

Court: European Court of Human Rights
Case: Raffray Taddei v. France
Date: December 21, 2010
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The applicant, Virginie Raffray Taddei (Taddei), a French national, is currently serving twenty sentences for convictions including embezzlement, forgery of checks, theft, and other crimes in Roanne Detention Center in France. In July 2007, she filed a complaint with the European Court of Human Rights alleging that her continued detention and the failure to provide her with appropriate treatment for her health problems were in violation of Article 3 of the European Convention on Human Rights (the Convention). Article 3 prohibits “inhuman or degrading treatment or punishment.” The Court ruled in favor of Taddei for insufficient treatment for her health problems but concluded that her continued detention was not in violation of Article 3.

Background

Incarcerated in 1997, Taddei suffered from numerous health problems throughout her confinement. Some of these ailments included asthma, chronic respiratory problems, anorexia, and Munchausen’s syndrome. Taddei’s petitions for suspension of her sentence or deferment on medical grounds were continuously denied by French authorities.

Medical experts submitted conflicting reports regarding her state of health. On March 3, 2008, one expert concluded the deterioration of her health was incompatible with detention. A month earlier, a doctor had requested further tests regarding her medical history before determining the possibilities of imprisonment. In April 2008, a hospital report indicated that Taddei’s "diseases are many and intertwined" and that her continued detention under current conditions was potentially harmful. However, in June and July of 2008, two experts concluded that continued detention was perfectly compatible with Taddei’s state of health. In July 2008,

after one of her requests for deferment of her sentence was denied by a court in Rennes, France, Taddei went on a hunger strike and was hospitalized until June 2009. During that time, she had gone from about 120 pounds to 70 pounds.

After her transfer to a hospital in Fresnes, France, a medical certificate issued in February 2009 recommended modification of Taddei's sentence because of her prolonged hospitalization and the lack of necessary resources to treat her. Next, a medical examination on March 7, 2009 established that Taddei's condition was not compatible with an ordinary prison or hospital and that she required specialized care in a hospital. Another examination on March 19, 2009 concluded that her health was compatible with continued detention but that the current detention conditions required modifications. In April 2009, a psychiatrist contended that Taddei required a specialized follow-up treatment for her anorexia and Munchausen syndrome. This diagnosis was affirmed by a psychiatrist at the Roanne facility and by the Comptroller General of Detention Centers in December 2009 and March 2010.

In May 2010, the General Comptroller of Deprivation of Liberty wrote the director of the Roanne Detention Center where Taddei was carrying out her sentence. He listed various complaints regarding the inadequacy of Taddei's treatment for her health conditions. The Lyon Court of Appeals, however, upheld the refusal to release Taddei from her detention. Instead, she continued her prison sentence and received weekly medical and psychological care with the limited resources available at the facility.

Complaints

Taddei complained that 1) her continued detention and 2) lack of appropriate treatment for her illnesses were violations of Article 3 of the Convention. Article 3 states that “[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment.” Taddei

asserted that her medical conditions were real and denounced the conditions of the detention center. She further asserted that the French authorities never followed a doctor's recommendation to transfer her to a facility closer to her children. Lastly, Taddei insisted that she did not receive appropriate treatment for her anorexia.

The Government of France countered these claims alleging that Taddei's ailments are questionable and are likely a result of her refusal to nourish herself and cooperate with treatment. The Government further insisted that Taddei received sufficient medical treatment including weekly monitoring by a psychiatrist and regular monitoring. If her condition worsened, the Government explained that Taddei had the ability to reapply for suspension of her sentence. It maintained that her suffering did not currently cross the threshold into being an Article 3 violation.

The Court's Analysis

The Court referred to the fundamental principles established by its case law on the obligation of the state to ensure that a person is detained in conditions compatible with respect for human dignity. Implementation of the sentence must not subject a prisoner to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention. Given the demands of imprisonment, health and welfare of the inmate should be adequately assured, including the administration of medical care. Here, the Court considered that Taddei's possible lack of medical treatment received might be contrary to the standards required by Article 3.

The Court discussed two elements that it stated should be present to qualify medical treatment as adequate. First, the available medical staff must be capable of providing the inmate's medical treatment, including trained detention personnel and competent physicians.

Second, the Court considered the diligence and frequency of treatment when determining if the medical care was compatible with Article 3. The treatment should be viewed in the context of the individual inmate's state of health. Additionally, if there is deteriorating health, it should be determined if the decline is a cause of the shortcomings in the medical care issued.

With respect to Taddei's continued detention complaint, the Court observed that she had repeatedly asked authorities for suspension of her sentence for medical reasons; however, she never argued that her state of health was "incompatible in the long term with [ordinary] detention." Although new French legislation allowed for prompt release in the case of life-threatening emergency, Taddei did not submit a medical certificate stating that she suffered from a life-threatening disease. Therefore, the Court concluded that there was no Article 3 violation based on her continued detention.

Considering Taddei's insufficient care complaint, the Court agreed that she suffered from illnesses requiring both monitoring and therapeutic management including chronic asthma, anorexia, and Munchausen syndrome. Nonetheless, regarding her respiratory treatment, the Court ruled that the Government did not violate Article 3. The Court did, however, determine that Taddei's psychological illnesses were not adequately treated. Initially, the Fresnes Prison hospital treated her anorexia, but it never brought it under control. Instead, she was transferred back to ordinary detention where the recommended modifications were not made. Further, she did not receive specialized treatment for her diagnosed Munchausen syndrome. The Court found that Taddei's state of health deteriorated because of denial of treatment.

Because of the clear failure to adhere to the doctors' recommendations as well as the delays in examining potentially life-threatening diseases, the Court concluded that national authorities failed to provide adequate treatment for Taddei in accordance with Article 3. The

Court additionally stated that these deficiencies were capable of subjecting Taddei to distress that exceeded the level of suffering inherent in detention, and it unanimously ruled that the Government violated Article 3 for failure to provide sufficient medical care.