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The fate of critically ill detainees in Europe

Reply to Recommendation[1]: Recommendation 2082 (2015)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2082 (2015) on "The fate of critically ill detainees in Europe". It has transmitted the recommendation to the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), for information and possible comments. Like the Parliamentary Assembly, the Committee stresses the importance of respecting the human rights of persons in detention.

2. The Committee of Ministers recalls the instruments of relevance to this issue that it has adopted, first and foremost the European Convention on Human Rights, but also non-binding instruments to guide member States such as the European Prison Rules (Recommendation Rec(2006)2), Recommendation Rec(2003)23 on the management of life-sentence and other long-term prisoners and Recommendation Rec(98)7 concerning the ethical and organisational aspects of healthcare in prison. It is pleased that the Assembly refers to them and would welcome its assistance with promoting them nationally.

3. The Committee of Ministers considers that a study as recommended by the Parliamentary Assembly on member States' legislation and practice in relation to the compassionate release of prisoners and other categories of persons in detention (paragraph 3.2 of the recommendation), would be useful. In addition to severely ill detainees, such a study should cover persons with severe disabilities. It could be a means of identifying best practices and a first step towards the elaboration of guidelines in this field if a need for this is identified at the expert level. The Committee of Ministers will keep this in mind in the context of its examination of the draft budget and programme of activities for the next biennium. It will keep the Assembly informed about any developments in this respect.

4. Meanwhile, it encourages member States to consider collecting and sharing the statistics referred to by the Parliamentary Assembly in paragraph 3.1 of its recommendation.

1. Adopted at the 1262nd meeting of the Ministers' Deputies (6 July 2016).