Monitoring conditions of detention in Europe - the CPT's role in view of the EU Green Paper

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Consultation Outcome: Monitoring

- No need for duplication, existing international and European monitoring bodies sufficient
- All EU Member States should set up an NPM in line with OPCAT
- Better coordination between these bodies (need for EU’s financial support / coordinating role)
- Enhanced coherence – improved dissemination of reports / recommendations
Consultation Outcome: Standards

- Organisations: binding minimum standards on EU level
- Member States: European Prison Rules, CPT Standards etc. sufficient
- Financial and organisational support by the EU to assist implementation of recommendations made by CPT, SPT, NPMs
CPT

CPT = European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1989)
In all the 47 Council of Europe States who have ratified the “European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment”
Visits (Inspections)

- unlimited access
- interviews in private
To whom?

“persons deprived of their liberty by a public authority”
Which places?

- police stations
- prisons
- juvenile detention
- immigration detention
- psychiatric establishments
- homes for elderly / disabled
- cells at court houses
- …
police custody

- ill-treatment
- correct material conditions (cell size, equipment etc.)
- safeguards
prisons (pre-trial / convicted)

- minimum standards (1 person = 1 bed)
- 4 m² in multi-occupancy cells
- regime
- visits
- medical care
- etc.
psychiatric establishments
immigration detention
Why?

• To **prevent** ill-treatment through objective findings and adequate recommendations
• To **develop** European prison standards (contribute to the European Prison Rules)
• To **complement** judicial mechanisms (European Court of Human Rights)
How often?

- 15 - 20 visits per year
- 3 - 15 days per visit
- “periodic” visits (210 so far)
- “ad hoc” visits (142 so far)
Who visits?

Delegation (6 – 16 persons)
- CPT Members (+ Experts)
- Interpreters
- CPT Secretariat Staff

CPT Members:
- 1 member elected per State
- independent
How is the visit prepared?

- December:
  Announcement of the periodic visits
- Detailed preparation
  (legislation, NGOs, press …)
- Exact date: Notification
  10 days before (periodic), less (ad hoc)
- Large places: Notification 3 days before;
  other places: notification on location
  or “surprise visit”
How is the visit carried out?

First day:
- Meetings with Authorities, the NPM / Ombudsperson and with NGOs

Then visit of detention places:
- Unlimited access to all places, information
- Interviews in private with detainees and staff

Last day:
- Meeting with authorities (debriefing); possibly “immediate observations”
And then?

1. CPT Report sent to Government
   - Recommendations
   - Comments
   - Requests for information

2. Government sends response(s)
   (6 month deadline)
Guiding principles

1. cooperation
2. confidentiality

→ all visit reports confidential
→ if lack of cooperation / dialogue: “Public Statement” (Art. 10 § 2)
Country publications

States may request to publish:
✓ CPT Reports (301 so far)
   and Government Responses
   (English or French)

The CPT may decide to publish:
✓ Public Statements (6 so far)
   (English and French)
Other publications

✓ Annual Reports
  (English and French)

✓ Convention

✓ “CPT Standards”

✓ Leaflet “About the CPT”
  (English, French, German, Spanish,
   Russian, Ukrainian, Turkish, …)
Conclusions

Currently no “systematic monitoring” because

- no “standing body”
- lack of resources
- members voluntary
- confidentiality/delays
- NPMs – not all fulfil

OPCAT/Paris Principles (independence)

? EU (MS) needs?