

## **Response**

**of the Croatian Government  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Croatia**

**from 14 to 22 March 2017**

The Croatian Government has requested the publication of this response. The CPT's report on the March 2017 visit to Croatia is set out in document CPT/Inf (2018) 44.

Strasbourg, 2 October 2018

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**REPUBLIC OF CROATIA  
MINISTRY OF THE INTERIOR  
GENERAL POLICE DIRECTORATE  
POLICE DIRECTORATE**

Class: 210-01/17-01/336.

Ref.No: 511-01-51-17-2. BD

Zagreb, 22 December 2017

***POLICE OPERATIONS AND COMMUNICATION CENTRE***

*Attn. Mr Branko Bolanča, Acting Head of the Centre*

**ZAGREB**

**SUBJECT: European Committee for the prevention  
of torture and inhuman or degrading  
treatment or punishment (CPT),  
Report on the visit to the Republic of Croatia**

**REF. :** Your Ref. Numbers: 511-01-95-OGR-17/278-7-2017. of 14 November 2017  
and 511-01-95-313/16-36-2017-02. of 5 December 2017

Dear Sir,

Regarding your letters referred to in the Ref., please be informed that we have carefully scrutinised the Report of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT), the Delegation of which visited the Republic of Croatia in the period from 14 to 23 March 2017.

In connection with the conclusions and comments in the mentioned Report, the ones relating to the deprivation of liberty on grounds of Article 134 of the Misdemeanour Act (Official Gazette No 107/07, 39/13, 157/13, 110/15, 91/16 – Decision of the Constitutional Court of the Republic of Croatia and 70/17), please be advised that the Police Directorate has on behalf of the General Police Directorate delivered the Notice to all Police Administrations - Class: 210-01/17-01/321, Ref. No: 511-01-51-17-2 of 15 December 2017, that gives an order to discontinue the wrong practise referred to by the Ombudsman and to apply fully the provisions of the Misdemeanour Act and to strictly adhere to the earlier recommendations referring to the measure of apprehension and a special measure of accommodation in a separate room until narcotic drugs wear off.

Namely, the earlier recommendation was repeated that the apprehension or detention is considered a measure or action that implies the deprivation of liberty of a person suspected of having committed a misdemeanour, regardless of the fact whether the measure of apprehension and a special measure of accommodation into a separate room until narcotic drugs wear off are applied simultaneously. Each of the mentioned measures should begin at the moment the person is deprived of liberty and be applied at the same time and in no case should the detention last more than 24 hours.

Moreover, the instruction was given to fill in completely the report on apprehension and the order of accommodation into a separate room until narcotic drugs wear off and in particular to fill in the information that require later updating, such as the duration of the measure applied, further proceedings regarding the accused (brought to the court, released, etc.)

Furthermore, in connection with the recommendation that the message should be repeated regarding the fact that all forms of torture should be absolutely forbidden, at the time of apprehension, transport or later interrogation, on behalf of the General Police Directorate, the Police Directorate delivered the Notice to all police administrations, Class: 050-01/17-01/196, Ref. No: 511-01-51-17-3 of 18 December 2017. The Notice orders consistent compliance with and application of Article 14 of the Police Duties and Powers Act (Official Gazette No 76/09 and 92/14) as well as of the Code of Practise of Police Officers (Official Gazette No 89/10 and 76/15), with the intention that the police activities should in the smallest possible degree affect freedoms and rights of any person, particularly vulnerable persons like children, pregnant women etc.

The Notice also draws attention to the provisions of the stated regulations that lay down that plain clothes police officers should introduce themselves by presenting their police badge and the police card before they start applying their police powers, whereas uniformed police officers are obligated to do so upon the request of the person they intend to apply police powers on.

The Notice also points out particularly that the transportation of the persons deprived of liberty commences without any postponement, stopping or delay (taking into account the time needed for a person to enter a police car) in order that the persons in question could be brought to police premises in the shortest possible time.

Finally, it was also ordered that under the Ordinance on the Reception and Treatment of Sentenced or Remand Prisoners and under the Detainees' Records in a police detention unit, the persons deprived of liberty should have access to drinking water.

Yours sincerely,

**HEAD OF POLICE DIRECTORATE**

**Krunoslav Borovec**

Cc

- Office of the General Police Director
- Internal Control Department

**REPUBLIC OF CROATIA  
MINISTRY OF JUSTICE  
DIRECTORATE FOR PRISON SYSTEM AND PROBATION  
Head Office**

CLASS: 910-08/17-01/32  
REF. NO.: 514-07-01-04-01-17-27  
Zagreb, 8 December 2017

MINISTRY OF THE INTERIOR  
ULICA GRADA VUKOVARA 33  
10000 ZAGREB  
Operations and Communications Centre – MoI

SUBJECT: MINISTRY OF JUSTICE, DIRECTORATE FOR PRISON SYSTEM AND PROBATION, HEAD OFFICE – VISIT OF THE EUROPEAN COMMITTEE (COUNCIL OF EUROPE) FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, statement  
- is hereby delivered

In respect of the Report to the Croatian Government on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Croatia from 14 to 22 March 2017, under No. CPT (2017) 37 in accordance with Article 10 of the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, we would hereby like to deliver a statement on the measures and activities undertaken in accordance with the CPT recommendations.

## **B. Prison establishments**

### **1. Preliminary remarks**

23. The CPT recommendation is accepted. The Directorate for Prison System and Probation will send a circular letter to all penal institutions on the necessity to respect a standard of 4 m<sup>2</sup> living space per inmate, as well as that after establishing the real capacity, some cells have to be furnished with furniture and equipment in accordance with the number of persons accommodated therein. Specific facilities will be refurbished and renovated within the framework of regular maintenance through occupational placement of inmates. Occasional overcrowding in remand detention wards in some closed facilities (prison population in semi-open and open facilities is significantly below the official capacity) may be addressed by possible relocation of Sisak County Prison. The project to determine real needs and justification of the possible relocation is currently under way.

### **2. Ill-treatment**

29. The CPT recommendation is accepted. Prison managers will be advised to intensify their efforts aimed at enhanced control and inspection, which will also be repeated to employees during Security Department meetings. Regular detailed analysis will be carried out in all cases of use of means of restraint, in all cases when there is any doubt or any complaints indicating to possible insult, belittling or torture, inhuman or degrading treatment of inmates by judicial police. Instruction will be issued to penal institutions that have technical means available to deliver video records of incidents related to use of means of restraint to the Head Office of the Directorate for Prison System and Probation. A special educational program "Raising the awareness of prison officers to the

importance of preventing discrimination” has been carried out in the organisation of the Training Centre and the Head Office, and in cooperation with the Ombudsman’s Office, all with a view to raising the awareness of judicial police to the importance of respecting human rights and prohibiting discrimination of inmates on any grounds.

Also, within the framework of the Working Group, a detailed analysis of the Law on the Execution of Criminal Sanctions is being carried out, as well as the adoption of guidelines to prepare grounds for developing a draft proposal for a new law which will also provide for the establishment of criteria for the recruitment of judicial police officers. Those will include psychological tests and special level of physical fitness. Also, stress management training of employees will be carried out by the Training Centre.

As regards the allegations of physical ill-treatment of inmates and excessive use of force by custodial staff, please note that the Head Office of the Directorate for Prison System and Probation is taking and will take steps to provide for more frequent visits of penal institutions in order to check the compliance with legally binding procedures and instructions related to the use of particular means of restraint. Acknowledging the CPT recommendation under this Report and having previously noticed similar behaviour by custodial staff, a special Internal Control Department has been set up by the new Regulation on the internal organisation of the Ministry of Justice. The said Department will monitor and supervise the purpose, efficiency, regularity and legality of work of staff in penal institutions and act upon complaints and grievances by inmates and staff. This Department will completely take over carrying out of independent, thorough and fast investigations into particular behaviour of custodial officers. Their reports will be delivered only to the assistant minister responsible for prison system matters. We would also like to point out that in the future more importance will be paid by the Training Centre in cooperation with the Head Office of the Directorate for Prison System and Probation in particular to carrying out of this type of specialised training programs (upgrading the skills of prison staff in handling high-risk situations without using unnecessary force, ways of averting crises and defusing tension, as well as impermissibility and illegality of physical abuse, excessive use of force and unjustified resort to means of restraint). These will also be foreseen in the 2018 Annual Plan and Program of the Training Centre.

As regards the recommendation to set up special intervention groups consisting of judicial police officers, please note that a Protocol on cooperation has been signed between the Ministry of Justice, Directorate for Prison System and Probation, and the Ministry of the Interior, General Police Directorate. It regulates procedures to be followed by Mol officers in the event of major incidents in penal institutions. For the purpose of handling less complicated incidents in penal institutions of the Directorate for Prison System and Probation, which nevertheless require special competences, both in tactical and technical sense, judicial police officers who possess the required skills to handle tasks which demand higher level of competence are available in Lepoglava State Prison, Glina State Prison, Požega State Prison, Zagreb County Prison and Split County Prison. It should also be pointed out that education on the use of non-violent methods of handling incidents is being provided at the Training Centre under the course entitled “Communication and Aggression Handling” intended for newly recruited and other judicial police officers.

31. The recommendation is accepted. As regards the emphasis put on the fact that the Directorate for Prison System and Probation has an obligation to act in a proactive manner to prevent violence among inmates, we can say that efforts are being invested on a daily basis in order to raise the competence of the staff as regards direct professional communication with all persons involved in the enforcement of prison sentences. In this process, particular emphasis is being put to acting according to the principles and understanding of dynamic security, all with a view to maintaining positive social climate in penitentiaries and prisons. We think that this is one of the key prerequisites for maintaining order and security and preventing any kind of incidents, including violence among inmates. As regards the recommendation to put in place an effective strategy to tackle inter-prisoner violence and its component to introduce a screening risk and needs assessment of every

prisoner upon entering a prison establishment, we would like to note that the process of adjusting and integrating the instrument entitled "The Offender Assessment System" (OAS) into the prison system is currently under way. This system is used in the Probation System of the Republic of Croatia and relevant training has been organised for the Diagnostic Centre staff.

As regards your request to provide an update on the status of investigation by the Zagreb Municipal Prosecutor in the alleged case of inter-prisoner violence mentioned in paragraph 30, as well as of any other investigative proceedings in respect of the other two cases mentioned in the above-mentioned paragraph, please be informed of the following:

**Case 1**

It refers to an incident which happened in December at Zagreb County Prison when a remand prisoner N.T. was ill-treated by his cell mates in cell 44 in module 3 (O.E., V.N., Š.H.F. and E.I.). Immediately upon learning about the incident, on 19 December 2016, the prison authorities informed the Head Office of the Directorate for Prison System and Probation thereof. On 20 December, they sent supplement to the report. On 21 December 2016, all this was sent to the Prosecutor's Office in Novi Zagreb. They pressed charges, which were confirmed and the hearing before the County Court in Velika Gorica is currently under way.

**Case 2**

It refers to ill-treatment of a remand prisoner A.F. at Zagreb County Prison by remand prisoners G.B., Š.K., P.T. and R.D. in cell 13 in module 1, allegedly because he was the son of a judge. The case was investigated immediately upon learning about the incident and Zagreb County Prison sent its report to the Head Office of the Directorate for Prison System and Probation and the County Court in Zagreb on 1 February 2016. All the above was forwarded to the County Prosecutor's Office in Velika Gorica on 2 February 2016 for further proceedings. Based on the information available, charges were pressed, confirmed and the hearing is currently under way before the County Court in Velika Gorica.

**Case 3**

It refers to physical ill-treatment of a remand prisoner K.I. at Osijek County Prison by three other prisoners. On 17 March 2017, Osijek County Prison sent a written notification to the Municipal Prosecutor's Office in Osijek about physical ill-treatment of a remand prisoner K.I. by three other prisoners. Medical documentation related to urgent medical care provided at Osijek Clinical Hospital was also attached to the notification. On 27 March 2017, the Municipal Prosecutor's Office in Osijek informed the Prison that a decision had been reached on a criminal offence being committed under Article 117(1) of the Criminal Code (2011) for which criminal proceedings are initiated by private prosecution. The ill-treated remand prisoner was also informed thereof.

### **3. Conditions of detention**

#### **a) material conditions**

32. The CPT recommendation to pursue efforts to ameliorate the material conditions of detention at Osijek County Prison, Split County Prison and Zagreb County Prison is accepted. As already pointed out in our statement to paragraph 23 of the Report, all the renovation works in the facilities for the accommodation of inmates will be carried out in line with our capabilities and on a continuous basis. As regards the recommendation to remove the metal shutters placed in front of the cell windows at Split County Prison, please note that in the course of 2017 those shutters were removed from the first floor of the prison building (part of the inmate cells in module 1 overlooking the inner prison yard). They were only left on the south part of the prison building, and that is only because of too much light and as a protection against high summer temperatures. As regards the recommendation to equip the courtyard for remand prisoners with shelters against inclement weather, please note that shelters have been built in both parts of the inner courtyard for remand prisoners as protection against rain. As regards the supply of cleaning products, the same are provided to inmates twice a

month in satisfactory quantities for each inmate. Cleaning products which are possibly not dangerous for inmates' health can be found in their cells (laundry detergent and dish detergent), whereas various acids and disinfection products are stored outside the cells and can be used by inmates when necessary but with the strict supervision of judicial police officers.

The metal shutters at Zagreb County Prison have been completely removed in modules 4 and 7, whereas they were partly kept in module 1 (ground floor) to protect the inmates' privacy since those cells directly face the walking area for inmates of all three pertaining modules.

33. The CPT recommendation is accepted. A written notification will be sent to all prison establishments instructing them to apply Article 10 of the Rulebook on Standards of Accommodation and Nutrition for Prisoners in a consistent manner by providing all inmates with a complete set of cutlery, noting that some cutlery may be limited to particular inmates for security reasons, which should be subject of a decision based on individual security assessment. In such cases, inmates' food should be cut in small pieces before distribution. Within the framework of the Working Group on analysis of the existing Law on the Execution of Criminal Sanctions and development of guidelines for the adoption of a new law, the justifiability of the existing provisions of the Rulebook on Standards of Accommodation and Nutrition for Prisoners will be reviewed, as well as replacement of rostfrei cutlery with plastic one.

34. The CPT recommendation is accepted. We will consider a possibility of replacing large-capacity dormitories in some prison establishments with smaller living units, in accordance with our capacities and architectural conditions of the relevant prison establishments. Other activities will be connected with the recommendation under paragraph 23.

As regards the recommendation to give consideration to exploring alternatives to the imprisonment of misdemeanour offenders, we will inform the Criminal Law Directorate about this recommendation since they are the responsible authority for enforcing this recommendation and proposing amendments to the existing legislation.

#### **b) Regime**

38. The CPT recommendation is accepted. In the course of 2017, several training programs were carried out for treatment and security staff within the framework of the Twinning Project "Support of the Prison System of the Republic of Croatia" aimed at improving the competencies of staff to carry out activities related to individual sentence execution programmes and preparing for post-penal rehabilitation. Also, various activities are offered to inmates under different projects and programmes (a total of 30) in all prison establishments, including Osijek, Split and Zagreb County Prisons, thus allowing inmates to get involved in purposeful activities during their sentence and preparing them for life after release in accordance with social norms. Thus, for example, inmates at Split County Prison are involved in fifteen special programmes which are being carried out in cooperation with NGOs, and they are allowed access to the gym and can spend time at the outer walking area every day. Pursuant to the existing legislation, remand prisoners are offered work opportunities according to prison needs and possibilities (cleaning jobs) while respecting the medical condition of each prisoner, mutual security relationships with other remand prisoners and other. At Osijek County Prison, 28 prisoners (including four remand prisoners) are engaged in full-time remunerated activities (kitchen, laundry, gardening, maintenance, waste collection, pallet production and car washing), and additional six prisoners are working outside the prison with external contractor. Some rehabilitation, special programmes on drug and alcohol addiction, responsible parenthood, traffic security and development of social skills are offered to those inmates who had a designated need for those in accordance with their treatment plans. Inmates who wish to access vocational or educational courses are normally transferred to Lepoglava or Glina State



Prisons. Sentenced prisoners are engaged in remunerated activities, free-time activities, training and special programmes and they mostly spend more than eight hours per day outside their cells.

39. The CPT recommendation is accepted. Despite the restrictions arising from the implementation of the provisions of Article 11 of the Law on the Execution of Criminal Sanctions, the prison system is investing enormous efforts in providing remand prisoners as well with purposeful activities, with at least two hours per day spent in outdoor activities. In accordance with possibilities and following an approval by the competent court, remand prisoners are engaged in remunerated activities. As regards free-time activities, inmates are offered sport activities, possibility to participate in forums, cultural and artistic programmes and similar, which are mainly carried out in cooperation with civil society organisations.

40. Women account for only 4% of the prison population in the Republic of Croatia. 85% of the total number of women serving sentence are accommodated in the female module of Požega State Prison. Either there are mostly no female prisoners serving sentence in our prisons or one to two females are found on a sporadic basis. The number of remand female prisoners in most prison establishments does not exceed 2, with an exception of Zagreb County Prison where, as well as in some other prison establishments in which more than two remand female prisoners can be found at a time on a sporadic basis, this number is mostly one-digit. Penal institutions in which remand prison sentence is enforced cannot have any impact on the number of remand female prisoners since this is within judicial responsibility. As a result of the above said and the provisions of Article 11 of the Law on the Execution of Criminal Sanctions, we can have situations with only one female not only in a cell but in the entire prison. This does not in any way mean that this female is serving a sentence in solitary confinement. The prison system has been investing continuous increased efforts in making the accommodation conditions for female prisoners as akin to those outside prisons as possible by providing for more humane and refurbished facilities. Female prisoners are offered a possibility to get engaged in remunerated activities, educational and free-time activities, in particular having in mind increased possibilities provided through cooperation with civil society organisations. This is due to the fact that ever since 2017 the prison system has been using part of the revenues generated by games of chance for programmes and projects organised by different organisations and intended to provide support to individualised prison sentence/correctional measure programmes. Thus, for example, at Zagreb County Prison, female prisoners were regularly offered all organised free-time activities, such as lectures, forums, theatre plays and concerts and they were allowed to regularly participate in religious ceremonies. At Split County Prison, efforts are being invested to provide for daily free-time activities for female prisoners in the same manner as for male prisoners. Female prisoners are engaged in auxiliary remunerated activities and whenever possible included in specialised programmes, thus enabling them to have more frequent contact with treatment staff. At Osijek County Prison, according to their interests, remand female prisoners are allowed to work in the prison library, engage in outdoor activities, e.g. working in flower gardens and lawns within the prison premises, and sports activities, e.g. table tennis and similar. Finally, we would like to emphasise that female prisoners are provided access to advisory and psychosocial support by treatment staff while they are serving their sentence or while in remand prison to the same extent as male prisoners.

41. Zagreb County Prison has already accepted the previously received CPT recommendation related to the provision of training for prison staff working with juveniles, in line with distinct specific needs for professional and expert treatment of juveniles during remand prison. As a result, treatment staff (senior expert advisers from the Treatment Department) hold, on a daily basis, interviews with juveniles in remand prison and keep regular written records thereof. The aim of those interviews is prevention and protection of their mental and physical well-being during their accommodation in prison. Likewise, recreational activities for juveniles are organised on a regular basis at the prison

gym, and accommodation conditions in their cells are adjusted to their needs. Special care is taken to provide juveniles with appropriate board games, computers and TV sets. As regards juveniles' education during their accommodation in remand prison, there is regular contact between the relevant educational institutions attended by juveniles prior to their detention in remand prison, all for the purpose of enabling them to continue their education.

#### **4. Health-care services**

42. The Directorate for Prison System and Probation is carrying out activities aimed at exploring the possibilities of different provision of health care to inmates. However, first and foremost we are considering the possibility of enabling changes in the status of prison doctors and undertaking accreditation of prison health-care staff in infirmaries so that they could become contracted parties of the Croatian Health Insurance Fund. Likewise, the work of infirmaries has to be organised in accordance with the rulebooks of the Croatian Health Insurance Fund.

43. The recommendation is fully accepted. Within its jurisdiction, the Directorate for Prison System and Probation will keep insisting on contacts with the Ministry of Health and encouraging the Ministry of Health to set up an efficient mechanism for the supervision of the quality of the provision of health care in prisons.

##### **a. staffing levels and access to a doctor**

44. The CPT recommendation is fully accepted. As regards the recommendation to increase the number of staff at Healthcare Department and ensure the presence of one full-time general practitioner at Split County Prison and that a doctor visits Osijek County Prison, as well as to ensure the round-the-clock presence of one member of the health-care staff at Zagreb County Prison, please be informed of the following:

At the Healthcare Department of Split County Prison, two university-degree positions are foreseen (Head of Department and a doctor of medicine), one college-level degree position (senior medical technician/senior nurse), and three secondary school degree positions (medical technician/nurse). On 1 August 2017, a full-time general practitioner was employed at Split County Prison, and all other vacancies, except Head of Healthcare Department, have been filled.

At the Healthcare Department of Osijek County Prison, two university-degree positions are foreseen (Head of Department and a doctor of medicine), and three secondary school degree positions (medical technician/nurse). Out of this number, one full-time medical technician is employed. Osijek County Prison has concluded a contract on the provision of psychiatric services with the Specialised Psychiatrist's Office, to provide for the visits of a psychiatrist twice a week or when needed, and with a general practitioner, to provide for his visits twice a week or when needed. Also, announcement of a vacant position of a doctor of medicine is planned very soon.

At the Healthcare Department of Zagreb County Prison, seven university-degree positions are foreseen (Head of Department, three doctors of medicine, two dentists and a specialist psychiatrist), two college-degree positions (senior medical technician/senior nurse), and eleven secondary school degree positions (nine medical technicians/nurses, a dental medical technician/nurse and a pharmaceutical technician). Out of those positions, vacant positions are those of a specialist psychiatrist, two doctors of medicine and three medical technicians/nurses. Zagreb County Prison has concluded four temporary service contracts with doctors of medicine (4 physicians) and 3 temporary service contracts with doctors of medicine-psychiatrists (3 physicians). As regards the recommendation that a psychiatrist should visit Split County Prison once a week, please note that the position of a psychiatrist has not been foreseen but measures will be taken to provide for a contracted psychiatrist once a week.

45. The recommendation is accepted. Upon the proposal of the Directorate for Prison System and Probation, the Ministry of Health adopted in 2013 an Ordinance on the minimum conditions with regard to space, staffing and medical and technical equipment of a health-care institution that provides health care to persons deprived of liberty. This is a legislative act which stipulates in detail the required state of repair and basic equipment needed in infirmaries. In this regard, please note that in the meantime an ECG machine has been procured at Zagreb County Prison, and a defibrillator has been procured at Osijek County Prison. Also, the infirmary at Osijek County Prison is currently under renovation.

46. The recommendation is accepted. On 1 August 2017, a general practitioner (doctor of medicine) was employed full time at Split County Prison.

#### **b. screening and reporting of injuries and confidentiality**

49. The CPT recommendation is accepted. It will be examined in the light of the importance to pointing out to the need of systematic recording of health-related facts (certainly including injuries and the importance to provide this information to the relevant authorities). The Directorate for Prison System and Probation will send the instruction (workflow), by which health-care staff employed within the prison system and contracted physicians will be, through the Healthcare Department in penal institutions, instructed on the procedure to follow when recording data in medical files. Also, in order to improve the prevention of any ill-treatment, steps will be taken to ensure that at the end of their report on traumatic injuries physicians indicate if there is any consequential link between one or more objective medical findings and statements by inmates, and that reports on traumatic injuries related to injuries that might have been inflicted by ill-treatment are automatically forwarded to an independent body responsible for carrying out investigations on this matter, including criminal prosecution. We also accept part of the recommendation related to the introduction of a register to track the progress of investigations concerning allegations or other evidence of all forms of ill-treatment that may come to the attention of the prison doctor. The Prosecutor's Office will be informed about the introduction of such a procedure and their cooperation will be sought.

50. The CPT recommendation on the confidentiality of medical examinations of inmates is accepted. In its written order of 28 August 2017, the Head Office of the Directorate for Prison System and Probation instructed all penitentiaries and prisons to build in an opening on infirmary doors (appropriate technical modification required) to provide for the possibility of visual supervision of medical examinations (a right to privacy of inmates as patients). This way, according to individual security assessments, judicial police officers will be directly present at medical examinations at the physician's request in cases of increased security risk. The CPT recommendation regarding remarks on the boards is accepted.

51. The CPT recommendation is accepted. The distribution of medicines at Osijek County Prison is in general performed by nursing staff. However, in 2016 and 2017, there were 2 full-time medical technicians/nurses employed at Osijek County Prison, one of whom was on long-term sick leave, and then in 2017 the other medical technician was also on sick leave in the duration of 3 months (exactly at the time of the CPT visit when the said tasks were performed by a contracted nurse). During the period of sick leaves of nursing staff, Osijek County Prison concluded temporary service contracts with medical technicians/nurses. Recruiting nursing staff to work at Osijek County Prison is a demanding task as persons in the relevant line of work are not interested in working in penal institutions, in particular because of low salaries. However, in cooperation with the local community and the Health Centre, the prison managed to find staff to provide health care to inmates. In the

given circumstances, there were situations when judicial police officers exceptionally had to distribute previously prepared medicines on weekends. Lack of nursing staff is a priority and continuous efforts will be invested to fill in the said vacancies by public announcements or other solutions (temporary service contracts and/or temporary transfer of nursing staff from other institutions).

**c. transmissible diseases**

52. Partly from own resources and partly in cooperation with teaching institutes of public health and associations, prisoners are tested each year for hepatitis B and C and HIV, as well as educated, while prisoners with chronic hepatitis c are provided treatment, upon the approval of the medical committee at the Croatian Health Insurance Fund, in the form of combination antiviral therapy. Due to the absence of dedicated funding, no systematic screening for transmissible diseases (which includes voluntary and anonymous testing for HIV and hepatitis B and C) is carried out upon admission of inmates, regardless of the fact that such practice would most certainly contribute to minimising the risk of the spread of infection and a higher quality of inmate health care. Given that all of the mentioned is a part of the planned restructuration of inmate health care, its solution requires close cooperation of the Ministry of Justice with the Ministry of Health, the Croatian Health Insurance Fund, Croatian Institute of Public Health, and others. The solution will be proposed through interdepartmental deliberation.

**d. psychiatric care**

53. With reference to the recommendation that a psychiatrist visit Split County Prison once a week we would like to point out that the Split County Prison and the Directorate for Prison System and Probation are taking all necessary measures under their competence in order to hire a specialist psychiatrist for weekly Prison visits. Until a permanent solution is reached on this issue, inmates in need of psychiatric assistance are referred to psychiatric consultations at the Clinical Hospital Centre Split or the Zagreb Prison Hospital.

**e. drug-related issues**

56. On the basis of a Ministry of Justice Decision on the adoption of *Guidelines for Treatment of Drug-Addiction in the Health-Care, Social and Penitentiary System*, the Assistant to the Minister competent for the penitentiary system gave an instruction in March 2014 to the penal authorities binding them to implement the Guidelines. In line with the aforementioned, and depending on the number of drug addicted inmates and availability of experts at the treatment department, the penal authorities regularly carry out psychosocial treatment programmes of drug addicts in the form of group therapy implemented in line with the principles of the modified therapeutic community, a group psychosocial treatment which is carried out on the basis of the cognitive-behavioural model (PORTOs) as well as various interventions of shorter or longer duration from the area of psychosocial therapy carried out by experts – psychologists, social pedagogues and social workers who have been through additional education specific to the area of drug addiction. Opiate substitution treatment is also available to drug addicted inmates, in line with the national guidelines for methadone and buprenorphine pharmacotherapy for opiate addicts. The biggest challenge with which the Croatian penitentiary system is faced with in the treatment of drug addicts is related with the already mentioned, broader issue of the insufficient number of doctors, particularly psychiatrists, who are adequately trained for working with addicts and who would be a key part of the multidisciplinary team for the treatment of drug addicted inmates in penal institutions. In relation with this problem, the non-uniformity of procedures employed by psychiatrists when it comes to the implementation of national guidelines for methadone and buprenorphine pharmacotherapy for opiate addicts, both in the community and in the penitentiary system, as well as insufficient monitoring of its

implementation must also be pointed out as an issue. One of the greatest problems when it comes to the existing system of drug addiction therapy is the abuse of substitution treatment. In order to tackle this problem, the penitentiary system of the Republic of Croatia will continue its close cooperation with the Office of the Government of the Republic of Croatia for Combating Drug Abuse, Ministry of Health, the Croatian Institute of Public Health, National Addiction Reference Centre and other relevant stakeholders. As regards the CPT recommendation that the treatment staff at Osijek, Split and Zagreb County Prisons should refrain from making the granting of benefits and work activities of inmates conditional on their withdrawal from opiate substitution treatment, we would like to point out cases gathered from experience which show that the benefits and work activities of inmates are not conditional on their withdrawal from opiate substitution treatment. Thus, Osijek County Prison would like to point out examples of working inmates who had been granted work with an external contractor, work within the prison or remand prisoners who were engaged in work activities regardless of their long-term addiction treatment, which can be substantiated by the information from their medical records and decisions made with regards to the working schedule which are registered in their personal files. Split County Prison provides the examples of drug addicted inmates who were working part-time on jobs involving ceramic classes and pottery workshops as a part of their occupational therapy. Regardless of this information, the Directorate for Prison System and Probation Head Office will instruct all penal institutions that substitution treatment must not be considered as a criteria in and of itself for the assessment of the success rate of the implementation of the individual programs for the execution of criminal sanctions, allowing of work and other activities as well as granting benefits. Rather, it is only the degree of addiction along with the risk of maladjusted behaviour associated with it as well as how cooperative the inmate is in his treatment (including how well he follows doctor's orders) that should be viewed as relevant factors in the risk assessment of each inmate.

## **5. Other issues**

### **a. prison staff**

57. Regarding the filling of vacant posts for officers in the Security Department of prisons and penitentiaries, an analysis of the real necessity for judicial police officers in all penal institutions will be made and if need be, the filling of vacant posts will be suggested. During 2017, 30 officers were employed in the Security Department as follows: Glina State Prison – 9, Lepoglava State Prison – 4, Zagreb Prison Hospital – 4, Dubrovnik County Prison – 1, Pula County Prison – 5, Rijeka County Prison – 4 and Gospić County Prison – 3. There is currently a vacancy notice for 41 judicial police officers in penitentiaries, prisons and the Turopolje Juvenile Correctional Facility, as follows: Glina State Prison – 6, Zagreb County Prison – 12, Pula County Prison – 4, Rijeka County Prison – 4, Split County Prison – 4, Šibenik State Prison – 1, Zadar County Prison – 2, Dubrovnik County Prison – 3, Bjelovar County Prison – 1, Prison Hospital – 3 and Turopolje Juvenile Correctional Facility – 1. Concerning the number of judicial police officers at Osijek County Prison, we consider that, with regard to the architectural solution of the prison, the current number of judicial police officers is optimal. Furthermore, at Split County Prison, 74 judicial police officers posts are filled and not 65 as stated in the CPT Report. It should be noted also that one officer was transferred to Split County Prison. As concerns the statement that custodial staff worked long hours of overtime, please note that in 2016 the Security Department officers at Split County Prison worked approximately 5.5 hours of overtime while the officers at Zagreb County Prison worked 4.6 hours of overtime in one month.

58. With regard to the CPT's recommendation concerning truncheons, we point out that since 2007 truncheons are carried in a specially made compartment of the uniform. The recommendation to abolish gradually carrying of batons as standard equipment for prison officers working in detention areas will be examined, given that during 2016 and 2017 truncheons were not applied as means of restraint.

#### **b. security measures and means of restraint**

60. We adopted the CPT's recommendation to draw up a written instruction on the use of "rubber rooms". This instruction was announced orally at the meetings of the Administrators' Advisory Councils in the course of December 2016. The Directorate for Prison System and Probation submitted on 28 August 2017 to all penal institutions a written order on the application of a special measure of placing an inmate in a specially secured room without dangerous objects (the so called "rubber room") for the purpose of preserving order and security. The written order specifies the room's interior and the installation of means of communication and video surveillance which would enable continuous supervision of the inmate during the application of the measure. The Head Office of the Directorate for Prison System and Probation will adopt formal written Guidelines on the use of specially secured room without dangerous objects taking into account the recommendations of the CPT. The Head Office of the Directorate for Prison System and Probation will enhance surveillance over every application of a special measure of placing an inmate in a specially secured room without dangerous objects for the purpose of preserving order and security. The Head Office will also supervise the consistent application of the Guidelines.

61. The CPT recommendation is accepted and the Head Office of the Directorate for Prison System and Probation will enhance supervision over the recording of the measures imposed for the purpose of preserving order and security in the relevant official registers. A warning will be sent to Osijek County Prison and Split County Prison that measures should not be applied in inadequate rooms and that under no circumstances should an inmate be hand-cuffed to fixed objects.

62. The CPT recommendation is accepted. Clear instructions will be drawn that will prescribe the use of pepper spray and will contain all of the elements given in the recommendation. Please note that all judicial police officers have taken a basic training course on the use of pepper spray and they receive regular recurrent training.

#### **d. contact with the outside world**

64. The CPT recommendation to revise prisoners' entitlements to visits is accepted. This will be one of the topics to be discussed by the Working Group on analysis of the existing Law on the Execution of Criminal Sanctions and development of guidelines for the adoption of a new law.

65. The CPT recommendation is accepted. Adjustments will be made at Split County Prison and, where necessary, metal bars on screened booths where visits take place under the direct supervision of judicial police officers will be removed. Also, all screened booths at Osijek County Prison may be mechanically lifted when necessary and according to an assessment. A lock with a key has been installed in each booth for this purpose. Booths at visitation areas are multipurpose and they are used also for attorney visits, in which case the screen is always removed.

66. In the light of the CPT recommendation, the Head Office of the Directorate for Prison System and Probation will write to the Directorate for Judicial Organisation, which is competent for forwarding notifications and issuing instructions to judicial authorities.

67. In line with the CPT recommendation, in the context of the drafting of the new LECS, the Working Group on analysis of the existing Law on the Execution of Criminal Sanctions and development of guidelines for the adoption of a new law will, within their scope of competence, consider a possibility of reviewing the current systematic screening provisions and practice in relation to the correspondence of prisoners.

69. The CPT recommendation is accepted. Please note that inmates may also submit a complaint in writing to a state or county prison manager or to the Head Office of the Directorate for Prison System and Probation of the Ministry of Justice, as well as to a supervisory judge. In line with the instruction of the Head Office of 7 December 2016, a written complaint made by an inmate pursuant to the provisions of Article 15 of the LECS in relation to the treatment or decision made by a member of the prison staff will be recorded in the register of sent mail together with the sender's (inmate's) signature and it will be sent to the Head Office or a supervisory judge in an envelope that prison authorities must not open. Once it receives the complaint, the Head Office will request the prison authorities to provide comments on all the allegations stated by the inmate, as well as the necessary relevant documents that might be used to verify the allegations or circumstances stated by the inmate. Upon conducting the verification procedure, the Head Office will deliver its reply only to the inmate concerned, who will confirm the receipt by signing in the register of received mail. If the Head Office finds that the complaint is well founded or determines certain irregularities, it will issue a special act ordering the prison to remove them. Also, where necessary, the Head Office staff will directly investigate the allegations stated in the complaint by visiting the prison and conducting the necessary interviews (with the inmate, staff and others) and they will directly inspect the relevant documentation.

Please note that a special Department for Internal Control has been set up by the new Regulation on the internal organisation of the Ministry of Justice. This Department will monitor and supervise the purpose, efficiency, regularity and legality of work of officers in penal institutions, and act upon complaints and grievances made by inmates and officers. In order to provide for the principle of confidentiality in relation to the CPT recommendation with regard to this paragraph, please note that all penal institutions have locked complaints boxes in all accommodation units. The prison manager prescribes the procedure for taking complaints out of the locked boxes and appoints the person designated for doing so, most often from among the Treatment Department staff.

70. Pursuant to the provisions of the LECS, supervisory judges are obligated to visit penal institutions at least once a year. However, in practice, throughout the year, they are often in direct contact with inmates when making decisions on requests for conditional release and/or during proceedings initiated on the basis of inmates' complaints and requests for judicial protection.

Likewise, in line with their legal obligation pursuant to the Criminal Procedure Act, investigative judges from the local county court paid visits to remand prisoners at least once a week, as prescribed by Article 141, paragraph 2 of the Criminal Procedure Act.

However, please find below a detailed clarification in relation to the following statement made in the Report: "...judges were systematically accompanied by custodial staff during their tours to the detention areas and did not speak with inmates in private. Unsurprisingly, the relevant registers filled in by the judges at the end of their visits contained no critical remarks."

Article 141, paragraph 2 of the Criminal Procedure Act clearly reads as follows: "The president of the court or the judge designated by him shall at least once a week do a round of the prisoners and, where necessary without the presence of the judicial police officer, inquire into the prisoners' diets, how their other needs are satisfied and how they are treated. The president of the court or the judge designated by him shall take the necessary measures to eliminate the irregularities observed during the rounds." Accordingly, the judge decides for himself whether or not he wants to be accompanied by judicial police officers during his tours of remand prisoners. Prison authorities, being an executive authority, have to comply with his order/wishes.

Furthermore, the same Article 141, paragraph 3 of the Criminal Procedure Act also reads: "The president of the court and the investigative judge or the president of the panel, or the single judge conducting the proceedings may at all times, irrespective of the supervision referred to in paragraph 2 of this Article, check up on the prisoners, speak with them and hear their complaints."

We would also like to point out that remand prisoners are free to complain to the competent judge in relation to their diet, the way their other needs are satisfied and the way they are treated without judicial police officers being present. If a remand prisoner believes that his rights have been unlawfully denied or restricted, he may turn to the president of the court who will take the necessary measures to put an end to unlawful conduct.

The CPT recommendation that the Croatian authorities encourage judges to take a more rigorous approach towards inspecting prisons in line with the above-mentioned precepts, and that the Croatian governmental authorities transmit this request through the appropriate channel to the State Judicial Council is accepted. This request will be delivered to the Directorate for Judicial Organisation, which is competent for forwarding notifications to judicial authorities. Please note that the Croatian government has three branches (legislative, executive and judicial) and in this regard, courts take action independently.

### **C. Juvenile Correctional Facility, Turopolje**

#### **1. Preliminary remarks**

#### **2. Ill-treatment**

74. The Directorate for Prison System and Probation Head Office and the Juvenile Correctional Facility Turopolje accept the recommendation on exercising increased vigilance in our oversight of interactions between inmates and staff. The director of the Juvenile Correctional Facility in Turopolje will once again point out to the staff that ill-treatment of inmates is not acceptable under any circumstances and that, in the event of any ill-treatment, the appropriate procedure will be carried out in order to determine the responsibility of the staff.

75. With regard to the mentioned case of the custodial officer we would like to inform you that, given the suspicion of the use of excessive force against a juvenile, proceedings were carried out against him due to serious misconduct in which he was cleared of all charges. The following conclusion is attached to the statement on this item: CLASS 114-06/13-01/36, REF. NO. 514-07-01-02-03-14-20 from 25 February 2014.

76. The recommendation is accepted. With regard to the discrepancies pointed out between the number of incidents of inter-inmate violence recorded in the register on disciplinary sanctions and the "incidents" records, these are a result of different types of records and the purpose of their keeping. Accordingly, the disciplinary proceeding is carried out upon the instruction of an educator, in accordance with Article 57, paragraph 1 of the Rulebook on the Execution of Correctional Measures in a Correctional Facility (Official Gazette no. 22/13), on the basis of a written report submitted by an officer who is aware of the misconduct committed under Article 54 of the Rulebook or has received this information from a juvenile who has direct knowledge of the occurrence, regardless of whether the committed offence is minor or serious. On the other hand, "incidents" records are being kept by the Security Department and they pertain only to incidents which pose a threat to order and security, that is, serious offences. In line with the stated discrepancies, the Directorate for Prison System and Probation Head Office will order the Juvenile Correctional Facility Turopolje to keep the register on disciplinary sanctions and the "incidents" records in one joint register.

77. The competent court decides whether an inmate continues to be held in a juvenile institution once he reaches the age of 18. In case he is to remain in a juvenile institution, his age will be considered when he is accommodated into groups with other inmates, depending on the need for



the execution of various correctional measures determined by the individual programme of treatment and the purpose of the correctional measures.

### **3. Living conditions and staffing**

78. Inmates and staff of the Juvenile Correctional Facility Turopolje have moved into the new accommodation given that the renovation and construction work has been completed. The competent authority issued use permits for the renovated accommodation building and the newly constructed premises (building for accommodation of minors II). In addition, the circular letter mentioned in paragraph 23 of this statement will be delivered to the Juvenile Correctional Facility Turopolje.

80. With regard to the request informing of developments concerning enhancing sports activities for inmates at Juvenile Correctional Facility Turopolje we would like to point out that the EU IPA project from 2012 did not include the renovation and construction of a new sports playground for juveniles, but did provide equipment needed for the basketball, football, and handball court. The equipment will be set up and put to use as soon as the necessary material preconditions are met.

81. In the course of 2017, various education courses were provided to the treatment and security staff under the Twinning project "Support to the Prison System of the Republic of Croatia". The goal of this education was to increase professional skills related to carrying out activities within the individualised programmes for the execution of correctional measures and the preparation of juveniles for post-penal re-integration. Regular cycles of specialised training for staff working with juveniles will continue to be held and organised in the upcoming period by the Training Centre.

### **4. Health care**

82. Recommendation is accepted and actions will be taken in line with the statement to the recommendation form paragraph 49 of the Report.

83. Recommendation is accepted, For the purpose of equipping the infirmary with the basic equipment necessary as listed in paragraph 45 of the Report, the Juvenile Correctional Facility Turopolje was delivered, 27 October 2017, an ECG in addition to the first aid equipment (oxygen and a nebuliser) located at the infirmary. The medical staff normally distributed the medication at the Juvenile Correctional Facility Turopolje. All of the necessary medication for therapy of juveniles during weekends or holidays is prescribed by the doctors, whereas the nurses prepare the medication for distribution to juveniles on the actual weekends and holidays. The Juvenile Correctional Facility aims to ensure that the treatment is consumed in an orderly manner.

84. CPT recommendation regarding the confidentiality of medical consultations is accepted and we would like to point out that a written order of 28 August 2017 from the Head Office (mentioned in paragraph 50 of this statement) will be urgently delivered to the Juvenile Correctional Facility Turopolje.

85. The board recommendation on the process of analysis and reflection in respect of data in instances of self-harm by juveniles as well as the harmonisation of procedures in all criminal institutions relating to the issue of self-harming is accepted.

86. It is correct that the provision in Article 54, paragraph 3 of the 2013 Rulebook states "the deliberate endangering of one's own health with the purpose of incapacitation for the performance of obligations" as a disciplinary violation. CPT recommendation is accepted and the appropriateness

of treating juvenile self-harm as a disciplinary violation will be deliberated. However, we would like to point out that self-harm is already no longer processed in the disciplinary proceeding against a juvenile due to the etiology of self-harm which reflects the mental health of the juvenile.

87. Recommendation is accepted and efforts will be invested into ensuring psychiatric visits to the Juvenile Correctional Facility Turopolje at least once a week. We would like to point out that, in line with the health care standards determined by public health institutes for persons insured under mandatory health insurance and in accordance with the comprehensive principles of the European convention on the Exercise of Children's Rights, all juveniles are ensured to receive organised medical care through medicinal, surgical, and psychiatric services. In order to ensure constant availability of services of a specialised psychiatrist, cooperation has been established with the civil psychiatric hospital for children and adolescents in Zagreb to provide timely medical attention in emergency cases, medication prescription, adequate determination of frequency of medical examinations and hospitalisation recommendations.

## **5. Other issues**

90. CPT recommendations are accepted and Juvenile Correctional Facility Turopolje will be ordered to ensure that disciplinary charges be adjudicated as soon as possible after the commission of the alleged disciplinary offence. With regard to the recommendation on avoiding the imposition of a measure of "segregation in a special area" on juveniles and in line with Article 52 and 53 of the Rulebook on the Execution of Correctional Measures in a Correctional Facility, the special measure of protection and segregation in a special area is not a disciplinary measure, rather, it is enforced only in situations where a juvenile expresses behaviour which endangers his personal safety, the safety of others or the property, all with the aim of ensuring that the juvenile receives immediate attention in order to help him and ensure that he is protected. Upon director's decision, he may be placed in a separated room for the purpose of providing immediate psychosocial or medical attention. This type of segregation may last for 24 hours at the longest whereas medical and psychosocial attention must be provided immediately and the individualised treatment programme continues in a separate room, in line with the security assessment.

92. Recommendations on the establishment of an effective complaints procedure analogous to recommendations in paragraph 69 are accepted.

93. In the attachment to this statement you can find data and reports on visits to Turopolje Correctional Facility by court representatives and county prosecutors for the period requested (2014, 2015, and 2016).

94. Taking this recommendation into account, we would like to point out that, since the inmates moved to the renovated and newly constructed buildings for accommodation of minors, there has been a modification to the organisation and the execution of correctional measures as well as to the adoption of the necessary acts. Accordingly, the recommended information leaflets on the rights and duties of minors during the execution of their correctional measures will be drafted. The juveniles have always been informed on their rights and duties, and will continue to be informed of them in the future, and have always had available all Acts and secondary legislation.

## **D. Hospital for persons deprived of their Liberty**

96. CPT recommendation is accepted. All judicial police officers are undergoing thorough and additional training on national and international regulations on the treatment of inmates which include clear provisions on the inadmissibility and illegality of physical abuse, excessive use of force

and an unjustified resort to means of restraint and security measures for punitive reasons. The same message is regularly reiterated by the head of the Security Department at the meetings with judicial police officers at the Prison Hospital in Zagreb. In that regard, the manager will once again give clear instruction to all Prison Hospital staff who are in direct contact with the inmates with a prior active discussion and an indication of the sanctions which could follow the violation of guidelines and regulations. In addition to this, the Hospital manager will continue to carry out his periodical visits of inmates and will also communicate with them individually, when necessary. All complaints of alleged ill-treatment of inmates by judicial police officers are always subject to priority investigation by managing officers of the competent penal institution. Furthermore, Directorate for Prison System and Probation Head Office as well as the competent State Attorney's office are informed of any potential serious bodily injuries which occur to inmates regardless of the possible causes. All potential complaints by inmates are followed up on and their grounds investigated.

With regard to CPT recommendation that corridors and common areas be equipped with CCTV cameras, we would like to point out that the surveillance system in penal institutions in general is expected to be upgraded, which includes, accordingly, the premises of the Prison Hospital in Zagreb.

100. Recommendation is accepted analogous to the statement to paragraph 49.

101. In every potential case of physical violence and ill-treatment of patients noticed during the patient's stay at the Hospital, during admission or during specialist examination or medical consultation at the Prison Hospital, a medical check-up is carried out. The results of the check-up are reported by the doctor in the medical records in compliance with the rules of medical profession, whereas each incident in which the patient's safety was threatened is registered by nurses as well. The manager, Treatment Department and the Security Department are informed of all information registered in writing, upon which they take further action in order to investigate the facts and circumstances and, depending on the results of the investigation, legal steps which may include reporting to the judicial authorities. Furthermore, it is also reported to the relevant penal institution accompanied by the adequate medical documentation. In compliance with professional rules and to the extent necessary, doctors link the causality of the recorded physical injuries as well as any psychological consequences of the ill-treatment in order to establish an algorithm for further specialist and medical diagnostic procedure.

The Prison Hospital will act in accordance with the statement to paragraph 49 and will report and record injuries of inmates admitted to the Hospital in accordance with the recommendations in paragraph 49.

102. With regard to the request to keep the CPT informed of the outcome of the investigation and any proceedings arising out of the incident with the inmate R.M., we would like to let you know that, following the incident which occurred on 19 March 2015, Directorate for Prison System and Probation Head Office and the Ministry of the Interior carried out activities under their competency and the Varaždin County Prosecutor filed criminal charges against inmate D.Š. K-DO-15/15 to Varaždin County Court K-28/15 for attempted murder under Article 110 in reference to Article 34 of the Croatian Criminal Code. According to available information, deprivation of inmate R.M.'s legal capacity and the appointment of a guardian is currently underway.

103. Relating to the recommendation, we inform you that all the inmates of the Prison Hospital in Zagreb have access to appropriate sanitary facilities whenever they ask for it and at any time, day or night. The possibility of replacing multiple occupancy rooms with smaller rooms is currently under consideration, depending on architectural possibilities and restrictions. The Proposal for the Action Plan of the RC Prison System Development provides for a long term measure of solving the problem of accommodation at the Prison Hospital that should result in modernising capacities for hospital treatment and health care and those for the diagnostic and therapeutic proceedings. The realisation

of this measure is envisaged for the IV quarter of 2018. In the remaining part of the recommendation, the comment made on paragraph 23 of your Report will apply accordingly.

104. The Prison Hospital in Zagreb will be ordered to undertake measures to remove the mentioned organisational deficiencies related to the fact that male patients pass through female ward, thus disturbing the privacy of female patients and to find alternative appropriate accommodation.

105. The new Regulation on the Internal Organisation of the Ministry of Justice and the Ordinance on the Internal Order of the Prison Hospital in Zagreb have provided for the reorganisation by the founding of a special Forensic Psychiatry Department and the Health Protection Department where the accommodation of acute psychiatric patients is provided. On the other hand, inmates who were imposed mandatory psychiatric treatment are accommodated, for longer periods, at the Forensic Psychiatry Department. This way the psychiatric patients will be treated by psychiatrists in the ward they are accommodated at.

106. At all prison wards of the Prison Hospital there are non-smoking rooms, but in some cases, given all the accommodation criteria that the Prison Hospital has to abide by, it sometimes happens that some of non-smoking patients are not accommodated in a separate room. In order to be able to fully implement the Act on the Restricted Use of Tobacco Products and having in mind the existing number of prisoners, it would be necessary to add additional corridors at each side of the patients' ward where smoking areas could be easily constructed. Having in mind the current architectural conditions, any kind of redistribution of inmates according to the mentioned criteria would make it impossible to accommodate inmates according to their health conditions, security issues and penal reasons. That is why, within the existing capabilities, everything will be done to observe the provisions of the Act on the Restricted Use of Tobacco Products to the extent allowed by circumstances.

As regards the part of the recommendation that patients should wear the prescribed clothes and be given appropriate clothes for the outdoor activities, the situation is the following. The Head Office of the Directorate for Prison System and Probation will deliver a proposal to the Prison Hospital in Zagreb to prepare amendments to the House Rules in accordance with the new Regulation on the Internal Organisation of the Ministry of Justice. Thus, the House Rules should also stipulate the use of the clothes according to the wards that inmates are accommodated at. The inmates staying for a longer period at the Forensic Psychiatry Department would wear jeans as provided under the Ordinance on Underwear, Clothes, Shoes and Bedding and the inmates at the Health Protection Department should use primarily hospital clothes (hospital robe, pyjamas, and similar) and in extraordinary cases of cold weather and outdoor activities, their own clothes or jeans.

107. The recommendation is accepted. The Head Office of the Directorate for Prison System and Probation will order the Prison Hospital in Zagreb to build a shelter over part of the yard (in line with the recommendation under paragraph 23 of your Report).

109. The recommendation is accepted. The Head Office of the Directorate for Prison System and Probation is currently working on the permanent transfer of one female specialist psychiatrist. As regards the part of the recommendation related to the increase of the number of nurses at the Psychiatric Ward, under the 2017 Recruitment Plan, pending is the recruitment of 2 medical technicians/nurses. As regards the recruitment of 2 specialist psychiatrists also envisaged by the said Plan, please note that one specialist psychiatrist has been recruited so far.

110. The recommendation is accepted. The Head Office of the Directorate for Prison System and Probation will deliver a recommendation to the Prison Hospital in Zagreb that will order the adoption of a special Protocol on Applying Means of Mechanical Restraint described in the

Ordinance on the types and methods of applying means of restraint to persons with severe mental disorders (Official Gazette 16/2015) with the recommendation that judicial police officers should act exclusively upon doctor's orders. In addition, the Prison Hospital Manager will warn the judicial police officers that the means of restraint may be used only in compliance with law.

111. The recommendation is accepted. The Action Plan for the RC Prison System Development envisages that a contract is concluded with the Croatian Health Insurance Fund on the implementation of health protection under the mandatory health insurance system for one physician team of family medicine seated at the Prison Hospital in Zagreb, with the possibility of access to the production environment of the Central Health Information System of the Republic of Croatia (CEZIH). Furthermore, pending is the drafting of amendments to legal acts which will provide for legal preconditions for the founding of a health institution in the framework of the Directorate for Prison System and Probation of the Ministry of Justice. The foundation of the health institution organised according to a model of a specialised hospital for persons deprived of liberty will provide the preconditions for the full inclusion into the public health system and the operation of such an institution in the same manner as other public health institutions. This way all the barriers in the regular communication with the public health system will be removed, particularly regarding the method of issuance of referral slips and referral of patients (prisoners) to other institutions. The physicians and other staff will have the same possibilities at work as the public health institutions given that the patients treated in this institution will be considered as in-patients and family physician mediations will not be necessary, meaning the referral slips will be issued by hospital physicians in line with the acts of the Croatian Institute of Public Health.

112. The recommendation is accepted. Let us point out that in the course of 2016 -2017 the number of rehabilitation programs at the Prison Hospital increased and was broadened by new special programs of treatment of prisoners: the Program of Social Skills Training, Rehab Alcoholic Program and the Educational-development Program entitled "inmate as a parent". In line with the recommendation, the specific situation with the female patients is going to be analysed and they are going to be offered some other activities that are enjoyed by male patients. At this moment, the female prisoners who were pronounced the security measure of mandatory psychiatric treatment are being provided with health care in line with possibilities and they are also receiving intensive treatment by the treatment department staff, while aiming to refer those patients to another penal institution where they would be offered increased possibilities of psycho-sociological and other activities.

113. The recommendation is accepted. Restrained inmates (patients) are administrated extensive medical care and supervision that imply also continuous video surveillance and direct visits at regular intervals by nurses/medical technicians, as well as physicians, in line with the protocol, and always when called by a nurse/medical technician. The goal of regular visits by nurses is to monitor vital functions, administer therapy, provide for personal hygiene, feeding, taking patients to sanitary facilities, obligatory therapeutic and diagnostic communication with the restrained patients. Upon every round of restrained patients, they are offered the possibility to use sanitary facilities. Under the health care rules, the use of diapers is not a standard procedure but an exception in cases when it is strictly necessary and when it is not possible for a patient to establish an appropriate and acceptable level of bowel and urine elimination, and with a view to preventing long lying in restrained position that would lead to skin irritation caused by chemical composition of the stool and urine. This relates exclusively to patients in an advanced stage of psychosis that does not allow for appropriate therapeutic or diagnostic communication to be established, nor the appropriate patient transfer. It means that the use of diapers is possible only for a small number of medical reasons.

As regards the medical documentation, three types of records regarding the restraining measures are kept in compliance with the guidelines of the Prison Hospital of 23 April 2015. The guidelines are harmonised with the public health proceedings:

- a) Records – the application of mechanical restraint– kept by a physician, attached to the patient’s medical history;
- b) Nurse’s Records kept by a nurse/medical technician are also enclosed in the patient’s medical history;
- c) Nurse’s Decursus kept in a form of a special notebook handed over between shifts.

114. The recommendation is accepted. Means of mechanical restraint described in the Ordinance on the types and methods of applying means of restraint to persons with severe mental disorders, is being implemented in the Prison Hospital on grounds of internal guidelines on the use of means of restraint on persons with severe mental disorders and for the purpose of limiting the freedom of movement of hospitalized patients for medical reason, which will remain in force until the adoption of the special Protocol on applying mechanical means of restraint described in the Ordinance on the types and methods of applying means of restraint to persons with severe mental disorders. Let us point out that all the officers of the Prison Hospital are familiar with the document “Revised CPT Standards on means of restraint in psychiatric establishments for adults”.

115. The CPT recommendation is accepted. The treatment of patients who have been subject to compulsory psychiatric treatment but who have not consented to it will be re-examined. The inmates – persons with mental disorders who seriously endanger their and other people’s lives, health or security, who are transferred from other institutions, are accommodated at the Health Protection Department and are treated under psychiatric surveillance as long as there exist the reasons for their detention in hospital. As regards the CPT recommendation that where the application of means of restraint to a voluntary patient is deemed necessary and the patient disagrees, the legal status of patients be reviewed, and patients who do not fulfil the criteria for involuntary placement should be returned to their establishments of origin, it has to be noted that involuntary placement of inmates with mental disorders who seriously and directly endanger their and other people’s lives, health or security at the Health Protection Department of the Prison Hospital in Zagreb, is the only possibility of urgent, timely and appropriate in-patient accommodation of inmates with mental disorders available within the prison system, mainly due to the fact that the Prison Hospital is the only penal institution providing 24/7 medical and nursing care. In most cases, the physicians at originating penal institutions send inmates with mental disorders to emergency psychiatric clinics of the closest public health institutions where the patients are checked by psychiatrists who regularly recommend the transfer of patients to the Prison Hospital. Therefore, the only available option for the placement of inmates who have been diagnosed mental disorders and their diagnosis confirmed by a psychiatrist is accommodation and treatment at the Prison Hospital. The patients are placed and treated at the Prison Hospital only as long as there are medical reasons for their psychiatric treatment after which they are transferred to their originating institution. Should an inmate be returned to his originating institution before the treatment is completed, it would endanger the very patient as well as his fellow inmates and officers. Apart from the Prison Hospital, no other penal institution has a 24/ medical and nursing care.

116. Regarding this recommendation, the interest of the prison system is prompt accommodation of criminally irresponsible patients to civil psychiatric institutions. Nevertheless, the procedure of referral of these patients depends exclusively on the decision by the Ministry of Health adopted at the request of a competent court. Please note that during the last year the period of waiting from the moment the judgement is reached to the moment of the referral to a psychiatric institution has significantly decreased to just a few days. The reason for this is that the courts reaching final

judgements started referring inmates directly to external psychiatric institutions upon their decision after the judgement became final.

117. The recommendation is accepted. The patients' contact with the outside world will be considered in the framework of the Working Group for the analysis of the valid Law on the Execution of Criminal Sanctions. The Working Group will, in line with the comment on paragraph 64 of the present Report – within its competence, reconsider the right of visits and the duration of visits. Moreover, having in mind the inmates' requests, the manager may permit visits and other periods of visiting outside the regular timetable. Longer visiting periods may be permitted where the reasons justify them.

120. The recommendation is accepted in full. The Directorate for Prison System and Probation will, within its competence, insist on the contacts with the Ministry of Health and encouraging them to establish an efficient mechanism of control of the quality of health protection at the Prison Hospital in Zagreb. We would also like to point out that the Prison Hospital implements all the existing standards of public health, except when there are formal obstacles, and it refers all the inmates who cannot be adequately treated at the Prison Hospital to public health institutions. In 2015, 782 patients were referred from the Prison Hospital to specialist examinations, medical and diagnostic treatment and in-patient or clinic treatment in a public health institution. In 2016, 662 patents were referred to public health institutions for the same reasons, and by November 2017, 507 patients. The number of the inmates referred to other hospitals in 2015 was 827, and in 2016 – 818, and during the first 10 months of 2017 – 599. The number of days the inmates spent in other hospitals during 2015 was 144, in 2016 – 156, and in the first 10 months of 2017 – 128. At the same time, the Prison Hospital conducts specialist and advisory health protection and medical and diagnostic treatments of patients referred from other penal institutions of the Prison System Directorate. Accordingly, in 2015, there were 2 637 inmates referred to the Prison Hospital, in 2016 – 2 140, and by November 2017 – 1 397. The expert supervision of the work of the Prison Hospital is carried out by the Ministry of Health. The last supervision was carried out in March 2010 by health inspectors of the Ministry of Health and Social Care, and in November 2016, it was performed by the Croatian Chamber of Health Workers.

Yours sincerely,

ASSISTANT MINISTER  
Jana Špero

Enclosed to this statement:

1. In relation to paragraph 75 of the Report:  
Decision, CLASS: 114-06/13-01/36 of 25 February 2014
2. In relation to paragraph 93 of the Report:  
A table containing information on the visits paid by representatives of courts and public prosecutor to the Juvenile Correctional Facility Turopolje in 2014, 2015, and 2016.



**REPUBLIC OF CROATIA  
MINISTRY OF HEALTH**

Class: OGR-800-07/17-01/13  
Zagreb, 2 March 2018

**REPUBLIC OF CROATIA  
MINISTRY OF THE INTERIOR**  
General Police Directorate  
Attn. of Mr Branko Bolanča  
Acting Head of the Operative Police  
Communication Centre

**SUBJECT: European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) on its visit to the Republic of Croatia - Report on the visit to the Republic of Croatia in 2017**  
- Response, being delivered

**REF.:** Your Ref. Number: 511-01-95-OGR-17/278-5-2017

Dear Mr Bolanča,

Further to the Report of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) on its visit to the Republic of Croatia from 14 to 22 March 2017, we hereby deliver our response in relation to the visit to the Zagreb Clinical Hospital Centre (KBC), Vrapče Psychiatric Hospital and the Psychiatric Hospital for Children and Adolescents in Zagreb.

As regards the recommendation relating to the **Zagreb Clinical Hospital Centre** and the application of electroconvulsive therapy (ECT) in a room specially dedicated for this purpose, and, as recommended, without the presence of other patients, Zagreb Clinical Hospital Centre informed us that the procedures to provide the requested measure are underway.

We have been informed that considerable investments are necessary in order to implement the measures and recommendations of the CPT regarding spatial capacities (patients' rooms with maximum four beds, integral sanitary facilities, designated smoking area, a common non-smoking room, area for outdoor exercise for patients), and that they will be reviewed in the following investment cycle.

**Vrapče Psychiatric Hospital** confirmed in its report that the existing building with the Psychogeriatric Department will be replaced with a new building and that the preparatory actions are underway for the commencement of works (building permit has been obtained). The



project is aligned with the valid regulations governing the area of health, whereas the necessary staff posts, which are essential for ensuring optimal functioning of the ward, will be systemized in accordance with the new spatial layout and number of patient's beds.

As regards the application of psychotropic and other medication, Vrapče Psychiatric Hospital informed us that the entire hospital, and in particular the Psychogeriatric Department, conducts the analysis of all prescribed medication where the principle of the minimum effective dose is respected as a rule. At the same time, avoidance of polypragmasia is insisted upon.

Further to the request to explain the establishment of palliative care at Vrapče Psychiatric Hospital, we hereby inform you that the Government of the Republic of Croatia adopted the "Strategic plan of palliative care development for 2014-2016" on 27 December 2013. Special attention is put on vulnerable groups such as patients with mental disorders and special forms of palliative care is envisaged for them, and therefore, in line with the abovementioned, the Croatian network of public health institutes provides for 15 beds for palliative care in Vrapče Psychiatric Hospital. Being that this is a relatively new type of hospital care, the Ministry of Health cooperates with other institutions and palliative care experts in enhancing the system, therefore the planned activities will address the potential problems in the said hospital. We would hereby like to point out that the Government of the Republic of Croatia adopted the "National program for the palliative care development in the Republic of Croatia for 2017-2020" wherein special emphasis is placed on the palliative care of patients suffering from dementia, Alzheimer's disease in particular.

As regards the recommendation to increase the number of psychiatrists at the Psychogeriatric Department of Vrapče Psychiatric Hospital, the Ministry of Health approved of recruiting one specialist of psychiatry in 2017 and one at the beginning of 2018, in line with the requirements expressed by the Hospital. In addition, two doctors of medicine at the Vrapče Psychiatric Hospital are undergoing specialist medical training in neurology, and the Hospital will have employed two neurologists when they finish their training.

Further to the CPT request for observations from the management of Vrapče Psychiatric Hospital concerning the remarkable increase since 2014 in the use of restraint measures in the Psychogeriatric Department, please find the observations provided by the Hospital manager below:

"Until the beginning of this year, the Psychogeriatric Department of Vrapče Psychiatric Hospital disposed of 99 beds in inappropriate old dilapidated building dating from the end of the 19<sup>th</sup> century. Please note that as from the beginning of this year, these patients were moved out of this building, the number of psychogeriatric patients was reduced to 30 and they have been accommodated in the main building, ground floor of the east wing. The Psychogeriatric building (building no. eight) is currently being renovated and reconstructed. The construction works will be finished in spring 2019. This will provide for twice as space as before and 62 beds for psychogeriatric patients (the building is foreseen to have a day hospital, polyclinics and physiotherapy).

In the report sent to the Ministry of Health prior to the visit of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) in 2017 (at the CPT request), it was stated that in 2014 the means of restraint were used at Psychogeriatric Department (physical restraint) on three occasions. In 2015, means of restraint were used on 126 occasions, on 435 occasions in 2016 and 164 occasions were registered in 2017.

Such a "trend" of the use of means of restraint at the Psychogeriatric Department without providing any further explanations seems out of date. Actually, it is not a matter of a significant increase in statistics regarding the means of restraint, but of defining the means of restraint and the procedures used to restrain a person. Namely, in 2014 and part of 2015, we registered only cases when means of restraint were used because the patients were agitated and thus posed a threat to the others. With the introduction of the Rulebook on restraint adopted in 2015, we



started recording also those interventions with the purpose of restricting the movements of patients. Those were mostly seriously ill patients with physical problems, who were on I.V., with inserted catheters, where there was often a high risk of fall while trying to get out of bed. These were mostly cases of mechanical restraint of arms by means of magnetic straps. Unfortunately, this manner of registering the use of physical restraint hid the number of interventions that were necessary due to strictly psychiatric reasons – patient's aggression towards a member of staff or other patients, or a patient trying to commit suicide.

In conclusion, it can be said that rise in the number of physical interventions was not caused by the usual reasons behind the use of restraint in psychiatry.

We would like to point out that the number of occasions when physical restraint was used does not relate to the number of patients because certain patients required physical restraint on several occasions during their hospitalisation.

We would also like to point out that any use of physical restraint is carefully registered at Vrapče Psychiatric Hospital, and since 1998 when the first Law on the Protection of Persons with Mental Disorders was adopted, records on the number of physical intervention have been kept for the entire Hospital, and at morning meetings the head nurse briefs on the number of interventions for the previous day. The very fact that the number of psychically restrained patients is reported, has resulted in a significant decrease in interventions as well as the duration of restraint, so that it now usually lasts up to two hours.

We would also like to note that educational workshops on the use of physical restraint are held on a regular basis in the Hospital, and all nursing staff is trained on the matter."

With reference to the CPT recommendations, please note that the possibility of any construction works in the inner and outer premises of the Psychiatric Hospital for Children and Adolescents is very limited as the hospital itself is a protected cultural monument. However, the Hospital plans to renovate the remaining part of the outdoor premises (yard). The funds will be provided by the Hospital founder (the City of Zagreb) in 2018. Thus, once the yard is renovated, all patients would be ensured with free and secure access to outdoor premises.

As regards the risk of self-harm, please note that the healthcare staff makes regular daily assessments and high-risk patients are not allowed to leave the ward and they have to take their meals in their unit. No works on the staircase are possible due to the abovementioned reason (the hospital is a protected cultural monument).

However, in order to solve the issue of inappropriate premises of the said hospital, please know that the defining of the project for the construction of the new national children's hospital with the maternity ward and reproduction centre in Zagreb is underway. In this regard, we are considering a possibility of dedicating part of the premises in the new hospital for child and adolescent psychiatry, which would include relocation of the entire Psychiatric Hospital for Children and Adolescents to the new premises. The new premises would provide for secondary school education for the patients, which is so far not possible due to the lack of premises, and would also solve other current problems related to insufficient premises.

Also, in accordance with the needs and requests of this healthcare facility, the Ministry of Health provided its consent for the recruiting of one specialist psychiatrist, one master of psychology, two bachelor nurses in 2017, and two nurses in 2018.

Likewise, CPT recommendation to draft an information leaflet for patients (adults and children) that would be handed out to them upon their hospitalisation will be carefully examined, taking into consideration the obligation to plan the necessary funding for this purpose.

As regards measures and recommendations requiring legislative amendments, we would like to point out that this Ministry in cooperation with the Ministry of Justice and other relevant

ministries, will consider all the received proposals, including the measures proposed by CPT in its report, in order to improve the healthcare system, in particular as regards persons with mental disorders, in terms of providing enhanced protection to the patients subject to involuntary hospitalisation.

Yours sincerely,

MINISTER  
Prof. dr. sc. Milan Kujudžić, dr. med.