



MINISTERUL JUSTIȚIEI AL REPUBLICII MOLDOVA
ADMINISTRAȚIA NAȚIONALĂ A PENITENCIARELOR

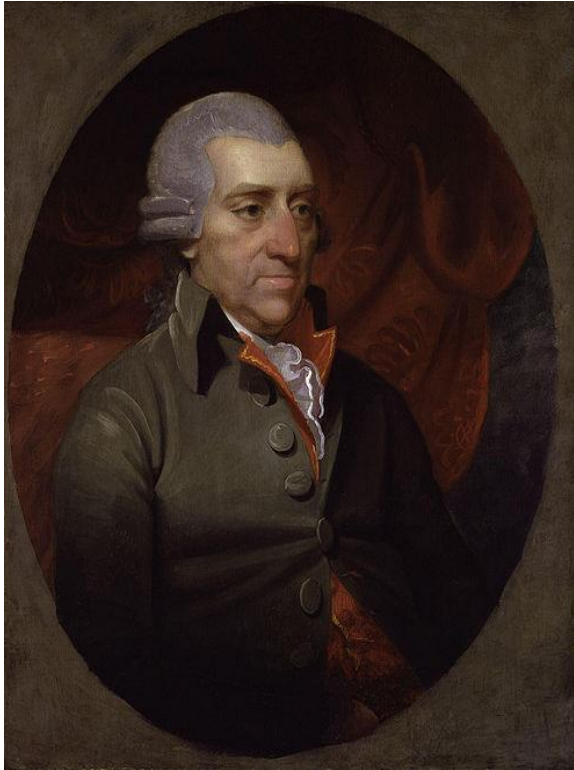


European standards of care for detained persons

28-29 November 2024



Prof. Dr. Heino Johann Stöver



John Howard
1726 - 1790

1774 „Act for Perserving the Health of Prisoners in Gaol, and preventing the Gaol Distemper“

„The late act for preserving the health of prisoners requires that an experienced Surgeon be appointed to every gaol: a man of repute in his profession. His business is, in the first place, to order the immediate removal of the sick, to the infirmary; and see that they have proper bedding and attendance. Their irons should be taken off; and they should have, not only medicines, but also diet suitable to their condition. He must diligently and daily visit them himself; not leaving them to journeymen and apprentices. He should constantly inculcate the necessity of cleanliness and fresh air; and the danger of crowding prisoners together: and he should recommend, what he cannot enforce. ...“

1. UN standards



**The United Nations
Standard Minimum Rules
for the Treatment of Prisoners**

(the Nelson Mandela Rules)

www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

THE BANGKOK RULES



United Nations Rules
for the Treatment of Women Prisoners
and Non-custodial Measures
for Women Offenders
with their Commentary

www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

**ISTANBUL
PROTOCOL**

PROFESSIONAL TRAINING SERIES No. 8/Rev. 2

**Manual on the Effective
Investigation and
Documentation of Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf

SMR/The Nelson Mandela Rules:

- Standard Minimum Rules for the Treatment of Prisoners (SMR) first adopted in 1955 and approved by the United Nations (UN) Economic and Social Council in 1957.
- Key international standard governing the treatment of prisoners and the key framework for monitoring and inspection bodies engaging in assessment activities.
- In many countries, SMR “blueprint” for national prison rules; in others, they are the only document directly regulating the treatment of prisoners.

SMR/The Nelson Mandela Rules: Revision in 8 areas

1. Respect for prisoners' inherent dignity;
2. Medical and health services;
3. Disciplinary measures and sanctions;
4. Investigations of deaths and torture in custody;
- 5. Protection of vulnerable groups;**
6. Access to legal representation;
7. Complaints and independent inspection; and
8. Training of staff.

The Nelson Mandela Rules:

Rule 24

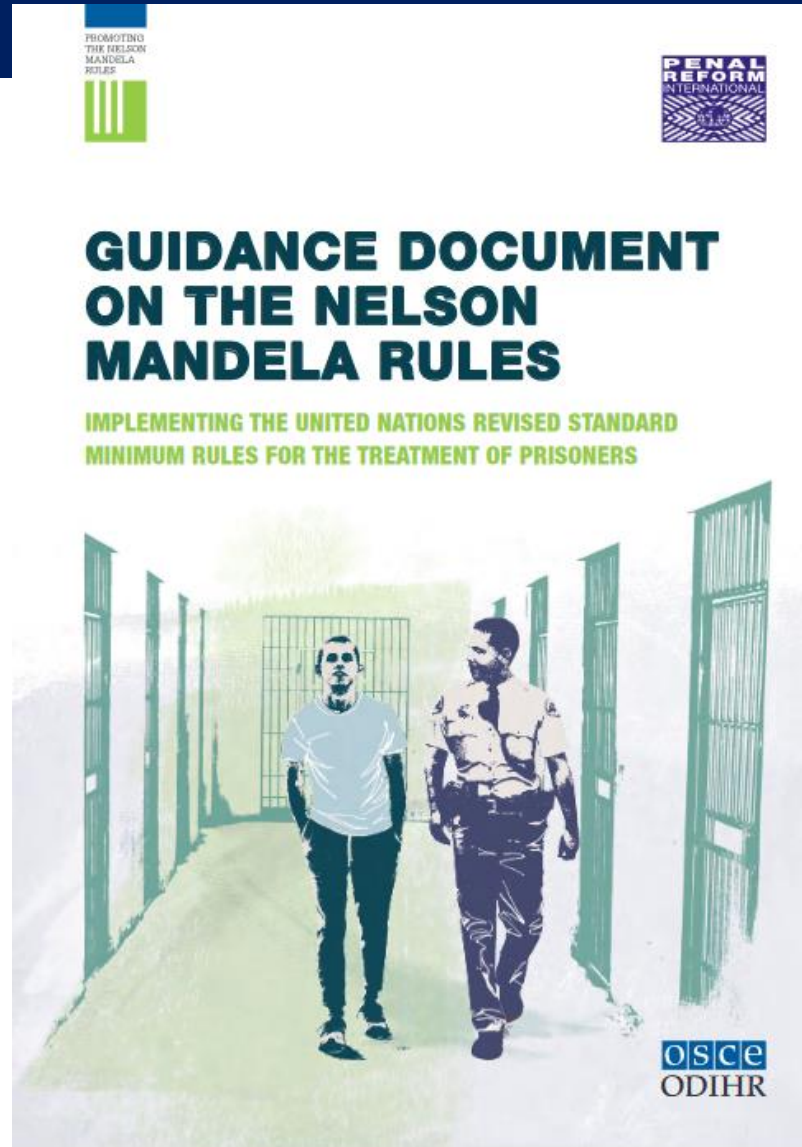
1. The provision of health care for prisoners is a State responsibility.

Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.

The Nelson Mandela Rules:

2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

The Nelson Mandela Rules:



file:///E:/WIN7-U~1/STOEVE~1.HEI/AppData/Local/Temp/OSCE_ODIHR_Guidance%20on%20Nelson%20Mandela%20Rules_August%202018_EN.pdf



Health in prisons

A WHO guide to the essentials in prison health



Good governance for prison health in the 21st century

A policy brief on the organization of prison health



Prisons and Health

UNODC United Nations Office on Drugs and Crime

ICRC International Committee of the Red Cross

European Union

Swiss Confederation

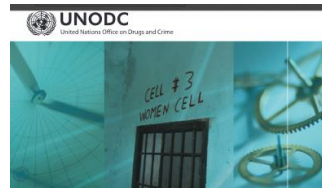
https://www.euro.who.int/__data/assets/pdf_file/0009/99018/E90174.pdf

https://www.euro.who.int/__data/assets/pdf_file/0017/231506/Good-governance-for-prison-health-in-the-21st-century.pdf?ua=1

HEALTH CARE IN DETENTION

A PRACTICAL GUIDE

<https://data2.unhcr.org/en/documents/download/47830>



Handbook on Women and Imprisonment

2nd edition, with reference to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules)

CRIMINAL JUSTICE HANDBOOK SERIES

<https://apps.who.int/iris/bitstream/handle/10665/128603/Prisons%20;jsessionid=51B99E3F8E3E345237E5184553A0700?sequence=1>

https://static1.squarespace.com/static/56944ef9a976af291c6b9145/t/57155738859fd05621022523/1461016379426/women_and_imprisonm



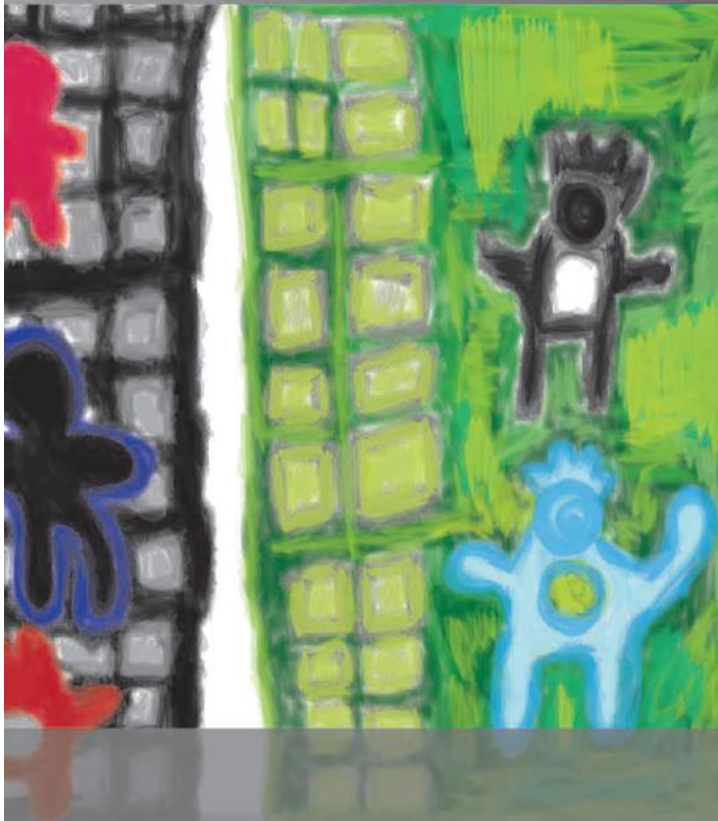
UNODC
United Nations Office on Drugs and Crime



World Health Organization
REGIONAL OFFICE FOR **Europe**


Good governance for prison health in the 21st century

A policy brief on the organization of prison health




Equivalence of and
integration with public
health care

2. Standards of Health Care for People Living in Prison of the Council of Europe

 Council of Europe

The CPT



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

www.cpt.coe.int

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



Normative Basis

- The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health¹
- People deprived from liberty remain all rights²
- Basis of medical ethics³
- **Prison Health is Public Health**⁴

¹ Int. Covenant on Economic, Social and Cultural Rights 1966, Art. 12

² European Prison Rules CM Rec (2006)2, Art.2

³ WMA International Code of Medical Ethics 1949, rev. 2022

⁴ WHO Moscow Declaration 2003, Madrid Recommendation

Important European Institutions

- Committee of Ministers
- **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (CPT)**
- **European Court of Human Rights**
=>Strasbourg/France
- Council of Europe International Co-operation Group on Drugs and Addictions (Pompidou Group)

Recommendations of Committee of Ministers (CM) for Health Care in Prison

European Prison Rules Part III. 39-48. CM Rec(2006)2-rev
<https://rm.coe.int/09000016809ee581>

Guidance document on the European Prison Rules (2023)
<https://edoc.coe.int/en/european-prison-reform/11595-guidance-document-on-the-european-prison-rules.html>

CM Rec(93)6 Concerning the Ethical and Organisational Aspects of Health Care in Prison.
<https://rm.coe.int/09000016804fb13c>

CM Rec(98)7 Concerning Prison and Criminological Aspects of the Control of Transmissible Diseases Including AIDS and Related Health Problems in Prison.
<https://rm.coe.int/16804d7777>

1982 UN 37/194



Principles of Medical Ethics relevant to the Role of Health Personnel ...in the Protection of Prisoners and Detainees... 1.:

“...the same quality and standard as is afforded to those who are not imprisoned or detained”

1990 UN 45/111:

Basic principles for the treatment of prisoners, 9.:

„... access to the health services available in the country without discrimination on the grounds of their legal situation”



CPT/Inf(93)12: “Equivalence of care”: “...in conditions comparable to those enjoyed by patients in the outside community”



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

CPT - background information

- ❑ The CPT was set up under the Council of Europe's "European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment", which came into force in 1989.
- ❑ It builds on Article 3 of the European Convention on Human Rights which provides that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment".
- ❑ The CPT is not an investigative body, but provides a non-judicial preventive mechanism to protect persons deprived of their liberty against torture and other forms of ill-treatment.

**It thus complements the judicial work
of the European Court of Human Rights.**

European Committee for the Prevention of Torture
and Inhuman or Degrading Treatment or Punishment
(CPT)



CPT standards

Health Care Services in Prisons.
Extract from the 3rd General Report of
the CPT, 1993. CPT/Inf(93)12-part

<https://rm.coe.int/16806ce943>

Human Rights
Monitoring
Mechanisms of the
Council of Europe

Edited by
Gauthier de Becc

R

Routledge Research in Human Rights Law

CPT: 7 essential principles of health care services in prisons¹

1. Access to a doctor
2. Equivalence of care
3. Patient's consent and confidentiality
4. Preventive health care
5. Humanitarian assistance
6. Professional independence
7. Professional competence.

¹ CPT: Health Care Services in Prisons - Extract from the 3rd General Report of the CPT, published in 1993 [16806ce943](#)

Work of CPT

>500 country visits and reports of the CPT

General Reports und Statements concerning health care provision:

-Solitary confinement of prisoners, 2011.

<https://rm.coe.int/16806cccc6>

- Documenting and reporting medical evidence of ill treatment, 2013. <https://rm.coe.int/16806ccc4d>

- Women in prison. Factsheet 2018. <https://rm.coe.int/168077ff14>

- Statement of principles relating to the treatment of persons deprived of their liberty in the context of the Covid-19 pandemic, 2020. <https://rm.coe.int/16809ef566>

- Jurisdiction of the European Court of Human Rights des EGMR: Prisoners' health-related rights. https://prd-echr.coe.int/documents/d/echr/FS_Prisoners_health_ENG

CPT Standards update: 10 essential principles of health care services in prison

1. Loyalty to the patient
2. Access to a doctor
3. Health care services free of charge
4. Equivalent and adequate health care with integration into the public health care
5. Patient's consent and confidentiality
6. Preventive health care
7. Humanitarian assistance
8. Professional independence
9. Professional competence.
10. Document and indicate any suspicion of mistreatment

CPT Standards update: specific recommendations

- Medical examination at entrance
- Primary health care
- Mental Health
- Substance use disorders
- Infectious diseases
- Death in prison
- Isolation
- Hunger strike
- Medical documentation
- Bio-medical research in prison



?

Paper tiger, soft law, without any impact or power?

Continuous, however, slowly developing implementation of standards into practice

If a Member State does not cooperate or refuses to improve the situation CPT is according to Art. 10.2 der ECPT allowed to issue a Public Statement

European Court of Human Rights (ECHR) is referring to the standards of the European Council in its justification of judgement

Prisoners' health-related rights. [https://prd-echr.coe.int/documents/d/echr/FS Prisoners health ENG](https://prd-echr.coe.int/documents/d/echr/FS_Prisoners_health_ENG))

HELP online course on CPT standards



Preventing torture in Europe
www.cpt.coe.int

Funded by the European Union and the Council of Europe

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COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Implemented by the Council of Europe

CPT Standards

 **HUDOC CPT**
database

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HELP
Human Rights Education for Legal Professionals

Free Online Course on CPT Standards¹

- A free online course on the standards developed by the CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) has been made available on the HELP^[1] online platform.
- Preventing ill-treatment of persons deprived of their liberty requires that all actors involved are properly trained and well equipped to prevent or address unacceptable treatment and conditions.
- The purpose of the **Council of Europe HELP course on CPT standards** is to familiarise users with the CPT's key standards concerning the five most important places of deprivation of liberty: police stations, prisons, immigration detention facilities, psychiatric establishments and social care homes.

¹ [HELP online course on CPT standards - CPT](#)

Free Online Course on CPT Standards¹

- **The course consists of 6 modules:**
- **Introduction** (what is the CPT and how does it work?; CPT visits; interaction between the CPT and other Council of Europe bodies; the CPT and other preventive mechanisms; how to use CPT resources)
- **Law enforcement** (apprehension; arrival at a police station; legal safeguards; police interviews; conditions of detention; appearance before a judge)
- **Prisons and other penal institutions** (admissions procedure; ill-treatment; conditions of detention; health care in prisons; special categories of prisoners; other issues)
- **Immigration detention** (detention as a last resort; legal safeguards during detention; conditions of detention; children; staff; health care; removal of foreign nationals)
- **Psychiatric establishments** (ill-treatment; patient's living conditions; psychiatric treatment; staff; means of restraint; legal safeguards)
- **Social care homes** (de-institutionalisation; ill-treatment; resident's living conditions; care; staff; means of restraint; legal safeguards)

¹ [HELP online course on CPT standards - CPT](#)

1. Examples of CPT Work

(periodic and ad-hoc visits)



CPT/Inf (2022) 18

Report

**to the German Government
on the periodic visit to Germany
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 1 to 14 December 2020

The Government of Germany has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2022) 19.

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Periodic Visit Germany CPT/Inf (2022) 18

The main objective of the 2020 periodic visit to Germany was to **examine the treatment and conditions of detention of persons deprived of their liberty in various police establishments, prisons and psychiatric establishments in several Länder**. The co-operation received from both the management and staff in all the establishments visited was excellent. The CPT further acknowledges that considerable progress has been made since the 2015 periodic visit regarding access of its visiting delegations to medical files of detained persons. **However, it is most regrettable that access to individual patient files was once again problematic at Uchtspringe Forensic Psychiatric Clinic**, and the CPT recommends that the authorities of Saxony Anhalt take the necessary steps without further delay to ensure that its delegations have unrestricted access to files of patients in all psychiatric establishments.

European Court of Human Rights in the case of Wenner vs. Germany

- manifest and long term dependence to opioids
- denial of opioid substitution treatment (OST) in Bavarian/German prison
- The Court found that the physical and mental strain that Mr Wenner suffered as a result of his untreated or inadequately treated health condition could, in principle, amount to inhuman or degrading treatment.
- the failure to adequately assess Mr. Wenner's treatment needs involved a violation of the prohibition of inhuman or degrading treatment
- **Law more powerful than science!**

Case study of structural violence against PLP: Torture in Bavarian Prisons?!¹

- Accusation against several staff members and prison governor: torture, degrading and inhuman behaviour, violent acts
- PLP naked without light and mattress in isolation cell
- Esprit de Corps
- Cover-up
- National anti-torture committee



[1 Augsburg: Ermittlungen wegen Übergriffen auf Häftlinge in JVA - Bayern - SZ.de](#)
[Bayern: Neue Folttervorwürfe in der JVA Augsburg-Gablingen | tagesschau.de](#)
[Kontraste: Folttervorwürfe in JVA in Bayern - hier anschauen](#)

4. WHO Health in Prison Programme (HIPPP)

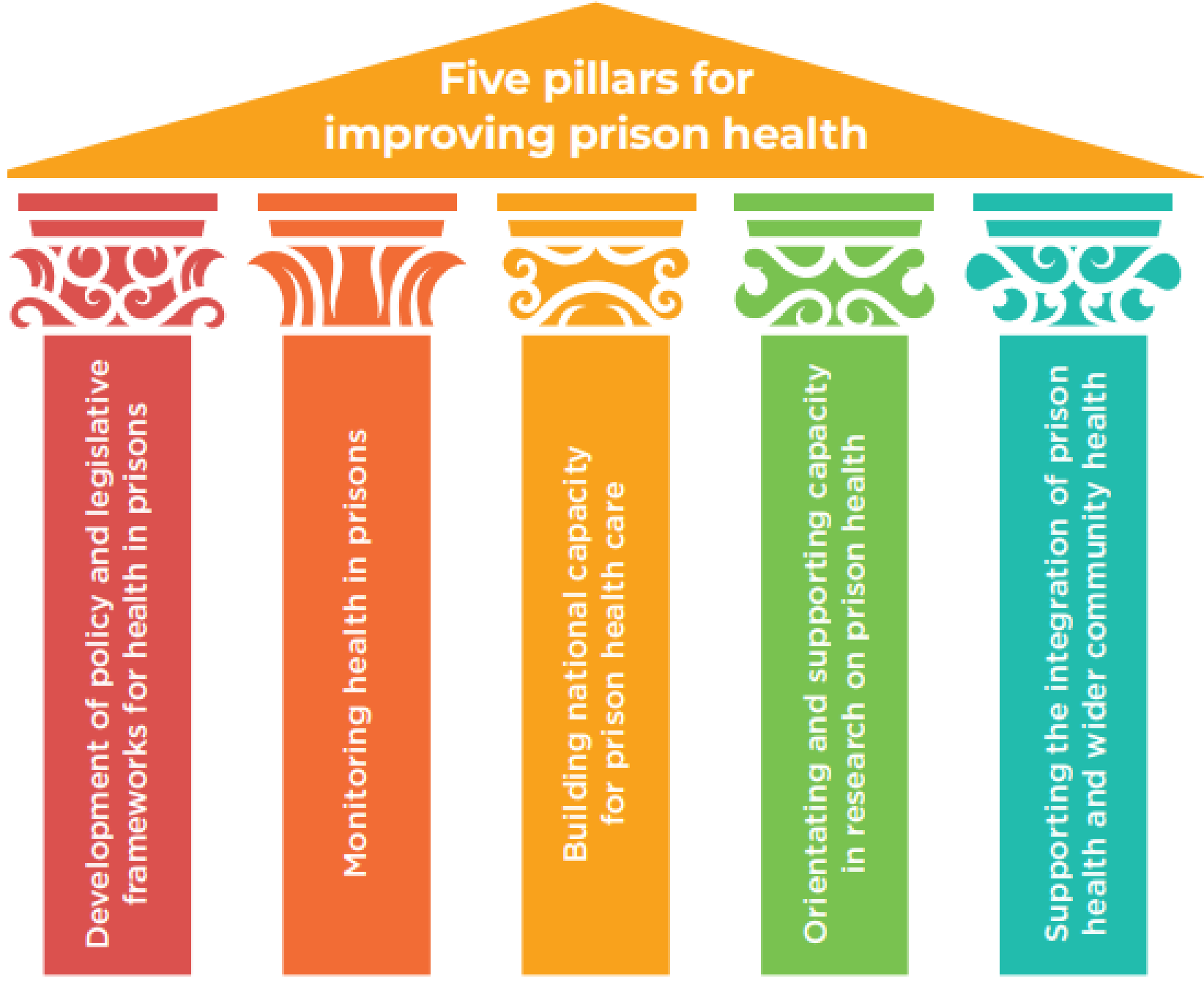


Health in Prisons Programme:
highlights of cross-cutting
programmatic collaboration to
European Programme of Work,
2020–2025 – “United Action for

**Improving the health of people living in
prisons in the WHO European Region: the
work of the Health in Prisons Programme of
the WHO Regional Office for Europe Action
Plan for the Health in Prisons
Programme (WHO-HIPP) 2022-2025**

<https://www.who.int/europe/publications/i/item/WHO-EURO-2023-7708-47475-69784>

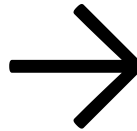
WHO HIPP



General health
needs care in the
regular health
system during
and after
incarceration



Specific health
needs requiring
ad-hoc and
public health
interventions
during and after
incarceration



Need for coordinated
efforts of the
criminal justice
system and the
health systems

Handbook on Prisons and Health (ed. Filipa Alves da Costa, Lara Tivoschi, Henrique de Barros) Table of Contents¹

- **A public health approach to health in prisons and other detention centers**
- **The essentials about prisons and health**
- **Dealing with ethical issues in prison health: from theory, to practice, implementation and monitoring of human rights**
- **Organizational capability**
- **Competency Frameworks and health workforce development**
- **Developing Surveillance Systems that capture Prison specificities**
- **Outbreak and pandemic preparedness and management**
- **A prison admission as an entry point to high quality healthcare**
- **Health promotion and disease prevention in prison**
- **Screening for CDs and NCDs in prison settings**
- **Providing care for people in prison (NCDs, ID, Oral health)**
- **Addressing substance use in prison**
- **Providing mental health care and ensuring wellbeing in prison**
- **Inequalities and vulnerable groups living in detention**
- **Continuity of care**

¹ Filipa Alves da Costa, Dr, Consultant, Health in Prisons Programme WHO; **Planned Launch Prison Health Conference 2025;**

Conclusions

- Standards of health care in prisons of the Council of Europe (CPT) are of great importance
- Although 'soft law' basic orientation of human assistance to people deprived of their liberty
- Further adjustments are necessary

„... Prisoners are the community. They come from the community, they return to it. Protection of prisoners is protection of our communities “

(Joint United Nations Programme on HIV/AIDS (UNAIDS) Statement on HIV/AIDS in Prisons)

hstoever@fb4.fra-uas.de

[**https://www.researchgate.net/profile/**](https://www.researchgate.net/profile/)

hstoever

...Videos

- **Videos:**
- The Chicago Recovery Alliance:
 - <http://www.anypositivechange.org/menu.html>
- Training Videos:
 - <http://www.naloxoneinfo.org/run-program/training-videos>
- [Ohio Attorney General](#):
 - <https://www.youtube.com/watch?v=m9wgPiuCtGI>
- Using Injectable Naloxone to Reverse Opiate Overdose / [MultcoHealthPresents](#)
 - <https://www.youtube.com/watch?v=wsN0ijLnK2k>
- Michel Geier, PharmD
 - <https://www.youtube.com/watch?v=mA1-YkKqCzY>
- Naloxone nasal spray demonstration
 - <https://www.youtube.com/watch?v=Jis6NIZMV2c>
- [BmoreHealthy](#)
 - <https://www.youtube.com/watch?v=YyDdMdLvdBc>
- Naloxone Instructional Video / [Healthy Communities of the Capital Area](#)
 - <https://www.youtube.com/watch?v=NLo25AQNyEM>

...further reading – 12 references...

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- 2. CDC. HIV Testing Implementation Guidance for Correctional Settings. <https://www.cdc.gov/hiv/pdf/group/cdc-hiv-correctional-settings-guidelines.pdf>. Access date: February 2018.
- 3. WHO. Prison and Health. http://www.euro.who.int/_data/assets/pdf_file/0005/249188/Prisons-and-Health.pdf. Access date: 5 February 2018.
- 4. UNODC. HIV prevention, treatment and care in prisons and other closed settings: a comprehensive package of interventions. https://www.unodc.org/documents/hiv_aids/HIV_comprehensive_package_prison_2013_eBook.pdf. Access date: 7 February 2018.
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- 13. Kamarulzaman A, Reid SE, Schwitters A, Wiessing L, El-Bassel N, Dolan K, et al. Prevention of transmission of HIV, hepatitis B virus, hepatitis C virus, and tuberculosis in prisoners. 2016;388:1115–1126.