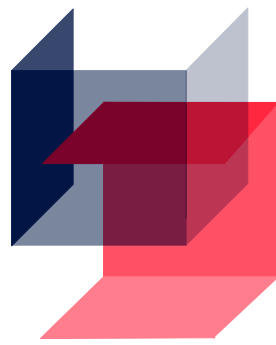


NATIONALE
STELLE
ZUR
VERHÜTUNG
VON
FOLTER

ANNUAL REPORT 2016

Period under review

1 January 2016 – 31 December 2016



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ANNUAL REPORT 2016

of the Federal Agency and of the Joint Commission

Period under review

1 January 2016 – 31 December 2016

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FOREWORD

The National Agency for the Prevention of Torture is the body responsible in Germany for ensuring humane detention conditions and treatment of prisoners. The Agency hereby presents an annual report of its activities to the Federal Government, the German *Bundestag*, the *Länder* governments and the *Länder* parliaments. The Annual Report 2016 covers the period from 1 January to 31 December 2016.

The focus of the National Agency's visits in the period under review was on women's prisons. By visiting women's prisons in each of the *Länder*, the Commission was able to gain a comprehensive overview of how the particular needs of female prisoners are taken into consideration, and how prisons can ensure humane conditions. These visits revealed numerous positive examples worthy of emulation.

However, in prisons in certain *Länder* significant deficiencies still persist with regard to double occupancy in single-occupancy cells without separate toilets. According to the past decisions of the Federal Constitutional Court, detention conditions are deemed to violate human dignity where sanitary facilities in double-occupancy cells are not fully separated. The National Agency has repeatedly drawn attention to such deficiencies in the past and urgently recommends steps to ensure conditions that respect the human dignity of the prisoners.

The findings and recommendations made by the National Agency in the course of its visits are summarised in this Annual Report. Detailed reports of all its visits and the responses of the supervisory authorities concerned are available on the National Agency's website.

LIST OF ABBREVIATIONS

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECHR	European Court of Human Rights
EU	European Union
NPM	National Preventive Mechanism
OPCAT	Optional Protocol of 18 December 2002 on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SGB	German Social Code (<i>Sozialgesetzbuch</i>)
SPT	UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UN	United Nations

**I
GENERAL
INFORMATION
ABOUT THE
WORK OF THE
NATIONAL
AGENCY**

I – BACKGROUND

The National Agency for the Prevention of Torture is Germany's designated National Preventive Mechanism (NPM), and thus operates at the interface between national law and the relevant international treaties, primarily the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The following provides an overview of the National Agency's special status, as well as background information regarding its structure.

I.1 – INSTITUTIONAL FRAMEWORK

The objective of preventing torture and abuse is laid down in the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT). This supplements the UN Convention against Torture of 1984 by means of a preventive approach. Article 3 of the OPCAT requires that the States Parties set up an NPM. These independent national mechanisms engage in preventive measures and assess whether places of detention ensure humane treatment and detention conditions. The National Agency was set up as Germany's national mechanism for the prevention of torture. It comprises the Federal Agency for the Prevention of Torture (Federal Agency), which is responsible for facilities run at federal level, and the Joint Commission of the *Länder* for the Prevention of Torture (Joint Commission), which is responsible for facilities at federal-state level.

Under Article 18 of the OPCAT, the States Parties are obliged to guarantee the functional independence of the preventive mechanisms and to make the necessary financial resources available.

The members of the Federal Agency are appointed by the Federal Ministry of Justice and Consumer Protection, while the members of the Joint Commission are appointed by the Conference of Ministers of Justice of the *Länder*. Members are not subject to supervisory control or legal oversight, and are independent in the exercise of their functions. They act in an honorary capacity and may resign their office at any time. Strict conditions apply for the removal of members before the end of their term in office, as set out in sections 21 and 24 of the German Judiciary Act. The National Agency has a Secretariat staffed with full-time employees and is based in the Centre for Criminology (KrimZ) in Wiesbaden.

The Federal Agency and the Joint Commission work in close cooperation when planning and carrying out their activities, and establish joint standards for their work. They are supported in this endeavour by the Secretariat.

I.2 – TASKS

The principle task of the National Agency is to visit places of detention to draw attention to deficiencies, and to make recommendations and suggestions to the authorities for improving the situation of detainees and for preventing torture and other abuse. Under Article 4(i) of the OPCAT, a place of detention is any place under a State Party's jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its explicit consent or acquiescence.

At the federal level, this definition encompasses all of the approx. 280 detention facilities operated by the Federal Armed Forces, the Federal Police and the customs authorities. In addition, the Federal Agency is also responsible for monitoring forced returns being accompanied by the Federal Police. The overwhelming majority of places of detention, however, fall within the remit of the Joint Commission. As of December 2016, these comprised a total of 183 prisons with independent organisational structures,¹ approx. 1,270 *Land* police stations with custody cells, all courts with holding cells, seven pre-deportation detention facilities, approx. 550 psychiatric units in specialist clinics and general hospitals, 28 child and youth welfare facilities with closed units, and closed homes for people with disabilities. Some 10,900 residential care and nursing homes where measures depriving people of their liberty are or can be enforced are also classified as places of detention under the above definition.

Further to these activities, the National Agency is also tasked with making suggestions regarding both existing and draft legislation.

I.3 – POWERS

Pursuant to the rules set out in the OPCAT, the Federal Government and the *Länder* grant the National Agency the following rights:

¹ Federal Statistical Office, total number of prisoners and persons in remand detention 2016, p. 5.

BACKGROUND

- + Access to all information concerning the number of persons being deprived of their liberty at places of detention as defined in Article 4 of the OPCAT, as well as the number of places of detention and their location;
- + Access to all information concerning the treatment of these persons as well as their detention conditions;
- + Access to all places of detention, their installations and facilities;
- + The opportunity to hold private interviews with persons deprived of their liberty without witnesses, either directly or, where deemed necessary, through an interpreter, as well as with any other persons whom the National Agency believes may supply relevant information;
- + The freedom to choose the places it wishes to visit and whom it wishes to interview;
- + To maintain contact with the UN Subcommittee on Prevention of Torture, to send it information and to meet with it.

In accordance with Article 21(i) OP-CAT, persons who communicate information to the National Agency are not to be sanctioned or otherwise prejudiced in any way. The members and employees of the Agency are obligated to maintain confidentiality with regard to information disclosed to them in the course of their duties. This obligation shall be maintained even beyond the term of their office.

1.4 – ENQUIRIES BY INDIVIDUALS

In the period under review, the National Agency received individual enquiries regarding 44 separate cases that exclusively concerned facilities within the Joint Commission's remit. Since the National Agency does not operate as an ombudsman institute, it is not authorised to remedy individual enquiries or offer legal advice. Nevertheless, details regarding concrete incidents are of practical relevance for the work of the National Agency. They provide background information for visits, and may draw attention to specific problem areas. In addition, concrete information and tips can have an influence on which facilities the National Agency visits, and on the priorities it sets as a result.

Where an enquiry contains information regarding serious deficiencies, the National Agency will, with the consent of those concerned, contact the competent authority. If an enquiry provides an indication of a suicide risk or danger to others, the National Agency will immediately contact the head of the facility concerned.

2 – THE NATIONAL AGENCY IN THE INTERNATIONAL CONTEXT

The National Agency engages in a regular exchange with numerous other mechanisms for the prevention of torture.

2.1 – WORLDWIDE TORTURE PREVENTION

The very first preventive mechanism worldwide was the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), inaugurated by the Council of Europe. It was established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which came into force on 1 February 1989. Since then, the Committee has conducted over 403 country visits – eight of which were in Germany – and published 353 reports.

The OPCAT entered into force on 22 June 2006. As at the end of 2016, the OPCAT had 99 signatory states and had been ratified by 83 states.

Of these 83 States Parties, 64 have already designated an NPM. Three different models were employed to establish a mechanism. In the first model, the remits of existing ombudsman institutes were extended to include tasks concerning the prevention of torture (e.g. in Sweden, Austria and Spain). In the second model, various existing monitoring mechanisms were combined to create an NPM (e.g. in the United Kingdom). A third group of states, including France, Germany and Switzerland, set up new national preventive mechanisms.

In addition to the NPMs as national institutes, the OPCAT also established the UN Subcommittee on Prevention of Torture (SPT) to operate on an international level. It comprises 25 members, which are nominated and elected by the States Parties. Since 2012, the Subcommittee has shared out its regional competences amongst its members.

The Subcommittee may visit the States Parties for two reasons: Firstly, it may visit places of detention in the States Parties with the aim of making recommendations regarding protecting people deprived of their liberty against torture and other cruel, inhuman or degrading treatment or

punishment. To that end it has essentially the same powers as the NPMs. Secondly, it may also conduct visits to support the States Parties in setting up their NPMs and to offer them training and technical assistance.

2.2 – THE NATIONAL AGENCY'S INTERNATIONAL ACTIVITIES

Representatives of the National Agency were once again involved in various international activities in the period under review. For example, the Agency sent representatives to two conferences in Vienna on cooperation between the NPMs and the judiciary. It also took part in a meeting of the NPMs of the OSCE region and a conference on the role of human-rights institutions in Kazakhstan, where it presented its work. In addition, it also received delegations from the Brazilian and the Tunisian NPMs as well as from the Armenian Human Rights Defenders Office, which were interested in exchanging experiences with the National Agency during study visits to Germany. Following on from the visit and talks with the Tunisian NPM in Wiesbaden, the National Agency attended an international symposium in Tunis on the inception of the country's preventive mechanism and the challenges it faces at the start of its preventive activities.

At the invitation of the Swiss National Commission on the Prevention of Torture, the NPMs of Germany, Austria and Switzerland also continued their ongoing dialogue. The latest meeting focussed on visits to forensic psychiatric establishments.

3 – STANDARDS

The National Agency has a preventive remit. Its recommendations are not only intended to be implemented in the facilities it visits but in all the relevant facilities across Germany. The supervisory authorities are therefore required to apply any recommendations made in regard to a specific facility to other comparable facilities under their responsibility. The National Agency translates recurring recommendations into standards. These standards are developed on a continual basis and are intended to provide the supervisory authorities and facilities with benchmarks for humane detention conditions and treatment. In future, the standards will also be published on the website of the National Agency.

To ensure the respect of human dignity, the National Agency considers the following standards to be indispensable:

3.1 – PRISON SYSTEM

3.1.1 – Humane occupancy conditions

A single-occupancy cell should have a floor space of at least six square-metres, excluding the sanitary area. In cases where the sanitary area is not partitioned, approximately one further square metre should be added for that area, giving a total floor space of at least seven square metres. For multiple-occupancy, a further four square metres of floor space must be added to this figure for each additional person, excluding the sanitary area.²

According to the case law of the German Federal Constitutional Court, prison cells accommodating more than one person must have a completely separate toilet with separate ventilation.

3.1.2 – Strip-searches

According to the case law of the Federal Constitutional Court, strip-searches and visual inspections of the prisoner's genital area constitute a severe interference with the prisoner's general right of personality, and may not be conducted routinely nor in the absence of case-specific suspicions. Strip-searches are primarily conducted upon admission to

² Decisions by the national courts rarely state clearly whether or not the sanitary area should also be considered as living space.

the institution, subsequent to contact with visitors, and after each absence. Orders for a strip-search and visual inspection of the prisoner's genital area should always allow officers to exercise discretion in assessing whether or not the measures are necessary. Staff must be made aware that in individual cases it may not be necessary for the prisoner to undress fully. If it is indeed necessary that the prisoner undress fully, then the search should be conducted in a respectful procedure involving two stages. First, prisoners should only remove clothing covering their upper body, which they may then put on again before undressing their lower body.

3.1.3 – Physical restraints

The National Agency defines physical restraint (“*Fixierung*”) as the act of depriving a person of their freedom to move by binding their arms, legs and in some cases the centre of the body, with the result that they are unable to change their sitting or lying position independently.³ The Agency requires the following conditions be met for the use of this measure:

The use of physical restraints is only to be ordered as a last resort, on the basis of clear and precisely defined criteria, and for the shortest possible period of time. To minimise the risk of physical harm, restraints should be conducted using a system of belts or bandages. The use of metal limb restraints should be avoided on account of the high risk of injury. Persons being physically restrained should, at the very least, be given paper underwear and a paper shirt to wear in order to protect their sense of modesty. In addition to continuous, direct observation by a member of staff (known as *Sitzwache*), any person subject to physical restraint must also be checked on regularly by a doctor. Clear and comprehensive written documentation of the entire restraint procedure must be produced in each instance.

Given the considerable risk of injury entailed, physical restraints are to be conducted in a medical environment.

³ A definition is deemed necessary due to the inconsistent usage of the term in the prison system, psychiatric practice and the police force. The term “*Fesselung*” (“shackling”) is also used as a synonym.

3.1.4 – Handling confidential medical information

Medical information must be treated confidentially – and facilities where persons are deprived of their liberty are no exception. This is often complicated by language barriers between a facility's medical staff and the persons concerned. Confidentiality must be assured for medical consultations, which are subject to medical secrecy. It is therefore not appropriate to arrange for a translation by fellow inmates or any of the facility's non-medical staff due to the confidential nature of such information.

In order to ensure medical information is handled confidentially, details concerning infectious diseases, for example, should only be recorded in medical files and not in prisoner files. This ensures that only medical personnel are made aware of such information, and not general prison staff.

3.1.5 – Video surveillance

Privacy must be protected in all places where people are deprived of their liberty. For prison cells with CCTV monitoring, this can be achieved, for instance, by pixelating images of the sanitary area on the monitor. If deemed necessary in individual cases, it may be possible to permit unrestricted monitoring of detainees held in specially secured cells due to an acute danger of self-harm or suicide. However, any such decision should be carefully considered, substantiated and documented. The person concerned must in all cases be informed of the fact that visual surveillance is in operation. The surveillance should be apparent or at least discernible; covert surveillance is not permissible.

3.1.6 – Clothing worn in specially secured cells

When detained in a specially secured cell containing no dangerous objects, prisoners should be given at least a pair of paper underwear and a paper shirt to wear.

3.1.7 – Solitary confinement

To mitigate the negative consequences of solitary confinement on mental and physical health, detainees should be provided with sufficient opportunities for human contact (e.g. extended visiting times) and to engage in meaningful activities. Those placed in solitary confinement are also to be regularly visited by a psychiatrist/psychologist. This should take place in a suitable and confidential environment.

3.1.8 – Furnishings and fittings in prison cells

In prisons, inmates should have access to natural, unfiltered light in their cells. Their view outside should not be obstructed by opaque plexiglass panes, for instance.

3.1.9 – Peepholes

With the exception of observation rooms, peepholes are to be made opaque in order to protect the privacy of the detainees.

Should peepholes be deemed necessary in substantiated individual cases, they should only be used after giving advance warning by means of knocking on the door or some other prompt. This applies in particular where a toilet is in full view via the peephole. Detainees must be informed of this.

3.1.10 – Communal showers

Persons who have been deprived of their liberty should be given the opportunity to shower alone if they wish to do so. Beyond that, at least one shower should be partitioned off in communal shower rooms.

3.1.11 – Use of segregation units

In addition to the specially secured cells containing no dangerous objects, facilities may also have segregation units with similar furnishings and fittings. In such cases, the same detention conditions must be applied as for the specially secured cells. Furthermore, comprehensive documenting must be carried out, in line with procedures for specially secured cells.

3.1.12 – Respectful treatment

Sufficient care should be taken to protect the privacy of prisoners. For example, staff members should indicate their presence by knocking on cell doors before entering, and should, as a rule, speak to prisoners using polite forms of address.

3.2 – POLICE STATIONS

3.2.1 – Physical restraint

In police stations, physical restraints should be avoided, with no exceptions. Physical restraint as defined in point 3.1.3 constitutes a high risk of death or injury for the person under restraint. The use of metal limb restraints entails a particular risk of injury.

STANDARDS

3.2.2 – Strip-searches

Strip-searches involving a visual inspection of the prisoner's genital area represent a severe interference with the prisoner's general right of personality. It should therefore be decided on a case-by-case basis whether there are indications of a danger to public security and order that would justify a strip-search. Any such measures must adhere to the principle of proportionality. The police may cite the degree of danger posed when taking persons into custody – however this is no justification for not considering each case individually. If a strip-search is deemed necessary, the reasons for this should be documented in a clear and comprehensible manner.⁴

3.2.3 – Furnishings and fittings in custody cells

Custody cells used by the police, the customs authorities and the military police should be equipped with fire detectors so as to guarantee the safety of those kept in custody in the event of a fire. It is a requirement that custody cells have a call system. They should have dimmable lighting so that, for example, the emergency call system can be easily located at night without the source of light preventing the detained person from sleeping. They should also be equipped with washable, non-flammable mattresses. Plans for new construction and renovation projects should ensure that custody cells receive natural light. Facilities that do not receive natural light are only suitable for detaining people for a limited period of a few hours.

3.2.4 – Independent complaints and investigation offices

In the National Agency's view, an independent complaints and investigation office has an important role to play when it comes to preventing police officers using force against persons taken into custody. Victims of police assaults will only place their

trust in such offices if they are perceived as being independent. Furthermore, they should also give police officers who witness the use of force by colleagues a means of reporting incidents without going through the official channels.

3.2.5 – Custody documentation

As a general rule, custody documentation should provide full and comprehensible information on the entire process of taking an individual into custody. This includes checks on persons detained in custody. Police officers must make an entry in the custody record book whenever they carry out a check. In addition to the exact time of the check, the documentation should also always include the signature of the officer checking on the person in the custody cell. It must be possible to read and understand the custody record book without having to consult other documents.

3.2.6 – Instruction about rights on being taken into custody

Each and every person taken into police custody must immediately be instructed about their rights. Forms containing all the relevant information should therefore be available in various languages. They should at the very least include information about the fact that anyone who is taken into police custody has the right to be examined by a doctor, to consult a lawyer, to notify a trusted third party and, where applicable, inform the consulate of their home country. As regards access to a legal adviser, it is not sufficient to merely inform those taken into police custody about their right to contact a "trusted person". Rather, it must be clearly stated that access to legal advice constitutes a separate right. It should be documented in the police custody record book that the person taken into custody has been instructed about their rights so that it is immediately clear to staff members following a shift change-over whenever the relevant information has not been communicated for any specific reason. If a person was not instructed about their rights when they were brought into custody, this must be done at a later point in time.

⁴ *Cologne Administrative Court, 25 November 2015, file no. 20 K 2624/14.*

II
VISITS BY THE
FEDERAL
AGENCY

I – FEDERAL POLICE

Recommendations were made on the following focal issues in the period under review:

<i>Subject of recommendation</i>	<i>Strip-searches</i>	<i>Peepholes</i>	<i>Custody record book</i>	<i>Access to daylight</i>	<i>Smoke detectors</i>	<i>Video surveillance</i>
Ahlbeck Federal Police Station	x					
Berggießhübel Federal Police District Office		x	x			
Ebersbach Federal Police District Office	x		x			
Kempfen Federal Police Station		x				
Kleve Federal Police District Office	x					
Lubmin Federal Police Station	x					
Mukran Federal Police Station	x					
Oberhausen Federal Police Station		x		x	x	
Passau Federal Police Station	x					
Recklinghausen Federal Police Station		x		x	x	
Schwerin Federal Police Station	x	x				
Stralsund Federal Police District Office	x		x			x
Zittau Federal Police Station	x	x	x			

In the period under review, the Federal Agency visited 13 Federal Police stations and monitored five forced return operations.

1.1 – FEDERAL POLICE STATIONS

1.1.1 – Positive findings

A delegation from the Federal Agency came across a noteworthy type of video surveillance in the single-occupancy custody cells at Berggießhübel Federal Police District Office. The surveillance camera is only activated when the cell door is opened. The person in custody is then informed of this via an automatic announcement. When the door closes, the video surveillance switches off and the detainee is again informed of this via an announcement. The video

material is saved in the station's system for 24 hours and is then deleted automatically. Access to the video material is protected by a password, which is known only to one person in the station.

Thanks to these specific functions, the video surveillance system only records potentially critical situations where officers and detainees are both in a cell together, eliminating the need for constant monitoring. The system therefore provides a well-suited tool for the prevention of abuse in custody, while at the same time protecting officers by helping to resolve any complaints from detainees. The National Agency has not come across a comparable video surveillance system in any other station it has visited to date.

The Federal Agency also found the commitment of the stress trainer at Kleve Federal Police District Office to be exemplary. The trainer has added a “stress management” component to training courses at the station. From a preventive perspective, the Federal Agency considers training on this subject to be of great importance in helping officers to manage stress, and for effectively averting stress-related assaults.

1.1.2 – Recommendations

In the Annual Report 2015, the National Agency reported on the strained situation in a number of Federal Police stations as a result of the high number of refugees arriving in Germany. Passau Federal Police Station serves as an example of how the situation has become significantly calmer in the meantime.

In June 2015, the National Agency visited Passau Federal Police Station, which had been particularly affected, and found significant structural problems in the buildings accommodating persons taken into custody. Following on from this, the Agency visited the station once again in March 2016. The station had moved to new premises in Passau by November 2015. The structural conditions in those buildings gave no cause for further concern. Now, refugees arriving in the country are registered in larger halls. With new parallel registration lines, the border police will be able to attend to several thousand people per day. Both the structural conditions and the organisational processes met the National Agency's expectations regarding humane treatment.

The Federal Agency made recommendations concerning a lack of smoke detectors and dimmable lighting in individual facilities. Furthermore, officers still do not always knock before using the peepholes to observe custody rooms that have a visible toilet. Equally, some custody record books were not kept up-to-date and some stations did not instruct persons taken into custody about their rights as required.

1.2 – FORCED RETURN OPERATIONS

Given the significant rise in the number of forced returns by air in 2016, the Federal Agency focussed increasingly on monitoring these flights. In the period under review, the Agency monitored four forced return flights to the Western Balkans and the first return to Tunisia.

In general, it can be stated that the Federal Police dealt with the persons being returned in a professional and mostly friendly manner, particularly when

interacting with children. At Leipzig/Halle Airport, the Federal Police set up a play-corner and installed a television to keep the children entertained. Positive examples of de-escalation like this show that the Federal Police are committed to making forced returns as painless as they can be for those concerned. The Federal Police officers on such missions had received specialist training and were therefore sensitised to the challenges at hand. Their general attitude certainly contributed to the relatively calm atmosphere at the airports, despite the difficult situation those awaiting forced return found themselves in. No violent confrontations were experienced during any of the forced return operations under observation.

On 15 January 2016, a delegation from the Federal Agency observed operations escorting returnees for forced return from Berlin-Schönefeld Airport to Belgrade, Sarajevo and Tirana. A total of 99 foreign nationals from Albania, Bosnia and Herzegovina, and Serbia were returned. The Federal Agency made recommendations concerning the facilities in the medical room at the airport, and urged that an interpreter be present for the entire duration of the return mission, for whichever language it can be expected the returnees will speak. Starting with pick-up by the *Land* police at 4 a.m., followed by a lengthy wait at the airport (departure at 2 p.m.) and finally arriving at the last of three destination airports at 8 p.m. – the total duration of the forced return operation seemed very protracted. The Federal Agency therefore recommended that forced return operations should fly to fewer destinations in order to shorten their duration.

On 23 March 2016, a delegation from the Federal Agency accompanied a forced return operation coordinated by Frontex in which 40 persons were returned from Munich Airport via Budapest to Pristina. The procedure did not give any cause for recommendations. Rather, the Federal Agency wishes to highlight the following positive example: Prior to departure, doubts arose as to whether two members of a family were fit to travel. One of the two returnees had expressed suicidal intentions as a result of the forced return. The other returnee was showing symptoms of illness, which caused the doctor to oppose the person's inclusion in the return operation. The father of the family then threatened to resist any individual deportation measures, prompting the head of the operation to exclude the entire family from the flight, even though the *Land* foreigners authority favoured individual returns. In light of the suicidal intentions stated by one returnee and the other family

member's illness, the Federal Agency welcomes the decision to exclude the entire family from this operation, which avoided worsening a situation that was already difficult enough for the family.

On 27 April 2016, a delegation from the Federal Agency observed a forced return flight from Berlin-Schönefeld Airport to Belgrade. In total, 107 Serbian citizens were returned in a Frontex operation. One criminally convicted returnee was escorted to the aircraft in a waist restraint belt. The forced return operation gave no cause for recommendations. On 1 December 2016, a delegation from the Federal Agency also accompanied a forced return from Leipzig/Halle Airport to Pristina. The recommendation in this case concerned the necessity to give returnees the opportunity to contact trusted persons.

The first chartered forced returns to Tunisia from the Federal Republic of Germany took place on 4 April 2016. The Federal Agency monitored the operations in which 24 Tunisian male adults were returned from Leipzig/Halle Airport to Enfidha, Tunisia. The operations were accompanied by 53

Federal Police officers, one interpreter and two doctors.

The procedure did not give any cause for recommendations. Each returnee was escorted by two Federal Police officers from the outset. In addition, the interpreter greeted the returnees in the terminal building and was able to put them at ease in a very empathetic way. The interpreter also informed the returnees about the next steps, such as handing over mobile phones and luggage. Although the presence of the Federal Police was certainly felt with the large number of officers in attendance, they remained in the background as the returnees were greeted and mostly left the communication to the interpreter.

Finally, the Federal Agency welcomes the initiative of some *Länder* of handing out a lump sum to returnees who have no financial means of their own. This should be made available in all *Länder*.

In the coming year, the Federal Agency will increase its efforts to accompany forced return operations, and to set standards in the area.

2 – FEDERAL ARMED FORCES

The Federal Agency visited the detention quarters in the Saxony-Anhalt Barracks in Weissenfels.

2.1 – SAXONY-ANHALT BARRACKS, WEIßENFELS

As is the case at other bases of the Federal Armed Forces, disciplinary detention has rarely been

enforced in the Saxony-Anhalt Barracks in Weissenfels since compulsory military service was abolished. The last disciplinary detention was in 2009. The detention conditions were good, which is why the Federal Agency had no recommendations to make in this regard.

III
VISITS BY THE
JOINT
COMMISSION

I – FOCUS: WOMEN'S PRISONS

The following table provides an overview of the topics of the recommendations made after visits to women's prisons:

<i>Subject of recommendation</i>	Protecting privacy	Strip-searches	Double occupancy of single-occupancy cells	External contact	Confidentiality of medical/personal information	Information on rights	Documentation of security/disciplinary measures	Cell furnishings and fittings	Medical care	Ordering of security and disciplinary measures	Staff situation
Aichach Prison			x	x	x			x			
Billwerder Prison	x			x	x		x		x		x
Bremen Prison	x	x			x		x				x
Bützow Prison		x	x		x	x					
Duisburg-Hamborn Prison, Dinslaken unit	x	x	x	x	x	x		x			
Gelsenkirchen Prison	x	x	x	x	x	x	x	x	x		x
Halle Prison		x	x		x	x					
Karlsruhe Prison, Bühl site	x	x	x		x						x
Cologne Prison	x	x		x	x		x	x			x
Lichtenberg Prison	x		x				x				
Luckau-Duben Prison	x	x		x		x					
Lübeck Prison	x	x									
Rohrbach Prison		x	x	x	x	x	x				
Vechta Prison					x						
Willich Prison	x			x	x	x		x		x	
Würzburg Prison	x	x		x	x	x					
Zweibrücken Prison		x			x						

1.1 – INTRODUCTION: GENERAL INFORMATION ON WOMEN'S PRISONS IN GERMANY

Women prisoners in Germany represent a clear minority. As at 30 November 2016, there were 3,607 women and 62,865 men detained in German prisons.⁵ Women therefore account for approximately 5.7% of all prisoners.

The women's prison system is distinct from the men's prison system, with its own requirements for prison facilities and their staff. There is a growing awareness of this, both in research⁶ and in prison practice, leading to the issue becoming a focus of the discourse on prison matters. On the international level, more and more attention has been paid to women's prisons.⁷ The United Nations has repeatedly addressed the particular needs of women in prisons and in 2010 adopted⁸ the *United Nations Rules for Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)*.⁹

In its focus on women's prisons in the year under review, the National Agency aimed to establish whether the low number of women prisoners has a negative effect on their detention conditions and treatment. The Agency also wished to find out what other differences and particular circumstances need to be taken into consideration to ensure humane prison conditions.

According to the principle of separation set out in the Prison Acts, men and women are accommodated separately in prisons as a general rule. Any exceptions to this principle are only allowed for participation in educational programmes, treatment measures or at work. This should prevent any new dependant relationships from developing with male prisoners. With its goal of rehabilitation, prison detention

should give women the chance to develop their sense of individual responsibility and independence.¹⁰

Throughout Germany there are 45 places of detention for women,¹¹ which are able to accommodate a total of 4,224 female prisoners.¹² Germany currently has seven separate facilities that are occupied either exclusively or predominantly (Aichach Prison) by women. These are Berlin Lichtenberg Prison for Women (147 places), Frankfurt Prison III in Hesse (359 places), Schwäbisch-Gmünd Prison in Baden-Württemberg (355 places), Vechta Prison for Women in Lower Saxony with its unit in Hildesheim (229 places), Willich Prison II in North Rhine-Westphalia (191 closed prison places), and Chemnitz Prison in Saxony (241 places). Finally, Aichach Prison in Bavaria is also classified as a separate prison with accommodation for female prisoners (418 places) as well as a unit for male prisoners (144 places). Each of these separate facilities except for Willich Prison II has its own mother-and-child unit.

Approximately two-thirds¹³ of all female prisoners are detained in male prisons. There, they are accommodated in separate units/prison blocks with independent organisational structures.

By the end of 2016, the National Agency had visited all of the separate women's prisons, as well as twelve women's units in male prisons. At the time of these visits, a number of the facilities were overcrowded. These included the prisons in Dinslaken, Gelsenkirchen, Berlin and Willich. In individual cases, this overcrowding led to double occupancy in single-occupancy cells.¹⁴

1.2 – PARTICULAR CHARACTERISTICS OF WOMEN PRISONERS

The detention of women prisoners should be enforced in a way that takes the particular nature of female inmates into consideration.

Some 47.5 % of women prisoners have been convicted of crimes such as fraud or theft.¹⁵ The proportion of convictions for violent offences is far

⁵ Federal Statistical Office, total number of prisoners and persons in remand detention 2016, p. 5.

⁶ See, for example, Zolondek, *Juliane*, *Lebens- und Haftbedingungen im deutschen und europäischen Strafvollzug*; Dünkel, *Frieder/Kesternmann, Claudia/Zolondek, Juliane*, *Internationale Studie zum Frauenstrafvollzug*, 2005; Cummerow, *Bettina*, *Chancengleichheit? Frauen und Männer im Strafvollzug: Bewährungshilfe* 53 (2006), pp. 153–169.

⁷ See the European Parliament Resolution of 13 March 2008 on the particular situation of women in prison and the impact of the imprisonment of parents on social and family life.

⁸ Resolution of the General Assembly 65/229.

⁹ In addition, the Standard Minimal Rules for the Treatment of Prisoners (1957) were updated by the Mandela Rules, taking into consideration the needs of women prisoners.

¹⁰ See *Lichtbhard/Rabenschlag-Fixan*, *Frauenstrafvollzug: Reform in Sicht? Neue Kriminalpolitik* 2 (1991), p. 10.

¹¹ *Wefels, Oliver*, in: *Feest, Johannes/Lesting, Wolfgang*, *StVollzG*, 6th edition 2012, up to § 76 margin no. 5.

¹² Federal Statistical Office, total number of prisoners and persons in remand detention 2016, p. 5.

¹³ *Wefels, Oliver*, in: *Feest, Johannes/Lesting, Wolfgang*, *StVollzG*, 6th edition 2012, up to § 76 margin no. 5.

¹⁴ See also Chapters I.3.1.1 and III.1.3.2 in this regard.

¹⁵ *Zolondek*, *Lebens- und Haftbedingungen im deutschen und europäischen Strafvollzug*, p. 10 et seq.

lower among women than among male prisoners. Conflicts between female prisoners are rarely manifested in violent disputes. Instead, more subtle methods are used such as bullying. As a consequence, safety standards in women's prisons are considerably lower than in male prisons.

According to an international study, 68% of women in prisons are mothers. Almost 80% of these women have children under the age of 18.¹⁶ Women consider separation from their children to be a particular hardship,¹⁷ as was confirmed in conversations conducted by the National Agency with female prisoners. The relationship between mother and child plays a central role in rehabilitating female prisoners. Maintaining contact with family members is a vital part of this. Given the relatively low overall number of female prisoners, there are only a limited number of women's prisons across the country. As a result, female prisoners are often detained in facilities a long distance away from their family's place of residence.

In general, women have a greater need for social contact and interaction with others¹⁸, making extended out-of-cell time and visits to other prisoners in their cells all the more important.

When admitted to prison, female detainees are often in a poor state of health. Many suffer from complex health conditions resulting from poverty, drug consumption, domestic violence, sexual abuse, underage pregnancy, malnutrition and poor health care.¹⁹ Over half of female prisoners are also opiate dependent,²⁰ while many suffer from post-traumatic stress disorder because of distressing experiences.²¹ Furthermore, the majority of these women have

experience of being in a victim situation. This must be taken into careful consideration when medical care is provided.

1.3 – EFFECTS ON THE PRISON SYSTEM AND RECOMMENDATIONS

Many of the women's prisons visited by the National Agency have specialised approaches for the detention of women. This is true not only of separate prisons, but also of mixed prisons such as Bremen Prison where both men and women are detained. Nonetheless, the question still arises of whether separate prisons are better able in general to provide for the particular needs of women, and whether they should therefore be preferred.²²

1.3.1 – Advantages of separate women's prisons

Throughout its visits on the whole, the National Agency found separate women's prisons to have a greater capacity to ensure suitable conditions for this particular group of prisoners. This was found not only in terms of security aspects, but also the particular activities and amenities on offer.

The majority of separate prisons for women have far less stringent security measures in place compared to men's prisons. For example, in Berlin Prison for Women the windows are only barred to half height. Schwäbisch-Gmünd Prison largely avoids using barbed wire. Men's prisons, in comparison, are often heavily secured. As a result, in mixed facilities the level of security required for a male prison imposes limitations on how the women's facilities are run. Two notable examples of this are Halle Prison and Cologne Prison.

Where women's units are part of male prisons, there is also the risk that the particular needs of women prisoners cannot be taken into account separately due to their low numbers. This may be reflected, for example, in the range of occupational or leisure activities on offer, or the food menu.

In small women's prison units within mixed facilities, central services such as the hospital wing are sometimes located only in the male prison section. Women can only avail of these services during a very limited period, and must be accompanied at all times

¹⁶ *Dünkel, Frieder/Kesternmann, Claudia/Zolondek, Juliane*, Internationale Studie zum Frauenstrafvollzug, 2005, University of Greifswald, p. 22 et seq.

¹⁷ *Steinbilper, Monica*, in: *Schwind, Hans-Dieter/Böhm, Alexander/Jehle, Jörg-Martin/Laubenthal, Klaus*, StVollzG, up to § 76, margin no. 10.

¹⁸ See *Böning/Wefels*, Frauen im Strafvollzug. In: Feest et al. (eds.) Strafvollzugsgesetze, Kommentar, 2017, 7th edition, p. 1167, referencing Schmalz 2015, p. 252 et seqq.

¹⁹ WHO Regional Office for Europe (2009), *Gesundheit für Frauen im Strafvollzug*, p. 24, available online at: http://www.euro.who.int/__data/assets/pdf_file/0005/76514/E92347G.pdf (current as at: 1 February 2017).

²⁰ *Zurhold, Heike/Haasen, Christian/Stöver, Heino*, Female Drug Users in European Prisons, p. 26; see also *Scheffler, Gabriele*, Programmatische Forderungen zur Situation inhaftierter Frauen, in: Komitee für Grundrechte und Demokratie, *Haftbedingungen in der Bundesrepublik Deutschland*, 2009, pp. 113–114.

²¹ Extensive information can be found in *Dünkel, Frieder/Kesternmann, Claudia/Zolondek, Juliane*, Internationale Studie zum Frauenstrafvollzug, 2005, University of Greifswald p. 29.

²² See *Reuther, Susanne/Behrens, Markus*, Geschlechtsspezifische Gesundheitsvorsorge und-versorgung in Haft. In: *Lehmann, M./Behrens, M./Drees, H.* (eds.), *Gesundheit und Haft. Handbuch für Justiz, Medizin, Psychologie und Sozialarbeit*. Lengerich 2014, p. 441 et seqq., 449.

by prison officers in order to ensure separation from male inmates. This ties up staff resources at the expense of the day-to-day running of the facility. As a result, out-of-cell time may be reduced, for example, or there may be fewer leisure activities on offer.

1.3.2 – Structural conditions

The structural conditions of the buildings visited were found to vary, regardless of whether the prisons were separate women's facilities or not. The female prisoners had often arranged their cells and communal areas in a very homely way, with just a few exceptions. However, structural conditions at Cologne Prison remain a concern, with parts of the facility in need of major renovation. Furthermore, on several occasions the National Agency found multiple-occupancy cells without a separate toilet, constituting a violation of the human dignity of the prisoners. This was the case, for example, in Dinslaken Prison and Bühl Prison. In rare cases, women were held in multiple-occupancy cells that were too small for the purpose, as was the case in Bühl, Gelsenkirchen, Dinslaken and Halle Prisons.

1.3.3 – Contact

For women prisoners, contact with family members and, above all, with their children is of particular importance. Visiting times and the ability to make phone calls are therefore a vital aspect of prison life. However, incarceration far from the prisoner's place of residence can make regular visits significantly more difficult.

Prisons should make allowances for this difficulty by offering extended and flexible visiting hours, particularly at weekends. Deficiencies in this regard were noted at Rohrbach Prison and Luckau-Duben Prison, among others, where female prisoners are not allowed to receive visits on weekends, or only on one weekend per month. Furthermore, extra visiting hours for children would be a welcome improvement. Lichtenberg Prison provides a positive example by offering female prisoners with children a weekly unsupervised children's playtime. Similarly, Würzburg Prison grants an additional visit for children, which may be up to three and a half hours once a month.

In addition to visits, prisoners should be given sufficient and uncomplicated opportunities to make phone calls. To this end, at Lichtenberg Prison each cell has its own telephone. Other prisons such as Rohrbach and Vechta grant lengthy out-of-cell time,

for example, to enable unhindered access to telephones and plenty of opportunities to make calls.

Yet in other prisons, it was found that telephones located in corridors were only accessible for relatively limited periods due to short out-of-cell times. As a consequence, impractical rules had to be imposed for the use of telephones to ensure all prisoners were able to make at least one short phone call. In some cases, the telephone was located in recreation areas or opposite the general prison staff's observation booth, making it scarcely possible to have a private conversation. In the *Länder* Bavaria and North Rhine-Westphalia, opportunities for phone calls are limited to a minimum. In the prisons visited there, telephone calls were only permitted upon request in exceptional cases, or once monthly. The National Agency considers these very limited options for phone calls to be insufficient for maintaining contact with family members.

1.3.4 – Protecting privacy

Deficiencies were observed in some women's prisons regarding the privacy protection of prisoners held in video-monitored cells. In prisons in Brandenburg, North Rhine-Westphalia, Hamburg and Bremen, the toilet area in specially secured cells is not pixelated and is therefore fully visible via video surveillance. The video signal in all of these facilities is transmitted to the main security office. This means that male officers have regular visual access to the monitors – even if the cells under surveillance are occupied by women.

As previously outlined in Chapter I.3.1, the humane treatment of persons deprived of their liberty requires that certain measures be taken to protect privacy. This also applies to persons detained in specially secured cells and other cells with video surveillance. For example, if the sanitary area is pixelated on CCTV monitors, the prisoners can use the toilet without being observed – even in a specially secured cell. If video pixelation is not available, then only staff of the same sex as the individual in the monitored cell should be able to look at the monitor.

1.3.5 – Medical care

There are many reasons why a female prisoner might object to an examination by a male gynaecologist (e.g. previous experience of violence with men or religious reasons). Prisons should therefore ensure that women have access to a female gynaecologist. This should not require any justification that would force female prisoners to reveal personal information.

1.4 – POSITIVE FINDINGS

Privacy protection plays a key role in all institutions where individuals are deprived of their liberty. The National Agency therefore placed particular emphasis on this issue in 2016. In this respect, the Agency welcomed measures which promoted privacy protection in video-monitored cells in women's prisons. The approach taken by Rohrbach Prison towards video-monitored cells is a particularly good practical example. In order to protect the privacy of prisoners, images of the toilet area are pixelated on the CCTV monitor. However, to ensure that self-harm or attempted suicide can still be identified and prevented, the pixelation is gradually removed if the prisoner does not leave the area after a certain amount of time. In Vechta Prison, prisoners can even check the pixelation in advance to assure themselves that the toilet is not visible. This illustrates a respectful approach towards prisoners and creates transparency.

The approach of Gelsenkirchen Prison towards undressing prisoners was also noted positively. While prisoners in many penal institutions are required to undress completely, in Gelsenkirchen Prison this process comprises two stages, meaning that prisoners can always keep part of their clothing on. Because of this more respectful approach, prisoners are not required to stand completely naked in front of members of staff. This constitutes a less severe interference with their right to privacy.

The National Agency also addressed the practice of regular urine tests to detect drug consumption, which generally take place under the observation of general prison officers. The fact that drug checks at Cologne Prison are carried out by means of a marker system was considered by prisoners and prison officers to be particularly positive. Under this approach, the prisoner drinks a medically harmless substance which is visible in urine so the sample can be reliably traced back to the individual. Staff therefore no longer have to observe the urine sample being taken. This protects the prisoner's privacy while providing an expedient method of drug testing.

Finally, the intensive support provided to prisoners in Willich Prison II was also noted positively. Small groups of around six prisoners are each assigned a member of staff as their contact person. This means that prisoners always have someone they can contact with any questions or issues regarding their life in prison.

In almost all institutions, women are allowed to wear their own clothes and are often permitted to wash them themselves.

2 – JUVENILE DETENTION CENTRES

Following on from 2015's main topic of juvenile justice, in 2016 the Joint Commission also visited Arnstadt Juvenile Detention Centre, Schleswig Juvenile Detention Centre and the juvenile detention unit at Neumünster Prison.

In Schleswig Juvenile Detention Centre, there were some instances where the legal requirements for the use of physical restraints were not satisfied. An examination of the files revealed that physical restraints had been ordered against juveniles solely on the basis of unruly or aggressive behaviour. However, there was no evidence of a risk of self-harm – which is a legal requirement for the application of physical restraints. Regardless of this fact, physical restraints should not be used in juvenile detention centres at all. In any case, extensive documentation is always required.

Other recommendations for juvenile detention in Neumünster and Schleswig concerned strip-searches, protecting privacy in cells with CCTV monitoring and maintaining records of juveniles detained in observation rooms. In the disciplinary detention rooms of Neumünster Juvenile Detention Centre it should be possible for juveniles to open the window on their own. Furthermore, reading material should not be confiscated as a disciplinary measure.

Other recommendations concerned: the installation of partitions in communal showers; the need for respectful and appreciative treatment towards juveniles by prison staff; and confidential correspondence with certain individuals and institutions.

The visiting area in Neumünster Prison was particularly noteworthy; the spacious, pleasant room offers a more personal setting for visits that is rarely found in the prison system. The Joint Commission expressly welcomes the fact that the *Land* of Schleswig-Holstein plans to pixelate video images of sanitary facilities in specially secured cells in all of its penal institutions.

Recommendations for the juvenile detention centre in Arnstadt concerned strip-searches, privacy protection in specially secured cells and the reintroduction of staff training programmes specifically suited to the juvenile justice system. The Joint Commission also recommended that steps be taken to counter future cases of *de facto* segregation caused by language barriers.

3 – PRISONS

In addition to the main focus on women's prisons, the Joint Commission also assessed men's prisons (Hünfeld Prison and Passau Prison) during the period under review.

At Hünfeld Prison the Joint Commission noted positively that the physical restraints had still not been used since their acquisition ten years previously.

The recommendations for this prison concerned the need to use interpreters to translate confidential conversations and the need to install partitions in the communal showers.

For Passau Prison, recommendations were made regarding strip-searches, privacy protection in video-monitored areas and clothing in specially secured cells. These topics can be found under “Standards” (Chapter I.3). The structural condition of Passau Prison was also subject to criticism, particularly with regard to the double occupancy of single-occupancy cells with an area of just 9.54 m².

4 – THE POLICE

The following table provides an overview of the main subjects of recommendation submitted following visits to police stations:

<i>Subject of recommendation</i>	<i>Strip-searches</i>	<i>Physical restraints</i>	<i>Visibility of toilets</i>	<i>Smoke detectors</i>	<i>Complaints and investigation offices</i>	<i>Custody records</i>	<i>Lighting in custody cells</i>	<i>Mattresses</i>	<i>Test of call system</i>
Dresden Central Police Custody			x		x			x	
Görlitz Police Station				x	x			x	
Güstrow Main Police Station					x	x	x	x	x
Koblenz I Police District Office	x			x	x	x	x		x
Cologne Police Headquarters (follow-up visit)	x	x	x						
Lahnstein Police District Office	x				x	x	x		x
Leer/Emden Police District Office (East Frisia)	x	x			x		x		
Meißen Police Station					x			x	
Norden Police Department (East Frisia)	x	x			x		x		
Oldenburg Stadt/Ammerland Police District Office (East Frisia)	x	x			x		x		
Passau Police District Office			x			x	x		x
Reutlingen Police Station		x			x	x			
Schwerin Main Police Station	x				x	x	x		
Siegburg Police Station		x	x		x	x			
Stuttgart Police Custody		x		x		x			
Weinheim Police Station				x		x	x	x	x

In 2016, the Joint Commission visited 15 police stations in Baden-Württemberg, Bavaria, Lower Saxony, North Rhine-Westphalia, Mecklenburg-West Pomerania, Rhineland-Palatinate and Saxony. The visits were both announced and unannounced, and took place at different times of the day and night. The Joint Commission also undertook a follow-up visit to Cologne Police Headquarters.

Based on these visits, the Joint Commission made the following main recommendations:

4.1 – PHYSICAL RESTRAINTS

Metal handcuffs are used for physical restraints in police stations in Baden-Württemberg and North Rhine-Westphalia. As a rule, physical restraints should not be carried out in police stations. In the *Länder* of Mecklenburg-West Pomerania, Rhineland-Palatinate and Saxony, physical restraints are not carried out at all. If physical restraints *are* to be carried out in police custody, they must be subject to stringent requirements. This includes not using metal cuffs, immediately carrying out a medical examination, and ensuring that the prisoner is under the direct supervision of a member of staff (known as *Sitzwache*). This is set out explicitly in the Police Custody Regulations of Lower Saxony, for example.

4.2 – STRIP-SEARCHES

Searches that require a person to undress and submit to an inspection of their genital area amount to a serious interference with the general right of personality. For this reason, decisions must be made on a case-by-case basis as to whether there are any indications of potential danger to public safety or order and whether this interference is justified, bearing in mind the principle of proportionality. Where a strip-search is deemed necessary, the reasons for this should be documented in a comprehensible manner.

In some police stations in Rhineland-Palatinate, Lower Saxony and Mecklenburg-West Pomerania, persons taken into custody are strip-searched without exception. A case-by-case review does not take place.

4.3 – INSTRUCTION AND DOCUMENTATION

Regardless of the legal basis for taking a person into custody, they must be immediately informed of their rights in writing and in a language they understand. Some institutions in Baden-Württemberg,

Rhineland-Palatinate and North Rhine-Westphalia do not keep records to show whether (and, if so, when) information that was not originally provided was then given at a later point.

Organisational structures must make it possible to establish whether this information has been provided or whether this needs to take place at a later point in time, and this must be documented in writing.

4.4 – CUSTODY DOCUMENTATION

Custody records should contain comprehensive information about the circumstances in which a person is taken into custody. This will help reduce the risk of interference with fundamental rights. This was not the case in Reutlingen Police Station, Weinheim Police Station, Güstrow Police District Office or Schwerin Main Police Station.

4.5 – VISIBILITY OF TOILETS

Siegburg Police Station and Cologne Police Headquarters both have video-monitored custody cells with a toilet area. Images of the toilet are not pixelated on the CCTV monitors. Furthermore, in Dresden Central Police Custody and Passau Police District Office the toilets are fully visible through the peephole. The detainees' privacy is insufficiently protected in all of these cases.

4.6 – COMPLAINTS AND INVESTIGATION OFFICES

Rhineland-Palatinate created the Office of the *Land* Police Ombudsman in 2014. On 1 July 2014, a Complaints Service for Citizens and Police (*Beschwerdestelle für Bürgerinnen und Bürger und Polizei*) was set up by the Lower Saxony Interior Ministry. At the beginning of 2016, an independent complaints office was created in Baden-Württemberg in the form of the Public Services Ombudsman, which began its work in February 2017. At the same time, a complaints office was also created in Saxony. The National Agency welcomes the creation of these bodies. In addition, independent investigation offices should be set up in order to investigate allegations against police officers. Until such bodies are created, it should be ensured that criminally relevant allegations are not processed by the police station in question or by another station which falls under the remit of the same higher organisational unit.

4.7 – FITTINGS AND FURNISHINGS IN CUSTODY CELLS

The police stations in Saxony, Mecklenburg-West Pomerania and Baden-Württemberg did not have washable, flame-resistant mattresses in their custody cells. Smoke detectors were not present in Görlitz Police Station, Koblenz I Police District Office, Stuttgart Police Custody and Weinheim Police Station. Dimmable lighting was only present in the custody cells of Stuttgart Police Headquarters.

4.8 – FURTHER FINDINGS AND RECOMMENDATIONS

In Görlitz Police Station the Joint Commission recommended that detainees not be held for over 24 hours in future; the lack of windows in the custody cells made them unsuitable for this type of detention. The ventilation system in Dresden Central Police Custody should be examined and measures taken to reduce noise.

Other recommendations concerned the use of physical restraint on juveniles, improving the personnel situation, entering custody cells without knocking, installing signs to indicate where video surveillance is in operation, ensuring medical confidentiality, enabling confidential telephone conversations and testing the call system.

4.9 – ADDITIONAL SUGGESTION

It would be desirable for officers in the custody area to wear name tags, as is the case in Hesse and Thuringia. Name tags can have a preventive effect, as they make officers identifiable and thus reduce the risk of assaults. Name tags also allow persons held in custody to address officers directly, which can have a positive effect on interactions between them.

5 – CHILD AND YOUTH WELFARE FACILITIES

In 2016 the Joint Commission visited four facilities in which children and juveniles were accommodated in closed units. The results from a visit to child and youth welfare facilities in 2015 were not available at the time the previous annual report went to press. For this reason, a summary of these results is also provided here.

The visited facilities are located in Baden-Württemberg, Berlin and North Rhine-Westphalia.

5.1 – POSITIVE FINDINGS

The Joint Commission noted that certain facilities place particular emphasis on the professionalism of their educational staff. This is ensured through regular and obligatory further training (e.g. on de-escalation techniques), as well as regular supervision by external specialists both individually and for teams.

Further, it should be noted positively that some of the establishments visited did not use “time-out” rooms or other methods of segregation. As keeping children and juveniles in a segregation room is an extremely drastic measure, less severe measures are always preferable.

The overwhelming majority of staff were empathetic towards the children and juveniles accommodated in the facility. Many children and young people told the Joint Commission of their trusting relationship with the care workers, who devote a lot of time to their concerns and show a great deal of patience. The staffing situation in almost all of the facilities was sufficient for young people to receive close, personal support, which is particularly important for this target group.

5.2 – FINDINGS AND RECOMMENDATIONS

The Joint Commission made the following main recommendations following its visits:

5.2.1 – Daily outdoor exercise

Most of the child and youth welfare facilities visited by the Joint Commission featured pleasant gardens or outdoor sports facilities. However, the outdoor area in some facilities is insufficiently secured (e.g. by a small wall), which makes it possible to escape from the grounds. In the initial period following admission to a

closed facility – which is a particularly difficult time – there is therefore no way for the children and juveniles to get daily outdoor exercise, as the risk of escape is relatively high.

All children and juveniles should, without exception, be afforded the opportunity to exercise outside for at least one hour per day. This represents the minimum standard for German and international (youth) prison and detention systems. It should therefore apply all the more in child and youth welfare facilities with a focus on education.²³ To ensure that children and juveniles can get this outdoor exercise, a number of closed child and youth welfare facilities provide a sufficiently secure outdoor area. Furthermore, a higher level of outdoor security means that the facility's staff are not put in a situation where they must prevent children and juveniles from escaping. This can sometimes come as a relief for the facility's staff.

5.2.2 – Methods of complaint

Children and juveniles who have been deprived of their liberty must be able to submit complaints to an appropriate authority. Participation procedures for children and juveniles in such facilities, as well as information on their right to complain in personal matters, can be found in section 8b (2), no. 2, Book VIII and section 45 (2), no. 3, Book VIII of the German Social Code (*Sozialgesetzbuch, SGB*).

In addition to the contact persons inside the facility, it is also considered important that there is an external independent ombudsman. It should be ensured that children and juveniles can contact such an ombudsman confidentially and without restriction. Telephone calls to an ombudsman should therefore be possible outside the offices of members of staff.

In certain *Länder*, ombudsmen frequently visit these facilities in order to introduce themselves and talk to the children and juveniles accommodated there. The Joint Commission welcomes this practice, as it ensures that the children and juveniles are aware that

²³ See, *inter alia*: *European Rules for Juvenile Offenders Subject to Sanctions or Measures (2008)*, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1999)*; *CPT Standards (2006)*; *United Nations Standard Minimum Rules for the Treatment of Prisoners (1977)*.

the ombudsman exists. It also enables direct contact in addition to the aforementioned telephone calls.

The specific complaints procedures (including the necessary contact details) should be presented in an age-appropriate way, either on an information sheet or in the house rules. The children and juveniles should be given this information when they are first admitted to the facility. Notices providing information about external complaint routes can also raise awareness of these authorities.

5.2.3 – Information on rights

The children and juveniles in some facilities were insufficiently informed about their rights in the facility. In addition to the aforementioned right to complain, young people should also be informed of their other rights upon admission to a facility. This includes the right to participation or the right to family contact, for instance. This information should be provided to young people in an age-appropriate information booklet.

5.2.4 – Further findings and recommendations

The Joint Commission also submitted a recommendation regarding the constant video surveillance of corridors and common rooms. This type of video monitoring interferes with the right to informational self-determination as derived from the right to human dignity, as the children and juveniles are under constant observation whenever they are in corridors or common rooms. As video monitoring is only necessary when the “time-out” room is being used and at night when staff numbers are low, the Joint Commission recommended that video monitoring only be used during these periods and that the persons affected be made aware that video monitoring is in operation.

Finally, one recommendation concerned the lack of a teacher in one facility. At the time of the visit, children and juveniles of school-age had not received lessons for several months. Regular school lessons must be provided to children and juveniles of school-age – even in child and youth welfare facilities. This is set out in national legislation. Furthermore, implementing the right to education is an international treaty obligation laid down in the UN Convention on the Rights of the Child.²⁴

²⁴ *Convention on the Rights of the Child, Article 28, Federal Law Gazette II, p. 990, publication of 10 July 1992.*

5.2.5 – Visits from 2015

As regards the findings from a 2015 visit that were not published in the previous annual report, it should be noted that, in addition to the aforementioned findings, the facility did not have adequate documentation of its aims and the measures taken to achieve them. The documentation found at the facility was not comprehensible without having to consult other documents. Furthermore, it included inappropriate wording and retrospective changes for which no reasoning was provided.

The use of inappropriate language suggested a lack of respect in the tone used by certain staff members towards the children and juveniles.

6 – RESIDENTIAL CARE AND NURSING HOMES

In the year under review, the Joint Commission visited five residential care and nursing homes that are run by non-statutory welfare institutions, private operators and municipal bodies. As the Joint Commission is still relatively unknown in the field of elderly care, it met with the Federal Association of Private Social Service Providers (*Bundesverband privater Anbieter sozialer Dienste e.V. – bpa*) and the Federal Association of Non-statutory Welfare (*Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege e.V.*) ahead of its visits. The aim of the meetings was to inform these central associations – made up of numerous operators of residential care and nursing homes – about the legal basis, remit, tasks and powers of the Joint Commission, as well as the method applied during its visits to the facilities. Furthermore, an agreement was sought regarding the mandate of the National Agency.

The visited facilities were located in Baden-Württemberg, Bavaria, Bremen, North Rhine-Westphalia and Saxony. The following observations also include results from three visits to residential care and nursing homes in Hesse, Rhineland-Palatinate and Thuringia, as these results were not available at the time the 2015 annual report went to press.

The visits revealed that measures involving deprivation of liberty in elderly care are not always regarded as such, particularly due to the room for interpretation inherent to certain situations. The use of sensor wristbands in one facility is one example of this. In some cases, this measure was considered by judges to be a deprivation of liberty and was therefore subject to an obligation to obtain approval. In other cases, however, it was not, as the freedom of the resident was not restricted by the measure as a whole. The Joint Commission will increase its focus on this issue in future visits.

6.1 – POSITIVE FINDINGS

In all institutions, the staff's efforts towards creating a homely and friendly atmosphere for the residents made a positive impression. The Joint Commission also observed that some residential care and nursing homes paid particular attention to measures involving deprivation of liberty. One facility,

for example, compiled a list of “recommendations for dealing with measures involving deprivation of liberty”, which outlines specific legal bases, possible courses of action and documentation guidelines in an easy-to-manage format. Another facility appointed an officer for the prevention of measures involving deprivation of liberty. The officer is a qualified *guardian ad litem* who was trained according to the “Werdenfelser” approach; she is called upon for all issues related to this area. In another facility, one of the staff training events focused on the issue of human rights. The Joint Commission also welcomes the fact that some facilities work with specialist doctors. This ensures, for instance, that residents can receive regular dental care and eye care. Some facilities also co-operate with pharmacies. In addition to providing resident-specific deliveries of medication, the pharmacies also check the medication of each resident individually and inform the prescribing doctor of any potential interactions.

6.2 – FINDINGS AND RECOMMENDATIONS

The following main recommendations were submitted to the visited facilities:

6.2.1 – Direct observation when using physical restraints (*Sitzwache*)

With regard to measures involving deprivation of liberty, the work instructions of one facility stated that whenever physical restraint is employed, checks should be carried out at the resident's bed once every hour, provided that no decision was made on this matter in the judicial order.

Physical restraints should only be used as a last resort. Even if a judicial order has been issued, the use of physical restraint is only lawful if less severe measures have already been unsuccessful in that specific case. In consideration of the principle of human dignity and given the high health risks involved, physical restraints should only be applied for the shortest possible period of time. Persons under physical restraint should therefore always be directly supervised by a member of staff (*Sitzwache*). Only the direct observation by a member of staff can ensure

that comprehensive care and assistance are provided and reduce the high risk of injury.²⁵ Furthermore, this direct supervision enables staff to identify the earliest point at which the restraint can be ended.

6.2.2 – Ensuring professional and appropriate care and support

Two of the facilities visited by the Joint Commission were over-occupied on the day of the visit, with one facility over capacity by five persons. Furthermore, the rota in one of these facilities revealed some instances of understaffing. In the care unit for residents suffering from dementia, there were multiple occasions when no staff at all were present in the afternoon. As a result, the residents in question did not receive the care they needed. In one area of the facility, there was a period of nine nights during which no staff worked night-shift. Furthermore, staff were repeatedly unable to cover one particular period in the evening, which always led to a 15-minute absence of staff in the areas affected. On such occasions, staff from another part of the facility had to care for residents in the areas affected in addition to their regular tasks.

As the material and staff resources of residential care and nursing homes are based on their intended maximum occupancy, it is not possible to ensure professional and appropriate care if a facility is over-occupied. Over-occupancy should therefore be avoided.

6.2.3 – Oral care

In a double-room of one facility, the Joint Commission observed a bed-ridden resident whose mouth was wide-open and filled with saliva, some of which had trickled out and dried on her chin. The mucous membrane on the roof of her mouth was also dry, which poses a health risk. This does not constitute a humane standard of care.

Furthermore, inadequate oral care can cause otherwise avoidable breathing difficulties and strongly increases the likelihood of contracting pneumonia. Residential care and nursing homes are obliged to comply with the generally accepted standards of current medical and nursing care while also respecting the principle of human dignity.²⁶ Moreover, persons requiring care and assistance have the right to receive qualified and health-promoting care that takes their

personal needs into account.²⁷ Facilities must ensure that they comply with this right.

6.2.4 – Caring for incontinence sufferers

While speaking to one resident, the smell of urine became increasingly apparent. A care worker had accompanied the resident to the toilet immediately before, but the resident did not receive adequate care.

In order to care for incontinence sufferers in a way that meets their needs and respects their human dignity, a change of laundry may be required in addition to intimate hygiene and the provision of suitable incontinence materials. Inadequate care in this respect can cause damage to the skin. Furthermore, incontinence sufferers may be excluded from the rest of the group due to the smell. They are therefore unable to take part in community life. It must be ensured that the needs of residents suffering from incontinence are met at all times. If care workers are tasked with helping residents to go to the toilet, then they must be trained accordingly.

6.2.5 – Administration of medication

In one facility it was found that mix-ups repeatedly occurred in the administration of medication.

Medicines are chemically active substances which interfere with the physiological processes of an organism. Any mix-ups when administering medication can result in the serious impairment of bodily functions. Facilities should establish suitable workflows and assign responsibilities for dealing with medication. This will ensure that residents receive the medication that is actually prescribed to them and that the rules for administering said medication are always adhered to.

6.2.6 – Accessibility

In one facility, the Joint Commission viewed it as critical that the exits from the residential area to the outside area were not accessible for people with disabilities. The presence of a threshold poses a potential tripping hazard. Independent wheelchair users were unable to pass the threshold.

Residents have the fundamental right to move around freely. Residential care and nursing homes therefore have a responsibility to ensure that all residents are able to move from the premises to the

²⁵ *CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2010, p. 57, margin no. 43, p. 59, margin no. 50.*

²⁶ *Section 11, Book XI of the Social Code (SGB XI), Social Long-term Care Insurance.*

²⁷ *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth; Federal Ministry of Health (eds.): Charter of Rights for Persons Requiring Assistance and Care, Article 4, as of March 2015.*

outdoor area and vice-versa. Facilities must take appropriate measures to comply with the residents' accessibility rights.

6.2.7 – Documentation

The Joint Commission found some discrepancies during an inspection of the care records. In one case, for example, prior diagnoses were not fully transferred to the new data sheet; it was therefore unclear why a particular psychotropic drug was being administered. In another case there was a difference between the electronic and written records. Records were also found in which the residents' current medication was not clearly visible. Dosage instructions were incomplete, and information that had previously been entered was sometimes overwritten or modified in other ways. In addition, neither the name of the prescribing doctor nor the date of the prescription was documented. Signatures were absent throughout the entries, meaning there was no way of asking specific questions to the person responsible.

There are always multiple people involved in ensuring that each resident receives care and assistance. To ensure that care and assistance is provided in a coordinated and consistent manner, everyone involved in caring for a specific individual must always have access to up-to-date, correct and complete data. This requires that staff keep meticulous care records.

6.2.8 – Studies by clinics in cooperation with care facilities

It was reported in one facility that the facility's operator also runs a clinic. The clinic works with the residential care and nursing home to carry out studies. Only the clinic's ethics council and the Association of Statutory Health Insurance Physicians are consulted for the studies.

Persons in need of assistance and care have the right to physical and emotional well-being, freedom and security.²⁸ When carrying out studies in residential care and nursing homes, it must be ensured that the housing and living conditions of the residents are protected and that sufficient consideration is given to their needs and concerns. Particularly when carrying out clinical trials for group benefit on persons who are

unable to consent, the legal requirements²⁹ for residents must always be adhered to. It is essential to involve the supervisory authority responsible for the facility or a committee it has appointed (such as an ethics committee for elderly care).

6.2.9 – Social isolation and lack of stimuli among bedridden residents

The room of one bedridden resident was notable for its lack of stimuli such as (changing) pictures or scents; according to the facility's policy, psychosocial care is provided twice a week in 20–30-minute sessions. This is generally insufficient to maintain psychosocial health.

Social isolation and a lack of stimuli can bring about or reinforce psychopathological changes, which can be extremely detrimental to the residents' health and quality of life. Furthermore, persons in need of assistance and care have the right to engage with others and participate in community life.³⁰ Thus, residents who are (predominantly) bedridden must be able to take part in community life to the greatest possible extent. Additional measures should also be taken based on the needs of each individual in order to prevent social isolation and the absence of stimuli.

6.2.10 – Additional findings

Additional findings concerned nutrition, staff reaction times following emergency calls, personalised measures to prevent falls and measures to prevent contracture. Furthermore, the proposal was made in some facilities to provide more support to the residents' committee. This would enable it to better perform its task of ensuring resident participation on issues relating to the everyday running of the facility.

²⁹ Section 40 and section 148 of the Fourth Act to Amend Provisions under the Law Concerning Medicinal Products and other Provisions (Viertes Gesetz zur Änderung arzneimittelrechtlicher und anderer Vorschriften) of 20/12/2016.

³⁰ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth; Federal Ministry of Health (eds.): *Charter of Rights for Persons Requiring Assistance and Care, Article 6, as at March 2015.*

²⁸ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth; Federal Ministry of Health (eds.): *Charter of Rights for Persons Requiring Assistance and Care, Article 2, as at March 2015.*

7 – PSYCHIATRIC CLINICS

In 2016 the Joint Commission visited five general psychiatric clinics and one clinic for forensic psychiatry in Baden-Württemberg, Bavaria, Hamburg and Hesse. As the results of the 2015 visit were not available at the time the 2015 Annual Report went to press, they are included in the following section. The results in question concerned a psychiatric institution in Baden-Württemberg.

7.1 – POSITIVE FINDINGS

One particularly positive finding during the visits was the fact that several facilities are striving to reduce the number of compulsory measures that impact on fundamental rights. De-escalation training, for instance, is offered to staff in most of the facilities.

It was also noted that some clinics were very patient in their efforts to gain the consent of their patients, both with regard to their stay in the clinic and their treatment. This approach can help prevent statutory detention or involuntary treatment in individual cases. Furthermore, it promotes a willingness to undergo therapy among patients, which ultimately increases the chances that the therapy will be successful.

7.2 – FINDINGS AND RECOMMENDATIONS

Some of the recommendations submitted to the psychiatric clinics not only apply to these facilities, but also overlap in key respects with existing standards and recommendations provided by the National Agency for other types of facility.

7.2.1 – Direct observation when using physical restraints (*Sitzwache*)

It was seen as a critical deficiency in several institutions that persons under physical restraint were not always directly supervised by a member of staff (*Sitzwache*). Restraining measures were merely checked at regular intervals. The time period between these checks varied considerably depending on the facility.

Only the direct observation by a member of staff (*Sitzwache*) can ensure that comprehensive care and assistance are provided and reduce the high risk of

injury.³¹ The guidelines of the German Society for Psychiatry, Psychotherapy and Nervous Diseases (*Deutsche Gesellschaft für Psychiatrie und Psychotherapie, Psychosomatik und Nervenheilkunde e.V.*, DGPPN) also recommend one-to-one care during physical restraints.³² This direct supervision also means that staff can identify the earliest point at which the restraint can be ended.

7.2.2 – Documentation of restraining measures

Means of restraint were not sufficiently documented in some cases. It was not always clear who was responsible for ordering and justifying the restraints. Furthermore, in one facility it was only possible to select the box for ordering a seven-point-restraint. The form did not provide for the possibility of a milder method of restraint.

Documentation should be comprehensive and allow the type of restraint to be tailored to the individual. Justification for ordering and continuing the measure must be provided by medical staff and care workers, while detailed documentation is also required.

7.2.3 – Strip-searches

In the visited facility for forensic psychiatry, patients are strip-searched upon admission. According to the Federal Constitutional Court, this represents a serious interference with a person's general right of personality.³³ Thus, as is the case in prisons, strip-search orders must always allow staff to exercise discretion in assessing whether or not the measures are necessary. The competent clinic staff should be made aware that in individual cases it may not be necessary for the patient to undress fully. Should a strip-search be necessary, however, the possibility of undressing in two stages represents a less severe measure, as patients are able to keep part of their clothing on at all times.

³¹ CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2010, p. 57, margin no. 43, p. 59, margin no. 50.

³² https://www.dgppn.de/fileadmin/user_upload/_medien/download/pdf/kurzversion-leitlinien/s2-praxisleitlinien-bdz-aggressives-verhalten.pdf, retrieved on 15 December 2016.

³³ Federal Constitutional Court, order of 10 July 2013, file no. 2 BvR 2815/11, margin no. 15 f. – *juris*, with further references.

7.2.4 – Restraining beds

In one psychiatric institution, restraining beds were set up in the corridor of one unit. The sight of restraining beds can cause patients to become unsettled and anxious. Furthermore, this approach does not de-escalate situations in which patients are under stress. It is therefore recommended that prepared restraining beds be placed in a location where patients cannot see them.

7.2.5 – Outdoor exercise

With regard to patients being able to spend time outdoors, many different approaches were observed. In some facilities, patients were not afforded sufficient opportunity to go outside. In some cases this was due to staff shortages; in other cases it was due the unsuitable structure of the building or the lack of a suitable outdoor area. By contrast, patients in another institution had unrestricted access to an inner courtyard 24 hours a day. As is the case in prisons, all patients who have been deprived of their liberty should have the opportunity to spend at least one hour per day outside.³⁴

7.2.6 – Corridor beds

One facility had routine plans to use corridor beds to accommodate patients in cases of overcrowding. Accommodating patients in corridor beds is not an

³⁴See CPT/Inf (2007) 18, margin no. 161 (Neustadt Psychiatric Centre) and, most recently, CPT/Inf (2014) 25, margin no. 139.

appropriate solution to overcrowding: if patients wish to be alone, there is no way for them to do so, and their privacy is affected considerably as a result.

7.2.7 – Identifying the type of detention from care records

In one psychiatric institution, it was not clear from the records whether patients were detained on account of a judicial order. The committal order (if issued) and the duration of detention should be visibly and consistently documented in patient records. It must be ensured that the provisions set out in the judicial order are adhered to.

7.2.8 – Capacity for self-determination and consent

In one facility it was noted that the capacity for self-determination and consent were evaluated based on different standards. The capacity for self-determination and consent should be assessed based on uniform standards. This process should be documented in a comprehensible manner to ensure that the results are of a comparable quality.

7.2.9 – Staffing level

In terms of nursing care, there was a clear shortage of staff in one of the visited facilities. A balanced staff-to-patient ratio is required in order to provide patients with professional care and support and ultimately to improve safety for everyone involved. The institutions in question should look into ways of ensuring an appropriate staff-patient ratio.

IV ANNEX

I – CHRONOLOGICAL LIST OF VISITS

<i>Date</i>	<i>Facility/measure</i>
05/01/2016	Hünfeld Prison
15/01/2016	Monitoring of escort operations, Berlin-Schönefeld Airport (flights to Sarajevo, Tirana, Belgrade)
04/02/2016	Arnstadt Juvenile Detention Centre
15/02/2016	Görlitz Police Station
16/02/2016	Meißen Police Station
17/02/2016	Dresden Central Police Custody
18/02/2016	Kleve Federal Police District Office, Straelen Federal Police Station (Kempen)
19/02/2016	Oberhausen Federal Police Station, Recklinghausen Federal Police Station
23/02/2016	Residential care and nursing home, Baden-Württemberg
24/02/2016	Child and youth welfare facility, Baden-Württemberg
01/03/2016	Passau Federal Police Station
02/03/2016	Passau Prison
02/03/2016	Passau Regional Court
02/03/2016	Passau Police District Office
07/03/2016	Koblenz I Police District Office, Lahnstein Police District Office
11/03/2016	Berlin Women's Prison, main facility in Lichtenberg
16/03/2016	Lübeck Prison (women's unit)
17/03/2016	Schleswig Juvenile Detention Centre
23/03/2016	Monitoring of a forced return (Frontex measure) Munich-Budapest-Pristina
30/03/2016	Psychiatric clinic (general psychiatry), Baden-Württemberg
31/03/2016	Psychiatric clinic (general psychiatry), Baden-Württemberg
04/04/2016	Würzburg Prison (women's unit)
06/04/2016	Willich Prison II (women's institute)
07/04/2016	Accompanying a forced return – chartered flight Leipzig/Halle-Enfidha (Tunisia)
21/04/2016	Neumünster Prison (juvenile detention unit)
27/04/2016	Accompanying a forced return (Frontex measure) Berlin-Schönefeld-Belgrade
28/04/2016	Residential care and nursing home, North Rhine-Westphalia
11/05/2016	Psychiatric clinic (general psychiatry), Bavaria
12/05/2016	Psychiatric clinic (general psychiatry), Bavaria
19/05/2016	Luckau-Duben Prison (women's institute)
20/05/2016	Child and youth welfare facility
30/05/2016	Zittau Federal Police Station, Ebersbach Federal Police District Office

31/05/2016	Berggießhübel Federal Police District Office
02/06/2016	Aichach Prison (women's unit)
16/06/2016	Reutlingen Police Station
17/06/2016	Stuttgart Police Custody, Weinheim Police Station
20/06/2016	Schwerin Federal Police Station, Stralsund Federal Police District Office
21/06/2016	Residential care and nursing home, Bavaria
21/06/2016	Mukran Federal Police Station, Lubmin Federal Police Station
22/06/2016	Ahlbeck Federal Police Station
06/07/2016	Psychiatric clinic (general psychiatry), Hesse
11/07/2016	Rohrbach Prison (women's unit)
21/07/2016	Vechta Women's Prison
03/08/2016	Duisburg-Hamborn Prison, Dinslaken unit (women)
04/08/2016	Gelsenkirchen Prison (women's unit)
09/08/2016	Zweibrücken Prison (women's unit)
25/08/2016	Child and youth welfare facility, Baden-Württemberg
21/09/2016	Residential care and nursing home, Saxony
28/09/2016	Clinic for forensic psychiatry
29/09/2016	Billwerder Prison, women's block
07/10/2016	Halle Prison (women's unit)
01/11/2016	Cologne Police Headquarters
02/11/2016	Child and youth welfare facility, North Rhine-Westphalia
16/11/2016	Güstrow Main Police Station
17/11/2016	Schwerin Main Police Station
18/11/2016	Bützow Prison
24/11/2016	Cologne Prison (follow-up visit)
25/11/2016	Siegburg Police Station
05/12/2016	Norden Police Department
06/12/2016	Leer/Emden Police District Office, Oldenburg Stadt/Ammerland Police District Office
08/12/2016	Residential care and nursing home, Bremen
09/12/2016	Bremen Prison (follow-up visit)
09/12/2016	Karlsruhe Prison, Bühl site (women's unit)

2 – MEMBERS OF THE FEDERAL AGENCY

<i>Name</i>	<i>Official title</i>	<i>Since</i>	<i>Position</i>
Klaus Lange-Lehngut	Ltd. Regierungsdirektor (ret'd)	12/2008	Director
Ralph-Günther Adam	Ltd. Sozialdirektor (ret'd)	06/2013	Deputy Director

3 – MEMBERS OF THE JOINT COMMISSION

<i>Name</i>	<i>Official title / occupation</i>	<i>Since</i>	<i>Position</i>
Rainer Dopp	State Secretary (ret'd)	09/2012	Chair
Petra Heß	Employee of Thuringia State Chancellery	09/2012	Member
Dr Helmut Roos	Ministerialdirigent (ret'd)	07/2013	Member
Michael Thewalt	Ltd. Regierungsdirektor (ret'd)	07/2013	Member
Dr Monika Deuerlein	Certified psychologist (Dipl.-Psy.)	01/2015	Member
Prof. Dirk Lorenzen	Psychological psychotherapist	01/2015	Member
Margret Suzuko Osterfeld	Psychiatrist, psychotherapist	01/2015	Member
Hartmut Seltmann	Director of Police (ret'd)	01/2015	Member

4 – ACTIVITIES IN THE PERIOD UNDER REVIEW

<i>Date</i>	<i>Location</i>	<i>Activity</i>
10/02/2016	Berlin	Federal Association of Private Social Service Providers (<i>Bundesverband privater Anbieter sozialer Dienste e.V.</i> – bpa)
29/02/2016	Bonn	Workshop – Action Mental Health (<i>Aktion Psychisch Kranke e.V.</i>)
23/03/2016	Berlin	Meeting with the Federal Association of Non-statutory Welfare (<i>Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege e.V.</i>)
04–06/04/2016	Waldheim	Specialist symposium: Prisons in the 21st century
28–30/04/2016	Oranienburg	International conference on human rights and the police
09/05/2016	Berlin	Annual Report 2015 delivered to the Federal Ministry of Justice and Consumer Protection
07–08/06/2016	Vienna	Workshop on cooperation between NPMs and the judiciary
08/06/2016	Berlin	Meeting with the Human Rights Committee of the German Bundestag
16/06/2016	Berlin	Meeting with Brazilian National Preventive Mechanism
22/06/2016	Wiesbaden	10 Years of International Torture Prevention
28–29/06/2016	Astana	Conference on the role of human rights institutions
05/07/2016	Frankfurt	Meeting with the Frankfurt Ethics Committee for Elderly Care
11–12/07/2016	Vechta	Conference of experts on women in prison
22/07/2016	Munich	Symposium on the “Werdenfelser” approach
14–17/09/2016	Erkner	4th World Congress on Adult Guardianship
13–14/10/2016	Vienna	Meeting of NPMs from the OSCE region
10–11/10/2016	Berlin	Expert meeting in Berlin: 10 Years of the Human Rights Council
20–21/10/2016	Solothurn	Exchange of experiences between German-speaking NPMs
04/11/2016	Wiesbaden	Meeting with the Armenian Human Rights Defenders Office
16–17/11/2016	Vienna	Closing conference on cooperation between NPMs and the judiciary
17/11/2016	Berlin	Awarding of the Cross of the Order of Merit of the Federal Republic of Germany to the Director of the Federal Agency
02/12/2016	Berlin	International workshop: 10 years of OPCAT and CRPD

ACTIVITIES IN THE PERIOD UNDER REVIEW

13/12/2016	Wiesbaden	Study visit of the Tunisian National Preventive Mechanism
19-20/12/2016	Tunis	International symposium on torture prevention in Tunisia