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This Information Note does not bind the Court and is not exhaustive

Detention and Mental Health

Conditions of detention

The detention of a person who is ill may engage Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

Article 3 requires States to ensure that every prisoner is detained in conditions that are compatible with respect for human dignity.

- [B. v. Germany](#), 10.03.1988: the applicant had complained about the conditions of his pre-trial detention, claiming that he had not been able to receive suitable medical treatment for his state of health, which had been weakened by the suffering he had endured in a concentration camp between 1940 and 1945. **No violation of Article 3**, the applicant having been treated for psychological problems in prison and the medical reports not being sufficiently conclusive to justify his allegations about incompatibility with detention.
- [Aerts v. Belgium](#), 30.07.1998: maintaining of the applicant in a psychiatric wing of an ordinary prison and not in a social protection centre designated by the competent Mental Health Board. **No violation of Article 3**: the living conditions in the psychiatric wing did not seem to have had such serious effects on his mental health as would bring them within the scope of Article 3.
- [Peers v. Greece](#), 04.06.1999: prisoner detained in the prison's psychiatric hospital and then in solitary confinement. **Violation of Article 3** on account of the detention conditions, which had diminished the applicant's human dignity and given rise in him to feelings of anguish and inferiority capable of humiliating and debasing him and possibly breaking his physical or moral resistance.
- [Romanov v. Russia](#), 20.10.2005: detention of applicant in the psychiatric ward of the detention facility to undergo tests. **Violation of Article 3**: the applicant's conditions of detention, in particular the severe overcrowding and its detrimental effect on his well-being, combined with the length of the period during which the applicant was detained in such conditions, amounted to degrading treatment.
- [Filip v. Romania](#), 14.12.2006: **violation of Article 3** because of the lack of a thorough and effective investigation into the applicant's allegation of ill-treatment in a psychiatric hospital.
- [Rupa v. Romania](#), 16.12.2008: the applicant, who was suffering from psychological disorders and was registered by the public authorities as having a second-degree disability on that account, complained about inhuman and degrading physical conditions in police station cells. **Violation of Article 3**, especially on account of a lack of appropriate medical attention in view of the applicant's vulnerable psychological state (the authorities had been under an obligation to have him examined by a psychiatrist as soon as possible in order to

determine whether his psychological condition was compatible with detention, and what therapeutic measures should be taken).

In the case of [Soering v. the United Kingdom](#) (07.07.1989), the Court took the applicant’s mental health into account (§ 109: “Although it is not for this Court to prejudge issues of criminal responsibility and appropriate sentence, the applicant’s youth at the time of the offence and his then mental state, on the psychiatric evidence as it stands, are therefore to be taken into consideration as contributory factors tending, in his case, to bring the treatment on death row within the terms of Article 3”).

Suicide in detention

- [Keenan v. the United Kingdom](#), 03.04.2001: the applicant, who was suffering from paranoia, committed suicide in prison after being placed in the segregation unit as a punishment. **No violation of Article 2** (right to life) because no formal diagnosis of schizophrenia had been submitted to the Court and the authorities had made a reasonable response to his conduct, placing him in hospital care and under watch when he showed suicidal tendencies. **Violation of Article 3**, on account of the lack of effective monitoring, the lack of informed psychiatric input into his assessment and significant defects in the medical care provided. Moreover, the imposition on him of a serious disciplinary punishment, which might well have threatened his physical and moral resistance, had not been compatible with the standard of treatment required in respect of a mentally-ill person.
- [Rivière v. France](#), 11.07.2006: the applicant had been diagnosed with a psychiatric disorder involving suicidal tendencies and the experts were concerned by certain aspects of his behaviour, in particular a compulsion towards self-strangulation. He complained about his continued imprisonment in spite of his psychiatric problems which required treatment outside the prison. **Violation of Article 3**: The applicant’s continued detention without appropriate medical supervision had constituted inhuman and degrading treatment (prisoners with serious mental disorders and suicidal tendencies required special measures geared to their condition, regardless of the seriousness of the offence of which they had been convicted).
- [Renolde v. France](#), 16.10.2008: suicide in pre-trial detention of a man suffering from acute psychotic disorders. **Violation of Articles 2 and 3**: The Court reiterated that the vulnerability of mentally ill people called for special protection and it was struck by the fact that, despite the applicant’s first suicide attempt and the diagnosis of his mental condition, it did not appear that there had ever been any discussion of whether he should be admitted to a psychiatric institution. No consideration seemed to have been given to his mental state – even though he had made incoherent statements during the inquiry into the incident and had been described as “very disturbed” – because three days after his suicide attempt he had been given the maximum penalty by the disciplinary board, namely 45 days’ detention in a punishment cell.

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