

Publication**Protecting prisoners' autonomy with advance directives : ethical dilemmas and policy issues****JournalArticle (Originalarbeit in einer wissenschaftlichen Zeitschrift)****ID** 2582088**Author(s)** Andorno, Roberto; Shaw, David M; Elger, Bernice**Author(s) at UniBasel** [Shaw, David](#) ; [Andorno, Roberto](#) ; [Elger, Bernice Simone](#) ;**Year** 2014**Title** Protecting prisoners' autonomy with advance directives : ethical dilemmas and policy issues**Journal** Medicine, health care and philosophy**Volume** 18**Number** 1**Pages / Article-Number** 33-9**Keywords** Advance directives, Prison, Self-determination, Ageing, Mental incapacity

Over the last decade, several European countries and the Council of Europe itself have strongly supported the use of advance directives as a means of protecting patients' autonomy, and adopted specific norms to regulate this matter. However, it remains unclear under which conditions those regulations should apply to people who are placed in correctional settings. The issue is becoming more significant due to the increasing numbers of inmates of old age or at risk of suffering from mental disorders, all of whom might benefit from using advance directives. At the same time, the closed nature of prisons and the disparate power relationships that characterise them mean that great caution must be exercised to prevent care being withdrawn or withheld from inmates who actually want to receive it. This paper explores the issue of prisoners' advance directives in the European context, starting with the position enshrined in international and European law that prisoners retain all their human rights, except the right to liberty, and are therefore entitled to self-determination regarding health care decisions.

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