, there were 47 and 130 inmates in each detention areas respectively.

91. The number of female officers was low in the establishments visited. For example, only one female officer was on duty at Osijek Prison at the time of the visit while three others were supervising a female prisoner in hospital. Many tasks in relation to female prisoners (e.g. escorts to showers) were therefore carried out by male officers. The CPT must underline that an adequate number of female officers is in the interests of female prisoners detained in a prison establishment. More generally, the presence of both male and female staff will have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a prison. **The Committee recommends that efforts be made to increase the number of female custodial staff in the prison establishments visited, in the light of the above remarks.**

b. discipline and segregation

92. The CPT indicated in its 2003 visit report that the maximum period of 21 days of solitary confinement on disciplinary grounds which can be imposed on sentenced prisoners is already very high and that it should under no circumstances be prolonged without an interruption (see paragraph 104 of CPT/Inf (2007) 15). At the time of the 2007 visit, a draft legal amendment had been prepared according to which there should be an interval of at least eight days between two successive measures of disciplinary confinement. **The CPT would like to know whether this amendment has been adopted.**

93. As was the case during previous visits, the CPT's delegation did not find any evidence of excessive resort to the disciplinary sanction of solitary confinement in the prison establishments visited.

However, some inmates at Osijek Prison alleged that they had been placed in solitary confinement for periods of up to five days in an empty room (e.g. in a room used as a chapel during the visit), without being provided with a mattress or blanket during the night, without being allowed ready access to toilet facilities, without receiving food at regular intervals or having been denied access to daily outdoor exercise. Further, it would appear that such cases had not been recorded in the establishment's disciplinary register. In addition, the consultation of daily logbooks revealed that a prisoner had remained handcuffed overnight in an empty room without a toilet (and apparently without bedding). **The CPT would like to receive the comments of the Croatian authorities on these matters.**

94. Young persons held in a re-education institution may be confined to a cell on disciplinary grounds for up to 7 days. Disciplinary isolation was not resorted to at Požega Re-education Institution in 2005 or 2006; however, in the first four months of 2007, the management of the institution had resorted to solitary confinement eight times. The explanations given to the delegation related to the particular population being held at Požega at the time of the visit and the fact that all the other alternatives had been exhausted. **The CPT trusts that resort to disciplinary isolation will always remain highly exceptional at Požega Re-education Institution.** Placement of juveniles in conditions resembling solitary confinement can rapidly have harmful consequences for them.

The Institution's two disciplinary confinement cells were very small (measuring some 4 m²) and equipped in a very austere manner. Such facilities have no place in a re-educational institution. **The CPT recommends that they be taken out of use and alternative arrangements found.**

95. Acts of self-harm are defined as a disciplinary offence in Croatian law²³ and the delegation observed that they could be sanctioned as such in practice. The Committee would like to stress that acts of this kind frequently reflect problems and conditions of a psychological or psychiatric nature, and that they should be approached from a therapeutic rather than a punitive standpoint. **The CPT recommends that the relevant legal provisions be amended, in the light of these remarks.**

c. contact with the outside world

96. It should be recalled that sentenced inmates are entitled by law to two monthly visits of one hour each, and remand prisoners to six visits a month, each lasting between 15 and 60 minutes.

During the 2007 visit, the delegation was submerged by complaints from remand prisoners at Osijek and Rijeka Prisons about limitations on the frequency and duration of visits. In general, inmates were allowed one or two monthly visits of some 15 minutes each. Further, virtually all remand prisoners met by the delegation indicated that they were only allowed to communicate with their visitors through a glass partition. At Osijek Prison, some inmates who had children indicated that they had to go on hunger strike to be granted longer visits under more open conditions.

The CPT recommends that the Croatian authorities review the visiting arrangements for remand prisoners at Osijek and Rijeka Prisons with a view to ensuring that inmates can benefit from the number of visits to which they are entitled by law. Further, particular care should be taken to ensure that prisoners meet their families in circumstances that allow them to exercise their normal family roles. In this context, visits under open conditions should be the rule and visits through a glass partition the exception.

97. Telephone calls are another means by which prisoners maintain contact with their families. Prisoners were generally allowed one or two phone calls of up to 10 minutes per week in the prisons visited. However, it appeared during the visit that the demand to use the phone by foreign prisoners who could not benefit from frequent visits from their relatives was not always satisfied. Further, a number of these prisoners complained that the high cost of international communications prevented them from maintaining contact with their families. **The CPT invites the Croatian authorities to facilitate foreign prisoners' access to a telephone and to verify the situation as regards the cost of international phone communications and the possibility of other cheaper audio-communications.**

²³ See Section 145 of the Law on the Execution of Sentences.

98. The delegation received several allegations from remand prisoners at Osijek and Rijeka Prisons stating that correspondence with their lawyers was read by prison officers to whom it had been handed over. If true, such a state of affairs would be totally unacceptable. **The Committee would like to receive the comments of the Croatian authorities on this issue.**

99. The CPT welcomes the fact that young women held at Požega Re-education Institution generally had a good deal of freedom to communicate with their families and friends and opportunities to take periods of leave outside the institution (depending on their response to their treatment/activity programme).

d. complaints and inspection procedures

100. Inmates interviewed during the 2007 visit were in general aware of the avenues of complaint available to them (including the central prison authorities, judges and the Ombudsman's Office). However, at Osijek and Rijeka Prisons, the delegation received several allegations of restrictions being placed on prisoners' communication with bodies which might take an interest in their complaints, or of letters of complaint (or certain documents appended to these letters) being "lost" or interfered with during transmission. Further, several inmates alleged that complaining to outside bodies led to recriminations (see paragraph 52).

The CPT recommends that the operation of complaints procedures at Osijek and Rijeka Prisons be reviewed in order to ensure their effectiveness in practice.

101. As regards inspections, the CPT highlighted in its report on the 1998 visit that judges visiting prison establishments should not limit their activities to prisoners who expressly request to meet them, but should take the initiative by entering into direct contact with inmates, in the absence of prison personnel. It transpired during the 2007 visit that judges visiting prison establishments did not interview prisoners in private. Further, it was clear from the information gathered by the delegation at Požega Re-education Institution that the legal obligation upon juvenile judges to visit the establishment at least twice a year and enter into direct contact with the young persons²⁴ was rarely observed in practice. **The CPT calls upon the Croatian authorities to take action through appropriate means (including practical training and, if necessary, legal measures) to ensure that judges frequently visit the establishments under their jurisdiction and, on these occasions, take the initiative by entering into direct contact with inmates and interviewing them in private.**

102. The CPT would like to put on record the positive contribution of visits carried out by the Croatian Ombudsman in prison and re-educational establishments in recent years. **The Croatian authorities should continue their efforts to remedy the shortcomings identified by the Ombudsman during his visits to such establishments.**

²⁴ Cf. Section 98 (2) of the Law on Juvenile Courts.

C. Establishments under the authority of the Ministry of Health and Social Welfare

1. Preliminary remarks

103. The CPT's delegation visited for the first time the Social Care Home for Adults with Psychiatric Disorders in Pula and carried out a follow-up visit to Vrapče Psychiatric Hospital in Zagreb. The latter establishment was first visited by the CPT in 2003 and was the subject of a number of recommendations and comments in the subsequent visit report (cf. paragraphs 124 *et seq.* of CPT/Inf (2007) 15).

104. Vrapče Psychiatric Hospital was undergoing construction works which had resulted in a reduction of its official capacity. At the time of the visit, the hospital was accommodating 744 patients. The delegation focused on the parts of the establishment which had displayed deficiencies at the time of the 2003 visit, namely the Forensic Psychiatric Unit (FPU), which was holding 71 patients (67 men and 4 women), and the Male Chronic Unit (MCU), with 19 patients.

105. Pula Social Care Home for Adults with Psychiatric Disorders comprised two facilities in different locations. The first one, "Vila Maria", a two-storey building dating back to the 1930s and surrounded by a secure perimeter, was located in the centre of the town of Pula. At the time of the visit, it was accommodating 92 residents (47 men and 45 women) who required more intensive care and supervision because of their mental state and/or age. The second facility, "Vila Idola" was an open residential house on the outskirts of Pula, near the sea, with 82 residents who were free to leave the building.

The delegation was informed that, by the end of 2007, all the Home's residents would be accommodated in a newly constructed building located on the outskirts of Pula. The new facility would have a capacity of 195 places and a day-care centre and half-way house attached to it.

2. Ill-treatment

106. The delegation did not receive any allegations of ill-treatment by staff at either establishment and gathered no other evidence of such treatment. On the contrary, it was impressed by the caring attitude displayed by staff towards patients and residents, who spoke highly of the staff.

3. Follow-up visit to Vrapče Psychiatric Hospital

107. The aim of the follow-up visit was to consider progress made in response to the recommendations and comments made in the 2003 visit report. As already noted (see paragraph 6), the hospital's management had not received the pertinent extracts of that report. It is therefore hardly surprising that little or no action had been taken to implement the recommendations made by the Committee.

108. In the 2003 visit report, the CPT expressed its concern about conditions in the Forensic Psychiatric Unit (FPU) and recommended that the construction of *a new forensic psychiatric unit* be treated as a matter of priority (see paragraphs 121 to 124 of CPT/Inf (2007) 15). The 2007 visit bore out that no progress had been made in this respect, apparently because of a lack of agreement as to who should finance the construction of such a unit. In the meantime, the building which used to contain the FPU and the MCU had been pulled down and a new building intended to accommodate an "Institute for Treatment and Rehabilitation" (with a ward for psychotic patients and a ward for patients with anxiety and affective disorders) was under construction.

Since August 2006, forensic patients had been moved to the former Ward 9²⁵, located on the second floor of one of the existing patients' accommodation buildings. This facility was in a good state of repair, clean, and adequately lit and ventilated. However, the delegation observed overcrowding in some of the larger dormitories (e.g. eight beds in rooms measuring from 16 to 20 m²); further, as in 2003, the dormitories were impersonal and lacking personal space and privacy.

The CPT is concerned by the lack of clarity as regards the future premises of the FPU and **urges the Croatian authorities to find a solution to this issue as a matter of priority. In the meantime, the Committee recommends that urgent steps be taken to reduce the occupancy levels in the dormitories to an acceptable standard (at least 4 m² of living space per patient) and to offer a more congenial and personalised environment to patients, in particular by providing them with personal lockers.**

109. The delegation noted that only some fifteen forensic patients were wearing *dayclothes*; the remainder were dressed in pyjamas around the clock. **The CPT would like to stress that the latter practice is not conducive to strengthening personal identity and self-esteem; individualisation of patients' clothing should form part of the therapeutic process.**

²⁵ This Ward had been used to accommodate female patients before their transfer to another building.

110. No major changes were observed as regards the *treatment and care provided to patients at the FPU*. Pharmacotherapy continued to be the main treatment. Patients' medical files were in general well kept and up-to-date; however, not all of them contained individual treatment plans. Patients attended two therapeutic community-style meetings per week, and some of them were engaged in some form of occupational activity (cleaning, work in the library, sewing, etc.). That said, there remained scope for improvement as regards resort to other rehabilitative and therapeutic activities (including group therapy, individual therapy, art, drama, music and sports). The development of such activities would require an increased contribution from clinical psychologists, social workers and occupational therapists (at the time of the visit, the staff employed in the FPU comprised a psychologist, a social worker and a speech therapist, but no occupational therapists), as well as the setting-up of appropriate facilities for occupational therapy and activities.

The CPT recommends that steps be taken at the FPU of Vrapče Psychiatric Hospital to:

- **draw up an individual treatment plan for each patient, including the goals of the treatment, the therapeutic means used and the staff members responsible. Patients should be involved in the drafting of their individual treatment plans and the evaluation of their progress;**
- **develop the range of therapeutic, rehabilitative and recreational activities offered to patients with a view to better preparing their return to the community;**
- **increase the number of staff responsible for the provision of therapeutic activities (in particular, by employing occupational therapists) and provide appropriate facilities designed for that purpose.**

111. In the report on the 2003 visit, the CPT recommended that patients accommodated in "closed" sections of the hospital be offered, health permitting, one hour of outdoor exercise a day. The delegation which carried out the 2007 visit was concerned to note that the situation in this respect had not improved. During the first month after admission to the FPU, patients were not allowed to leave the building; at the time of the visit, 18 forensic patients were not taking outdoor exercise (they were only allowed access to a small balcony surrounded by bars). Further, as in 2003, patients in the admission/observation and intensive care units did not have regular access to outdoor exercise. According to the hospital's administration, the lack of secure exercise yards and the shortage of staff made it impossible to comply with the CPT's recommendation.

The CPT calls upon the Croatian authorities to take immediate steps to ensure that all patients in the "closed" sections of Vrapče Psychiatric Hospital can, health permitting, benefit from at least one hour of outdoor exercise per day.

112. Another part of Vrapče Psychiatric Hospital which had been identified as problematic during the 2003 visit was the Male Chronic Unit (MCU). The delegation was informed that most chronic patients had either been transferred to other establishments or discharged, and that the remaining 19 patients would also be progressively discharged. In the meantime, the latter patients were being accommodated in a one-storey building (a converted workshop), in rooms containing three to six beds (e.g. six beds in a room measuring some 26 m²). No major shortcomings were observed as regards their living conditions. The patients had access to a common room with a TV, could move freely out of their building during the day and some of them were engaged in gardening on the hospital's premises.

4. Pula Social Care Home

113. Given that all residents are expected to move to new premises by the end of 2007, the CPT will refrain from making detailed comments on the material conditions observed at the time of the visit. Suffice to say that these conditions were globally acceptable, but could benefit from more personalisation and attention to residents' privacy.

According to the plans of the new building which were provided to the delegation, accommodation will be provided in rooms designed to hold one (11 m²), two (18 m²) or three (22 m²) residents; in terms of living space, this is very satisfactory. In addition to beds, the rooms will be equipped with bedside tables, cupboards, a table, chairs and a sink. Further, there will be toilets and bathrooms in sufficient numbers on each floor; however, it would appear from the plans that no provision has been made for physically disabled persons (e.g. a lift, specially equipped sanitary facilities). **The CPT trusts that this aspect will be taken into account in the design of the new building.**

Further, the Committee would like to receive confirmation of the date of entry into service of the new facility as well as details on its functioning (number of residents, their distribution into different wards, types of wards and the regime applied in each of them, etc.).

114. The treatment provided to residents at the Social Care Home was globally satisfactory. Some 95 % of the residents were receiving psycho-pharmacological medication. The levels of medication appeared to be appropriate and there was an adequate supply of drugs. The provision of somatic care was also satisfactory: the Home had appropriate medical equipment (including an ECG), and transfers to outside hospitals were reportedly not a problem. Further, residents had access to dental care.

115. A range of therapeutic and leisure activities were provided to residents (occupational therapy, such as gardening and cleaning, handicrafts, yoga, painting, sewing, choir, reading, board games, excursions, etc.). That said, the delegation observed that not many of the residents took part in these activities; for example, only some 6 to 7 residents from the upper floor of "Vila Maria" (which accommodated 48 residents in closed conditions) were involved in them.

116. As regards the staff complement, it comprised a head nurse, 16 nurses (8 in each building) and 22 orderlies (16 of whom were in “Vila Maria” and the remainder in “Vila Idola”). Further, a general practitioner and a psychiatrist visited the Home twice a week, and could be contacted in case of emergency. In addition, the Home employed two half-time social workers, two occupational therapists and one physiotherapist. The post of a psychologist was vacant at the time of the visit.

117. In the light of the above, **the CPT recommends that further efforts be made to involve more residents in therapeutic and leisure activities. Particular attention should be given to developing programmes of rehabilitative activities with a view to improving the quality of life of residents, as well as resocialisation programmes preparing residents who have the potential to live in the community for discharge.**

With respect to staff responsible for the provision of therapeutic and leisure activities, given the importance of such activities for residents’ rehabilitation, **the CPT invites the Croatian authorities to increase the number of such staff. This should involve filling the vacant psychologist’s post as well as augmenting the number of nurses present during the day, with a view to increasing the participation of residents in activities.**

5. Means of restraint

118. As in 2003, seclusion was not used at Vrapče Psychiatric Hospital. The delegation was pleased to note that the isolation room under construction at the time of the 2003 visit in the Admission/Observation Unit was not being used for isolation purposes, as had been recommended in the report on that visit.

119. Unlike in 2003, the delegation did not gather evidence of excessive resort to means of restraint at Vrapče Psychiatric Hospital. The hospital’s management attributed this positive development to the introduction of a system for recording and monitoring means of restraint, which involved the use of two forms: a restraint form (including information on reasons for restraining, type of restraint, time of beginning and ending the restraint, and supervision of the patient) and a form for reporting the daily use of means of restraint for the whole establishment (indicating the number of resorts to restraint by ward, gender, and number of hours).

Further, the CPT welcomes the fact that the hospital’s management had introduced guidelines on the use of force and fixation following the Committee’s recommendation made in its 2003 visit report. However, certain aspects of these guidelines are a matter of concern for the CPT. For example, they state that it is possible to resort to such means of restraint without asking the doctor’s permission if the patient concerned has previously been fixated. Further, the guidelines do not refer to chemical restraint, which was being used at the hospital without being recorded in a special register. The guidelines also indicate that, in the case of involuntary hospitalisation, the prescribed therapy must be pursued regardless of whether or not the patient co-operated (see also paragraph 123). Moreover, the delegation received the impression that the introduction of the guidelines had not been accompanied by appropriate staff training.

It should also be noted that the delegation was concerned to note that patients were usually restrained on their beds, in full view of other patients.

120. In the CPT's view, every psychiatric establishment should have a comprehensive, carefully developed, policy on restraint. The involvement and support of both staff and management in elaborating the policy is essential. Such a policy should make clear which means of restraint may be used, under what circumstances they may be applied, the practical means of their application, the supervision required and the action to be taken once the measure is terminated. Further, if resort is had to chemical restraint such as sedatives, antipsychotics, hypnotics and tranquillisers, they should be subjected to the same safeguards as mechanical restraints. In this context, guidelines on the use of restraint should include the following points:

- Regarding their *appropriate use*, means of restraint should only be used as a last resort to prevent the risk of harm to the individual or others and only when all other reasonable options would fail to satisfactorily contain that risk; they should never be used as a punishment or to compensate for shortages of trained staff.
- Any resort to means of restraint should always be either *expressly ordered by a doctor or immediately brought to the attention of a doctor*.
- *Staff* must be *trained* in the use of restraint. Such training should not only focus on instructing staff as to how to apply means of restraint but, equally importantly, should ensure that they understand the impact the use of restraint may have on a patient and that they know how to care for a restrained patient.
- The *duration* of the application of means of restraint should be for the shortest possible time. The prolongation of mechanical restraint should be exceptional and warrant a further review by a doctor.
- A patient subject to mechanical restraint should *not be exposed to other patients*.
- As regards *supervision*, whenever a patient is subjected to means of mechanical restraint, a trained member of staff should be continuously present in order to maintain the therapeutic alliance and to provide assistance. Such assistance may include escorting the patient to a toilet facility or helping him/her to drink/consume food.
- Every instance of the use of means of restraint – *whether physical or chemical* – of a patient must be *recorded in a specific register* established for that purpose, in addition to the individual's file. The entry should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the doctor who ordered or approved it, and an account of any injuries sustained by the person or staff. This will greatly facilitate both the management of such incidents and oversight into the extent of their occurrence.
- Once means of restraint have been removed, a *debriefing* of the patient should take place. This will provide an opportunity to explain the rationale behind the measure, thus reducing the psychological trauma of the experience as well as restoring the doctor-patient relationship. It also gives the patient an occasion to explain his/her emotions prior to the restraint, which may improve both the patient's own and the staff's understanding of his/her behaviour.

The CPT recommends that the Croatian authorities take steps to ensure that the principles set out above are applied in Vrapče Psychiatric Hospital as well as in all other psychiatric establishments in Croatia.

121. As regards Pula Social Care Home, the delegation was informed that isolation and other means of restraint were not used. Instances of residents displaying aggression were reportedly extremely rare and, in such cases, the residents concerned were sent to a psychiatric hospital.

6. Safeguards

a. Vrapče Psychiatric Hospital

122. The legal framework as regards involuntary hospitalisation has remained practically unchanged since the CPT's 2003 visit (see paragraphs 147 to 151 of CPT/Inf (2007) 15).

The follow-up visit to Vrapče Psychiatric Hospital bore out that the concerns raised in the 2003 visit report as regards the procedures for involuntary hospitalisation remain largely valid (cf. paragraph 152 of CPT/Inf (2007) 15). The delegation was informed that the percentage of patients admitted on an involuntary basis at Vrapče had dropped to some 2.3% in 2006. This percentage was already quite low in 2003 (5%), compared to international experience. It became apparent during the 2007 visit that, as in 2003, most patients who had been admitted without their consent, pursuant to the compulsory detention procedure, were subsequently accommodated in locked wards without there being a court order for involuntary admission²⁶. **The CPT would like to receive the comments of the Croatian authorities on this issue.**

123. Further, it became apparent that involuntary hospitalisation continued to be assimilated to treatment without consent (see also paragraph 153 of CPT/Inf (2007) 15). Medical staff explained that the hospital used to have a form on informed consent to treatment, but that they had stopped using it because it was seen as an “unnecessary complication to the admission procedure”.

The CPT wishes to stress once again that psychiatric patients should, as a matter of principle, be placed in a position to give their free and informed consent to treatment. The admission of a person to a psychiatric establishment on an involuntary basis - be it in the context of civil or criminal proceedings - should not preclude seeking informed consent to treatment. Every competent patient, whether voluntary or involuntary, should be fully informed about the treatment which it is intended to prescribe and given the opportunity to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances.

The CPT recommends that all patients (and, if they are incompetent, their legal representatives) be provided systematically with information about their condition and the treatment prescribed for them, and that doctors be instructed that they should always seek the patient's consent to treatment prior to its commencement. Relevant information should also be provided to patients (and their legal representatives) during and after treatment.

²⁶ According to statistics provided by the Hospital, in 2006 the number of patients who had been subject to compulsory detention was 2,436, while there were only 195 cases of patients in respect of whom the courts had subsequently ordered involuntary admission.

124. As regards forensic psychiatric patients, the examination of legal files by the delegation revealed that, since 2005, there had been a systematic presence of a lawyer at all stages of the procedure; this represents a positive change as compared with the situation in 2003²⁷. However, forensic patients were still not being heard in person by the relevant judge/court at the time of the renewal of the detention order.

The CPT reiterates its recommendation made in the 2003 visit report that steps be taken to ensure that forensic patients are heard in person by the relevant judge/court in the context of the renewal of their detention order.

125. In respect of information for patients, the delegation was provided with a copy of a brochure on Vrapče Psychiatric Hospital, its history, structure and staff, which also contained some extracts from the law concerning patients' legal status. The CPT is of the opinion that an effective brochure for patients admitted to the hospital should include, in addition to the previously mentioned elements, information on the establishment's routine and patients' rights (e.g. with regard to legal assistance, review of placement, consent to treatment and possibilities to lodge complaints). **The CPT recommends that such a brochure be drawn up and given to all patients on admission, as well as to their families. Patients unable to understand the brochure should receive appropriate assistance.**

126. In respect of contact with the outside world, there were no limitations on visits from relatives, access to a telephone or correspondence. However, the FPU had no designated facilities for visits. **The CPT invites the Croatian authorities to set up appropriate facilities where patients can meet their relatives.**

Further, the delegation received a few complaints from patients that they could only receive but not make phone calls. **The CPT would like to receive the comments of the Croatian authorities on this issue.**

127. In the 2003 visit report, the CPT stressed the importance of psychiatric establishments being visited on a regular basis by an independent outside body which is responsible for the inspection of patients' care. It became apparent during the 2007 visit that the State Commission for the Protection of the Rights of Mental Patients had not yet resumed its monitoring activities in psychiatric establishments, as previously recommended by the Committee (see CPT/Inf (2007) 15, paragraph 155). **The CPT urges the Croatian authorities to develop a system of regular visits to psychiatric establishments by independent outside bodies. Such bodies should be authorised, in particular, to talk privately with patients, receive directly any complaints which they might have and make any necessary recommendations.**

²⁷ Nevertheless, it should be noted that one forensic patient complained that he had not benefited from the assistance of a lawyer during the detention order renewal procedure.

b. Pula Social Care Home

128. There have been no recent changes as regards the legal framework for the functioning of social care homes, which is provided by the Law on Social Care (see paragraph 157 of CPT/Inf (2007) 15).

Admission to (and discharge from) social care homes is decided by the local Social Care Centres. As regards residents with legal capacity, pursuant to the law, their admission is subject to making an application or giving their consent²⁸; however, at Pula Social Care Home, the delegation found no trace of written consent to placement from residents. **The CPT would like to receive the comments of the Croatian authorities on this issue.**

129. As regards residents deprived of legal capacity, the admission procedure is initiated by their legal guardian/next of kin or the relevant Social Care Centre. To prevent arbitrary placement, the CPT considers that it is essential that persons placed in homes for persons with psychiatric disorders and/or mental disabilities following an application by their guardians should have the right to bring proceedings by which the lawfulness of their placement could be speedily decided by a court. The delegation's observations from the visit to Pula Social Care Home indicate that such a right does not exist in current practice.

It is also axiomatic that placement in a social care home should cease as soon as it is no longer required by the resident's mental state. The delegation was informed that the placement of residents was subject to an annual review by the relevant Social Care Centre²⁹.

The Committee recommends that steps be taken to ensure that persons deprived of their legal capacity, who are placed in homes for persons with psychiatric disorders and/or mental disabilities, have the effective right to bring proceedings to have the lawfulness of their placement decided speedily by a court. Further, in addition to annual review of placement by the relevant Social Care Centre, residents themselves should be able to request at reasonable intervals that the necessity for continued placement be considered by a judicial authority.

130. The delegation was informed that out of the 174 residents, 90 had been placed under either full (85) or limited guardianship (5) by a court decision³⁰. Six residents had guardians among the staff of the Social Care Home. It is noteworthy that pursuant to Section 175 of the Law on Family, "a guardian may not be a person whose interests are contrary to those of the ward ... and may not be a person, who cannot be expected to duly perform the duties of a guardian in view of his behaviour and qualities and his relationship with the ward". **The CPT would like to receive the comments of the Croatian authorities on the potential conflict of interest that arises when an employee of a social care home is appointed guardian over a resident within that same institution.**

²⁸ See Section 76 of the Law on Social Care, *Narodne Novine* n° 73 (1997).

²⁹ Pursuant to Section 77 of the Law on Social Care, Social Care Centres are obliged to monitor residents' living conditions and visit each resident at least once every six months

³⁰ Pursuant to Section 159 of the Law on Family, *Narodne Novine* n° 116/03 (2003). The decision to place under guardianship can be appealed within 15 days (Section 348 of the Civil Procedure Act).

131. There were no specific arrangements for providing residents with information concerning their stay at the Home. In this context, the CPT considers that an introductory brochure setting out the establishment's routine, the rules for admission and discharge, residents' rights and possibilities to lodge formal complaints, on a confidential basis, with clearly designated outside bodies, should be issued to each resident upon arrival, as well as to their families/guardians. Residents unable to understand it should receive appropriate assistance. **The CPT recommends that a brochure taking into account the above-mentioned remarks be issued and systematically distributed to residents, their families and guardians.**

132. The arrangements for residents' contact with the outside world appeared to be very good. There were no problems to make and receive phone calls (three of the residents had mobile phones), or to send and receive correspondence. That said, there were no dedicated visiting facilities in the establishment. **The CPT trusts that this failing will be remedied when the new building enters into service.**

133. There appeared to be no independent outside body carrying out inspections on the observance of the rights of persons residing in social care homes. According to the Home's director, the Ministry of Health and Social Welfare carried out periodic inspections, but these focused mainly on financial and administrative matters. **The CPT invites the Croatian authorities to introduce a system of visits to social care institutions by independent outside bodies responsible for the inspection of residents' care. These bodies should be authorised in particular to talk privately with residents, receive directly any complaints which they might have and make any necessary recommendations.**

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Co-operation

comments

- the CPT would like to underline the importance of Parties bringing the contents of the report drawn up by the Committee after a visit to the attention of all the relevant authorities and staff, in an appropriate form. It would also be desirable to make use of the reports on CPT visits during the training of the different categories of staff working with persons deprived of their liberty (paragraph 6).

Establishments under the authority of the Ministry of the Interior

Preliminary remarks

requests for information

- comments of the Croatian authorities on the issue of persons reportedly summoned to a police station and engaged in “informative talks” for several hours, before being formally declared criminal suspects (on the basis of an arrest warrant which had been previously issued against them) and before being allowed to contact a lawyer (paragraph 10).

Ill-treatment

recommendations

- a clear message of “zero tolerance” of ill-treatment (whether of a physical or verbal nature) to be delivered, from the highest level and through ongoing training activities, to all police officers. Police staff should also be reminded that no more force than is strictly necessary should be used when bringing persons presenting violent and/or agitated behaviour under control, be it at the time of apprehension or in a detention facility; once such persons have been brought under control, there can never be any justification for their being struck (paragraph 13);
- the Croatian authorities to establish, within the police, a clear reporting line for information indicative of ill-treatment (which implies the obligation for staff to immediately forward such information to the competent authorities and services) (paragraph 14);

- whenever a detained person brought before a judge alleges ill-treatment by police officers, these allegations to be recorded in writing, a forensic medical examination to be immediately ordered, and the necessary steps to be taken to ensure that the allegations are properly investigated. Such a procedure should be followed whether or not the person concerned bears visible external injuries. Moreover, even in the absence of an express allegation of ill-treatment, judges and prosecutors should adopt a proactive attitude; for instance, whenever there are other grounds to believe that a person could have been the victim of ill-treatment, a forensic medical examination should be requested. If necessary, the law should be amended to reflect these principles (paragraph 15).

Safeguards against the ill-treatment of persons deprived of their liberty

recommendations

- the Croatian authorities to take effective steps to ensure that persons deprived of their liberty by the police, for whatever reason, are granted the right to notify a close relative or third party of their choice about their situation as from the very outset of their deprivation of liberty. The exercise of this right could be made subject to certain exceptions designed to protect the legitimate interests of the police investigation; however, those exceptions must be clearly circumscribed in law and made subject to appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the specific reasons therefor and to require the approval of a senior police officer unconnected with the case at hand, a prosecutor or a judge) (paragraph 17);
- the Croatian authorities to take effective steps without any further delay to ensure that the right of access to a lawyer (including the right to have a lawyer present during police questioning) is enjoyed by all persons detained by the police, as from the very outset of their deprivation of liberty. This right should apply not only to criminal suspects but also to anyone who is under a legal obligation to attend - and stay at - a police establishment. If necessary, the law should be amended (paragraph 18);
- the system of free legal aid to detained persons to be reviewed, in order to ensure its effectiveness from the very outset of police custody. Particular attention should be paid to the issue of independence of *ex officio* lawyers from the police (paragraph 19);
- the Croatian authorities to take measures to ensure that the right of access to a doctor for persons taken into police custody is formally guaranteed in law and fully implemented in practice. The relevant measures should include action to ensure that:
 - all medical examinations are conducted out of the hearing and – unless the doctor expressly requests otherwise in a given case – out of the sight of police officers;
 - the confidentiality of medical data is strictly respected;
 - the medical report drawn up by a doctor following an examination of a detained person contains conclusions as to the degree of consistency between any allegations of ill-treatment made by the detained person and the objective medical findings (paragraph 20);

- the Croatian authorities to issue without further delay a form setting out in a straightforward manner the rights of persons in police custody and to ensure that the form is systematically given to such persons as from the outset of police custody (that is, immediately upon first entry into police premises). Particular care should be taken to ensure that detained persons are actually able to understand their rights; it is incumbent on police officers to ascertain that this is the case. The form should be made available in an appropriate range of languages. Further, the persons concerned should be asked to sign a statement attesting that they have been informed of their rights (paragraph 21);
- measures to be taken to ensure that any detention in a police establishment is properly recorded (paragraph 22);
- the Croatian authorities to take steps to develop systems for regular and independent inspections of police detention facilities. The bodies carrying out the inspections should be empowered to interview detained persons in private and to examine material conditions, custody records and the exercise by detained persons of their rights (paragraph 23).

comments

- the Croatian authorities are invited to ensure that standard-format and comprehensive custody registers are kept at each police establishment (paragraph 22).

Conditions of detention

recommendations

- the Croatian authorities to redouble their efforts to bring material conditions in police cells in line with the criteria set out in the 1998 visit report. More specifically, steps should be taken to:
 - ensure that police cells are of a reasonable size for their intended occupancy (ideally, single-occupancy cells used for overnight stays should be of some 7 m², with at least 2 metres from wall to wall and 2.5 metres from floor to ceiling);
 - improve in-cell lighting (access to natural light/artificial lighting) in the cells visited outside Zagreb;
 - offer food at appropriate intervals to detained persons (which implies that budgetary means must exist for providing food), including at least one full meal (i.e. something more substantial than a sandwich) every day;
 - partition in-cell toilets at Varaždin Police Station;
 - install a call system in police cells (paragraph 27);

- the Croatian authorities to take urgent steps to ensure that persons held overnight are accommodated in a designated holding facility offering appropriate security conditions and provided with a clean mattress and clean blankets. While it may be necessary for a criminal suspect in police custody to be handcuffed at certain stages of the procedure, handcuffs should not be used as a substitute for proper holding facilities (paragraph 28);
- the Croatian authorities to adopt regulations governing the use of video surveillance in police detention areas, taking due account of the remarks in paragraph 29 (paragraph 29);
- the Croatian authorities to ensure that foreign nationals who are refused entry to Croatian territory at Zagreb International Airport are provided with acceptable conditions while awaiting deportation (paragraph 30).

comments

- the CPT trusts that investing financial resources in installing video surveillance equipment will not be at the expense of improving material conditions of detention in police cells (paragraph 29);
- there was no call bell system in the new facility for asylum seekers at Zagreb International Airport (paragraph 30).

requests for information

- whether video recording of police detention areas is envisaged and, if so, under which circumstances and safeguards (paragraph 29);
- a copy of the regulations on the procedures applicable to foreign nationals held under aliens legislation (including conditions of detention at air and seaports) (paragraph 31).

Follow-up visit to Ježevo Detention Centre for Illegal Immigrants

recommendations

- material conditions at Ježevo Detention Centre to be improved in the light of the remarks made in paragraphs 33 and 34. In particular, steps should be taken to:
 - reduce occupancy levels in the dormitories;
 - provide detained persons with lockable space for keeping personal belongings;
 - ensure that male detainees have ready access to a sufficient number of toilets at night;
 - improve the provision of hot water in the common shower room and extend the number of hours during which the shower room is available. Further, the necessary repairs should be made in the sanitary annexes in the women's rooms (paragraph 35);

- steps to be taken to improve the quality of individual medical files drawn up in respect of foreign nationals held at Ježevo Detention Centre, in the light of the remarks in paragraph 40 (paragraph 40);
- the Croatian authorities to provide staff working at Ježevo Detention Centre with appropriate training, taking into consideration the remarks in paragraph 41, and to encourage greater interpersonal communication between staff and detainees (paragraph 41);
- the Croatian authorities to ensure that staff working in centres for foreign nationals do not openly carry batons in detention areas. If it is deemed necessary for staff to be armed with such equipment, it should be hidden from view (paragraph 42);
- the Croatian authorities to review the practice of holding juveniles and unrelated adults in the same accommodation at Ježevo Detention Centre (paragraph 46).

comments

- the Croatian authorities are invited to review the current approach to the clothing of foreign nationals held at Ježevo Detention Centre; persons arriving at the establishment should be offered the possibility to wear their own clothes during their stay if they are suitable and, if necessary, to have these clothes washed and repaired (paragraph 37);
- the Croatian authorities are invited to continue developing purposeful activities for foreign nationals at Ježevo Detention Centre, with a view to enlarging the offer of such activities (e.g. provision of books and recent newspapers/magazines in various foreign languages, games, etc.). The longer the period for which persons are detained, the more developed should be the activities which are offered to them (paragraph 38);
- the Croatian authorities are invited to take further measures to ensure that foreign nationals held at Ježevo Detention Centre are aware of their rights and the procedures applicable to them (paragraph 44);
- the Croatian authorities are invited to reconsider their policy of systematically removing the mobile phones of foreign nationals held at Ježevo Detention Centre (paragraph 45).

requests for information

- confirmation that new beds and mattresses have been received (paragraph 35);
- the steps taken to improve the situation with respect to the provision of food at Ježevo Detention Centre (paragraph 36);
- comments of the Croatian authorities on the fact that, unlike in 2003, there were no psychologists working at the Centre (paragraph 39);
- comments of the Croatian authorities on the fact that none of the eight female members of staff were present in the detention areas at the time of the visit (despite the fact that there were four women in custody) (paragraph 43).

Establishments under the authority of the Ministry of Justice

Preliminary remarks

recommendations

- the Croatian authorities to redouble their efforts to combat prison overcrowding and, in so doing, to be guided by Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, as well as Recommendation Rec(2003)22 on conditional release (parole) (paragraph 48);
- the Croatian authorities to continue to make efforts to develop work opportunities for prisoners (both sentenced and remand). Further, efforts should be made to develop programmes of education and vocational training in all prison establishments (paragraph 49).

Ill-treatment

recommendations

- the management of Lepoglava, Osijek and Rijeka Prisons to deliver to prison staff the firm message that both physical ill-treatment and verbal abuse of prisoners, as well as psychological pressure, are not acceptable and will be dealt with severely (paragraph 51);
- appropriate measures to be taken to upgrade the skills of prison staff in handling high-risk situations without using unnecessary force, in particular by providing training in ways of averting crises and defusing tension and in the use of safe methods of control and restraint (paragraph 51);
- staff working at Požega Re-education Institution to receive the clear message that offensive remarks towards inmates will not be tolerated and will be subject to sanctions (paragraph 51);
- prison staff to receive the clear message that any kind of threats or intimidating action against a prisoner who has complained or any attempts to present a fabricated account of situations giving rise to complaints will not be tolerated and will be subject to sanctions (paragraph 52);
- the Croatian authorities to remain vigilant with regard to the issue of inter-prisoner violence/intimidation (paragraph 53).

requests for information

- within three months, a copy of the file concerning the case referred to in paragraph 50 (paragraph 50);
- detailed information on the complaints and disciplinary procedures in respect of prison staff, including the safeguards incorporated to ensure their objectivity, proper documentation, timely consideration and resolution (paragraph 52);
- the following information for 2006 and 2007 in respect of all prisons in Croatia:
 - the number of complaints of ill-treatment lodged against prison staff;
 - an account of the outcome of such complaints, including any disciplinary and/or criminal sanctions imposed (paragraph 52).

Conditions of detention in the establishments visited

recommendations

- the Croatian authorities to take urgent steps at Lepoglava Prison to substantially reduce the occupancy rates in the cells of the “*Zvijezda*” building holding prisoners serving very long terms, the objective being to provide a minimum of 4 m² per prisoner. The 6 m² cells should not hold more than one prisoner and the 11 m² cells should not hold more than two (paragraph 56);
- the approach to placement in the Unit for “increased supervision” to be reviewed, in the light of the remarks in paragraph 60 (paragraph 60);
- a broad range of purposeful activities (including work and education) to be made available to prisoners held in the Unit for “increased supervision”. The activity plans should be based on an individualised needs assessment by a multi-disciplinary team (involving educators and a psychologist), in consultation with the inmates concerned (paragraph 62);
- steps to be taken to review the prisoner management policy in the Unit for “increased supervision” in order to build positive relations between staff and prisoners. In this context, action should be taken to ensure that prison officers assigned to the Unit have a genuine commitment to the exercise of their skills in a more challenging environment and are given special training in working with prisoners considered to be difficult. Further, their suitability for the work should be reviewed at regular intervals (paragraph 63);

- steps to be taken to:
 - reduce cell occupancy rates at Osijek Prison in the cells for remand prisoners, applying the minimum standard of 4 m² of living space per person in multi-occupancy cells;
 - ensure that the official norm of 4 m² of living space per prisoner is respected in all multi-occupancy cells at Rijeka Prison; as regards cells nos. 6 and 8 (as well as any other cell measuring less than 6 m² in other prison establishments), they should be taken out of service as prisoner accommodation;
 - ensure that cells at Rijeka Prison are properly heated in winter;
 - increase the frequency of showers for inmates in the light of Rule 19.4 of the revised European Prison Rules (paragraph 71);

- steps to be taken to ensure that:
 - all prisoners at Rijeka Prison have access to at least two hours of daily outdoor exercise, as prescribed by Croatian law;
 - remand prisoners at Osijek and Rijeka Prisons are offered a programme of purposeful activities (work, preferably of a vocational value, education, sports, recreation/association, etc.) (paragraph 74).

comments

- the Croatian authorities are invited to pursue their efforts to provide prisoners serving very long terms with more opportunities, preferably of a long-term nature, for work and other purposeful activities (such as education or vocational training). Appropriate steps should be taken to lend meaning to their long period of imprisonment; in this respect, the provision of long-term individualised custody plans and appropriate psychological and social support are important elements in assisting such prisoners to come to terms with their period of incarceration (paragraph 57);

- the occupancy rates in the cells of Lepoglava Prison's Unit 4B should be reduced (paragraph 64);

- efforts should be pursued to develop activity and support programmes provided to inmates held in Unit 4B, with a view to bringing them to the same level as those of other prisoners held at Lepoglava and responding to their specific needs (paragraph 65);

- measures should be taken against the infestation by cockroaches observed in some cells at Osijek Prison (paragraph 69);

- the Croatian authorities are invited to improve the supply of books and newspapers at Osijek Prison (paragraph 74);

- the Croatian authorities are invited to take steps (including of a legal nature, if necessary) to improve the level of accountability in the context of the judicial review of placement in a re-education institution. In particular, young offenders held at re-education institutions should systematically be heard by a judge before a decision is made on whether the measure should be prolonged or not. In this context, juveniles should be heard in the presence of their legal representative (paragraph 76);
- the Croatian authorities are invited to review the educative and socio-therapeutic approach at Požega Re-education Institution, in the light of the remarks in paragraph 81 (paragraph 81).

requests for information

- whether the installation of a call system in the cells of Osijek Prison has been completed (paragraph 71).

Health-care services

recommendations

- steps to be taken to ensure that health-care staffing levels correspond to the needs of the actual prison population in each of the establishments visited, and in particular, to:
 - fill the full-time doctor's post at Osijek Prison;
 - significantly reinforce medical staff at Lepoglava Prison, by employing the equivalent of at least two full-time doctors and substantially increasing the complement of nurses;
 - increase the number of posts for nurses at Osijek and Rijeka Prisons to three at each establishment. In this context, measures should be taken to ensure that a person qualified to provide first aid, preferably someone with a recognised nursing qualification, is present around the clock on the premises, including at weekends, at Osijek and Rijeka Prisons;
 - improve the provision of dental care at Rijeka Prison (paragraph 83);
- steps to be taken to:
 - significantly increase the hours of attendance of psychiatrists at Lepoglava Prison;
 - review the provision of psychiatric care at Rijeka Prison, in the light of the remarks in paragraph 84;
 - ensure that prisoners at Lepoglava, Osijek and Rijeka Prisons benefit from the services of a psychologist (paragraph 84);

- steps to be taken to improve the medical facilities at Osijek Prison (paragraph 85);
- the Croatian authorities to take immediate steps to ensure that all newly arrived prisoners at Osijek Prison undergo an initial examination by health-care staff (i.e. by a doctor or a qualified nurse reporting to a doctor) within 24 hours of arrival, and that the results of that examination – as well as of any further examinations – are properly recorded (paragraph 86);
- the Croatian authorities to take decisive measures to ensure that medical examinations of prisoners are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of prison officers. If necessary, the relevant legal provisions should be amended (paragraph 87).

comments

- the Croatian authorities are invited to find appropriate arrangements for substitutes in the absence of health-care staff (in case of extended sick leave, training, etc.) (paragraph 83);
- the Croatian authorities are invited to remedy the shortcomings relating to the medical examination on admission and the recording of injuries referred to in paragraph 86 (paragraph 86).

requests for information

- whether the proposed legal amendments pertaining to the handcuffing and anklecuffing of inmates refusing to be tested for illicit or psychoactive substances and transmissible diseases have been adopted (paragraph 88).

Other issues of relevance to the CPT's mandate

recommendations

- the Croatian authorities to improve staffing levels in the prisoner accommodation areas in the establishments visited. This implies not only that all prison officers' posts be filled, but also that the management of staff in detention areas be reviewed. This review should be founded on the requirement to provide all categories of prisoners with a full range of activities (including outdoor exercise) (paragraph 89);
- further steps to be taken to end the practice of staff openly carrying batons in detention areas. If deemed appropriate, staff uniforms should be re-designed (paragraph 90);
- efforts to be made to increase the number of female custodial staff in the prison establishments visited, in the light of the remarks in paragraph 91 (paragraph 91);

- the Požega Re-education Institution's two disciplinary confinement cells to be taken out of use and alternative arrangements to be found (paragraph 94);
- the legal provisions concerning acts of self-harm (which are defined as a disciplinary offence) to be amended, in the light of the remarks in paragraph 95 (paragraph 95);
- the Croatian authorities to review the visiting arrangements for remand prisoners at Osijek and Rijeka Prisons with a view to ensuring that inmates can benefit from the number of visits to which they are entitled by law. Further, particular care should be taken to ensure that prisoners meet their families in circumstances that allow them to exercise their normal family roles. In this context, visits under open conditions should be the rule and visits through a glass partition the exception (paragraph 96);
- the operation of complaints procedures at Osijek and Rijeka Prisons to be reviewed in order to ensure their effectiveness in practice (paragraph 100);
- the Croatian authorities to take action through appropriate means (including practical training and, if necessary, legal measures) to ensure that judges frequently visit the establishments under their jurisdiction and, on these occasions, take the initiative by entering into direct contact with inmates and interviewing them in private (paragraph 101).

comments

- the CPT trusts that resort to disciplinary isolation will always remain highly exceptional at Požega Re-education Institution (paragraph 94);
- the Croatian authorities are invited to facilitate foreign prisoners' access to a telephone and to verify the situation as regards the cost of international phone communications and the possibility of other cheaper audio-communications (paragraph 97);
- the Croatian authorities to continue their efforts to remedy the shortcomings identified by the Ombudsman during his visits to prison and re-education establishments (paragraph 102).

requests for information

- whether the legal amendment, according to which there should be an interval of at least eight days between two successive measures of disciplinary confinement, has been adopted (paragraph 92);
- the comments of the Croatian authorities on the matters referred to in paragraph 93 (paragraph 93);
- the comments of the Croatian authorities on the allegations received from remand prisoners at Osijek Prison that correspondence with their lawyers was read by prison officers (paragraph 98).

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

Follow-up visit to Vrapče Psychiatric Hospital

recommendations

- the Croatian authorities to find a solution to the issue of the future premises of the Forensic Psychiatric Unit (FPU) as a matter of priority. In the meantime, urgent steps to be taken to reduce the occupancy levels in the dormitories to an acceptable standard (at least 4 m² of living space per patient) and to offer a more congenial and personalised environment to patients, in particular by providing them with personal lockers (paragraph 108);
- steps to be taken at the FPU of Vrapče Psychiatric Hospital to:
 - draw up an individual treatment plan for each patient, including the goals of the treatment, the therapeutic means used and the staff members responsible. Patients should be involved in the drafting of their individual treatment plans and the evaluation of their progress;
 - develop the range of therapeutic, rehabilitative and recreational activities offered to patients with a view to better preparing their return to the community;
 - increase the number of staff responsible for the provision of therapeutic activities (in particular, by employing occupational therapists) and provide appropriate facilities designed for that purpose (paragraph 110);
- the Croatian authorities to take immediate steps to ensure that all patients in the “closed” sections of Vrapče Psychiatric Hospital can, health permitting, benefit from at least one hour of outdoor exercise per day (paragraph 111).

comments

- the practice of patients being dressed in pyjamas around the clock is not conducive to strengthening personal identity and self-esteem; individualisation of patients’ clothing should form part of the therapeutic process (paragraph 109).

Pula Social Care Home

recommendations

- further efforts to be made to involve more residents in therapeutic and leisure activities. Particular attention should be given to developing programmes of rehabilitative activities with a view to improving the quality of life of residents, as well as resocialisation programmes preparing residents who have the potential to live in the community for discharge (paragraph 117).

comments

- the CPT trusts that the needs of physically disabled residents will be taken into account in the design of the new building (paragraph 113);
- the Croatian authorities are invited to increase the number of staff responsible for the provision of therapeutic and leisure activities. This should involve filling the vacant psychologist's post as well as augmenting the number of nurses present during the day, with a view to increasing the participation of residents in activities (paragraph 117).

requests for information

- confirmation of the date of entry into service of the Home's new facility as well as details on its functioning (number of residents, their distribution into different wards, types of wards and the regime applied in each of them, etc.) (paragraph 113).

Means of restraint

recommendations

- the Croatian authorities to take steps to ensure that the principles set out in paragraph 120 are applied in Vrapče Psychiatric Hospital as well as in all other psychiatric establishments in Croatia (paragraph 120).

Safeguards

recommendations

- all patients (and, if they are incompetent, their legal representatives) to be provided systematically with information about their condition and the treatment prescribed for them, and doctors to be instructed that they should always seek the patient's consent to treatment prior to its commencement. Relevant information should also be provided to patients (and their legal representatives) during and after treatment (paragraph 123);
- steps to be taken to ensure that forensic patients are heard in person by the relevant judge/court in the context of the renewal of their detention order (paragraph 124);
- a brochure, as described in paragraph 125, to be drawn up and given to all patients on admission to Vrapče Psychiatric Hospital, as well as to their families. Patients unable to understand the brochure should receive appropriate assistance (paragraph 125);

- the Croatian authorities to develop a system of regular visits to psychiatric establishments by independent outside bodies. Such bodies should be authorised, in particular, to talk privately with patients, receive directly any complaints which they might have and make any necessary recommendations (paragraph 127);
- steps to be taken to ensure that persons deprived of their legal capacity, who are placed in homes for persons with psychiatric disorders and/or mental disabilities, have the effective right to bring proceedings to have the lawfulness of their placement decided speedily by a court. Further, in addition to annual review of placement by the relevant Social Care Centre, residents themselves should be able to request at reasonable intervals that the necessity for continued placement be considered by a judicial authority (paragraph 129);
- a brochure taking into account the remarks in paragraph 131 to be issued and systematically distributed to residents of Pula Social Care Home, their families and guardians (paragraph 131).

comments

- the Croatian authorities are invited to set up appropriate facilities where patients in the Forensic Psychiatric Unit at Vrapče Psychiatric Hospital can meet their relatives (paragraph 126);
- the CPT trusts that the absence of dedicated visiting facilities at Pula Social Care Home will be remedied when the new building enters into service (paragraph 132);
- the Croatian authorities are invited to introduce a system of visits to social care institutions by independent outside bodies responsible for the inspection of residents' care. These bodies should be authorised in particular to talk privately with residents, receive directly any complaints which they might have and make any necessary recommendations (paragraph 133).

requests for information

- the comments of the Croatian authorities on the delegation's observations according to which most patients who had been admitted to Vrapče Psychiatric Hospital without their consent, pursuant to the compulsory detention procedure, were subsequently accommodated in locked wards without there being a court order for involuntary admission (paragraph 122);
- the comments of the Croatian authorities as regards complaints from patients at Vrapče Psychiatric Hospital that they could only receive but not make phone calls (paragraph 126);
- the comments of the Croatian authorities as concerns the apparent absence of written consent to placement from residents at Pula Social Care Home (paragraph 128);
- the comments of the Croatian authorities on the potential conflict of interest that arises when an employee of a social care home is appointed guardian over a resident within that same institution (paragraph 130).

APPENDIX II

NATIONAL AUTHORITIES AND NON-GOVERNMENTAL AND INTERNATIONAL ORGANISATIONS WITH WHICH THE DELEGATION HELD CONSULTATIONS

A. National authorities

Ministry of the Interior

Mr Jakob BUKVIĆ	Deputy General Director of the Police
Mr Marko RAŠIĆ	Head of the Police Administration
Mr Vlado DOMINIĆ	Head of the Operational and Communication Centre
Mr Petar SMOLČIĆ	Head of the Internal Control Department
Mr Gojko MARKOVIĆ	Head of the Crime Prevention Department
Ms Davorka MARTINJAK	Assistant to the Head of the Criminal Police Department
Mr Stipica KUNA	Assistant to the Head of the Border Police Department
Mr Franjo PODHRAŠKI	Head of Section, Law and Public Order Department
Mr Radovan KOČILA	Operational and Communication Centre
Mr Željko KRALJ	Internal Control Department
Mr Tomislav KRTINIĆ	Law and Public Order Department
Mr Damir BRNETIĆ	Professor at the Police Academy, CPT's liaison officer

Ministry of Justice

Mr Velimir ČOLOVIĆ	Assistant to the Minister of Justice
Mr Ivan DAMJANOVIĆ	Head of the Prison Service
Ms Marija JOSIPOVIĆ	Head of Department, Prison Service

Ministry of Health and Social Welfare

Mr Ante-Zvonimir GOLEM	State Secretary
Ms Danica KRAMARIĆ	Head of the Health Programme Department
Ms Jasmina OSTOJIĆ	Head of the Social Care Department

Prosecutor General's Office

Dubravko PALIJAŠ	Deputy Prosecutor General
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Office of the Ombudsman

Mr Jurica MALČIĆ	Ombudsman
Mr Željko THÜR	Deputy Ombudsman

B. Non-governmental organisations

Association for Promoting Inclusion
Association for the Protection and Promotion of Mental Health
Croatian Helsinki Committee for Human Rights
Croatian Law Centre
Sjaj

C. International organisations

OSCE Mission to Croatia
UNHCR Office in Zagreb