

Detention Conditions and Human Dignity —A Study on Decisions of the European Court of Human Rights

Pi-fang Wang

Institutum Iurisprudentiae, Academia Sinica
No. 128, Sec. 2, Academia Rd., Taipei 11529, Taiwan
E-mail: florie@sinica.edu.tw

Abstract

The central issue of inmate right under European law has gone beyond whether to recognize inmate rights, and instead focuses on how to protect, substantively and effectively, the human rights and dignity of inmates. Among the many issues, problems concerning the conditions of detention have drawn much attention. Notwithstanding that the European Convention on Human Rights does not address issues of detention, the European Court of Human Rights has articulated the concept of human dignity, and created the right to decent conditions of detention according to Article 3 of the Convention, which prohibits torture. This paper discusses first the question of why and how the European Court of Human Rights has rewritten Article 3 of the European Convention of Human Rights through its interpretation, and, secondly, based on certain adjudications, analyses the acceptable standards and requirements of the conditions of detention through the lens of human dignity. Finally, the paper points out the characteristics of the European protection mechanism.

Key Words: conditions of detention, human dignity, European Court of Human Rights