

# **Infectious diseases in the context of human rights**

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# Infectious diseases – one of major prisons' concerns

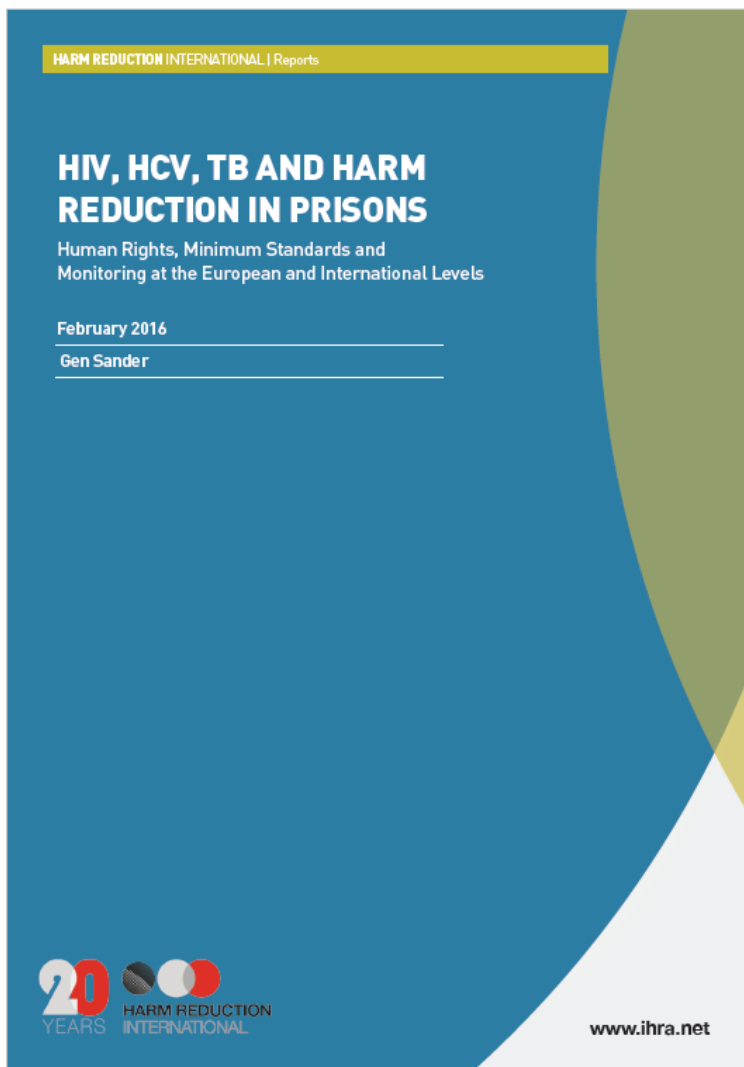


# Where to look for standards?

- Constitution
- Convention Against Torture
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- European Convention on Human Rights
- Soft law:
  - United Nations documents
  - Council of Europe recommendations
  - WHO Guidelines



# Where to look for standards?



# European Convention for Human Rights

- **Article 2**

Everyone's right to life shall be protected by law (...).

- **Article 3**

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

- **Article 8**

Everyone has the right to respect for his private and family life, his home and his correspondence. (...)

# ECtHR's case - law

- Dzieciak v. Poland
  - General standard of prison healthcare
    - Adequate
    - Timely
    - A need to cooperate with other institutions of prison reality (court, prison authorities)
- Savinov v. Ukraine

# Detention of a HIV person

- It is not an inhuman or degrading per se to keep a HIV person in detention
- A prisoner should have a right to:
  - challenge detention on that matter
  - obtain expert opinion
  - be moved to specialized institution
  - adequate conditions of the detention

# Early release of a HIV prisoner

- Only in exceptional cases, where the state of a detainee's health is absolutely incompatible with the detention.
- Issues to be considered:
  - the medical condition of the prisoner
  - the adequacy of the medical assistance and care provided in detention
  - the advisability of maintaining the detention measure in a view of the state of health of the applicant



# CPT and WHO standards on infectious diseases in prisons

- Up – to date screening methods
- Regular supply of medication
- Availability of staff
- Availability of special diets
- Appropriate material conditions:
  - Accommodation must be conducive to the improvement of prisoners' health
  - Good ventilation
  - Natural light
  - Satisfactory hygiene
  - Absence of overcrowding (appropriate square metrage per person)

# **CPT and WHO standards on infectious diseases in prisons**

- Prisoners suffering from infectious disease should not be segregated from the rest of the prison population unless this is strictly necessary on medical or other grounds.
- No medical justification for the segregation of prisoners solely on the grounds that they are HIV-positive.

# **CPT and WHO standards on infectious diseases in prisons**

- Appropriate counselling should be provided.
- Patient-related information should be protected by medical confidentiality.
- Continuation of treatment after release from prison must be guaranteed.

# CPT and WHO standards on infectious diseases in prisons

- Adequate resources for prison health care
  - Staffing
  - Preventive measures
  - Councelling
  - Medication
  - Hospitalization
  - Outpatient consultation
- Contacts with the community and monitoring
- Complain mechanism
- Studies concerning HIV/AIDS
- System evaluation

# Preventive measures

- Educational programme about transmissible diseases for both prisoners and prison staff.
- Harm reduction
  - OST
  - Condoms
  - Needles
  - Syringes

**Thank you for your attention!**

**Dziękuję za uwagę!**

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