CONDITIONS OF DETENTION IN PRISONS AND POLICE PREMISES



Department for the Execution of Judgments of the European Court of Human Rights

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Department for the Execution of Judgments of the European Court of Human Rights

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INTRODUCTION

Article 3 of the European Convention on Human Rights requires States to ensure that persons deprived of their liberty are held in conditions compatible with respect for their human dignity and are not subjected to distress or hardship exceeding the unavoidable level of suffering inherent in detention (whether on remand or serving a prison sentence). This provision also requires States to adequately safeguard the health and well-being of detainees.

Over the years, the Council of Europe has developed a comprehensive normative and practical framework to assist States in fulfilling their obligations. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) draws up reference standards[1] and carries out visits in member States to assess conditions of detention, whilst the Council for Penological Co-operation (PC-CP)[2] promotes good practices and standards relating to the execution of prison and probation sentences. The Committee of Ministers has also adopted numerous recommendations in this field.[3] The annual penal statistics SPACE I and SPACE II[4] provide useful comparative data to guide national reforms, whilst the European Forum of National Preventive Mechanisms (NPMs)[5] promotes the exchange of good practices and enhances the effectiveness of national mechanisms for monitoring places of deprivation of liberty. Finally, the Council of Europe's cooperation projects also contribute to strengthening the national capacity of prison administrations and to protecting the rights of persons detained.

According to the European Prison Rules which concern human rights-based prison management,[6] detainees retain all their rights that are not lawfully taken away by the decision sentencing them or remanding them in custody. Furthermore, conditions of detention that infringe human rights cannot be justified by a lack of resources, whilst all detention must be managed in such a way as to facilitate the reintegration of detainees into society.

Despite this regulatory framework, the European Court of Human Rights (the Court) continues to find violations due in particular to prison overcrowding, poor material conditions of detention, inadequate healthcare for detainees, prolonged use of solitary confinement, the absence of sufficient safeguards against ill-treatment as well as the lack of effective domestic remedies to redress these violations. Many of these violations reveal structural problems requiring far-reaching national reforms.

This factsheet sets out examples of measures adopted by States in the context of the execution of the Court's judgments concerning conditions of detention in prisons and police premises (cases where supervision has been closed by the Committee of Ministers or which are still pending, but where positive measures have been taken). The factsheet focuses on the following issues:[7] the elimination of overcrowding, other material conditions of detention and special detention regimes; pre-trial detention and detention in police premises; physical and mental healthcare and detainees with physical disabilities ; psychosocial support and preparation for the social reintegration of detainees; the prevention of and protection from violence between detainees; national inspection, monitoring and complaints registration systems; and effective domestic judicial remedies (preventive and compensatory). The examples are illustrative and do not claim to be exhaustive. They highlight the main measures adopted by member States to bring their penal detention system into line with the requirements of the Convention and the standards of the Council of Europe.

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[1] These standards include, in particular, the following: Living space per prisoner in prison establishments (2015); Remand detention (2017); A decency threshold for prisons – criteria for assessing conditions of detention (2021); and Combating prison overcrowding (2022).

[2] Council for Penological Co-operation: particular mention should be made of the 2016 White Paper on Prison Overcrowding.

[3] In particular, the Recommendations Rec(1999) 22 concerning prison overcrowding and prison population inflation and Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse.

[4] SPACE – Council of Europe Annual Penal Statistics – Prisons and community sanctions and measures.

[5] European Forum of National Preventive Mechanisms – Cooperation on human rights and justice.

[6] Recommendation (2006)2-rev of the Committee of Ministers on the European Prison Rules, revised and amended on 1 July 2020.

[7] Other prison-related issues are covered in other thematic factsheets, such as' Life imprisonment and 'Effective Investigations'. Other conditions of detention are examined in the factsheets on 'Migration and asylum' (administrative detention) and 'Rights of people with mental health problems or physical disabilities' (psychiatric hospitals).

1. MATERIAL CONDITIONS AND DETENTION REGIMES

1.1 OVERCROWDING AND CONDITIONS OF DETENTION

Introduction of a statutory minimum service in prisons in the event of strike by prison staff

Following the Court's finding of degrading treatment due to deteriorated conditions of detention during a two-month strike by prison staff in 2016, and in the context of the CPT's public statement on this matter in 2017,[8] the 2019 Act on the 'Organisation of Prison Services' established a minimum level of service to be guaranteed for detainees during strikes and provided for the possibility of requisitioning staff, where necessary. Each prison now has an action plan, drawn up in accordance with a 2020 ministerial circular, to be implemented if the mandatory 30-day social consultation period preceding any strike is unsuccessful.

BEL / *Clasens* (26564/16)
Judgment final on 28/08/2019

Final Resolution CM/ResDH(2024)246

Reduction of overcrowding, better material conditions and development of open-type facilities, alternatives to detention and sentence adjustments

To address the issues identified by the Court regarding conditions of detention, in particular prison overcrowding, numerous measures have made it possible to eliminate it almost entirely, despite a decrease in the number of prison places, and to improve conditions of detention, including access to sanitary facilities. Renovation work has been carried out in several facilities, with further work planned, along with the construction of new facilities. Since the legislative reform of 2017, domestic law requires 4 m² of living space per detainee and provides for greater use of open-type prison facilities to combat overcrowding in closed ones. In 2016, the scope of electronic monitoring was expanded. Detainees may also apply directly to the court for early conditional release, and the conditions for the release of repeat offenders have become more flexible. The following issues remain under supervision in the context of the *Kehayov* case: the remaining overcrowding in certain facilities, particularly pre-trial detention facilities; the state of repair of some facilities, the partitioning of toilet facilities and availability of cell cleaning products; and the impact of the recent strategy adopted to eliminate infestations.

BGR / *Neshkov and Others* (36925/10)
Pilot judgment final on 01/06/2015

Final Resolution CM/ResDH(2024)118

BGR / *Kehayov* group (41035/98)
Judgment final on 18/04/2005

Status of execution: pending

Reduction of overcrowding, sentences and the maximum duration of pre-trial detention; creation of the Probation Service; development of alternatives to detention and activities offered to detainees

To address the overcrowding and poor conditions of detention noted by the Court, significant resources have been invested to increase capacity and improve conditions in prisons. Some prisons have been refurbished, notably with regard to heating systems, access to natural light and sanitary facilities (complete or improved partitioning from the rest of the cell). A 2009 Act established a Probation Service, which was enhanced in 2012 and 2018; this service is involved at all stages of criminal proceedings, including during sentencing, by submitting reports to prosecutors and courts. To reduce the prison population, alternatives to detention are available for minor offences. In 2011, the Code of Criminal Procedure was revised to reduce the maximum duration of pre-trial detention. Under the new Criminal Code, which came into force in 2013, sentences were reduced, allowing for more alternative measures, such as community service and conditional release.

CRO / *Cenbauer* group (73786/01)
Judgment final on 13/09/2006

Final Resolution CM/ResDH(2020)225

[8] https://www.coe.int/fr/web/cpt/-/council-of-europe-anti-torture-committee-issues-public-statement-on-belgium.

The prison service closely monitors the prison population, so that transfers can be made where necessary, and a rehabilitation and parole scheme was established in 2018 at *Zagreb* Prison. Thanks to the measures adopted, the number of prisoners has decreased since 2012. Prisoners can take part in outdoor activities for at least two hours a day, and indoor activities are also available. Efforts are being made to facilitate access to open sections of prisons. As part of a European Union project to improve staff skills in organising rehabilitation activities for prisoners, numerous useful activities have been carried out in all prisons. Convicted prisoners may work, undertake training and, in principle, spend more than eight hours a day outside their cells. Significant efforts are being made to provide remand prisoners with meaningful activities, and they may work, subject to the court's approval.

Legal prohibition of overcrowding and guaranteed personal living space of at least 4 m²

Following the Court's finding of a lack of personal living space at *Tallinn* Prison, it was closed in 2018 and the country's three prisons now ensure that all detainees are provided with at least 4 m² of living space. Previously, the Minister of Justice's Regulation on the internal rules of prisons guaranteed a minimum of 3 m² (instead of the previous 2.5 m²) per prisoner, and in the new prisons in *Tartu* and *Viru*, a minimum of 4 m² was already guaranteed. Since 2015, the new Section 11 of the Detention Act – 'prohibition of overcrowding' – stipulates that the number of prisoners must not exceed the maximum set for each prison by the Minister. When fixing this maximum, account must be taken of the possibility of organising living conditions, work, study and leisure activities. Renovations were carried out in several prisons, and an open-regime prison was established in 2015. In addition to one hour outdoors per day, activities are also provided for remand detainees (educational courses, training, opportunities to work and participate in social programmes).

EST / *Nikitin and Others* (23226/16)
Judgment final on 24/06/2019

Final Resolution CM/ResDH(2020)20

EST / *Tunis* (429/12)
Judgment final on 13/03/2014

Final Resolution CM/ResDH(2016)22

Renovations, organisational measures – including a computerised prison monitoring system – and legal measures to increase alternatives to detention, including early release

Following the Court's finding of a structural problem of overcrowding, numerous measures have been taken: 1) legislative measures to increase the use of alternatives to detention, by abolishing mandatory imprisonment for minor offences, by limiting the use of pre-trial detention for such offences, and by expanding the scope for early release, under supervision in certain cases; 2) organisational measures, aimed primarily at improving detainees' living conditions by increasing their freedom of movement outside their cells; and 3) the refurbishment of prisons. In particular, a 2013 decree-law increased the number of days of detention per six-month period taken into account for eligibility for early release, expanded the use of electronic monitoring and house arrest, and introduced lighter sentences for minor drug-related offences. A majority of detainees can now spend at least eight hours a day outside their cells and have easier access to work. Statistics show a fall in the average prison occupancy rate from 148 % in April 2012 to 110 % in September 2014, and since May 2014, there have reportedly been no prisoners with less than 3 m² of living space. The statistics also show an increasing use of alternatives to detention and an overall decline in the number of detainees, including those on remand. A National Ombudsperson for Persons Deprived of Liberty has been set up as well as a computerised system to monitor the living space and conditions of each prisoner, thereby enabling the reallocation of detainees from overcrowded prisons, taking into account other factors such as proximity to family.

ITA / *Torreggiani and Others* (43517/09)
Pilot judgment final on 27/05/2013

Final Resolution CM/ResDH(2016)28

Legal guarantee of a personal living space of at least 4 m², activities for detainees and refurbishments, including the partitioning of toilet facilities in collective cells

LVA / *Ābele* (60429/12)
Judgment final on 29/01/2018

Final Resolution CM/ResDH(2018)433

To address the Court's findings regarding poor conditions of detention, new legislative amendments adopted in 2015 provide that a prisoner's living space must not be less than 4 m² in a collective cell and 9 m² in a single cell. Renovations have been carried out in prisons, including the partitioning of toilet facilities in collective cells. Six types of resocialisation activities are available, including for detainees with disabilities, for whom social activities are adapted. Training is provided to prison staff, including on the specific needs of these detainees.

LVA / *Kadikis No. 2* group (62393/00)
Judgment final on 04/08/2006

Final Resolution CM/ResDH(2016)122

Previously, in 2005, the law stipulated a minimum living space of between 4 m² (for solitary confinement cells) and 15 m² (for cells housing five people), access to natural and artificial light, minimum standards for furniture, ventilation and heating, and regulated activities outside cells. Since 2006, the prison administration has been required to provide detainees with a bath or shower and a change of bed linen and underwear at least once a week. Another regulation was adopted in 2006 regarding food, detergents and personal hygiene items in short-term detention centres. Several of these centres have been closed and new ones opened. A new prison hospital opened in 2007. Following a 2010 ruling by the Constitutional Court, the law was amended to require toilets to be partitioned. Short-term detention facilities have been refurbished and further improvements made. Renovations were also carried out in several prisons in 2014 to facilitate educational, physical and social activities. Since 2013, the standard of 4 m² per prisoner has been met everywhere, thanks to a 30 % reduction in the prison population.

Reduction in the number of detainees, including those on remand, changes to sentencing rules and increase in the number of conditional releases

LIT / *Mironovas and Others* group (40828/12)
Judgment final on 02/05/2016

Status of execution: pending

Following the Court's findings of poor conditions of detention, legislative amendments have reduced the number of detainees from 9,906 in 2012 to 4,277 in 2023. Further amendments to the Criminal Code in 2023 led to the release of certain detainees and the reductions in approximately 300 sentences. New amendments (which came into force in February 2025) change the rules governing sentencing. The length of imprisonment must now be aligned with the minimum term of the sentence and may only be extended in exceptional circumstances. This should lead to shorter prison sentences and greater use of alternatives to detention (with imprisonment expected to account for 15 % of all sentences imposed). The introduction of electronic monitoring in 2015 has reduced the number of remand detainees from 1,347 in 2012 to 555 in 2023 and also applies to conditional release. Amendments to the Code of the Execution of Sentences in 2020 also helped to reduce the prison population through automatic parole after three-quarters of the sentence has been served, subject to exceptions. This Code was amended in 2024 in order to professionalise the Parole Commission, standardise practices and increase the number of paroles granted. The Penitentiary Code of 2020 allows sentences imposed for negligence or sentences of less than one year's imprisonment to be served in open facilities. Lastly, renovations have been carried out and some prisons have been built, whilst others have been closed.

Reduction in the average prison occupancy rate, computerised monitoring of the prison population, development of alternatives to detention and better conditions of detention

POL / *Orchowski* group (17885/04)
Judgment final on 22/10/2010

Final Resolution CM/ResDH(2016)254

In order to address the Court's findings of poor conditions of detention, including overcrowding, 15,249 new prison places were created between 2006 and 2010. In 2009, following a ruling by the Constitutional Court, the Penal Execution Code was amended to limit detention in cells with less than the statutory 3 m² of personal space to exceptional circumstances and for a fixed period. The detainees concerned are then entitled to additional activities and to spend more time outside their cells. The Ministry of Justice constantly monitors the prison population, using a computerised system set up in 2010, and promotes the rational use of existing places. Infrastructure and awareness-raising measures have been introduced for disabled detainees. In 2009, a law provided for the possibility of serving short sentences under electronic monitoring, and in 2015, its provisions were integrated into the Criminal Code and the Penal Execution Code. Only 10 % of these measures have been revoked due to non-compliance with the conditions. In 2010, the list of places where community service sentences can be carried out was expanded. Further amendments to the Criminal Code in 2015 improved access to early conditional release, reduced pre-trial detention and decriminalised minor offences. Between 2012 and 2014, training was provided to members of the judiciary and the prison administration on overcrowding, conditions of detention and the excessive use of pre-trial detention. In February 2016, the average prison occupancy rate stood at 85 % and the number of sanctions had decreased between 2013 and 2015. In 2014, an Order issued by the Minister of Justice set out the living conditions in prisons and remand centres and set standards for products provided to detainees.

Reduction in the average prison occupancy rate through a reform, including more community service sanctions and sentence reductions, and introduction of electronic monitoring

ROM / *Bragadireanu* group (22088/04)
Judgment final on 06/03/2008

Final Resolution CM/ResDH(2025)393

ROM / *Rezmives and Others* group (61467/12)
Pilot judgment final on 25/07/2017

Status of execution: pending

In response to the Court's findings regarding poor conditions of detention in prisons and police facilities, including problems of overcrowding, a far-reaching reform of the Public Prosecution Service and criminal justice policy in 2014 has led to a reduction in the average prison occupancy rate (from 164 % in January 2015 to 105 % in closed detention and 111 % in semi-open detention in October 2025) through several measures, including: the individualisation of sentences, by revising the system of aggravating and mitigating circumstances as well as the suspension, deferral or remission of sentences; greater recourse to community sanctions; sentence reductions; and alternatives to pre-trial detention. An Action Plan aimed to resolve overcrowding by 2025 through investment in and modernisation of infrastructure, as well as the promotion of alternatives to detention. According to the data, 26,231 places provided at least 3 m² per prisoner, of which 22,541 provided at least 4 m². The prison administration monitors the occupancy rate of all prisons and takes measures to distribute prisoners more effectively. The 2024–2030 Strategy for Detention Centres sets out measures to develop the system and maintain planned investments. A pilot project aims to transfer detainees from police detention centres to prisons, pending the availability of new places. A 2021 law authorises electronic monitoring in certain cases, and there are plans to extend its use from 2026. Further information is still awaited on the strengthening of alternatives to detention, including electronic monitoring, the transfer of detainees from police centres to prisons, and the reduction and regulation of the prison population.

Alternatives to detention and criminal prosecution, creation of a probation service and more time spent outside cells, including for remand prisoners

To address the Court's finding of inadequate conditions of detention at *Ljubljana* Prison, a multi-faceted approach was adopted, including an increase in capacity to provide 4.5 m² of living space per prisoner, more time spent outside cells, and a wider range of activities. In 2012, the Attorney General issued guidelines to increase the use of alternatives to criminal prosecution, notably settlements and the dropping of charges. Non-custodial measures have also been gradually encouraged (suspended sentences, house arrest, community service, etc.). The 2017 Probation Act established a dedicated body to facilitate the use of non-custodial sentences and conditional release. Pre-trial detainees now spend four hours a day outside cells. Finally, when *Ljubljana* Prison reaches full capacity, a procedure automatically triggers transfers to other prisons.

SVN / *Mandic and Jovic* group (5774/10+)
Judgment final on 20/01/2012

Final Resolutions
CM/ResDH(2020)102
CM/ResDH(2018)101

1.2 SPECIAL HIGH-SECURITY, SAFETY, DISCIPLINARY AND CONTROL MEASURES

Review of the special regime applied to detainees serving life sentences and possibility of lodging a complaint against prolonged solitary confinement, irrespective of the detention regime

Following the Court's indication to abolish the automatic imposition, for an initial period of five years, of a highly restrictive special regime on all prisoners serving life sentences, a legislative reform in 2017 provides that the appropriateness of maintaining this regime is to be reviewed by the prison governor after one year and thereafter at least once a year. The prison governor must give reasons for their decision, which may be subject to judicial review. The law also provides for the possibility of bringing a complaint before the administrative courts regarding prolonged solitary confinement, regardless of the regime applicable. Prisoners serving life sentences who are no longer subject to the special regime may be placed outside the high-security zone, subject to a decision by the prison governor. Otherwise, they remain there under a strict regime. Prisoners under the special regime may take part in activities with other prisoners and refusals to allow this can be appealed. The 2009 legal requirement to place remand prisoners accused of offences punishable by more than 15 years' imprisonment in solitary confinement remains in force, but a working group has been set up to provide for a periodic review in this regard. The following issues remain under supervision in the context of the *Harakchiev and Tolumov* case: the measures taken to prevent any excessive isolation in high-security areas; the assessment of prison governors' practice of extending restrictive regimes, and the tools for identifying and remedying situations of excessive isolation; the adoption of new measures to raise awareness amongst members of the judiciary to prevent such situations, and legislative measures to end the automatic isolation of remand prisoners without an individual risk assessment.

BGR / *Neshkov and Others* (36925/10)
Pilot judgment final on 01/06/2015

Final Resolution
CM/ResDH(2024)118

BGR / *Harakchiev and Tolumov* (15018/11)
Judgment final on 08/10/2014

Status of execution:
pending

Legal restriction of the use of restraints to cases of absolute necessity

Following the Court's finding that a prisoner had been unjustifiably restrained to a bed in a prison medical facility to prevent him from harming himself, the authorities stated that, under the Law on the Enforcement of Sentences, as amended in 2017, coercive measures may only be used in cases of absolute necessity, justified by the circumstances of the case, on the basis of an order from the prison governor and following a warning. According to judicial practice, the

BGR / *Dimcho Dimov* (57123/08)
Judgment final on 16/03/2015

Final Resolution
CM/ResDH(2021)349

prevention of suicide may justify the use of coercive measures. However, such cases are said to be rare.

Introduction of safeguards concerning solitary confinement and the role of the Prison Council

To address the Court's findings of violations concerning solitary confinement and the lack of an effective remedy, the Prison Regulations were amended in 2018 in relation to solitary confinement as a disciplinary sanction and for other purposes. Safeguards now exist to prevent any risk of arbitrariness and lack of proportionality in decisions to place detainees in solitary confinement and to ensure their well-being. The Prison Council, which is authorised to receive any complaints from detainees, submits its recommendations to the Director of Prisons and may reduce or revoke any sanction it deems excessive in comparison with the prescribed sanctions or the offence committed. Detainees in solitary confinement retain their right to correspond and a minimum right to visits and telephone communication.

CYP / *Onoufriou*
(24407/04)
Judgment final on 07/04/2010

Final Resolution CM/ResDH(2019)86

Limitation of solitary confinement to 14 days and review of its strict necessity

Following the Court's finding of a violation resulting from an excessively long period of solitary confinement, legal amendments introduced in April 2024 stipulate that a detainee may not be held in solitary confinement for more than 14 consecutive days (three for minors) in the event of multiple disciplinary sanctions. This is also the maximum duration of a single disciplinary sanction. After 14 days, a reasonable period of at least 48 hours, to be assessed on a case-by-case basis, must elapse before sanctions can be continued. Visits by family members are allowed under the same conditions as for other detainees. In practice, the 14-day rule is observed and the average duration of a solitary confinement sanction is 2.8 days, while that of the additional security measure consisting of confinement to one's cell is 15 days. Monitoring of these measures is carried out, in particular in particular to whether the sanction is strictly required, its duration, and whether mitigating measures have been taken during the solitary confinement.

EST / *Schmidt and Smigol*
(3501/20)
Judgment final on 28/02/2024

Final Resolution CM/ResDH(2025)11

Prevention of suicides in solitary confinement and limitation of its duration

In response to the Court's findings regarding the placement in solitary confinement of detainees with psychiatric disorders, a 2009 Action Plan aims to prevent suicides in prison, with specific reference to detainees placed in solitary confinement. A 2011 circular provides for the obligation to inform the psychiatrist of placements in solitary confinement and cell searches where there is a risk. An audit of the Action Plan recommends greater use of alternative sanctions and the immediate cessation of solitary confinement where there is a risk of suicide. Under a 2009 regulation, placement in a disciplinary or solitary confinement cell is limited to 20 days (30 days in serious cases) and the detainee's mental and psychological state must be taken into account. Finally, measures are aimed at alleviating the living conditions faced by vulnerable detainees in disciplinary wings.

FRA / *Renolde* group
(5608/05)
Judgment final on 16 /01/2009

Final Resolution CM/ResDH(2016)24

Changes to the rules concerning solitary confinement and body searches

Following the Court's findings regarding repeated transfers from one prison to another, prolonged periods of solitary confinement and regular body searches, various measures have been adopted. Since a ruling by the Council of State in July 2003, prisoners serving life sentences have been able to challenge their placement in disciplinary solitary confinement before an administrative judge, who may order its annulment, given the serious impact it has on conditions of detention. The rules of the Code of Criminal Procedure relating to solitary confinement were

FRA / *Khider* (39364/05)
Judgment final on 09/10/2009

Final Resolution CM/ResDH(2012)82

FRA / *Frérot* (70204/01)
Judgment final on 12/09/2007

Final Resolution CM/ResDH(2012)81

amended by two decrees in 2006 and by the 2009 Prison Act. Henceforth, this measure and its possible extension are regarded as administrative acts that may be challenged before the courts, and additional safeguards are granted to prisoners, including the right to be assisted or represented by a lawyer, to receive legal aid, and to access their case file. Decisions must be reasoned and are subject to appeal. The criteria for solitary confinement were revised in a 2010 decree. The Code of Criminal Procedure, amended in 2010, stipulates that prisoners in solitary confinement must be seen by a doctor at least twice a week and as often as deemed necessary. The legal framework governing body searches was amended in 2009. These must now comply with the principles of proportionality and of necessity, as reflected in a 2010 decree and a 2011 circular, addressed to prison staff. With regard to the repeated transfers of dangerous detainees, a balance must be struck between security needs and their well-being. A remedy is available before the administrative courts against decisions of transfers and body searches. The Ministry of Justice's Memorandum of 2003 on the management of the most dangerous detainees was repealed in 2007.

FRA / *Ramirez Sanchez*
(59450/00)
Judgment final on04/07/2006

Final Resolution CM/ResDH(2010)162

Compliance of the domestic legal and case-law framework

In response to the Court's findings of violations due to repeated strip searches and the lack of an effective remedy, the authorities indicated that the domestic legal framework, combined with the Federal Constitutional Court's case-law, complies with the requirements of the Convention. Repeated and arbitrary body searches are prohibited. It also follows from the case-law of this Constitutional Court that compensation claims would be examined in similar cases, thereby demonstrating the existence of an effective remedy.

GER / *Roth* (6780/18)
Judgment final on 22/01/2021

Final Resolution CM/ResDH(2025)358

Awareness-raising on the application of a special regime to sick detainees

Following the Court's finding concerning the unjustified extension of the special regime for a sick detainee, targeted instructions were issued by the Head of the Penitentiary Administration. The National School of the Judiciary has provided training on conditions of detention, with particular focus on prisoners' mental health needs. In similar cases, detainees can challenge ministerial decisions to renew a special detention regime before domestic courts.

ITA / *Provenzano*
(55080/13)
Judgment final on 25/01/2019

Final Resolution CM/ResDH(2023)420

End of solitary confinement of life prisoners for up to six months and restrictions on full body searches and special means of restraint

In order to remedy the violation found by the Court due to the regime applied to a life prisoner, amendments to the Law on the Enforcement of Sentences abolished in 2012 the possibility of holding life prisoners in solitary confinement for up to six months and provided for their detention in a specific unit under enhanced control. The law now provides for the possibility of offering them resocialisation programmes and activities. Under the law and a 2012 regulation, full body searches may only be carried out in specific units and if a prisoner's behaviour gives rise to suspicion that he is in possession of prohibited items or items intended to facilitate an escape or the commission of an offence. A 2015 regulation stipulates that, to prevent an offence, disturbances or an escape attempt, special restraints (e.g. handcuffs and chains) can be used in exceptional circumstances, following a risk assessment.

LVA / *Kadikis No. 2* group
(62393/00)
Judgment final on 04/08/2006

Final Resolution CM/ResDH(2016)122

Abolition of the practice of weekly body searches

Following the Court's finding of a violation concerning very strict security measures and routine searches over long periods, the Prison Regulations were amended in 2003 to abolish the practice of weekly body searches in the maximum-

NLD / *Lorse and Others*
(52750/99)
Judgment final on 04/05/2003

Final Resolution

security prison (EBI). The practice of body searches now depends on the length of the detainee's stay at the EBI, the impact of the searches on the detainee and their purpose. The necessity for such searches is assessed on a case-by-case basis. Detainees may receive compensation for non-pecuniary damage suffered as a result of the past practice.

CM/ResDH(2009)133

Restriction of the 'dangerous prisoner' status and improvement in conditions of detention

To address the Court's findings concerning the rigid application of the 'dangerous prisoner' status, without any genuine review, and the excessive duration and severity of the measures it entails, this status may now only be applied in exceptional circumstances (amendment to the Execution Penal Code in 2015). The supervisory bodies of the prison administration regularly review whether of its application, as decided by the Penitentiary Commissions, is justified, and detainees may seek judicial review of those decisions. Measures have also been taken to improve the treatment of these detainees: regional directors have been reminded that these detainees must have access to cultural, educational and sports activities and, according to a 2010 directive, the activities provided for them must be increased to compensate for the negative effects of their limited social interaction. Lastly, issues relating to the status of 'dangerous prisoners' have been included in training programmes for prison staff.

POL / *Horych* (13621/08)
Judgment final on 17/07/2012

Final Resolution CM/ResDH(2016)128

Changes to the regulations governing body searches

Following the Court's finding of a violation arising from full body searches carried out without a legal framework or individual justification, a 2010 Regulation provided that the rules governing body searches depended on the category of prisoner. In 2013, as part of a wide-ranging reform, the Law on the Enforcement of Custodial Sentences and the Detailed Regulations of the National Prison Service established a uniform regime for all prisoners. Under a 2018 Regulation, cells may be searched once a month and a superficial body search (over clothing) may be carried out. Full body searches may only be carried out where there are concrete indications suggesting the possession of prohibited items.

ROM / *Ciupercescu No. 1* (35555/03)
Judgment final on 15/09/2010

Final Resolution CM/ResDH(2020)328

Prohibition of discrimination based on prisoners' sexual orientation

Following the Court's finding of degrading and discriminatory treatment due to the placement of a homosexual detainee in solitary confinement for more than eight months, discrimination against detainees, based on their sexual orientation, was prohibited by a 2004 Act. In 2015, a circular stipulated that, in the absence of a suitable place in a specific prison, detainees whose sexual orientation is not heterosexual must be transferred to an appropriate facility. These decisions can be subject to judicial review and examples have been provided. The 2020 regulations on centres for the observation, classification and assessment of detainees established procedures for the placement of these detainees. Under current practice, gay detainees may request to be placed in a single cell or in a wing with other non-heterosexual detainees. Training has been provided to prison staff on LGBTI issues.

TUR / *X.* (24626/09)
Judgment final on 27/05/2013

Final Resolution CM/ResDH(2022)295

Changes concerning the use of special restraints

In response to the Court's finding that a detainee had been unjustifiably handcuffed, the Internal Rules governing both Pre-trial Detention Centres and Prisons and the Law on Pre-trial Detention were amended in 2018 and 2019, and the related practice of prison officers was reformed. They are entitled to use force and special equipment, including handcuffs or truncheons, with a view to putting

UKR / *Okhrimenko* (53896/07)
Judgment final on 15/01/2010

Final Resolution CM/ResDH(2020)236

an end to physical resistance, violence, outrage and opposition to lawful directives, only if other means of achieving these objectives prove ineffective. Furthermore, it is prohibited to handcuff detainees to any object, such as a piece of furniture.

Better conditions for prisoners on death row and abolition of the death penalty

Following the Court's findings of poor conditions of detention on 'death row', an internal directive was circulated to prisons in 1998, and the conditions of detention for prisoners on death row then saw substantial and gradual improvements, including the removal of window coverings, outdoor walks and the right of detainees to receive visits and correspond. The death penalty was abolished in 2000.

UKR / *Aliev* group (41220/98
Judgment final on 29/07/2003

Final Resolution CM/ResDH(2017)198

2. PRE-TRIAL DETENTION AND DETENTION IN POLICE PREMISES

Improvement of conditions in pre-trial detention centres and reduction in overcrowding

Following the Court's findings of poor conditions of detention in pre-trial detention centres (PTCs), progress has been made, in particular through renovation work, transfers from PTCs to prisons, the creation of new PTCs and the closure of others. In March 2024, the PTCs' capacity exceeded the number of detainees. However, overcrowding persisted in eight of the 26 PTCs and in three of these, detainees had less than 3 m² of space. Other issues relating to hygiene and a significant lack of out-of-cell activities persisted in many PTCs. Solutions are being considered for the PTCs, including the creation of a new facility and renovation work. These issues continue to be examined in the *Kehayov* case, now under standard supervision.

BGR / *Kehayov* group (41035/98)
Judgment final on 18 April 2005

Status of execution:
pending

Better conditions in certain police stations

With regard to the Court's finding concerning poor conditions of detention in a police station, improvements have been noted over the years, notably through the identification of premises requiring refurbishment. However, problems relating to access to natural light, ventilation and outdated equipment were still observed in several police stations, as well as occasional severe overcrowding. These issues continue to be examined in the context of the *Boris Kostadinov* case, which is now also under standard supervision.

BGR / *Boris Kostadinov* (61701/11)
Judgment final on 21/04/2016

Status of execution:
pending

New pre-trial detention facility and renovation works

Following the Court's finding regarding poor conditions of detention at the *Narva* detention centre, a new centre was opened in *Jõhvi* in 2008, thereby significantly reducing the number of detainees at *Narva*, which is now mainly used for short-term stays. Pending completion of a new detention centre in *Narva*, which was completed in 2013, renovation work was carried out in 2011 at the existing centre, including work on the ventilation system.

EST / *Kochetkov* (41653/05)
Judgment final on 02/10/2009

Final Resolution CM/ResDH(2013)9

Bringing police custody cells in New Caledonia up to standard

In response to the Court's finding that the conditions in police custody were inadequate, despite the extremely short duration of the custody in 2009, the authorities took measures to bring the dilapidated police custody cells in *Nouméa* up to standard. Renovation work was completed in 2011. The old cells were demolished and replaced.

FRA / *Fakailo, known as Safoka, and Others* (2871/11)
Judgment final on 02/01/2013

Final Resolution CM/ResDH(2018)83

Better material conditions in a police detention facility

In order to address the Court's findings regarding poor conditions of detention at the Security Police Directorate in *Thessaloniki*, measures have been taken to clean the premises thoroughly, carry out renovations notably to the toilets and the drainage systems, purchase mattresses and blankets, and install washing machines.

GRC / *Tousios* (36296/19)
Judgment final on 10/05/2022

Final Resolution CM/ResDH(2023)125

Reduction in the number of detainees and end of prolonged detention in police premises

GRC / *Siasios and Others* group (30303/07)
Judgment final on 04/09/2009

Final Resolution

Following the Court's findings of poor conditions of detention of medium or long duration in unsuitable premises (primarily police stations), legal measures adopted between 2015 and 2017 have reduced the number of detainees by 20 % (alternatives to detention before and after conviction, early release schemes and special provisions for vulnerable groups). The practice of detaining convicted prisoners in police stations for more than one month has also ended, and detention in police stations whilst awaiting trial or expulsion may not exceed four days. These measures have ensured that detention in police stations is now limited to three to four days, during transfers from one prison to another or, in cases of arrest in *flagrante delicto*, whilst awaiting being brough before the public prosecutor. Further measures have been taken to relieve overcrowding in prisons and keep their occupancy rates below 100 %.

CM/ResDH(2018)224

New police detention centres and special reception centres

In response to the Court's finding of inadequate conditions of detention at a police headquarters in *Athens* and the *Drapetsona* (Piraeus) police detention centre, seven new detention centres were opened between 2006 and 2007 at police headquarters, including four on the border islands of *Chios*, *Samos*, *Lesbos* and *Corfu*. Special reception centres, staffed by appropriate medical personnel, were also set up in order to accommodate adults, minors and families.

GRC / *Dougoz* (40907/98)
Judgment final on 06/06/2001

Final Resolution CM/ResDH(2009)128

Optimisation of police detention facilities and better conditions of detention

Following the Court's finding of poor conditions of detention at a police centre, a Programme for the Optimisation of Police Detention Facilities 2009–2015 was introduced to ensure the protection of detainees' rights and to create a safe and healthy environment. Twenty-one facilities with poor detention conditions were closed, whilst detainees' access to hygienic sanitary facilities and out-of-cell activities was improved in police facilities.

LIT / *Kasperovicius* (54872/08)
Judgment final on 20/03/2013

Final Resolution CM/ResDH(2017)34

Improvement of conditions in police detention facilities

In order to address the Court's findings regarding poor conditions of detention in police detention facilities, improvements were made as part of the Police Development Strategy between 2016 and 2020. Fifteen facilities were renovated, four were closed, and five received the necessary equipment. In 2022, the National Preventive Mechanism visited the *Chisinau* Police Headquarters and found conditions there to be satisfactory. In view of this progress, the Committee closed its supervision concerning police detention facilities, while it continues to supervise prison overcrowding.

MDA / *I.D.* group (47203/06)
Judgment final on 11/04/2011

Status of execution: pending

Binding opinions of the Supreme Court concerning the reasoning for extending pre-trial detention, awareness-raising measures and legal introduction of alternative measures

In response to the Court's findings concerning poor conditions of detention in an overcrowded pre-trial detention centre and insufficient reasoning for extending pre-trial detention, the Supreme Court has taken new measures to ensure that domestic courts provide adequate justification, and training and awareness-raising measures have been adopted to this end.

Following the Court's findings of overcrowding and the excessive duration of pre-trial detention at *Podgorica* Remand Centre, measures were taken in 2015 to bring its premises and conditions of detention into line with CPT standards. In 2015, the Code of Criminal Procedure introduced alternative measures to pre-trial detention

MON / *Bigovic* (48343/16)
Judgment final on 19 June 2019

Status of execution: pending

MON / *Bulatovic* (67320/10)
Judgment final on 22 /10/2014

Final Resolution CM/ResDH(2017)35

MON / *Mugosa* (76522/12)
Judgment final on 21/09/2016

Final Resolution CM/ResDH(2017)141

for minor offences, which led to a reduction in its use. In 2017, there were 261 detainees at *Podgorica* Remand Centre, which had a capacity of 350 places.

In response to the Court's finding of a lack of reasoning for extending pre-trial detention, the Supreme Court adopted two binding opinions in 2017: one concerning the obligation to strictly apply the statutory time limits for reviewing the grounds for pre-trial detention, and the other regarding the obligation to provide adequate reasoning for decisions.

Significant decrease in the use of pre-trial detention and in its duration, notably through legislation limiting its grounds and the maximum periods, and through oversight of case management

POL / *Traska* group
(25792/94)
Judgment final on 11/07/2000

Final Resolution CM/ResDH(2014)268

Following numerous findings by the Court regarding the excessive duration of pre-trial detention and shortcomings in the monitoring of its legality, changes in case law have taken place thanks to in-depth training for judges and prosecutors and dissemination of up-to-date publications on the Court's case law. A comprehensive system for the statistical monitoring of practices has been created, combined with checks on case management, particularly in cases where pre-trial detention exceeds two years. Legislative amendments have restricted the grounds for detention and the maximum periods of detention, ensured that the grounds for detention are systematically set out and that excessive delays are taken into account at all levels of jurisdiction. An appeal system has been created against certain decisions extending pre-trial detention. Statistics show a significant reduction in the use of pre-trial detention, its duration and the number of pre-trial detainees (from 24,848 in 2008 to 16,603 in 2013) and a widespread use of alternatives to detention (in particular, of police surveillance, bail and ban on leaving the country). This has led to a significant improvement in detention conditions. New legislative amendments in 2015 are intended to further limit pre-trial detention for less serious offences and its extension, as well as to facilitate release on bail.

Decrease in prison population, new method for calculating how time spent in pre-trial detention counts towards the sentence served, and limits on the extension of pre-trial detention

RUS / *Kalashnikov* group[9]
(47095/99)
Judgment final on 15/10/2002

RUS / *Ananyev and Others*
(42525/07)
Pilot judgment final on 10/04/2012

Status of execution: pending

In response to the Court's findings regarding poor conditions in pre-trial detention centres, in 2018, 135 prison buildings were (re)built, 183 pre-trial detention facilities were renovated, three centres for convicted prisoners (subject to compulsory labour) were established, and 27 new sites were created (totalling approximately 1,700 places). Measures have been taken to improve detention conditions for vulnerable groups, including women with young children, prisoners with disabilities and those requiring medical assistance. The Code of Criminal Procedure, revised in 2018, requires investigators to provide more detailed information on requests to extend pre-trial detention. It also requires judges to set a date, as such extensions may not exceed three months on each occasion. To reduce the use of custodial sentences, community service was introduced into the Criminal Code in 2017. A law introduced new rules in 2018 on how time spent in pre-trial detention is to be counted towards the serving of prison sentences. One day spent in a remand centre is equivalent to one and a half days in a standard prison. This law was applied retrospectively and led to sentence reductions in

[9] The examples concerning the Russian Federation are based on the information available before the Russian Federation ceased to be a member of the Council of Europe on 16 March 2022 and a Party to the European Convention on Human Rights on 16 September 2022. As the Russian authorities have ceased communication with the Committee of Ministers and the Secretariat since March 2022, the examples do not necessarily reflect subsequent developments.

around 81,000 cases and the release of around 10,000 prisoners. Between 2008 and 2018, the prison population fell by more than 30 per cent. Further information is still awaited on ongoing efforts to continue improving detention conditions and eliminate overcrowding in certain remand centres, as well as on statistics.

Taking account of the needs of persons with disabilities in police custody

UK / *Price* (33394/96)
Judgment final on 10/10/2001

Final Resolution CM/ResDH(2011)286

In response to the Court's finding that the conditions of police custody and detention of a severely disabled person, a thalidomide victim and wheelchair user, were unsuitable for her specific needs and constituted degrading treatment, new Guidance on the safer detention and handling of persons with disabilities in police custody was issued in 2006. Under this guidance and the Equality Act 2010, the police are required to make reasonable adjustments at police stations to allow for the needs of people with disabilities held in police custody. The Equality and Human Rights Commission is empowered to investigate breaches of the Equality Act as well as to provide assistance to people involved in legal proceedings to establish whether their rights under the Act have been breached.

Reduction in the number of detainees and introduction of probation as a criminal sanction

UKR / *Sukachov* group (14057/17)
Pilot judgment final on 30/01/2020

Status of execution: pending

Following the Court's findings of overcrowding and poor conditions of detention in prisons, police premises and pre-trial detention centres, the number of detainees decreased by 19 % between April 2024 and 2025 (a similar trend was observed from 2020 to 2023). This decrease, mainly attributable to conditional releases and increased use of probation as a criminal sanction, introduced in March 2024, continued in 2026. Since 2022, 9,554 detention places which, according to the authorities, comply with international standards have been created. A project aimed at ending "23-hour cell confinement" is in place in seven establishments and is expected to be extended to five more pre-trial detention centres in 2026. In December 2025, the project was extended to prisoners serving life sentences. Further information is still awaited, in particular, on continued efforts to improve detention conditions and the funding planned for that purpose, the measures taken to reduce the use of pre-trial detention and their impact, and the adoption of legislation aimed at increasing the statutory minimum personal space standard for pre-trial detainees.

3. HEALTH CARE, DISABILITY, PSYCHOSOCIAL SUPPORT AND PREPARATION FOR REINTEGRATION

3.1 PHYSICAL AND MENTAL HEALTH CARE AND DISABILITY OF PRISONERS

Introduction of compulsory health insurance for detainees, cooperation agreements with civilian hospitals and special care units for detainees with mental health disorders

Following the Court's findings regarding a lack of adequate medical care in prison, a 2014 law covers many aspects of medical care for detainees, including medical diagnosis, services and the provision of medicines and equipment. This law also included detainees in the compulsory health insurance scheme, guaranteeing free access to medical services for all. The administrative procedure for the provision of medical care has also been improved, and cooperation agreements were concluded in 2014 to facilitate specialist care for detainees in public hospitals and to ensure their access to medicines.

The treatment of detainees with mental health disorders is governed by the 2012 Law on Mental Health, which sets out the organisation of the services provided, particularly in specialist facilities, and new standards regarding physical restraints applicable to these detainees. Under the Law, they may not be held in the same cells as other prisoners. In 2014–2015, special care units for detainees with mental health disorders were opened in five prisons, offering treatment and therapy tailored to their needs, and guidelines were published on their care. The specific issues related to inadequate treatment and the unlawful detention of persons found not criminally responsible for their actions are being examined under enhanced supervision in the context of the *Strazimiri* judgment.

ALB / *Dybeku and Grori* (41153/06+)
Judgment final on 02/06/2008

Final Resolution CM/ResDH(2016)273

ALB / *Strazimiri* (34602/16)
Judgment final on 21/05/2020

Status of execution: pending

Improvements to basic health care in prison and access to civilian medical facilities, introduction of telemedicine and regular screening

In response to the Court's findings regarding the lack of adequate medical treatment and care in detention, further measures have been taken: the closure of the dilapidated central prison hospital, the opening of a modern, well-equipped medical facility at *Armavir* Prison, the creation of a specialised psychiatric care unit, the expansion of telemedicine, the establishment of cooperation with civilian hospitals, an increase in the budget of the Penitentiary Medicine Centre, and improvement in the supply of medical equipment and medicines. Further progress is still awaited, in particular regarding the shortage of medical staff and medicines.

Previous improvements in the management of prison healthcare included : the establishment of the Centre for Prison Medicine and its transfer to the Ministry of Health; the adoption of the new Penitentiary Code; legislative amendments regarding key aspects of the organisation of treatment and healthcare services in prisons; regular training for medical staff; improved access to basic health care in prisons and to specialised civilian medical facilities; the introduction of telemedicine and regular screening. The number of prisoners receiving treatment in civilian medical facilities has increased.

ARM / *Shirkhanyan* group (54547/16)
Judgment final on 22/05/2022

Status of execution: pending

ARM / *Ashot Harutyunyan* (34334/04)
Judgment final on 15/09/2010

Final Resolution CM/ResDH(2024)114

Opening of a forensic psychiatric institution

Following the Court's finding that the forensic psychiatric wing of *Zenica* Prison was unsuitable for patients with mental health disorders, the forensic psychiatric institute in *Sokolac* opened in 2016, with these patients gradually transferred of from all unsuitable institutions.

BIH / *Hadžić and Suljić* *(39446/06+)*
Judgment final on 7/09/2011

Final Resolution CM/ResDH(2018)114

Adoption of a strategy on health care in prison and strengthening of cooperation with the National Health Insurance Fund

Following the Court's findings regarding the inadequacy of medical care for detainees, a strategy on prison healthcare was adopted in 2022 and implementation measures were ongoing until 2025, in particular to ensure adequate staffing levels (contracts with medical centres and professionals, the appointment of general practitioners, visits by external doctors and the retention of medical staff). Closer cooperation with the National Health Insurance Fund aims at facilitating access to medicines and treatment in medical facilities outside prisons. The problem of the limited number of referrals for specialist consultations has been resolved thanks to additional funding. Funding has also been secured to buy dental care equipment, develop software for monitoring and analysing medicines, and resolve the issue of electronic prescriptions for patients with chronic conditions. Information is still awaited on the concrete results of the measures taken, the possibility of transferring responsibility for health care to the Ministry of Health, and measures to ensure indigent detainees' access to medicines, medical examinations and supplies.

BGR / *Neshkov and Others* (36925/10)
Pilot judgment final on 01/06/2015

Final Resolution CM/ResDH(2024)118

BGR / *Gavazov* (54659/00)
Judgment final on 06/06/2008

Status of execution: pending

Introduction of compulsory health insurance for detainees and handbook setting out standards for medical health care in prison

Following the Court's finding regarding the lack of medical care in prison, a 2013 law provides for compulsory health insurance for all detainees, whose access to health care and applicable standards of are now the same as those for the general population. In practice, in addition to specialised prison medical facilities, detainees have access to mainstream medical services and are assigned local general practitioners. In 2014, a handbook set out standards for medical conditions in prison. It stipulates in detail the state of maintenance and the basic equipment required in infirmaries. These were brought into line with the handbook within three years. In 2019, prisons were connected to the public health IT system and more medical staff were recruited in prisons.

CRO / *Cenbauer* group (73786/01)
Judgment final on 13/09/2006

Final Resolution CM/ResDH(2020)225

Adapting the prison system to the needs of prisoners with disabilities

Following the Court's findings regarding the unsuitability of prisons for people with physical disabilities, the authorities stated that, in 2010, two directives were adopted to clarify the conditions of access for detainees with disabilities in prison, including access to sanitary facilities. Furthermore, assistance services within prisons may be requested. In 2014, a law introduced two measures: medical release and conditional release on medical grounds. In 2015, a project to identify and manage the loss of independence among prisoners, whether due to age or a disability, was launched to facilitate sentence reductions and medical releases and to improve their conditions of detention. In 2017, a methodological guide on sentence reductions and releases on medical grounds was drawn up by the Ministry of Justice and the Ministry of Solidarity and Health. In 2008, the prison service adapted 118 cells for prisoners with reduced mobility, located mainly in remand centres. A real-time management system for places allocated to people with disabilities has been introduced to optimise the existing arrangements. In 2012, 20 cells were refurbished for such prisoners at the *Liancourt* detention centre, which

FRA / *Helhal* (10401/12)
Judgment final on 19/09/2017

Final Resolution CM/ResDH(2017)260

FRA / *Vincent* (6253/03)
Judgment final on 26/03/2007

Final Resolution CM/ResDH(2009)79

was the subject of the Court's judgment. Further cell adaptations were planned for the *Fleury-Mérogis*, *Marseille* and *Nantes* prisons by 2014. Moreover, a programme to build 13,200 places provides for a ratio of 1 % of cells adapted for people with reduced mobility. All prisons were to be adapted for them from 2015 onwards.

Action plan to reorganise psychiatric care for prisoners

In response to the Court's findings regarding the failure to provide specialist medical care to detainees with mental health disorders who had been placed in solitary confinement, several measures were adopted: a Strategic Action Plan for 2010–2014 reorganising psychiatric care to ensure a tiered approach to care tailored to the individual circumstances of detainees; the creation of special hospital units to improve conditions of hospitalisation; and a 2011 inter-ministerial circular setting out how these units operate.

FRA / *Renolde* group
(5608/05)
Judgment final on 16/01/2009

Final Resolution CM/ResDH(2016)24

Staff recruitment, training and the implementation of a mental health care programme for prisoners

Following the Court's finding regarding a lack of adequate and timely care for a prisoner suffering from mental health problems, all prisons are now staffed with psychiatrists and doctors to ensure adequate prevention and treatment of mental health problems and provide access to specialist psychiatric services. Several training programmes in this field have been created for prison medical staff, and a strategy for the development of the prison health system (2014–2017) has been drawn up, in particular to create a fully institutionalised, integrated and unified mental health care programme in order to guarantee all prisoners access to primary mental health services and specialist services.

GEO / *Jashi* (10799/06)
Judgment final on 08/01/2013

Final Resolution CM/ResDH(2014)162

Enshrinement of prisoners' right to health and improvement of health care

To address the structural shortcomings identified by the Court regarding the treatment of hepatitis C and tuberculosis in prison, extensive reforms were carried out between 2010 and 2013. The Detention Code, which came into force in October 2010, introduced detainees' right to health. The prison health care system has been brought into line with the European Prison Rules and the CPT's recommendations through several measures, including a budget increase, the modernisation of prison hospitals, programmes addressing hepatitis C, HIV and tuberculosis, and the recording of injuries in cases of alleged torture and ill-treatment. A Strategy and Action Plan on the development of the prison system and crime prevention were adopted in 2019 to further improve prisoners' health and medical care, identify drug and alcohol abuse, and develop an approach to reduce self-harm among detainees.

GEO / *Ghavtadze* group
(23204/07)
Judgment final on 27/10/2010

Final Resolution CM/ResDH(2014)209

Change in administrative practice regarding the medical treatment of heroin-dependent detainees

Following the Court's finding regarding the refusal to provide a detainee with substitution therapy, who had been dependent on heroin and received such therapy for many years, without an expert assessment of the adequate treatment, administrative practice has evolved (notably in Bavaria, where the case had occurred) and now ensures that prisoners receive adequate medical treatment, including substitution therapy. Where such treatment is unavailable, they are transferred to another prison. Statistics show a significant increase in the number of prisoners receiving medically prescribed and supervised substitution therapy.

GER / *Wenner* (62303/13)
Judgment final on 01/12/ 2016

Final Resolution CM/ResDH(2023)152

Introduction of alternatives to detention for sick prisoners

In response to the Court's findings regarding the inadequacy of medical care and treatment in prisons, the authorities stated that the Special Health Centre at *Korydallos* Prison provides basic medical care, therapies and medical advice. Public hospitals are accessible to all prisoners, if necessary, at the State's expense. The new Penal Code and Code of Criminal Procedure, which came into force in July 2019, allow for sentences to be served at home by seriously ill prisoners and for conditional release, under electronic monitoring, to be granted to prisoners with less serious health problems. Ill remand prisoners may also be placed under house arrest.

GRC / *Serifis* group
(27695/03)
Judgment final on 2/02/2007

Final Resolution CM/ResDH(2022)390

Increase in prison medical staff and integration in the national health care system

Following the Court's findings regarding the lack of adequate psychiatric treatment and the segregation of HIV-positive detainees, adequate treatment was made available to them at *Korydallos* Prison thanks to the integration in 2018 of its Special Health Centre into the national health care system, as part of the 'Strengthening Health care in Prisons' project. Moreover, the number of medical staff has increased significantly, whilst overcrowding in the psychiatric wing of *Korydallos* Prison has decreased.

GRC / *Martzaklis and Others* group (20378/13)
Judgment final on 9/10/2015

Final Resolution CM/ResDH(2019)237

Transfer of responsibility for prison health care to the National Health Service, better care and developments in the case law of the Court of Cassation

In response to the Court's findings regarding the inadequacy of medical care in prisons, as part of a reform carried out between 2013 and 2018 aimed at guaranteeing such care and appropriate treatment, responsibility for prison health care was transferred from the Ministry of Justice to the National Health Service. Prisoners now have access to standards of care equivalent to those of other citizens. In practice, access to medical care has improved thanks to a reduction in overcrowding and the introduction of judicial remedies, particularly in cases of inadequate health care. The Court of Cassation has incorporated the requirements of the European Court of Human Rights in cases where a prisoner's state of health is incompatible with their continued detention: the possibility of postponing the enforcement of a sentence on the grounds of serious ill health has been extended on the basis of the right to health and the principle of humanity guaranteed by the Constitution, by balancing the convicted person's interest in receiving appropriate care against security requirements.

ITA / *Cirillo and Scoppola*
(36276/10 and 50550/06)
Judgments final on 29/04/2013 and 26/01/2009

Final Resolution CM/ResDH(2019)327

Provision of specialist care to detainees

Following the refusal to provide the applicant with a medical device for sleep apnoea, the 2019 Rules on the Procedure for the organisation and providing of Health Care Services for Persons in Prison provide that, where prisoners require special treatment not available at the prison hospital, it shall be provided at other health care institutions. Furthermore, they are permitted to continue using and obtaining any products recommended by their doctors that were purchased or used prior to their detention. A 2019 law provides for the reimbursement of prisoners' treatment for infectious diseases.

LIT / *Urbonavicius*
(549/17)
Judgment final on 21/05/2019

Final Resolution CM/ResDH(2020)109

Adaptation of detention facilities to the needs of detainees with disabilities

In response to the Court's finding that the applicant, a wheelchair user, had been detained in conditions unsuitable for his disability, several detention facilities were refurbished and renovated in 2014 to ensure adequate conditions for detainees

LVA / *Holodenko*
(17215/07)
Judgment final on 04/11/2013

Final Resolution CM/ResDH(2018)382

with disabilities. At *Valmiera* Prison, all detainees in wheelchairs were held in a specially equipped unit, enabling them to move around the premises without assistance. In 2011, the *Cēsis* Juvenile Correctional Centre was fitted with wheelchair access ramps, a lift and toilets designed for detainees with disabilities. The prison hospital at *Olaine* Prison opened in 2007. It has a specialised lift and cells for prisoners with disabilities.

Regulations on medical care for detainees, cooperation with civilian hospitals and training for prison medical staff, the administration and magistrates

POL / *Kaprykowski* group (23052/05)
Judgment final on 03/05/2009

Final Resolution CM/ResDH(2016)278

In response to the Court's findings regarding a lack of appropriate medical care in detention centres and a failure by domestic courts to take account of prisoners' state of health, two regulations were adopted in 2012: one on medical care for detainees and the other on cooperation between prison health care facilities and civilian hospitals. A treatment programme for HIV-positive detainees was created, prison medical units were refurbished, medical programmes were set up for detainees dependent on drugs, alcohol or nicotine, and training was provided to prison medical staff, the prison administration and the judiciary. In 2016, a team was tasked with drawing up a new Strategy for the Reform of Prison Services, including healthcare.

Statutory limit on the duration of internment, more frequent judicial review and adoption of a plan for the reorganisation of the forensic psychiatric care system

PRT / *Miranda Magro* (30138/21)
Judgment final on 09/04/2024

Status of execution: pending

Following the Court's finding that a person declared not criminally responsible owing to a mental disorder was detained in the psychiatric unit of a prison hospital in inadequate conditions and without appropriate assistance, it was recalled that a 2019 law provides for the detention of such persons to take place preferably in psychiatric facilities outside the prison system. A 2023 law limited the duration of internment to the maximum penalty envisaged for the relevant offence and reduced the interval between mandatory judicial reviews of internment measures from two years to one. This law allows for the progressive release of internees from prison psychiatric clinics (more than 40 in 2025). A plan to reorganise the forensic psychiatric care system was adopted at the end of 2023 to improve conditions and expand the capacity of the three forensic psychiatric facilities outside the prison system. Similar work is under way in the two specialised psychiatric clinics within the prison system, where internees follow individual therapeutic and rehabilitation plans. The work carried out has doubled the capacity of the forensic unit at Hospital Magalhães de Lemos in Porto, created 21 additional places at Caxias Prison Hospital and established transition units to facilitate community reintegration. An increase in staffing is planned. Since 2025, the Analysis, Monitoring and Follow-up Group (GAMA) has been responsible for coordinating social and health support for persons with mental disorders after release. In 2024, an inter-ministerial working group was set up to improve prisoners' access to health care and integrate prison health services with the National Health Service (NHS). Further information is awaited on the impact of the measures adopted, the transfer of internees to facilities outside prisons, the follow-up to their therapeutic plans, their separation from the general prison population, and progress on the aforementioned work.

Improvement in healthcare for prisoners and oversight of prison hospitals

ROM / *Bragadireanu* group (22088/04)
Judgment final on 06/03/2008

Final Resolution CM/ResDH(2025)393

In order to address the Court's findings regarding the inadequate provision of health care to prisoners, several measures have been adopted: the provision of necessary medical equipment, staff training, more effective collaboration with civilian hospitals – which now accept all prisoners – and the monitoring of prison

hospitals and their certification by the public medical oversight body to ensure the quality of care. Ongoing programmes for comprehensive screening for infectious diseases are benefiting thousands of prisoners. As part of a cooperation project with the Council of Europe, a strategy and action plan have been adopted to attract medical staff to prisons, and support is aimed at strengthening staff capacity and multidisciplinary work. Further information is still awaited regarding this project and the authorities' follow-up to it.

ROM / *Rezmives and Others* group (61467/12)
Pilot judgment final on 25/07/2017

Status of execution:
pending

Mental Health Action Plan, regulation on medical assistance for prisoners and training for medical staff

Following the Court's findings regarding the inadequate management of serious psychiatric disorders in prison, a Mental Health Action Plan for 2024–2029 has been drawn up under the coordination of the Prime Minister's Chancellery. Three of the six penitentiary hospitals have psychiatric wards, special units have been set up in four prisons, and there are plans to develop outpatient care within prisons. The Plan also aims to improve the recruitment and training of staff as well as to enhance cooperation between the authorities. Training sessions have been organised for medical staff in prisons and for the civilian sector. The Council of Europe's HELP course on 'Mental Health and Human Rights' were also used in 2025. The Plan also provides for legislative amendments, including in the field of forensic medicine. In November 2022, a joint regulation of the Ministries of Justice and Health on medical assistance for prisoners came into force. New or transferred prisoners are assessed by a psychiatrist, and prisoners placed in special sections are assessed every five working days, with the possibility of a transfer to a regular detention or a prison hospital. In January 2025, there were 109 social reintegration programmes, including 33 psychological assistance programmes. Further progress is awaited to ensure sufficient accommodation capacity in a proper medical and therapeutic environment suited to prisoners with mental health problems and to tackle as a priority the persistent shortage of psychiatrists and other medical staff with mental health qualifications.

ROM / *Ticu* group
(24575/10)
Judgment final on 01/01/2014

Status of execution:
pending

Increase in the number of prisoners benefiting from suspension of their sentences on medical grounds and training of fellow prisoners to assist the sick

To address the Court's finding of inhuman treatment of a terminally ill prisoner, several measures have been adopted: a significant rise in the number of detainees having their sentences suspended for medical grounds; personal assistance provided by trained fellow prisoners; psychological assessments; a palliative care programme; a reduction in the transfers of seriously ill prisoners; four penitentiary medical facilities to accommodate them; and rooms adapted to the needs of detainees suffering from serious illnesses or disabilities. The Code of Criminal Procedure allows for the execution of prison sentences to be suspended for a limited period, subject to certain conditions. Judges examine requests on the basis of a medical expert report and the decisions depend on whether medical treatment is available within the prison. However, even where such treatment is available, favourable decisions are taken on humanitarian grounds, in line with the Court's case-law. Further information is still awaited on the consolidation of the progress achieved, as well as statistics and further examples of suspension of the execution of sentences on medical grounds.

ROM / *Dorneanu*
(55089/13)
Judgment final on 28/02/2018

Status of execution:
pending

Legal enshrinement of medical assistance and free health care for all prisoners

Following the Court's finding regarding the refusal to provide a dental prosthesis to a prisoner on the grounds that the authorities would not cover the costs, a 2013 law provided for free medical assistance, treatment and care for all detainees. A 2012 decree on their health care stipulates that treatment is to be given in prison dental clinics or prison hospitals. Between 2014 and 2016, 11 prisoners received dental prostheses and nine full-time dentists were recruited in 2016.

ROM / *V.D.* group (7078/02)
Judgment final on 28/06/2010

Final Resolution CM/ResDH(2017)349

Compliance with prisoners' medical dietary requirements

In response to the Court's finding that meals had not been provided in accordance with a prisoner's medical dietary requirements, changes have been made to the regulatory framework and to the authorities' practice. A 2020 circular includes detailed instructions on the diets to be provided to prisoners and, from now on, where medically necessary, all prisoners receive special dietary food, even if this exceeds their daily allowance.

TUR / *Ebedin Abi* (10839/09)
Judgment final on 13/06/2018

Final Resolution CM/ResDH(2023)334

Changes in practice regarding prisoners' contact lenses

Following the Court's finding regarding the refusal to provide a detainee with contact lenses in the absence of a medical prescription, the authorities' practice has changed. All detainees who have contact lenses on admission to prison may now continue to use them without the need for a prescription.

TUR / *Saat* (23939/20)
Judgment final on 06/09/2022

Final Resolution CM/ResDH(2023)106

3.2 PSYCHOSOCIAL SUPPORT AND PREPARATION FOR THE SOCIAL REINTEGRATION OF DETAINEES

Minimum working hours for detainees, organising activities, reform aimed at the social reintegration of detainees and creation of a Council of Convicted persons

In response to the Court's findings of poor conditions of detention, since 2022 detainees have been able to leave the prison to work, and a minimum number of working hours per month for detainees has been set. They may now work for at least eight hours a day outside their cells. A wide range of educational, social, cultural and sporting activities are available, and measures have been taken to increase detainees' contacts with those close to them. An activities and employment coordinator is appointed in each prison. A reform aimed at the social reintegration of detainees has been carried out (56 % participation in programmes relating to behavioural change, education and employment). Since 2022, there has been a Council of Convicted Persons in each prison, comprising prisoners, staff and members of civil society, to discuss issues.

LIT / *Mironovas and Others* group (40828/12)
Judgment final on 02/05/2016

Status of execution: pending

Update to guidelines and to a circular on care for prisoners, creation of a national unit for prisoners with severe mental health disorders and new central prison oversight body

Following the Court's finding that the applicant's suicide in prison had not been prevented, the guidelines on municipal health services and care for prisoners, the guidelines concerning the prevention and management of suicide attempts, suicide and self-harm and the circular governing the co-operation between the correctional service, the health care services and the specialist health care service were updated. Further measures have been taken, including the creation in 2019 of a strengthened national unit for detainees with severe mental health disorders and

NOR / *Haugen* (59476/21)
Judgment final on 17/03/ 2025

Status of execution: pending

of in-prison resource teams, capacity-building and training for prison health services, and the creation in 2025 of a new Supervisory Council for the Correctional Service, including the treatment of prisoners.

Steady decrease in the reoffending rate and National Strategy for the Social Reintegration of Detainees

Following the Court's findings regarding poor conditions of detention in prisons, a National Strategy for the Social Reintegration of Detainees has been in place since 2015, focusing on non-custodial measures. A legislative process is under way in order to adopt a statute for probation staff, who have a heavy workload. Reintegration activities focus on work and education. More than 10,000 prisoners are working or attending courses or training programmes. The programmes aim to address the causes of reoffending, such as pro-criminal attitudes and a lack of social skills. In six prisons, a new programme prepares prisoners for conditional release. Recidivism has been falling for the past ten years (37 % compared with 46 % in 2012). A new Strategy for 2025–2029 aims to continue this downward trend and promote the social reintegration of detainees. Measures are still awaited to strengthen the capacity of the probation service and to establish a statutory status for its staff.

ROM / *Bragadireanu* group (22088/04)
Judgment final on 06/03/2008

Final Resolution CM/ResDH(2025)393

ROM / *Rezmives and Others* group (61467/12)
Pilot judgment final on 25/07/2017

Status of execution: pending

Psychological assessment and reintegration activities for detainees, and suicide prevention

As regards the Court's findings of poor conditions of detention, the authorities have indicated that a psycho-diagnostic assessment is carried out on every new detainee and that the results are taken into account with a view to providing subsequent psychological support. Suicide prevention includes working with prisoners and staff, who are trained to identify problematic behaviour. In 2018, the number of suicides fell by 10 % compared with 2017. As for the reintegration of detainees, around 1,700 activities took place in 2018, involving prisoners' family members, representatives of civil society and other guests. Further socialisation events for detainees took place. With regard to education, between 2017 and 2018, around 17,200 detainees obtained a qualification. At the start of the 2018–2019 academic year, 62,000 convicted persons were studying. As for vocational training, around 143,000 of them obtained qualifications during the 2017–2018 academic year. In 2018, 40.3 % of them were working and their average monthly wage had risen by 30.4 %.

RUS / *Kalashnikov* group (47095/99)
Judgment final on 15/10/2002

Status of execution: pending

Legal recognition of juvenile detainees' right to education and training and assessment of their psychosocial risks

In order to address the Court's findings regarding the prolonged detention of a juvenile in an adult prison and the failure to provide him with appropriate care in view of his fragile psychological condition, an individualised treatment system was introduced in 2010 in order to enable the prison service to improve the prospects for the rehabilitation of juvenile detainees and to assess their level of psychosocial risk (including the risk of suicide). Under a 2005 Juvenile Protection Act, they are provided with educational and vocational training as well as support for social reintegration.

TUR / *Güvec* group (70337/01)
Judgment final on 20/04/2009

Status of execution: pending

4. PROTECTION OF AND PREVENTION FROM INTER-PRISONER VIOLENCE

Instruction concerning the allocation of convicts and recruitment of staff

Following the Court's finding that the authorities had failed to protect prisoners convicted of war crimes from ethnically motivated persecution by their fellow prisoners and that there was no effective remedy, a new instruction on the allocation of convicts was adopted in 2010. Additional prison officers and inspectors for the Department for the Execution of Criminal Sanctions were recruited. Regular prison inspections are carried out and, in order to prevent overcrowding, it had been decided in 2008 to build a correctional institution in *Mostar* comprising a closed-type section and a semi-open-type section.

BIH / *Rodic and Others* (22893/05)
Judgment final on 01/12/2008

Final Resolution CM/ResDH(2011)93

Recording of interactions between detainees and staff, obligation to wear bodycams and pilot project to prevent violence between prisoners

In the context of this group of cases concerning poor conditions of detention, the authorities have stated that, in order to prevent violence, it has been compulsory since 2022 for prison staff to record their interactions with detainees and to wear body-worn video cameras. Efforts are also being made to prevent violence between detainees, including a pilot project, launched in 2024, concerning a specially equipped area for detainees who are at high risk of being subjected to violence.

LIT / *Mironovas and Others* group (40828/12)
Judgment final on 02/05/2016

Status of execution: pending

Comprehensive action plan to combat the informal prisoner hierarchy

In response to the Court's finding that a prisoner had been subjected to degrading treatment due to his lowest level of an informal prisoner hierarchy, the Council of Ministers adopted a comprehensive action plan in October 2024 to tackle the root causes of this phenomenon. This Plan was developed with the Ombudsman and is based on the recommendations of the CPT following its visit in 2022. It aims to improve infrastructure, reduce inter-prisoner violence, tackle the informal prison economy, strengthen the social reintegration system, introduce a new approach to prison management and change the prison culture. In particular, the Plan provides for the phasing out of large-capacity dormitory cells, as well as dynamic security measures, the recruitment of additional staff and capacity-building. Under enhanced supervision, information is still awaited concerning the progress of current and planned measures, as well as examples of case-law demonstrating the application of the principles set out by the Court.

LVA / *D.* (76680/17)
Judgment final on 11/04/2024

Status of execution: pending

Training courses and workshops to prevent violence between prisoners

To address the Court's finding that the authorities had failed to protect a prisoner's physical and psychological integrity from the behaviour of his fellow prisoners, the Director-General of Prisons ordered in 2016 the adoption of comprehensive measures to prevent inter-prisoner violences. Training courses and workshops were organised for prison staff to improve their ability to identify situations that could lead to inter-prisoner violence. Sessions were held for tutors working alongside prison staff, on protecting prisoners from violations of their rights.

POL / *M.C.* (23692/09)
Judgment final on 03/06/2015

Final Resolution CM/ResDH(2023)192

Adoption of measures to prevent and monitor violence in detention

Following the Court's finding that the authorities had failed to protect a detainee who had been mistreated by fellow inmates, a new law on the enforcement of sentences was adopted in 2014, which provides for measures to prevent and monitor violence in detention. In 2015, a regulation set out the procedural details for monitoring the work of penal institutions and the lawfulness of treatment in prison. Staff may be dismissed for failing to report breaches of the regulation, including incidents of violence between prisoners. Medical staff must keep a special register of injuries of detainees' injuries and inform the prison director of any signs of violence. The authorities must report suspected criminal offences, including acts of violence between prisoners, to the public prosecutor's office, and allegations of ill-treatment must be investigated and prosecuted ex officio. Extensive training and awareness-raising measures have been organised for prison and medical staff.

SER / *Gjini* (1128/16)
Judgment final on 15/04/2019

Final Resolution CM/ResDH(2020)79

5. NATIONAL MONITORING AND REMEDY MECHANISMS

5.1 INSPECTION, MONITORING AND COMPLAINT SYSTEMS

Strengthening prisoners' right to lodge complaints

Following the Court's finding that there was no effective internal complaints procedure, the procedure was strengthened in 2013 by a Protocol issued by the Director-General of Prisons. Prisoners' complaints regarding inadequate medical care must be addressed to the prison director and examined within fifteen days. All complaints and requests are recorded, with urgent medical complaints identified. Decisions may be challenged before the district court. Prisoners may also lodge confidential complaints with public bodies, including the Ombudsman and NGOs, which may carry out visits, inspections, investigations and private meetings with detainees. To this end, post boxes and free telephone lines have been installed in prisons.

ALB / *Dybeku and Grori*
(41153/06+)
Judgment final on 02/06/2008

Final Resolution CM/ResDH(2016)273

Entry into force of prisoners' right to lodge complaints

In light of the Court's finding that there was no effective domestic remedy enabling detainees to complain, in particular, about decisions to place them under a special security regime and about transfers, the authorities pointed out that the 2005 Act on the Principles of Prison Administration and the Legal Status of Detainees was amended in 2016 and that the Central Prison Supervisory Council has since come under the remit of the Federal Parliament and been allocated additional resources. The Council's remit is to exercise independent oversight of prisons, the treatment of detainees and compliance with the rules governing them. A local Committee exists in every prison, comprising a Complaints Committee to examine detainees' grievances against any decision taken in respect of them by the prison director or on his behalf. Decisions of the Complaints Committees may be appealed to the Appeals Committee of the aforementioned Central Council. This right to lodge complaints came into force in October 2020. Since then, the prison supervisory bodies have ruled, several times, on complaints concerning decisions to place detainees under special detention regimes, to transfer them as well as on requests from detainees to be treated by a doctor of their choice.

BEL / *Bamouhammad*
(47687/13)
Judgment final on 17/02/2016

Final Resolution CM/ResDH(2022)370

Effectiveness of the prison complaints procedure

Following the Court's finding that the prison complaints procedure was ineffective, the authorities stated that, in its *Goginasvili* judgment (March 2012), the Court had held that the procedure had been effective since October 2010 (entry into force of the Penitentiary Code). This Code sets out the procedure for lodging complaints, particularly regarding inadequate health care, and provides for safeguards. It requires the authorities to inform detainees of the procedure and stipulates that complaints may not be examined by persons involved in the alleged grievances.

GEO / *Ghavtadze* group
(23204/07)
Judgment final on 27/10/2010

Final Resolution CM/ResDH(2014)209

Inspection visits to places of detention

In the context of this group of cases concerning poor conditions of detention, the authorities have indicated that the Office of the Prosecutor General and its regional units actively monitor conditions of detention in prisons and in pre-trial detention centres, in particular through inspection visits involving Regional Human Rights Commissioners and Public Monitoring Commissions. In 2018, more

RUS / *Kalashnikov* group
(47095/99)
Judgment final on 15/10/2002

RUS / *Ananyev and Others*
(42525/07)
Pilot judgment final on 10/04/2012

than 51,100 inspections were carried out, 27,100 requests to rectify irregularities were made and 6,400 protests against unlawful legal acts were lodged. The Federal Prison Service appointed and trained 24 human rights officers in 2017 and 2018. In 2018, it carried out 32 inspections across all detention facilities, more than 1,100 sanitary and epidemiological checks in pre-trial detention centres, and 48 targeted visits to places of detention. In the same year, Human Rights Commissioners made more than 1,200 visits to prisons and remand centres and 817 visits to police custody cells, and Public Monitoring Commissions carried out more than 3,800 visits to prisons and pre-trial detention centres and around 1,000 visits to police custody cells.

Status of execution:
pending

5.2 EFFECTIVE REMEDIES (PREVENTIVE AND COMPENSATORY)

Introduction of preventive and compensatory remedies deemed effective by the Court

In response to the 2015 pilot judgment calling for the establishment of effective preventive and compensatory remedies regarding conditions of detention, a law introduced in 2017 specific remedies. The preventive remedy must be dealt with by the administrative court within 14 days. If the claim is upheld, the judge orders the authorities to take specific measures within a certain timeframe to prevent or put an end to the violation. In the event of non-compliance, the order may be enforced by means of fines, and an appeal does not suspend its enforcement. In the context of the compensatory remedy, poor conditions of detention are presumed to cause non-pecuniary damage. The Court has held that these remedies are, in principle, effective (*Atanasov and Apostolov decision* of 27 June 2017, No. 65540/16). Improvements in detention conditions have facilitated the functioning of the preventive remedy, and an increase in compensation awarded has been noted. In the event of a partial or total rejection of the claim, detainees must not, in principle, pay for legal fees (for the prison administration's defence). The following issues remain under consideration in the *Kehayov* case under standard supervision: raising awareness amongst courts with a view to awarding of compensation in accordance with the Court's requirements; the necessary improvements to conditions of detention to ensure the effective operation of the preventive remedy everywhere, particularly in pre-trial detention; and the provision of free legal aid to detainees.

BGR / *Neshkov and Others*
(36925/10)
Pilot judgment final on 01/06/2015

Final Resolution CM/ResDH(2024)118

BGR / *Kehayov* group
(41035/98)
Judgment final on 18/04/2005

Status of execution:
pending

Existence of effective preventive and compensatory remedies

Following the Court's findings that there was a lack of an effective remedy due to the unreasonable application of the limitation period, the authorities emphasised that these were isolated cases and pointed out that the Court had held that the manner in which the limitation period is calculated by domestic courts is, in principle, consistent with its case-law. Under the State Liability Act, detainees may seek appropriate conditions of detention, including more personal space, if necessary, by means of a transfer. Examples and statistics show that this preventive remedy is effective, as there is no longer any overcrowding. In judgments from 2010 and 2011, the Supreme Court confirmed this right to request transfers. In the context of the execution of the *Tunis* judgment, the authorities stated that, in a judgment of June 2014, the Supreme Court clarified that all conditions of detention (not just personal living space) must be taken into account, when determining whether or not there has been a violation of a prisoner's rights. Following the finding in the *Kochetkov* judgment of a lack of an

EST / *Nikitin and Others*
(23226/16)
Judgment final on 24/06/2019

Final Resolution CM/ResDH(2020)20

EST / *Tunis* (429/12)
Judgment final on 13/03/2014

Final Resolution CM/ResDH(2016)22

EST / *Kochetkov* (41653/05)
Judgment final on 02/10/2009

Final Resolution CM/ResDH(2013)9

effective remedy due to the courts' restrictive approach, awarding compensation only in cases of official misconduct by the authorities, numerous examples from 2010 and 2011 were given of compensation awarded for poor conditions of detention, irrespective of any fault on the part of the authorities. A draft bill was announced, providing that the authorities' fault would not be taken into account in cases of violation of Articles 2 and 3 of the Convention.

Creation of a preventive judicial remedy for undignified conditions of detention

FRA / *J.M.B. and Others* (9671/15)
Judgment final on 30/05/2020

Status of execution:
pending

In order to address the Court's finding that the interim administrative remedy was ineffective in relation to overcrowding, there were rapid developments in case law prior to the entry into force of a new law in October 2021. Detainees may now apply to the liberty and detention judge or the sentence enforcement judge and when the application is admissible, checks are carried out within three to ten days. If the application is deemed well-founded, the judge requests the prison authorities to remedy the situation within a maximum of one month. If the situation persists, the judge may order a transfer to another prison, or release under supervision or an adjustment of the sentence, provided that the detainee is eligible. The judge may refuse to make such decisions if the detainee has already refused a transfer, except in cases of excessive infringement of detainees' right to family life. Prisoners may choose to use the administrative remedy, the judicial remedy, or both. Measures have been taken to provide information on the new remedy: inclusion in the guide for newly admitted detainees; training sessions; a poster campaign; application forms; a practical guide for the prison administration and magistrates; and a handbook for lawyers. Since June 2023, the remedy has been covered by legal aid. An analysis of the operation of the remedy examines the timeframes and the range of measures taken. Examples show that processing times vary between 10 days and two months (in the case of appeals). Since the end of 2024, a working group has been assessing the effectiveness of the statistical processing of the remedy. A comprehensive state of play of the use of the new remedy and the relevant case law is still awaited in order to be able to assess its effectiveness.

Expedited administrative remedies concerning disciplinary sanctions

FRA / *Payet* (19606/08)
Judgment final on 20/04/2011

Final Resolution
CM/ResDH(2013)21

Following the Court's finding that there was no effective remedy (annulment action dealt with after the disciplinary sanction had ended), the authorities clarified that two remedies for interim relief allow for a swift decision by the administrative courts, before the contested sanction is enforced and without having to await the outcome of the mandatory appeal to the administrative authority. Under the Code of Administrative Justice, it is possible to apply for the suspension of a decision or of certain of its effects, if urgency so warrants and where there are serious doubts as to its legality. The judge may also order any measures necessary to safeguard a fundamental freedom, in case of a serious and manifestly unlawful infringement, and must rule within 48 hours. Examples from 2002 to 2011 show the effectiveness of these remedies in relation to disciplinary sanctions in prison.

Statutory extension of judges' powers in relation to seriously ill prisoners

FRA / *Mouisel* (67263/01)
Judgment final on 21/05/2003

Final Resolution
CM/ResDH(2011)211

In response to the Court's finding of ill-treatment of a seriously ill detainee, the law has strengthened the powers of sentence enforcement judges in relation to such detainees. Since 2000, the need for medical treatment may be taken into account when deciding whether to grant parole. Since 2002, it has also been possible to suspend or quash a prison sentence, following two expert assessments, in the

event of a terminal illness or if the detainee's state of health is, in the long term, incompatible with continued detention.

Creation of preventive and compensatory remedies, including sentence reductions, deemed effective by the Court

GRC / *Nisiotis* group (34704/08)
Judgment final on20/06/2011

Status of execution: pending

In order to address the Court's finding regarding the lack of an effective domestic remedy for poor conditions of detention, a preventive and compensatory remedy was introduced for all detainees in 2022 in the Penitentiary Code. Requests are heard by a judicial body (the Council of Misdemeanours) and may be lodged with the registry of the Sentence Enforcement Court or with the director of the prison. Short time limits are set at all stages of the procedure. Decisions must be enforced immediately and are notified to the Ombudsman. Initiatives have been taken to ensure the effectiveness of the remedy: three circulars from the Court of Cassation and a circular from the General Secretariat of Anti-Crime Policy addressed to the directors of detention facilities; a round-table discussion in 2023 with judges and prosecutors; and two workshops, in 2024 and in 2026, at the National School of the Judiciary. Between 2024 and 15 June 2025, 156 applications were lodged and 108 decisions were handed down, 27 of which ordered corrective measures. Transfers of detainees within the same prison or to another prison have been ordered as a result of these applications. Judges may also order a transfer to a prison hospital or a civilian hospital. Compensation has been awarded for non-pecuniary damage, assessed on a case-by-case basis, and in some cases the judges have ordered a reduction in sentence as additional compensation. The Court held that these remedies have been effective in practice from 2024 onwards, while noting that the effectiveness of the preventive remedy depends on the continued capacity to secure, in practice, conditions of detention compatible with Article 3 within the broader framework of measures aimed at addressing prison overcrowding and improving detention conditions (*Manavidis* decision of 15 September 2026, No. 28849/23).

Creation of preventive and compensatory remedies for conditions of detention

HUN / *Varga and Others* group (14097/12)
Pilot judgment final on 10/06/2015

Status of execution: pending

In response to the Court's request to set up preventive and compensatory remedies against poor conditions of detention, such remedies were introduced in January 2017. After these remedies were deemed effective by the Court (*Domjan* decision of 14 November 2017, No. 5433/17), the authorities adopted amendments to the compensatory remedy scheme and abolished the preventive remedy, leaving only a general preventive mechanism. With respect to the functioning of the amended compensatory remedy, concerns remain regarding the impossibility of claiming compensation for inadequate conditions of detention in case the statutory minimum living space is ensured, the discretionary nature of the prison director's decision to allow the use of the compensation amount before release and the prohibition on paying it into the lawyers' bank account. Concerning the preventive remedy, in January 2026, the authorities reintroduced a specific preventive remedy covering only the failure to provide the statutory minimum living space. Information is still awaited on the possibility to extend this remedy to cover all conditions of detention and to introduce judicial review for preventive remedies. Statistics and examples of the use of all remedies are also awaited.

Establishment of preventive and compensatory remedies, including sentence reductions, deemed effective by the Court

ITA / *Torreggiani and Others* (43517/09)
Pilot judgment final on 27/05/2013

Following the Court's request to establish a remedy, or a combination of remedies, against overcrowding, a decree-law of December 2013 introduced a preventive remedy, enabling detainees to lodge complaints regarding violations of their rights before the judge responsible for the enforcement of sentences, who may order, for example, the transfer of a detainee out of an overcrowded cell. His or her decisions may be appealed before the Sentence Enforcement Court and the Court of Cassation. If the prison administration fails to rectify the situation within the specified time limit, the judge may order the compulsory enforcement of his or her decision, if necessary by appointing an *ad acta* commissioner. Another decree-law, which came into force in June 2014, established a compensatory remedy, allowing the aforementioned judge to grant sentence reductions: one day's reduction for every 10 days spent in conditions of detention contrary to Article 3. Persons who have already been released may apply to the civil courts for compensation of eight euros for each day spent in poor conditions of detention. This remedy also applies to persons who have spent fewer than 15 days in poor conditions or when the rest of the sentence to be served is shorter than the period that may be deducted. The Court held that these remedies were, *in principle*, accessible and could offer a reasonable prospect of success (*Stella and Others* decision of 16 September 2014, No. 49169/09). By January 2016, more than 1,707 claims for compensation had been accepted, along with a reduction of 75,970 days' detention for 750,970 days spent in conditions contrary to Article 3. In November 2015, the Court of Cassation confirmed that the remedy could be used by persons complaining about a situation of detention that had already ended. A 2015 circular reminded staff of their responsibilities in the event that a detainee did not have the minimum living space, particularly after the introduction of a computer programme designed to monitor the fair distribution of detainees and provide information on each prisoner. Thanks to the significant reduction in the number of detainees, the administration can take swift decisions. Prisoners may initiate proceedings free of charge to enforce a court order, and an appeal to the Court of Cassation does not have suspensive effect. The authorities emphasise that the overcrowding rate in Italy is calculated on the basis of criteria that exceed European standards (9 m² per detainee and an additional 5 m² for each additional detainee), which would explain the high number of inadmissibility decisions, given situations which are not contrary to Article 3 of the Convention.

Final Resolution CM/ResDH(2016)28

Evolution of case law concerning inadequate health care for detainees

In the context of the execution of this judgment, the authorities have indicated that domestic case-law has developed in conformity with the Court's requirements: it addresses inadequate medical care by awarding compensation for non-pecuniary damage where necessary and by scrutinising, in detail, the measures taken by the authorities to put an end to the violation by providing detainees with adequate medical care or treatment.

LIT / *Urbonavicius* (549/17)
Judgment final on 21/05/2019

Final Resolution CM/ResDH(2020)109

Follow-up to court rulings on conditions of detention and increase in compensation awarded

Following the Court's findings regarding the absence of preventive remedy and the inadequately low amounts of compensation awarded by domestic courts, the authorities have stated that the Ministry of Justice is required to submit, twice a year, a report to the prison administration detailing the violations found by the courts and to request information on the measures taken in order to remedy individual situations and prevent similar violations. A deadline is set for this purpose. The Government Agent also visits prisons to assess conditions and reports back to the Ministry of Justice. Complaints regarding poor conditions of

LIT / *Mironovas and Others* group (40828/12)
Judgment final on 02/05/2016

Status of execution: pending

detention fell from 1,334 in 2015 to 589 in 2023, and the amounts awarded are reported to have increased, rising on average from six to ten euros per day in conditions of detention contrary to Article 3.

Existence of a remedy deemed effective by the Court

In response to this judgment which concerns poor conditions of detention, the authorities recalled that the administrative courts may rule on detainees' requests and adopt interim measures within one month. They may require or prohibit the administration from taking certain actions and set a time limit for it to do so. Case law illustrates the effectiveness of this remedy, in particular regarding the following aspects: lack of space, food and light; the partitioning of toilet facilities; requests for medical treatment; visiting rights; and protection against violence from other detainees. This remedy was created by a 2004 Act and includes the possibility of obtaining financial compensation. It applies *inter alia* to conditions of detention, inadequate medical care and body searches, and has been deemed effective by the Court (*Kocegarovs and Others* decision of 18 November 2014, No. 14516/10).

LVA / *Abele* (60429/12)
Judgment final on 29/01/2018

Final Resolution CM/Res(2018)433

LVA / *Kadikis No. 2* group (62393/00)
Judgment final on 04/08/2006

Final Resolution CM/ResDH(2016)122

Existence of a compensatory remedy established by case-law

Already prior to the Court's judgment but after the events of the case, the evolution of the case-law of the Norwegian Supreme Court (decisions of 26 June 2024), introduced an effective remedy which should enable victims of breaches of the Convention to obtain compensation at the domestic level.

NOR / *Haugen* (59476/21)
Judgment final on 17/03/2025

Status of execution: pending

New preventive and compensatory remedies, including sentence reductions

Following the *Shishanov* judgment, a preventive and compensatory remedy concerning conditions of detention came into force in 2019. The preventive remedy enables the investigating judge to order the authorities to remedy any shortcoming within a maximum of 15 days and to report back on the measures adopted. The compensatory remedy can take two forms: a sentence reduction and financial compensation. The remedy applies to pre-trial detainees and convicts and it is examined by the investigating judge, except where pre-trial detainees have pending proceedings against them and the trial courts may award them compensation by way of a sentence reduction. Such a reduction is provided where poor conditions of detention have lasted for at least 10 days. If the unserved part of the sentence does not allow the sentence reduction to be applied in full, or the period of violation of the conditions of detention is less than 10 days, the person may request financial compensation for the remaining period. The decision may be appealed to a higher court within 15 days. Detainees who do not fall within the scope of this remedy, for example prisoners serving life sentences, may lodge a civil action. Between January 2019 and August 2024, 32,140 requests for compensation were lodged, of which 19,051 were upheld. In most cases, the judges awarded both forms of compensation. The examination of requests did not exceed the statutory time limit of three months. In five cases, the authorities were ordered to improve detention conditions. Statistics and information concerning the functioning of the remedies, including for pre-trial detainees, as well as examples of case law are awaited.

MDA / *I.D.* group (47203/06)
Judgment final on 11/04/2011

Status of execution: pending

Measures taken to facilitate alternatives to detention for seriously ill detainees

Following the Court's findings regarding the lack of an effective remedy concerning medical care in prison, a workshop on the functioning of the remedies was held in 2024 for judges, the National Prison Administration and civil society.

MDA / *Cosovan* group (13472/18)
Judgment final on 22/06/2022

Status of execution: pending

An amendment to the Code of Criminal Procedure is being considered to establish uniform compensation practices and to ensure the swift processing of requests medical assistance. Regulations introduced in 2024 facilitate the humanitarian release of seriously ill remand detainees or the replacement of their detention by alternative measures. The list of serious illnesses which can serve as grounds for release has been expanded. Examples and further information are still awaited as regards the measures adopted to ensure that the remedy is effective.

Preventive and compensatory remedies deemed effective by the Court

POL / *Orchowski* group (17885/04)
Judgment final on 22/10/2010

Final Resolution CM/ResDH(2016)254

In the context of the execution of this group of judgments, the authorities have indicated that, following Supreme Court judgments of 2007 and 2010, detainees may, under the Civil Code, claim compensation before the administrative courts for poor conditions of detention, including overcrowding or inadequate medical care. The burden of proof lies with the prison administration, and it is not necessary to establish fault on its part in order to find that violations have occurred. In 2012, the Supreme Court ruled that a breach of the standard governing the allocation of floor space per detainee could be a violation of his personal rights. Complaints regarding conditions of detention may be lodged with the prison administration or before the penitentiary judge, who may overturn an unlawful administrative decision. Detainees may appeal against his decisions to a penitentiary court. The judge may order the detainee's release if the detention is not in accordance with the law. In the event of serious and repeated shortcomings in a prison, the judge must request a higher prison authority to remedy them within a specified time limit. Failing that, he must request that the prison's functioning be suspended or that the prison be closed, in whole or in part. The Court has held that these remedies are, in principle, effective (*Latak* decision, No. 52070/08 of 12 October 2010). Finally, the Execution Penal Code, revised in 2015, allows any detainee to contest before the penitentiary tribunal a decision reducing the floor space of their cell or placing them in an overcrowded cell. If the claim is upheld, they will be transferred to a prison that is not considered to be overcrowded.

Preventive and compensatory remedies deemed effective by the Court

ROM / *Bragadireanu* group (22088/04)
Judgment final on 06/03/2008

Final Resolution CM/ResDH(2025)393

Following the Court's request in its pilot judgment *Rezmives and Others* to establish a compensatory remedy for poor conditions of detention, a remedy was created, which provided for sentence reductions, but it was abolished at the end of 2019. However, the Court subsequently held that an effective remedy based on case law (a civil liability claim against the State) had been available since 2021 (*Polgar* judgment of 20 July 2021, No. 39412/19). With regard to the preventive remedy, a 2013 law allows prisoners to complain about poor conditions of detention before the judge for the enforcement of sentences. The authorities provided 491 court rulings ordering the administration to remedy problems, *inter alia* relating to living space, hygiene, the quality of food and access to health care, and covering all places of detention, including police detention facilities. The prison administration complies with the orders, either by rectifying the problems on the spot or by transferring prisoners to detention facilities that meet the criteria of Article 3 of the Convention. Given the downward trend in overcrowding and the improvement in conditions of detention, the Court found that this remedy appears to be effective (decision *Vascautanu* of 18 November 2025, No. 10120/23).

Creation of a compensatory remedy applicable to the conditions of transport of detainees

RUS / *Tomov and Others* (18255/10)
Judgment final on 07/09/2019

To address the Court's finding of the lack of an effective remedy enabling detainees to complain about their conditions of transport, a compensatory remedy for poor conditions of detention has been in force since 2020. However, in 2018 the Supreme Court adopted a ruling encompassing transport conditions under the term 'conditions of detention in prison'. National courts regularly examine claims for compensation for poor transport conditions, more than 260 of which have been granted in full or in part. Information, such as statistics and data regarding the amounts awarded, is still awaited to assess the effectiveness of this remedy, as well as that of preventive mechanisms (the judicial remedy and complaints to public monitoring commissions or public prosecutors).

Status of execution:
pending

New preventive and compensatory remedies for conditions of detention

Following the Court's finding regarding the lack of an effective remedy, a preventive remedy was introduced into the 2015 Code of Administrative Procedure. In 2018, the Supreme Court sitting in plenary session adopted a judgment clarifying its use, *inter alia* concerning the burden of proof, taking into account international standards and the European Court's case law on conditions of detention. Courts may also, under this Code, award compensation for poor conditions of detention, provided that claims are made within three months of the end of the period in question. In 2018, they examined 4,000 claims for compensation, of which 2,800 were upheld. Access to remedies is guaranteed: the amount of with court fees is determined by the claimant's financial circumstances, and payment may be made in instalments or deferred, or the fees may be waived altogether. Information is still awaited on the functioning of the preventive remedy, in particular the number of complaints and the measures taken in order to enforce decisions.

RUS / *Kalashnikov* group
(47095/99)
Judgment final on 15/10/2002

RUS / *Ananyev and Others*
(42525/07)
Pilot judgment final on 10/04/2012

Status of execution:
pending

Preventive and compensatory remedies, deemed effective by the Court

In response to the Court's finding that there was no effective and accessible remedy regarding conditions of detention, legal amendments were introduced in 2017, enabling all detainees to lodge complaints with the Director-General of the Prison administration or the district court. The authorities must submit a report within three days, after which the court must issue its binding decision within five days; this may involve a transfer to another prison or other measures to bring detention into line with the Convention. An appeal may be lodged within eight days and must be dealt with within that timeframe. The law has also codified the practices allowing for the automatic transfer of remand detainees held in overcrowded prisons. A claim for compensation for poor conditions of detention is available to remand detainees, convicted persons and released detainees under the Civil Code. In 2018, the government clarified the criteria and stipulated that any detainee who has less than 4 m² of living space is entitled to 10 euros per day. Proposals to this effect have been made in all cases pending before the domestic courts. The Court has held that such remedies could be effective (*Bizjak* decision of 8 July 2014, No. 25516/12).

SVN / *Mandic and Jovic* group (5774/10+)
Judgment final on 20/01/2012

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