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REPORT AND RECOMMENDATIONS

PRISON

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REPORT AND RECOMMENDATIONS REGARDING EFFECTIVE TREATMENT DURING POLICE QUESTIONING FOLLOW-UP TREATMENTS IN POLICE DETENTION, TEMPORARY CUSTODY AND IMPRISONMENT

It appears from the report that individuals subject to judicial and/or administrative detention encounter difficulties regarding medical treatments (especially antiretroviral and drug substitution treatments). During such procedures (police detention, temporary custody, imprisonment, release), they face situations in which they are not always able to observe properly the prescriptions given by the physician treating them. While in some cases the obstacles involved arise from a combination of circumstances or shortcomings which can be easily corrected (as in the case of prisons), it appears that, in other facilities, the difficulties encountered by patients result from the absence of any directive. Two situations are of particular concern to the National AIDS Council : the period of custody for police questioning, and that in remand centres (CACs).

For this reason, the National AIDS Council wishes now to make a series of recommendations aimed at improving the conditions under which treatment can be followed at the various stages applicable to individuals undergoing police questioning.

POLICE DETENTION FOR THE PURPOSES OF QUESTIONING

Because of the absence of any regulations governing the purchase and distribution of medication, the time spent in police facilities or stations by individuals living with HIV, as well as by drug users taking part in drug substitution programmes, is a period of risk in terms of treatment.

The Council recommends firstly that, at a national level, the general conditions of police questioning (notification of rights, food, conditions of custody, access to treatment) should be improved and standardized. The Council suggests that a general agreement associated with locally applicable agreements comparable to those between individual prison facilities and hospitals, should be signed by the various actors concerned (Ministries of the Interior, Defence, Justice and Health). These agreements will enable access to treatment for individuals undergoing police questioning, even in the absence of medical emergency units operating within the judicial system.

The National AIDS Council recommends :

- that gendarmes and police be made more aware, as part of a process of continuing training, of the medical and welfare needs of individuals living with HIV, and those undergoing drug substitution treatment ;
- that the medical examination provided for under the Code of Criminal Law Procedure should be performed in a place guaranteeing patient-physician confidentiality ;
- that a frame agreement between the French Medical Association and the Ministries involved (Justice, Interior, Defence, Health) should be put in place to define the rules for listing competent practitioners and the arrangements for their work in the context of police custody.

Finally, the National AIDS Council encourages managers of health centres specializing in drug addiction to work more closely with local criminal investigation officers, as is already the case in certain areas, in order to cooperate with them, within the limits set by their respective powers and tasks.

IN DETENTION FACILITIES

The National AIDS Council takes note of the improvement of medical care in the detention facility used by the Paris Police Authority. The Council considers that, as a second phase in this process, it would be appropriate to entrust this medical care to doctors independent of that Authority.

IN REMAND CENTRES

The National AIDS Council expresses its grave concern as to the situation of individuals held in remand centres and similar facilities ; the CIMADE overview report on the latter, in addition to the other evidence collected, demonstrates the absence of any policy on the provision of medical care for those in custody. This fact, added to a lack of human and material resources, constitutes a serious breach of human rights.

The National AIDS Council recommends that measures be urgently taken to improve the conditions for individuals held in detention facilities. It is especially important to lift the veil preventing any public discussion of those facilities, on which very little information is currently available. The National AIDS Council advocates that individuals held in remand centres (CACs) should be able to benefit from the services of hospitals and a permanent medical presence.

The National AIDS Council advocates that conditions in detention should be made compliant with the demands of respect for individual rights (food, accommodation, healthcare) and that centres which do not meet those conditions should be closed (Marseille-Arenc for example). Finally, the Council requests that in no event should individuals be held temporarily in the same facilities as those used for custody during police questioning.

IMPRISONMENT

The National AIDS Council takes note of the improvement of medical care for prisoners pursuant to the provisions enacted by the law of 1994. However, this care differs according to whether the individuals concerned are held in a conventional facility or in one governed by the 13 000 programme. Since the contractual agreements with Economic Interest Groupings are approaching expiry, the Council recommends that, whatever the decision of the public authorities, the level of care instituted under the provisions of the law of 1994 should be the same for all prisoners.

The National AIDS Council recommends that drug substitution treatments should be continued in a regular manner for individuals in detention and that they should not be subjected to abrupt withdrawal. The Council advocates that, when appropriate, prison should be a facility where substitution treatment can be begun, as provided by current legislation.

The National AIDS Councils draws attention to the problem of prisoner transfer, which, in some cases, may prevent treatment from being correctly followed. The Council asks the Ministry of Justice to draw attention to the difficulties which may be caused when prisoners are transferred without prior warning.

RELEASE

The National AIDS Council recommends that preparatory programmes for release should be implemented in penal establishments ; the Council emphasizes that one of the tasks of the professionals (doctors, social workers, psychologists) working in prisons and detention centres is to verify that all necessary steps have been taken to enable released prisoners to receive the same social and medical care once free.

OTHER RECOMMENDATIONS

The National AIDS Council proposes that networking of the doctors working at the various levels of the judicial process should be encouraged ; the Council suggests that a genuine system of "legal medicine" should be developed on the basis of past experience in this domain.

The National AIDS Council emphasizes that the above recommendations on antiretroviral and drug substitution treatments are equally applicable to the treatment of other medical conditions.