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Detainees with severe disabilities in Europe

Motion for a recommendation

tabled by Mr Manuel TORNARE and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

In its Resolution 2082 (2015) on the fate of critically ill detainees in Europe, the Parliamentary Assembly considered the situation of critically ill, terminally ill and elderly prisoners and held that the situation of detainees with severe disabilities should be examined in a separate report.

Several of the Council of Europe's legal instruments as well as the case-law of the European Court of Human Rights and the standards set by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) state that detainees are entitled to humane conditions of detention that are compatible with their physical or mental condition. Persons with severe disabilities must have access to appropriate facilities without which their detention may be tantamount to inhuman or degrading treatment. Moreover, detainees must not be discriminated against because of their disability or on any other grounds.

Nevertheless, recent reports by the CPT and NGOs on Belgium, Romania, Georgia, France and the United Kingdom show that prisons may be particularly inappropriate for the detention of persons with disabilities, especially those who have severe physical disabilities or psychosocial disorders. This is mainly due to the lack of appropriate care but also to prejudices and the stigmatisation of detainees with disabilities.

The Assembly should take stock of the problems encountered by detainees with severe disabilities and consider the extent to which the standards set by the Council of Europe cover their situation, with a view to addressing recommendations to the Committee of Ministers on measures that could be included in the Council of Europe's future guidelines in this field.

Signed (see overleaf)



Signed¹:

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