

STRUCTURAL PROBLEMS IN PRISONS: Prospects for European Intervention

The Court's consideration of systemic problems in the prison system

Case-Law References

Binding force of the Court's judgments

- Ilgar Mammadov v. Azerbaijan [GC], 2019, no. 15172/13, § 147
- Papamichalopoulos and Others v. Greece (Article 50), 1995, no. 14556/89, § 34
- Scordino v. Italy (no. 1) [GC], 2006, no. 36813/97, §§ 232-234

Indications under Article 46 in respect of a structural problem (general measures)

- **CM Resolution:**
 - CM Resolution (Res(2004)3) of 12 May 2004
- **ECtHR Case-Law:**
 - Broniowski v. Poland [GC], 2004, no. 31443/96, § 190
 - Baybaşın v. the Netherlands, 2006, § 79
 - Aliyev v. Azerbaijan, 2018, § 222
 - Yüksel Yalçınkaya v. Türkiye [GC], 2023, § 418

Pilot Procedure

- Varga and Others v. Hungary, 2015, no. 14097/12 et al., § 96
- Broniowski v. Poland [GC], 2004, no. 31443/96, § 193
- Baybaşın v. the Netherlands, 2006, no. 13600/02, § 79
- Aliyev v. Azerbaijan, 2018, nos. 68762/14 and 71200/14, § 222

Follow-up Cases

- Rule 61 § 6 of the Rules of Court
- Rezmives and Others v. Romania, 2017, no. 61467/12 et al., §§ 106-126
- Burmych and Others v. Ukraine, 2017, no. 46852/13 et al., §§ 176-199
- Polgar v. Romania, 2021, no. 39412/19, §§ 77-97, § 108

Indications under Article 46 by Topic

1. Conditions of Detention

- **Overcrowding and Material Conditions**
 - Ananyev and Others v. Russia, 2012, nos. 42525/07 and 60800/08
 - Torreggiani and Others v. Italy, 2013, no. 43517/09 et al.
 - Neshkov and Others v. Bulgaria, 2015, no. 36925/10 et al.
 - Varga and Others v. Hungary, 2015, no. 14097/12 et al.

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- **Remedies**

- J.M.B. and Others v. France, 2020, no. 9671/15 et al., § 316

2. Informal Hierarchy Among Prisoners

- D v. Latvia, 2024, no. 76680/17

3. Treatment of Mental Illness in Prison Hospital

- Strazimiri v. Albania, 2020, no. 34602/16
- W.D. v. Belgium, 2016, no. 73548/13
- Miranda Magro v. Portugal, 2024, no. 30138/21

4. Health Care

- Gülay Çetin v. Turkey, 2013, no. 44084/10
- Tekin Yıldız v. Turkey, 2005, no. 22913/04

5. Life Prisoners

- Simeonovi v. Bulgaria [GC], 2017, 21980/04
- László Magyar v. Hungary, 2014, no. 73593/10
- Marcello Viola v. Italy (no. 2), 2019, no. 77633/16

6. Remote locations

- Tomov and Others v. Russia, 2019, nos. 18255/10 et al.

7. Voting Rights

- Greens and M.T. v. the United Kingdom, 2010, nos. 60041/08 and 60054/08