

RCT/EMPATHY, Georgia

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HEALTH IN PRISON AND THE ISTANBUL PROTOCOL INTERNATIONAL STANDARDS



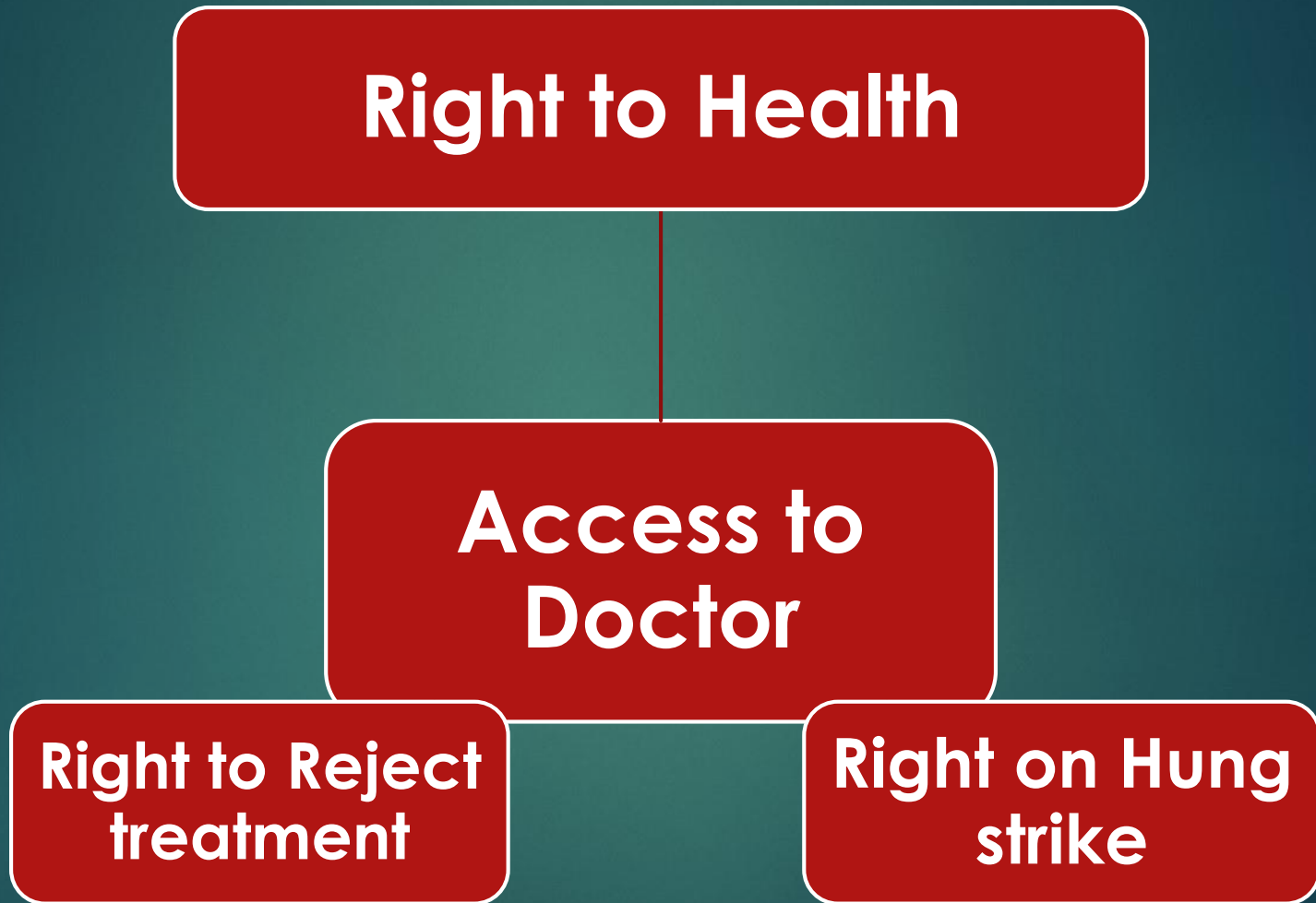
International Standards

Main Characteristics

- **Rights of prisoners on health protection**
- **Specific role of medical staff in prisons in the context of prison environment particularities**
- **Organizational aspects of health care in prisons and the management of the most common problems**

Main Aspects

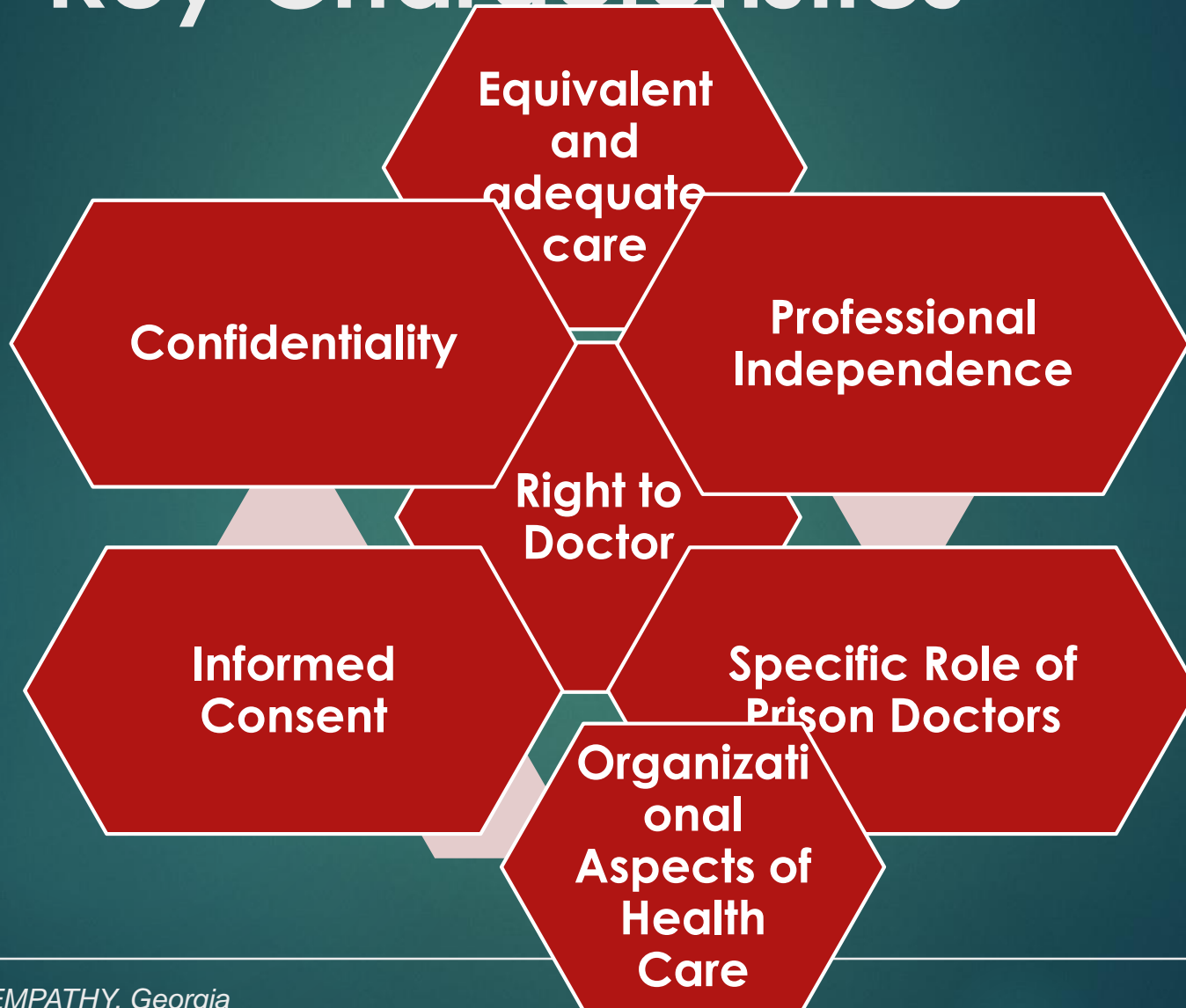
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- ▶ ***a) Right of unlimited contact with the doctor;***
- ▶ ***b) Relevant medical service;***
- ▶ ***c) Consent of prisoner and confidentiality;***
- ▶ ***d) Professional Independence.***

Key Characteristics

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International Standards

- ▶ UN Standards Binding and Non – Binding: UN CAT, OP CAT, Minimum Rules of Imprisonment etc
- ▶ ***Istanbul Protocol. Manual on the Effective Investigation and documentation of Torture***

International Standards

- ▶ *Non-mandatory but important standards*
- ▶ **CRT III General Report - Health Protection in Prisons**
- ▶ *Minimum standards of detention (UN)*
- ▶ *A set of principles for the protection of all convicts or persons detained in any form (UN)*
- ▶ *Basic principles for the treatment of prisoners (UN)*
- ▶ *European Penitentiary Regulations (2006)*
- ▶ *Committee of Ministers of European Council*
- ▶ *Committee of Ministers Recommendation #R (87)3 (1987)*

**Health in Prison: A WHO Guide to the Essentials in Prison Health
(2007, Copenhagen)**

- ▶ *European Council*
- ▶ *Committee of Ministers*
- ▶ *Recommendation #R (98) 7*
- ▶ *Committee of Ministers Appeal to member countries of European Council on Ethical and Organizational Issues of Health Protection in Prisons*
- ▶ *Strasbourg, April 20, 1998 .*

1) Access to Doctor

- ▶ **Medical examination on admission**
- ▶ **Access to health care anytime / confidentiality**
- ▶ **Primary emergency aid**
- ▶ **Access to dental care**
- ▶ **Possibility of getting in-patient care**

1) **Access to Doctor**

- ▶ **Prison medical services shall, at least, have a possibility of providing emergency assistance or outpatient consultations to prisoners. If the health condition of prisoner requires treatment which cannot be provided under prison conditions, measures should be taken at maximum, to conduct the treatment outside a prison facility.**

Minimum Standards of keeping Prisoners

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▶ 24.

▶ *Each prisoner shall be examined on admission to a prison facility and be examined further – in case of need*

Minimum Standards of Keeping Prisoners

▶ 26

- ▶ *A director is obliged to carry out regular inspections and report to the director of a prison facility on food quality, sanitary-hygienic, **living conditions of prisoners and their sporting activities.***
- ▶ *A director is obliged to take into account doctor's advice, and, in case of disagreement - - report to higher authorities.*

Main Standards of Keeping Prisoners

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- ▶ Enacted through UN 45/111 resolution, December 14 1990. tenet 9
- ▶ **Prisoners should have rights of getting medical service, existing in a country, without any discrimination due to their legal status.**

*Set of Principles on Protection of all Prisoners
or Detained persons*

Approved by UN Resolution 43/173
December 9, 1988.

- ▶ *No prisoners shall be subjected to medical and scientific investigation - despite their consent - that can bring harm to their health.*

Adequate and Equivalent Service

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- *General principles of health service in public health facilities and prisons must be equal.*
- *Adequate treatment*
- *Paramedic care*
- *Diet, physiotherapy, rehabilitation*
- *Pharmacotherapy therapy*
- *Medical records (continuity)*

Fundamental Right

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- ▶ *Right to get information, as well as to transfer information to family*
- ▶ *Right to refuse treatment*

Specific Problems

- ▶ *Problem of self-harm, suicide*
- ▶ *Hunger-strike*

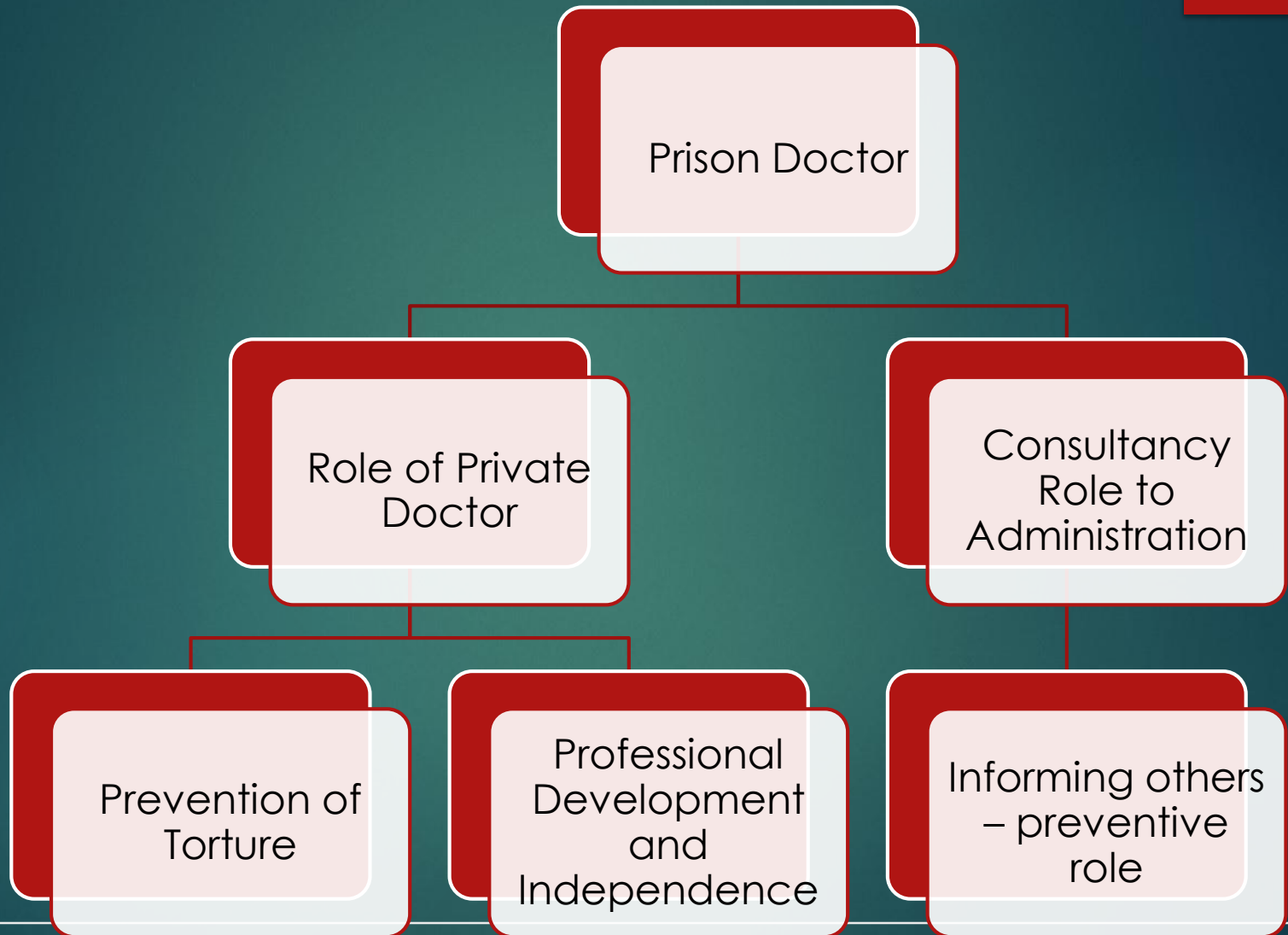
Professional Independence

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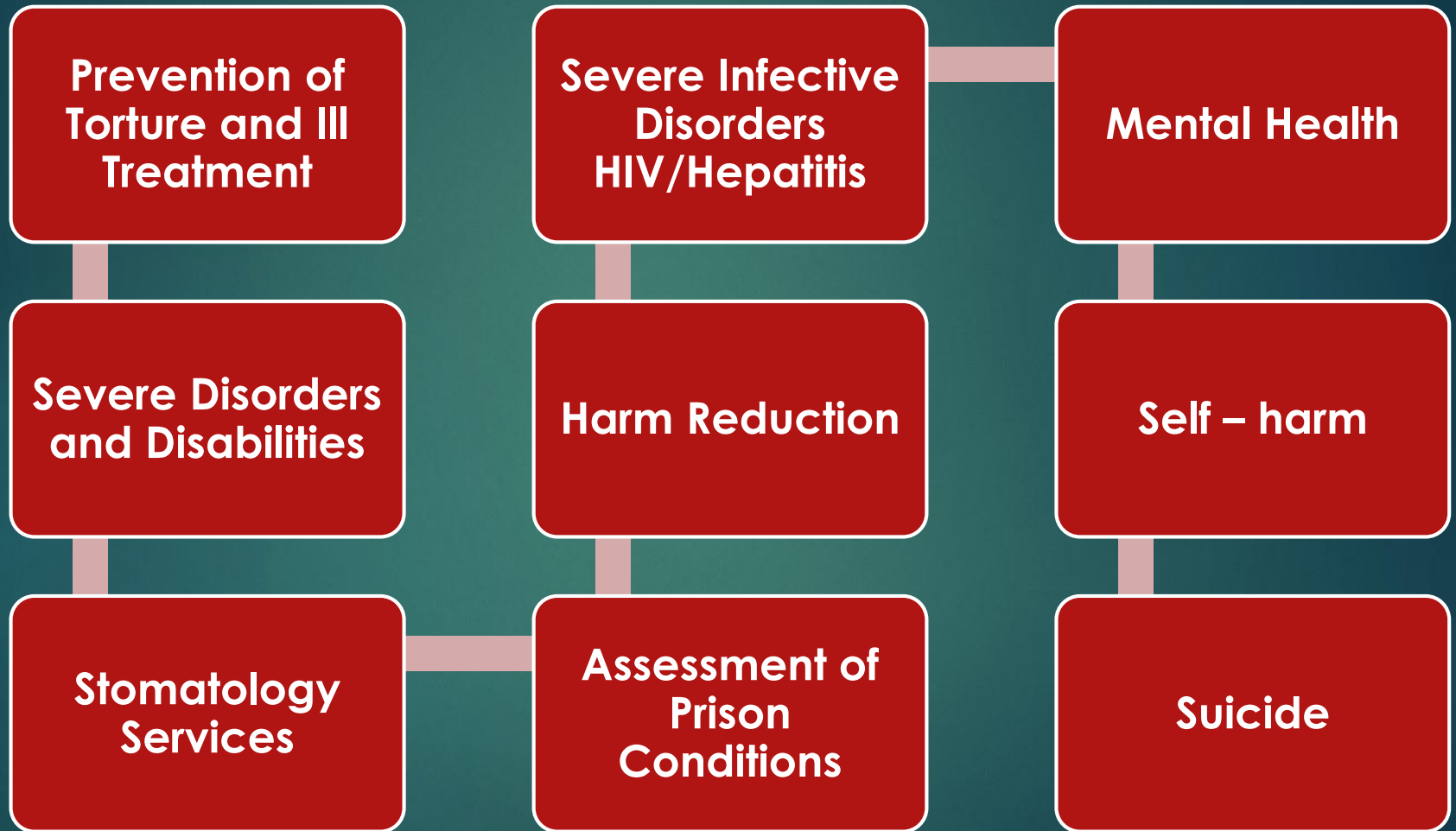
- ▶ **Doctors in a “risk zone”**
- ▶ **Conflict: patient treatment – a sick prisoner against administration and security of prison**
- ▶ **Clinical decision, based solely on medical indications**
- ▶ **Evaluation of health care only according to medical criteria**
- ▶ **Difference between a legal expert and a prison doctor**

Role of Prison Doctor

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Priorities of Health Care in Prison 20



RCT/EMPATHY Cases of ECHR

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**Mikiashvili v.
Georgia**

**Nachkebia
v. Georgia**

**Mzekalishvili
v. Georgia**

Tokyo Declaration(WMA)

- ▶ *In October 1975, in Tokyo XXIX World Medical Assembly adopted the Tokyo Declaration «Guidelines for Doctors in Case of Using Torture or other inhuman or Humiliating Treatment or Punishment to Prisoners or Detained Persons».*

Based on Tokyo Declaration December 18, 1982, Principles of Medical Ethics were adopted by the UN (Resolution 37/194) .

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- ▶ *Ethical principles for medical personnel - and particularly, physicians – activities, for the protection of convicts and prisoners against torture or other ill, unhuman or humiliating treatment and punishment.*

Hamburg Declaration of World Medical Association

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- ▶ *Hamburg Declaration of World Medical Association (Hamburg, 1997) on the Support of Doctors, in case of their refusal to participate, or concealment of torture or other forms of ill, unhuman or humiliating treatment.*
- ▶ *«Doctors in a risk zone» often find it difficult to maintain their independence; hence, it is important that authorities assigning them to posts not intervene in doctors' activities and not be able to take unfair measures against them legally.*

WMA Helsinki 2003

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Resolution of the World Medical Association on Responsibilities of Doctors for Condemning Torture and Other Forms of Ill, Unhuman or Humiliating Treatment and Punishment, They have been Informed about.

Content:

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- ▶ **Working out of decision in accordance with the Istanbul Protocol; proliferation of procedures;**
- ▶ **FIs focused on dual responsibility, Article 68; Istanbul Protocol;**
- ▶ **Facilitation and promotion of trainings on the issues of torture consequences.**

Thank you for attention