Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2082 (2015)[1]

The fate of critically ill detainees in Europe

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its Resolution 2082 (2015) on the fate of critically ill detainees in Europe, stresses the paramount importance of guaranteeing access to adequate health care to persons deprived of their liberty, the absence of which may result in violations of Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights (ETS No. 5).

2. The Assembly recalls the established international standards in this field, and in particular the International Covenant on Economic, Social and Cultural Rights, the revised European Social Charter (ETS No. 163), the United Nations Basic Principles for the Treatment of Prisoners and Standard Minimum Rules for the Treatment of Prisoners, Committee of Ministers Recommendation No. R (98) 7 concerning the ethical and organisational aspects of health care in prison and Recommendation Rec(2006)2 on the European Prison Rules, in addition to the guidelines prepared by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

3. Reiterating its conviction that nobody should die in prison, the Assembly underscores the need for member States to provide for possible compassionate (temporary or permanent) release from detention on medical grounds. It invites the Committee of Ministers to:

3.1. encourage member States to systematically collect and share statistics on:

3.1.1. the percentage of requests for compassionate release granted and refused in respect of terminally ill detainees, detainees suffering from a severe illness requiring treatment outside the place of detention and detainees of advanced age;

3.1.2. the illnesses of those released from detention for medical reasons;

3.1.3. the remaining length of sentence of those found eligible for compassionate release, the type of offences for which they had been found guilty and the time served prior to release;

3.1.4. the average length of the review process;

3.1.5. the number of persons who died pending the examination of their petition for compassionate release;

3.2. undertake a comprehensive study on the legislation and practice in all member States relating to the compassionate (temporary and indefinite) release of prisoners and other categories of persons in detention, with a view to identifying best practices and adopting guidelines for the compassionate release of critically ill and elderly detainees.

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 27 November 2015 (see Doc. 13919, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Andreas Gross; and Doc. 13924, opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach).