

February 2014

Semikhvostov v. Russia - 2689/12

Judgment 6.2.2014 [Section I]

Article 3

Degrading treatment

Inhuman treatment

Lack of independent access to prison facilities for paraplegic prisoner; lack of organised assistance with his mobility and daily routine resulting in his segregation and stigmatisation: *violation*

Facts – The applicant, who was wheelchair-bound and suffering from numerous health problems, including complete paralysis of the lower body and extremely poor eyesight, was detained for almost three years in a correctional facility that was not adapted for the disabled. He had to rely on the help of other inmates to leave the dormitory and to access facilities such as the lavatory, bathhouse, library, shop and medical unit, which were inaccessible in a wheelchair.

Law – Article 3: The limitations on the applicant's personal mobility were so severe that he had been unable to eat at the canteen with fellow inmates. While it was not possible to verify the applicant's allegation that he had been denied food or had received it on dirty tableware, his formal segregation from the rest of the inmate population had stigmatised him and by itself served as the main restriction on his leading a dignified life in the already harsh environment of a penal facility.

The State's obligation to ensure adequate conditions of detention included making provision for the special needs of prisoners with physical disabilities, and the State could not absolve itself from that obligation by shifting the responsibility to other inmates. By appointing fellow inmates to care for the applicant the State had not taken the necessary steps to remove the environmental and attitudinal barriers which had seriously impeded the applicant's ability to participate in daily activities with the general prison population which, in its turn, had precluded his integration and stigmatised him even further. Many of the applicant's access problems could have been solved by reasonable improvements which would have been neither costly nor complicated. However, the authorities' response had been restricted to the temporarily installation of an entrance ramp, the provision of a chair for use in the lavatory and assigning inmates to assist him. Those arrangements could not have ensured the applicant's autonomy or promote his physical and moral integrity. The restrictions on his personal mobility and lack of reasonable accommodation during his three-year long detention must have had a dehumanising effect. The domestic authorities had failed to treat him in a safe and appropriate manner consistent with his disability. In sum, the conditions of the applicant's detention and, in particular, his lack of independent access to parts of the facility, including the canteen and sanitation blocks, and the lack of any organised assistance with his mobility, must have caused the applicant unnecessary and avoidable mental and physical suffering amounting to inhuman and degrading treatment.

Conclusion: violation (unanimously).

The Court also found a violation of Article 13 of the Convention.

Article 41: EUR 15,000 in respect of non-pecuniary damage.

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