



Mechenkov v. Russia

App. No. 35421/05, Eur. Ct. H.R. 122 (2008).

Country: Russia

Region: Europe

Year: 2008

Court: European Court of Human Rights European Court of Human Rights

Health Topics: Health care and health services, Health information, Infectious diseases, Prisons

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment

Facts

Applicant, a Russian national serving a prison sentence and suffering from tuberculosis and chronic hepatitis C, alleged the state violated his Article 3 rights under the European Convention on Human Rights (ECHR) because he was denied the necessary medical treatment. He also alleged that he was held with inmates suffering from active tuberculosis and hepatitis A.

Decision and Reasoning

The court found that Russian government violated Article 3 of the ECHR by failing to provide adequate medical treatment for applicant's conditions. The court held that government's failure to submit copies of relevant medical documents suggested that applicant did not receive the adequate medical assistance; this amounted to inhuman and degrading treatment and a violation of Article 3.

Decision Excerpts

"101. Although the medical assistance available in prison hospitals may not always be at the same level as in the best medical institutions for the general public, the State must ensure that the health and well-being of detainees are adequately secured by, among other things, providing them with the requisite medical assistance (see KudÅ,a, cited above, Å§ 94, ECHR 2000-XI; see also Hurtado v. Switzerland, judgment of 28 January 1994, Series A no. 280-A, opinion of the Commission, pp. 15-16, Å§ 79). Furthermore, if the authorities decide to maintain a seriously ill person in detention, they must demonstrate special care in guaranteeing such conditions of detention that correspond to his special needs resulting from his disability (see Farbtuhs v. Latvia, no. 4672/02, Å§ 56, 2 December 2004)."

"102. In order to establish whether the applicant received requisite medical assistance while in detention, it is crucial to determine whether the State authorities provided him with the minimum scope of medical supervision for timely diagnosis and treatment of his illnesses (see Popov v. Russia, no. 26853/04, Å§ 211, 13 July 2006)."