



**Doc. 14368**  
28 June 2017

## Protecting human rights during transfers of prisoners

### Motion for a recommendation

tabled by Mr Aleksander POCIEJ and other members of the Assembly

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

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Prisoners are amongst those most vulnerable to violations of their fundamental rights. International mechanisms, notably the European Committee for the Prevention of Torture (CPT), and national preventive mechanisms have done much to alleviate prison conditions in Council of Europe member States, but there are still areas in urgent need of improvement.

One of these concerns conditions during transfer and transportation of prisoners. During transfer, prisoners may find themselves confined in extremely small spaces within the transport vehicle, shared with an excessive number of other prisoners, in poor conditions, sometimes for prolonged periods. These conditions may amount to inhuman or degrading treatment or punishment, as found in judgments of the European Court of Human Rights. The CPT has also criticised such situations in a number of its country reports.

In extreme circumstances, prisoners may find themselves in transit for a month or more, deprived of contact with family and lawyers. Even shorter periods can amount to violations: the UN Committee on Enforced Disappearances has found that a prisoner suffered enforced disappearance on account of a transfer which resulted in his inability to communicate with his family or consult a lawyer for more than seven days, with the authorities concealing or refusing to acknowledge where he had been transferred to. Such isolation increases prisoners' vulnerability, since they are denied access to any effective remedy for violations and can less reliably be visited by monitoring bodies.

The Parliamentary Assembly should examine the circumstances of prisoner transfers and transportation in Council of Europe member States in the light of European and international standards and make appropriate recommendations to the Committee of Ministers and to national authorities.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

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1. EC: European Conservatives Group  
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