



ROUND TABLE THE SETTING UP OF EFFECTIVE REMEDIES TO CHALLENGE CONDITIONS OF DETENTION

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

RELATING TO DETENTION

The opinions expressed in this document are those of the author.

PREAMBLE

- **Brief (but targeted) summary of the CPT standards**
NB: easy access to all its case law!

<http://www.cpt.coe.int/en/database.htm>

- ✓ CPT reports ;
 - ✓ public statements made by the CPT ;
 - ✓ "standards" from the CPT's annual general reports.
- **Developments in the CPT's case law? Rather a process of gradual clarification by the CPT**
 - **The CPT's « minimum » recommendations**
 - **Need for a systemic approach**
 - *Place and role of the future national mechanisms (NPMs)*

OUTLINE

- I. Review of the fundamental rights of persons deprived of their liberty
- II. MATERIAL CONDITIONS OF DETENTION
- III. REGIME
- IV. HEALTH CARE SERVICES
- V. *CONTACTS WITH THE OUTSIDE WORLD*
- VI. *SOLITARY CONFINEMENT*

FUNDAMENTAL RIGHTS OF PERSONS DEPRIVED OF THEIR LIBERTY

1. **Right to have the fact of their detention notified to a relative or another third party of their choice,**
2. **Right of access to a lawyer,**
3. **Right of access to a medical doctor.**

MATERIAL CONDITIONS OF DETENTION

- 1. Minimum size and layout of cells**
- 2. Access to light**
- 3. Access to fresh air/outdoor exercise;
exercise yard**
- 4. Access to drinking water/to toilets and
showers**
- 5. Bedding**

Minimum size and layout of cells

For any stay in excess of a few hours

a. Single-occupancy cells

- Approximately 7 m²
 - minimum of 2 metres between walls and 2.5 metres between floor and ceiling.

b. Multi-occupancy cells

- At least 4 m² per prisoner. Possibly a little less, provided prisoners are able to spend a reasonable part of the day out of their cells/dormitories.
- The space taken up by any in-cell sanitary facilities/toilets should not be included in the calculation.
 - Partitioning of in-cell toilets

Access to light

- **Cells should enjoy natural light**
- **At night, artificial light should be sufficient to read by**
- **Opaque windows/blinds should be avoided**



Access to fresh air/outdoor exercise; exercise yard

- **Cells with direct access to fresh air (otherwise, effective ventilation)**
- **At least one hour of outdoor exercise per day**
- **Exercise yards offering shelter from rain/sun**
 - **Avoid excessively high walls which block sunlight/the horizon**

Access to drinking water / to toilets – shower

- Access to drinking water to be guaranteed at all times
- Permanent access to toilets
 - Ban on the practice of “slopping out”
- Daily access to hot water, to shower at least once a week
- Provision of personal hygiene items/ cleaning products for the cells

Bedding

- **All prisoners should have at his arrival a bed, a clean mattress and clean sheets and blankets;**
- **Bedding should be cleaned at regular intervals**

(BASIC) REGIME

- 1. All prisoners (including remand prisoners) should spend at least 8 hours per day out of their cells.**
- 2. They should have access to purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/ association activities.**

HEALTH CARE SERVICES

- ❖ *Sick prisoners should be kept in establishments where they can receive appropriate care.*
- ❖ *A refusal to admit them to such establishments or a lack of adequate facilities may amount to inhuman and degrading treatment.*

HEALTH CARE SERVICES

- 1. Principle of equivalence of care**
- 2. Minimum medical service**
- 3. Access to the health care services/
to a medical doctor**

Principle of equivalence of care

❖ **A prison health care service should be able to provide**

- ❖ **medical treatment and nursing care,**
- ❖ **appropriate diets,**
- ❖ **physiotherapy, rehabilitation,**
- ❖ **or any other necessary special facility**

**to all prisoners, in conditions comparable to those
enjoyed by patients in the outside community!**

Principle of equivalence of care

- ❖ A mentally ill prisoner should be kept and cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff.
- ❖ This facility could be a civil mental hospital or a specially equipped psychiatric facility within the prison system.

Minimum health care service

- **Regular out-patient consultations and emergency arrangements →**
 - a doctor should always be on call
 - someone competent to provide first aid should always be present on prison premises.
- **A hospital-type unit with beds / direct support of a fully-equipped hospital service (civil / prison hospital)**



Minimum health care service

- A qualified dentist
- Specialist consultations
 - In particular, a doctor qualified in psychiatry should be attached to the health care service of each prison
 - Some of the nurses should have had training in this field.

Access to the health care services / to a medical doctor

- Every newly-arrived prisoner to be examined by a health-care professional within 24 hours of admission
- While in custody, all prisoners should be able to approach the health-care service on a confidential basis, for example, by means of a message in a sealed envelope
- Prison officers should not screen requests to consult a doctor.

DISCUSSION

