



Recommendation 2132 (2018)¹

Detainees with disabilities in Europe

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2223 \(2018\)](#) on detainees with disabilities in Europe, in which it calls on member States to take a number of measures to prevent the imprisonment of persons whose condition is incompatible with detention and to ensure that the fundamental principles of equality of treatment, non-discrimination, reasonable accommodation and accessibility are respected in the case of detainees with disabilities.

2. The Assembly underlines the obligations arising notably under the European Convention on Human Rights (ETS No. 5) and the United Nations Convention on the Rights of Persons with Disabilities, the relevant rules in Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

3. The Assembly nevertheless regrets the lack of specific attention paid by member States and international instruments to the situation of detainees with disabilities. In many cases, the conditions of detention of persons with disabilities have been found to be degrading and discriminatory. It stresses that situations where deprivation of liberty leads to a deprivation of dignity must not be tolerated.

4. The Assembly therefore invites the Committee of Ministers to:

- 4.1. bring [Resolution 2223 \(2018\)](#) to the attention of the governments of the member States;
- 4.2. encourage member States to collect and share statistics on all disability situations found in prisons;
- 4.3. take without delay the measures envisaged in its reply to Assembly [Recommendation 2082 \(2015\)](#) on the fate of critically ill detainees in Europe;
- 4.4. undertake a comprehensive study on the legislation and practice in all member States relating to provision for disability in the criminal justice and prison system, with a view to identifying best practices and adopting guidelines in this area.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 1 June 2018 (see [Doc. 14557](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Manuel Tornare; and [Doc. 14561](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pierre-Alain Fridez).*

