



Factsheet

June 2018

CPT/Inf(2018)24

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*They aim to present the CPT's standards on key issues. However, they do not claim to be exhaustive, in particular as regards the references to CPT country visit reports.*

## Transport of detainees

### Introduction

- Whatever the grounds for transferring persons deprived of their liberty from a place of detention to another place (e.g. from a police station to a prison, from a prison to another prison, a courthouse or a hospital, or from a border point of entry to an immigration detention centre), the CPT considers that transportation should always be carried out in a humane, secure and safe manner.
- On a number of occasions, CPT delegations have inspected vehicles intended for the transport of detainees, such as road and railway vehicles.<sup>1</sup> They frequently found that conditions were substandard or that basic safety requirements were not being met. The Committee has also come across practices which called for criticism (e.g. overreliance on means of restraint; unnecessarily long periods of confinement in prisoner transport vehicles).
- In this context, the CPT has observed positive change in light of its recommendations (e.g. decisions to put an end to the use of vehicles unsuitable for the transportation of detainees; acquisition of new fleets of vehicles allowing transportation of detainees in conditions advocated by the Committee; building of holding cells in courthouses in order to avoid prolonged detention in prisoner transport vans).
- This factsheet presents the CPT's main standards on this subject which have been developed over several decades. It covers the transport of persons in police custody, prisoners and immigration detainees, whenever transportation is organised by law enforcement, prison or other criminal justice services, or private contractors. It does not cover transportation carried out by health-care services, and it is not intended to cover transportation in the context of transfers of prisoners outside the national territory or return operations by air or other means.
- Finally, the standards presented in this factsheet should not be seen in isolation from international instruments such as the European Convention on Human Rights and the relevant case-law of the European Court of Human Rights, the Council of Europe's European Prison Rules<sup>2</sup> and European Rules for juvenile offenders subject to sanctions or measures<sup>3</sup>, or the United Nations Standard Minimum Rules for the Treatment of Prisoners ("the Nelson Mandela Rules"<sup>4</sup>).

<sup>1</sup> More rarely, CPT delegations have inspected vessels/boats and aircrafts used for domestic transfers of prisoners.

<sup>2</sup> Recommendation Rec(2006)2 of the Committee of Ministers adopted on 11 January 2006.

<sup>3</sup> Recommendation Rec(2008)11 of the Committee of Ministers adopted on 5 November 2008.

<sup>4</sup> United Nations General Assembly Resolution 70/175 adopted on 17 December 2015.

## 1. Material conditions

- When vehicles are equipped with secure compartments, **individual cubicles** measuring less than 0.6 m<sup>2</sup> should not be used for transporting a person, no matter how short the duration. Individual cubicles measuring some 0.6 m<sup>2</sup> can be considered as acceptable for short journeys/distances; however, cubicles used for longer journeys/distances should be much larger.<sup>5</sup>
- **Compartments or cubicles intended to transport more than one detainee** for short journeys/distances should offer no less than 0.4 m<sup>2</sup> of space per person, and preferably more. As regards longer journeys/distances, compartments should offer at least 0.6 m<sup>2</sup> of personal space.<sup>6</sup>
- Compartments or cubicles used for transporting detainees should be of a **reasonable height**.<sup>7</sup>
- All transport vehicles should be **clean**,<sup>8</sup> sufficiently **lit** and **ventilated**, and **heated** appropriately.<sup>9</sup>
- Transport vehicles should be equipped with suitable means of **rest** (such as appropriate benches or seats).<sup>10</sup>
- For **overnight transport by train**, compartments should be equipped with **beds or sleeping platforms**, and inmates should be provided with **mattresses and sheets/blankets** during the journey.<sup>11</sup>
- The necessary arrangements should be made to provide detainees with **drinking water** as required and, for long journeys/distances, with **food** at appropriate intervals.<sup>12</sup>
- In the context of long journeys, arrangements should be made to allow detainees to have access to **sanitary facilities** or to **satisfy the needs of nature** in conditions offering sufficient privacy, hygiene and dignity. When travelling by road, this implies the organisation of regular stops.<sup>13</sup>
- Detainees brought before a court following a long journey should be placed under conditions which guarantee respect for their dignity. In particular, they should be offered appropriate **rest** and the opportunity to **wash** and **change their clothes**.<sup>14</sup>

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<sup>5</sup> [Ukraine: Visit 2009, § 44](#), [Lithuania: Visit 2008, § 31](#), [Azerbaijan: Visit 2006, § 41](#), [Lithuania: Visit 2004, §§ 44-45](#), [Azerbaijan: Visit 2002, § 152](#), [United Kingdom: Visit 2001, § 30](#), [Ukraine: Visit 2000, § 129](#), [Lithuania: Visit 2000, § 118](#), [Ukraine: Visit 1998, § 189](#)

<sup>6</sup> [Greece: Visit 2005, § 134](#), [Slovenia: Visit 2001, § 95](#), [Ukraine: Visit 2000, § 131](#), [Lithuania: Visit 2000, § 118](#)

<sup>7</sup> [Moldova: Visit 2007, §§ 73 and 76](#)

<sup>8</sup> [Lithuania: Visit 2000, § 111](#)

<sup>9</sup> [Slovenia: Visit 2012, § 72](#), [Azerbaijan: Visit 2006, § 41](#), [Ireland: Visit 2006, § 101](#), [Romania: Visit 2006, § 151](#), [Greece: Visit 2005, § 134](#), [Spain: Visit 2003, § 34](#), [Slovenia: Visit 2001, § 95](#), [Ukraine: Visit 1998, § 189](#), [Bulgaria: Visit 1995, §§ 176-177](#)

<sup>10</sup> [Azerbaijan: Visit 2006, § 41](#)

<sup>11</sup> [Azerbaijan: Visit 2002, § 154](#)

<sup>12</sup> [Greece: Visit 2013, § 150](#), [Greece: Visit 2009, § 153](#), [Ukraine: Visit 2000, § 131](#)

<sup>13</sup> [Greece: Visit 2013, § 150](#), [Greece: Visit 2009, § 153](#), [United Kingdom: Visit 2005 \(November\), § 23](#), [Lithuania: Visit 2000, § 118](#)

<sup>14</sup> [Lithuania: Visit 2000, §§ 117-118](#)

## 2. Safety measures

- Detained persons should be transported in vehicles **suitably designed for that purpose**, taking due account of all relevant safety requirements in order to protect detainees.<sup>15</sup>
- The number of detainees transported should not exceed the **capacity** of the vehicles used for that purpose.<sup>16</sup>
- Detainees should not have to stand up during a journey due to a **lack of seating space**.<sup>17</sup>
- Detainees should not **remain inside the escort van during a boat crossing**, if this contravenes the safety rules of the ferry authorities.<sup>18</sup>
- All vehicles which are used for the transportation of detained persons should be equipped with **appropriate safety devices** (such as safety belts).<sup>19</sup>
- Detainees who are being transferred should **always be escorted**, however long the journey and whichever mode of transport is used.<sup>20</sup> Transport vehicles should be equipped with means to enable detainees to **communicate with escort staff**.<sup>21</sup>
- Doors of secure cubicles/compartments should be equipped with a **device that automatically (and/or rapidly) unlocks the doors** in the event of an emergency.<sup>22</sup>
- Steps should be taken to **prevent violence, intimidation or theft** being perpetrated by detainees against their fellow passengers.<sup>23</sup>

## 3. Security measures

- The application of **handcuffs** and/or **body belts** to detainees during transportation should only be resorted to when the risk assessment in an individual case clearly warrants it. When the use of such means is considered absolutely necessary, it should be done in such a way as to minimise any risk of injury to the detained person.<sup>24</sup>
- Such means should not be used when detainees are **locked inside secure cubicles or compartments**.<sup>25</sup>
- Given the potential for discomfort to the person concerned and the risk of injury in the case of accident, the practice of **handcuffing detainees behind their back** during transportation should be avoided.<sup>26</sup>
- **Stun belts** should never be used; alternative means of restraint can and must be found in the context of movements of detainees.<sup>27</sup>

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<sup>15</sup> [Lithuania: Visit 2000, §§ 117 and 118](#)

<sup>16</sup> [Romania: Visit 2006, § 151](#)

<sup>17</sup> [Greece: Visit 2013, § 150](#)

<sup>18</sup> [Malta: Visit 2015, § 32](#)

<sup>19</sup> [Netherlands: Visit 2016, § 29](#), [United Kingdom: Visit 2012 \(Scotland\), § 88](#), [Andorra: Visit 2011, § 25](#), [Poland: Visit 2009, § 80](#), [Slovenia: Visit 2001, § 95](#)

<sup>20</sup> [Switzerland: Visit 1996, §§ 116-117](#)

<sup>21</sup> [Serbia: Visit 2015, § 53](#), [United Kingdom: Visit 2012 \(Scotland\), § 88](#), [Slovenia: Visit 2001, § 95](#)

<sup>22</sup> [Lithuania: Visit 2000, § 115](#), [Bulgaria: Visit 1995, § 176-177](#), [Spain: Visit 1994 \(April\), § 27](#)

<sup>23</sup> [Lithuania: Visit 2004, §§ 44-45](#)

<sup>24</sup> [Serbia: Visit 2015, § 53](#), [Ireland: Visit 2014, § 85](#), [Slovenia: Visit 2012, § 73](#)

<sup>25</sup> [Ireland: Visit 2006, § 101](#), [United Kingdom: Visit 2005 \(November\), § 23](#), [Hungary: Visit 2005, § 126](#)

<sup>26</sup> [Serbia: Visit 2015, § 53](#)

<sup>27</sup> [Hungary: Visit 2009, § 120](#)

- The practice of using **devices on detainees to block their vision** (for example, by means of glasses blacking out their vision or blindfolding them) while they are being transported from one location to another should be abolished.<sup>28</sup>

#### 4. Health issues

- The **means of transport** employed for taking detainees to and from a hospital should **take into account their medical condition**.<sup>29</sup>
- The **confidentiality of medical data** should be respected during transfers of detainees.<sup>30</sup>
- Any practice of segregating **HIV-positive detainees** should be discontinued.<sup>31</sup>

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<sup>28</sup> [Belgium: Visit 2017, §§ 19-20](#), [Netherlands \(Curaçao\): Visit 2014, § 125](#), [Belgium: Visit 2013, § 38](#)

<sup>29</sup> [Spain: Visit 1991, § 150](#)

<sup>30</sup> [Lithuania: Visit 2004, § 46](#)

<sup>31</sup> [Lithuania: Visit 2004, § 46](#)