



The psychological impact of imprisonment and the limits of rehabilitation: A judicial-psychological perspective on the proportionality of criminal sanctions

Mihaela RUS

Faculty of Law and Administrative Sciences, *Ovidius* University, Constanța, Romania

The Institute of Philosophy and Psychology of the Romanian Academy

abstract

This study investigates the psychological effects of custodial sentences and the challenges they pose to the ideal of offender rehabilitation, through the lens of the proportionality principle in criminal punishment. As contemporary criminal justice systems strive to balance the need for social protection with the imperative of individual reformation, this paper adopts an interdisciplinary approach—merging legal doctrine with psychological theory—to critically assess whether imprisonment, as traditionally applied, fulfills the rehabilitative goals embedded in modern sentencing frameworks.

The primary objective of this research is to evaluate the extent to which incarceration produces adverse psychological effects that may undermine the very aims of proportional punishment. The study is guided by four main research questions: (1) What are the dominant psychological consequences of imprisonment on individual identity, autonomy, and social reintegration prospects? (2) How does the principle of proportionality accommodate—or fail to accommodate—these psychological dimensions in sentencing decisions? (3) Are there identifiable thresholds beyond which a custodial sentence becomes disproportionate due to its harmful psychological impact? (4) How do domestic courts and European human rights bodies (notably the ECtHR and CJEU) address the balance between punitive severity and mental integrity?

By exploring the intersection between psychological harm and legal proportionality, this paper contributes to rethinking penal rationales in light of empirical evidence, judicial standards, and the human dignity of the offender. It calls for a recalibration of sentencing

practices to ensure that the pursuit of justice does not come at the expense of long-term psychological destruction and social exclusion.

Keywords: imprisonment, psychological impact, rehabilitation, proportionality, sentencing, criminal law, human dignity

Introduction

Imprisonment remains a central instrument in criminal justice systems, representing society's demand for retribution and deterrence, yet it raises profound questions about human dignity and rehabilitation (Liebling & Maruna, 2013). Throughout history, imprisonment has evolved from purely punitive confinement towards a complex institution justified by multiple penal rationales—including incapacitation, deterrence, retribution, and increasingly, rehabilitation (Bottoms, 1995). However, the reality within prisons often diverges sharply from the rehabilitative aspirations proclaimed in legal and policy documents. Conditions such as overcrowding, lack of meaningful activities, violence, and social isolation create environments that are not only punitive but deeply damaging to psychological well-being (Haney, 2003; Shalev, 2008).

While the principle of proportionality requires that punishment fit the gravity of the crime and the individual circumstances of the offender, there is increasing concern that imprisonment can inflict psychological harm that exceeds these proportional bounds (Ashworth, 2010). Such harm may undermine the offender's identity, autonomy, and capacity for social reintegration, ultimately defeating the purpose of rehabilitation that modern criminal law purports to uphold. Moreover, international human rights standards, particularly those articulated by the European Court of Human Rights, insist that punishment must respect human dignity and must not entail suffering beyond what is inherent in legitimate deprivation of liberty (Vinter and Others v. United Kingdom, 2013; Murray v. Netherlands, 2016).

This paper explores whether custodial sentences, in their current form, align with the rehabilitative ideals enshrined in modern legal frameworks. It seeks to illuminate how psychological realities challenge legal doctrines and judicial practices regarding proportionality in punishment. (Ștefănoaia M., 2015). By examining both empirical evidence on the psychological consequences of imprisonment and legal standards governing sentencing, this study aims to contribute to the ongoing debate on whether the current use of incarceration can be justified within a proportional and humane penal system. Ultimately, it argues that failure to adequately integrate psychological insights into proportionality assessments risks transforming imprisonment from a legitimate form of punishment into an instrument of human degradation and social exclusion.

Contemporary evidence consistently shows that imprisonment—especially when it entails isolation—produces measurable psychological harms that challenge the rehabilitative aims of penal policy. The UN Nelson Mandela Rules codify a baseline: “solitary confinement” is confinement for 22+ hours/day without meaningful human contact, and “prolonged solitary confinement” is any such regime beyond 15 consecutive days—which the Rules prohibit due to the risk of severe, potentially irreversible harm. These definitions and thresholds provide a normative yardstick for proportionality analysis in sentencing and for human-rights-compatible execution of custodial penalties

Recent meta-analytic evidence (2018–2024) strengthens the causal picture. A 2020 systematic review and meta-analysis found that solitary confinement is associated with significantly worse general psychopathology, higher risks of self-harm and suicide, and elevated post-release mortality (small-to-moderate pooled effects). These findings persisted after quality restrictions and outlier removal, supporting the biological-psychological

plausibility of deterioration under conditions of extreme social and sensory deprivation. Newer syntheses echo these harms across different forms of isolation and disciplinary regimes, reporting adverse effects on mood and anxiety and documenting the link between mental illness and prison disciplinary outcomes—an association that isolation can aggravate rather than resolve.

Parallel comparative epidemiology underscores the scale of prison mental-health needs that isolation policies interact with. A recent multi-country systematic review estimates point prevalence in prisons of ~12.8% for major depression and ~4.1% for psychotic disorders—orders of magnitude above community baselines and with substantial heterogeneity across systems. In such high-need populations, isolation functions as a multiplier of risk, not a clinically indicated intervention, amplifying symptom severity and impairing treatment engagement. At system level, global prison-population briefs continue to chart overcrowding and resource strain—structural drivers that increase recourse to isolation while simultaneously degrading mental-health care capacity.

From a judicial-psychological standpoint, these converging data have two implications for proportionality. First, the *nature* of the sanction cannot be abstracted from its *conditions* of execution: when imprisonment foreseeably entails isolation beyond Mandela thresholds or in settings lacking adequate clinical safeguards, the sanction risks becoming disproportionate in concreto, as the predictable psychological harms exceed what is necessary to achieve legitimate penological aims. Second, evidence that isolation worsens symptoms, increases self-harm, and undermines post-release adjustment sets hard limits to rehabilitation: regimes that predictably damage mental functioning are logically inconsistent with the rehabilitative purpose and may fail proportionality balancing where less harmful, evidence-based alternatives exist (e.g., therapeutic units, structured social contact with risk-managed interactions, trauma-informed behavior programs, and clinical diversion pathways).

Research Questions

The present study is guided by four central research questions:

1. What are the dominant psychological consequences of imprisonment on individual identity, autonomy, and social reintegration prospects?
2. How does the principle of proportionality accommodate—or fail to accommodate—these psychological dimensions in sentencing decisions?
3. Are there identifiable thresholds beyond which a custodial sentence becomes disproportionate due to its harmful psychological impact?
4. How do domestic courts and European human rights bodies (notably the ECtHR and CJEU) address the balance between punitive severity and mental integrity?

Methodology

This research employs a **qualitative, interdisciplinary methodology** designed to bridge the gap between legal analysis and psychological evidence in the context of criminal punishment. The methodological approach is structured around three core components, each contributing distinct insights to answer the study's research questions.

Narrative literature review

A narrative literature review synthesizes empirical studies from psychology, psychiatry, and criminology to map the documented psychological impacts of imprisonment. This includes research on phenomena such as solitary confinement, institutionalization, depression, anxiety, and post-incarceration adjustment difficulties (Haney, 2003; Grassian,

2006; Shalev, 2008). Studies were purposively selected based on their relevance to key themes of identity erosion, autonomy loss, and the barriers imprisonment creates for successful social reintegration. The review integrates both classical works in prison psychology and recent studies highlighting emerging concerns, such as the mental health consequences of high-security prison regimes and the unique vulnerabilities of certain groups, including individuals with pre-existing mental disorders.

Psychological Effects of Imprisonment

Empirical literature demonstrates that imprisonment significantly affects prisoners' mental health, often in profound and lasting ways. Psychological consequences are neither rare nor incidental; rather, they are pervasive outcomes of the conditions and social dynamics inherent to prison environments (Haney, 2003). Common consequences include depression, anxiety, chronic stress, identity erosion, and diminished capacity for social reintegration upon release.

Haney (2003) describes the phenomenon of "prisonization," a process in which individuals adapt to the rigid, authoritarian structure of prison life by internalizing institutional norms and routines. Over time, this adaptation can lead to emotional numbing, hyper-vigilance, distrust of others, and an erosion of personal autonomy. Such psychological changes directly undermine the rehabilitative purpose of imprisonment, as they often leave individuals less capable of functioning independently or reintegrating successfully into society after release. The loss of personal agency and decision-making skills contributes to the high rates of recidivism observed among formerly incarcerated individuals (Haney, 2003; Liebling & Maruna, 2013).

Beyond the generalized stress of prison life, certain conditions within custodial settings inflict severe and specific psychological harm. Solitary confinement is among the most harmful practices, widely documented to produce symptoms such as hallucinations, panic attacks, paranoia, emotional instability, and significant cognitive deficits (Grassian, 2006; Shalev, 2008). Research consistently shows that even short periods of isolation can trigger intense psychological distress, while prolonged solitary confinement dramatically increases the risk of long-term mental illness (Shalev, 2008). Grassian (2006) reports that prisoners subjected to solitary confinement often develop a "syndrome" characterized by hypersensitivity to stimuli, perceptual distortions, and profound anxiety.

Overcrowding exacerbates these problems, creating environments of persistent tension, noise, and conflict. Studies indicate that prisoners housed in overcrowded facilities report higher levels of aggression, depression, and perceived lack of control. Physical violence and the constant threat of victimization further erode mental health, leaving inmates in a perpetual state of hyperarousal and fear (Liebling & Maruna, 2013). The psychological climate in such environments is frequently described as one of pervasive insecurity and mistrust, fostering a culture where emotional suppression becomes a survival strategy.

Additionally, imprisonment often entails a deprivation of meaningful activity, social contact, and autonomy. Prison regimes frequently restrict opportunities for education, vocational training, and social interaction—factors essential for psychological well-being and rehabilitation (Crewe, 2011). A lack of purposeful engagement fosters feelings of hopelessness, boredom, and existential emptiness, sometimes culminating in self-harm or suicide. Studies have shown that rates of self-harm and suicide in prisons are significantly higher than in the general population, reflecting the severe mental strain of incarceration.

Certain groups are particularly vulnerable to the psychological harms of imprisonment. Individuals with pre-existing mental health conditions, young prisoners, women, and elderly

inmates often experience disproportionately severe psychological consequences. For example, women in custody have been found to exhibit higher rates of depression, trauma histories, and self-harm, compounded by the unique stresses of separation from children and familial roles.

These psychological harms challenge not only ethical considerations regarding human dignity but also the legal principle of proportionality in punishment. The consequences of imprisonment frequently extend far beyond the intended deprivation of liberty, imposing additional mental suffering that can transform a proportionate sentence into one that is cruel and degrading (Ashworth, 2010; *Vinter and Others v. United Kingdom*, 2013).

Understanding the depth and complexity of these psychological effects is therefore essential for any meaningful discussion about the legitimacy and proportionality of custodial sentences. Without this awareness, sentencing practices risk perpetuating cycles of harm rather than achieving rehabilitation and social reintegration.

Proportionality and Psychological Harm

Proportionality in criminal law demands that punishment correspond to the gravity of the offense and respect the intrinsic value and dignity of the human person (Ashworth, 2010; von Hirsch, 1993). It operates as a fundamental constraint on state power, ensuring that sanctions do not become excessive or cruelly punitive. The principle is anchored both in domestic constitutional traditions and in international human rights law, particularly within the jurisprudence of the European Court of Human Rights (ECtHR). (Dumneanu L., Ștefănoaia M., (2015)

However, while proportionality doctrines frequently assess the length of sentences or the severity of legal sanctions in abstract terms, they have historically underemphasized the psychological costs of imprisonment. Traditional proportionality assessments tend to focus on the formal characteristics of punishment—such as duration, legal classification, or nominal severity—rather than the substantive human suffering it may produce. As Ashworth (2010) observes, a punishment that is proportionate in legal terms may nevertheless be disproportionate in human terms if it inflicts harm that undermines mental integrity or dignity.

The ECtHR has played a crucial role in expanding the proportionality analysis to encompass psychological harm. In its landmark judgment in *Vinter and Others v. United Kingdom* (2013), the Court held that life sentences without the possibility of review or release are incompatible with Article 3 of the European Convention on Human Rights, as they effectively extinguish hope and impose mental anguish that goes beyond legitimate punishment. (Ștefănoaia M., 2015). The Court emphasized that the dignity of prisoners requires that even those who have committed grave offenses must be allowed to retain some prospect of release, contingent upon evidence of rehabilitation. Such judgments reflect a shift from purely retributive thinking towards an approach that integrates the psychological well-being of the offender into proportionality assessments.

Similarly, in *Harakchiev and Tolumov v. Bulgaria* (2014), the ECtHR found that the cumulative effects of life imprisonment without parole, combined with harsh prison conditions and prolonged isolation, violated Article 3 due to the severe psychological harm inflicted on the applicants. The Court recognized that certain punitive conditions can transform an otherwise lawful sentence into one that becomes disproportionate, precisely because of their mental health consequences.

These decisions demonstrate an evolving jurisprudence in which psychological harm is no longer considered merely collateral to punishment, but rather a central factor in evaluating

whether a sanction is compatible with human dignity and the principle of proportionality (van Zyl Smit & Appleton, 2016). Nevertheless, the translation of these principles into consistent domestic practice remains a significant challenge.

Domestic courts often struggle to integrate psychological considerations systematically into sentencing decisions. Several factors contribute to this gap.

First, the complex and sometimes invisible nature of psychological harm makes it difficult to measure, predict, or objectively quantify its severity in legal proceedings. Mental suffering varies greatly between individuals, depending on personal vulnerabilities, pre-existing mental health conditions, and resilience factors (Haney, 2003). This variability complicates efforts to establish clear legal thresholds for when punishment becomes disproportionate due to psychological effects.

Second, there is often a lack of interdisciplinary expertise within judicial systems. Judges and legal practitioners may lack training in psychological science, leading to an underappreciation of how certain prison conditions, such as prolonged solitary confinement, can produce serious mental disorders even in previously healthy individuals (Grassian, 2006). This knowledge gap perpetuates sentencing practices that inadequately account for the mental health consequences of imprisonment.

Third, legal systems sometimes prioritize penal objectives such as deterrence, retribution, or public protection, which can overshadow the imperative to avoid disproportionate harm. Courts may be hesitant to reduce sentences or exclude certain penal measures on the basis of psychological impact, particularly in cases involving serious or violent offenses (Roberts & Hough, 2012). As a result, psychological considerations risk being treated as peripheral rather than integral to proportionality analysis.

Moreover, legal frameworks frequently lack operational guidance for how to assess psychological harm in sentencing. Unlike physical harm, which can be documented through medical reports and visible injuries, psychological damage may remain hidden, delayed in onset, or contested between expert witnesses. Without clear standards or statutory thresholds, proportionality assessments risk becoming subjective and inconsistent.

These challenges highlight the need for systematic integration of psychological evidence into sentencing frameworks. Expert testimony from psychologists and psychiatrists should be routinely considered in cases where imprisonment may pose a heightened risk of mental deterioration. Additionally, sentencing guidelines could be amended to incorporate factors such as vulnerability to psychological harm, prior mental health history, and the cumulative impact of specific prison conditions.

Ultimately, a proportionality analysis that neglects psychological harm is incomplete and risks sanctioning punishments that violate human dignity. As European human rights jurisprudence continues to evolve, it offers an important legal and ethical mandate: punishment must remain not only proportionate in its legal severity but humane in its psychological effects. To achieve this, domestic courts and legislators must move beyond traditional metrics of proportionality and embrace a holistic understanding of how punishment impacts the human mind and spirit.

Thresholds of Disproportionate Punishment

An important debate in contemporary penal law and human rights discourse concerns whether specific, identifiable thresholds exist beyond which imprisonment becomes per se disproportionate due to the severity of foreseeable psychological harm. This issue strikes at

the heart of the proportionality principle, raising fundamental questions about the limits of state power and the protection of human dignity.

Haney (2003) argues persuasively that certain prison conditions—most notably prolonged solitary confinement—produce psychological harm so reliably and severely that their use should be categorically limited or prohibited. He documents how extended isolation induces symptoms such as hallucinations, paranoia, anxiety, emotional blunting, and cognitive impairments, even in individuals without pre-existing mental health conditions. Grassian (2006) likewise describes a “solitary confinement syndrome,” characterized by hypersensitivity to stimuli, perceptual distortions, panic attacks, and difficulties in thinking and concentration. These empirical findings suggest that solitary confinement beyond a certain duration may cross a threshold into inhuman or degrading treatment under international human rights standards.

Judicially, the European Court of Human Rights (ECtHR) has increasingly acknowledged that the vulnerability of specific prisoners intensifies the psychological harm caused by incarceration, thereby lowering the threshold at which punishment becomes disproportionate. In *Kudła v. Poland* (2000), the Court established that the state has a positive obligation to ensure adequate medical and mental health care for prisoners, recognizing that neglecting such care can amount to inhuman or degrading treatment under Article 3 of the European Convention on Human Rights. Similarly, in *Murray v. Netherlands* (2016), the ECtHR condemned life imprisonment without the possibility of release where prisoners faced progressive mental deterioration, emphasizing that hopelessness and despair inflicted by such sentences could constitute disproportionate punishment.

Yet despite these significant legal developments, there is no settled legal standard defining precise psychological thresholds that automatically render a custodial sentence disproportionate. Courts often engage in case-specific, fact-intensive assessments, weighing the duration of detention, the individual’s mental health, the prison conditions, and the nature of the offense. While this individualized approach is consistent with the principle of judicial discretion, it also results in considerable legal uncertainty and potential inconsistency across jurisdictions (Roberts & Hough, 2012; van Zyl Smit & Appleton, 2016).

Integrating psychological expertise into legal processes represents a pivotal step toward enhancing the practical relevance of research on the proportionality of incarceration. Psychological assessments, when systematically incorporated into judicial proceedings, can provide nuanced insights into the mental health status, cognitive functioning, and psychosocial vulnerabilities of defendants and incarcerated individuals. This interdisciplinary approach enables courts to move beyond purely retributive frameworks, ensuring that sentencing decisions and incarceration conditions account for the complex interplay between psychological well-being and legal responsibility. Moreover, the inclusion of expert testimony from forensic psychologists can assist judges and legal practitioners in interpreting behavioral evidence, assessing the risk of recidivism, and tailoring rehabilitation measures to individual needs. Such integration not only aligns judicial practices with contemporary understandings of human behavior but also strengthens the legitimacy of legal decisions by grounding them in empirically validated psychological knowledge.

Several challenges contribute to this lack of precise thresholds:

- Variability of individual resilience: Psychological harm is not uniform. Two prisoners subjected to identical conditions may experience vastly different mental health outcomes, depending on factors such as prior trauma, psychiatric vulnerability, and coping skills (Haney, 2003).

- Difficulties of measurement: Unlike physical injuries, psychological harm can be less visible, delayed in manifestation, or contested between expert witnesses. Courts may lack objective criteria to quantify mental suffering in a way that supports clear legal thresholds.
- Balancing competing penal objectives: Even when psychological harm is recognized, courts may hesitate to declare punishment disproportionate if they perceive overriding concerns of deterrence, retribution, or public protection, particularly in serious crime cases.
- Lack of legislative guidance: Many criminal justice systems lack statutory provisions specifying when psychological harm reaches a threshold that mandates a reduction in sentence or a switch to non-custodial alternatives.

Despite these difficulties, there is growing consensus among scholars and human rights advocates that certain punitive practices should be presumptively deemed disproportionate due to their extreme psychological impact. Prolonged solitary confinement, for example, has been condemned by multiple UN bodies, including the UN Special Rapporteur on Torture, who has called for an absolute prohibition on its use beyond 15 days (UN General Assembly, 2011). Such emerging international norms may eventually solidify into more concrete legal standards.

Moreover, the ECtHR's increasing emphasis on prisoners' mental health suggests a trend towards recognizing specific psychological thresholds, at least in certain contexts. However, the Court remains cautious, preferring a nuanced, individualized approach rather than categorical rules.

In conclusion, the absence of settled psychological thresholds in proportionality analysis creates a significant gap in legal protection. Without clearer guidelines, there is a risk that prisoners will continue to suffer disproportionate punishment, undermining the rehabilitative and human rights principles at the core of modern penal systems. Developing operational definitions and legal thresholds for psychological harm remains an urgent challenge for lawmakers, courts, and scholars alike.

Domestic and European Judicial Approaches

European human rights jurisprudence has significantly advanced the integration of psychological considerations into proportionality assessments, establishing crucial legal standards that influence national penal policies. The European Court of Human Rights (ECtHR) has played a central role in articulating how psychological harm intersects with human dignity and the prohibition of inhuman or degrading treatment under Article 3 of the European Convention on Human Rights.

A notable example is *Wenner v. Germany* (2016), where the Court condemned Germany's refusal to provide opioid substitution therapy to a drug-dependent prisoner. The ECtHR held that the denial of necessary medical treatment—including for mental health conditions—could amount to inhuman or degrading treatment, thus tying proportionality directly to the state's obligation to protect prisoners' mental and physical health. The judgment underlined that punishment cannot be proportionate if it foreseeably results in significant suffering or exacerbates mental health conditions.

Similarly, in *Vinter and Others v. United Kingdom* (2013), the ECtHR emphasized that life sentences without any prospect of release violate human dignity and cause profound psychological harm, potentially amounting to disproportionate punishment. (Ștefănoaia M., 2015). In *Harakchiev and Tolumov v. Bulgaria* (2014), the Court found that severe prison regimes and prolonged isolation imposed on life prisoners contributed to a breach of Article

3, again demonstrating the Court's willingness to integrate psychological harm into proportionality analysis.

These cases reflect a paradigm shift in European human rights law: punishment is no longer evaluated solely by its legal classification or nominal severity but also by its practical and psychological consequences. The ECtHR has signaled that even legally justified custodial sentences may become disproportionate if they produce mental anguish exceeding the inherent suffering of imprisonment.

Domestic Legal Systems

Domestic legal systems, however, vary significantly in how effectively they integrate these evolving human rights standards into their sentencing practices and legal frameworks. While some jurisdictions have begun to reflect the ECtHR's jurisprudence in their penal codes or judicial practice, others lag behind, creating a fragmented legal landscape across Europe.

In Romania, for instance, the Penal Code provides for mitigation based on health conditions under Article 74, which allows courts to consider factors such as the offender's state of health in determining the sentence. However, the law lacks detailed guidance on integrating psychological harm—such as the impact of imprisonment on mental health—into proportionality assessments. The practice remains predominantly focused on physical illnesses or visible disabilities, rather than subtle or evolving psychological conditions. Moreover, Romanian courts have been cautious in interpreting Article 3 ECHR protections expansively, often limiting proportionality assessments to the severity of the offense and traditional sentencing factors rather than the mental health consequences of imprisonment.

Other European states, such as Germany or the Netherlands, have more developed practices in considering mental health during sentencing and detention conditions, although even these systems sometimes fall short of fully integrating psychological harm into proportionality analyses (Roberts & Hough, 2012; van Zyl Smit & Appleton, 2016).

The Role of the Court of Justice of the European Union (CJEU)

The Court of Justice of the European Union (CJEU) has also begun to engage with the human rights dimensions of punishment, primarily through its interpretation of the EU Charter of Fundamental Rights. However, its case law remains less developed regarding psychological harm from imprisonment. The CJEU's focus has often been on procedural safeguards, fair trial rights, mutual recognition instruments (such as the European Arrest Warrant), and detention conditions only insofar as they affect mutual trust between Member States (Mitsilegas, 2022).

For instance, in *Aranyosi and Căldăraru* (2016), the CJEU ruled that surrender under the European Arrest Warrant could be refused if there was a real risk of inhuman or degrading treatment in the requesting state's prisons. While this decision acknowledges conditions of detention, it does not specifically elaborate on psychological harm as an independent basis for assessing proportionality or legality of punishment.

The *Dorobantu* judgment (Case C-128/18, 15 October 2019) represents a landmark in the consolidation of European standards concerning detention conditions and the limits of judicial cooperation in criminal matters. The Court of Justice of the European Union (CJEU) held that a judicial authority of a Member State may not execute a European Arrest Warrant (EAW) if there are substantial grounds for believing that the requested person would face a real risk of inhuman or degrading treatment, within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union (CFR).

In *Dorobantu*, the Court provided concrete criteria for assessing such risks, requiring national authorities to examine the minimum personal space afforded to detainees (less than 3 m² per person being an indicator of degrading treatment according to ECtHR case law, *Muršić v. Croatia*, 2016), as well as other essential aspects such as ventilation, hygiene, access to natural light, and opportunities for physical exercise. The assessment must be individualized and current, based on objective, precise, and updated information about the detention facilities where the individual would be held.

This decision significantly refines the principle of mutual recognition—the cornerstone of EU judicial cooperation—by introducing a proportionality test between the efficiency of cooperation and the protection of fundamental rights. Following *Dorobantu*, the CJEU reaffirmed this approach in subsequent judgments, including *Openbaar Ministerie (General conditions of detention in Hungary)*, C-220/18 PPU, and *ML*, C-220/20, emphasizing a two-step verification: (1) the general conditions of detention in the issuing State and (2) the individual risk faced by the requested person.

In connection with Article 49 CFR, which enshrines the principles of legality and proportionality of criminal offences and penalties, *Dorobantu* further highlights that custodial sentences must not only be lawful and foreseeable but also executed under conditions consistent with human dignity. In this sense, detention standards are not merely safeguards against ill-treatment; they are an integral component of the concept of proportional punishment within the European legal order.

Consequently, the *Dorobantu* ruling and subsequent case law establish a coherent interpretative framework linking Articles 4 and 49 of the Charter, whereby the absolute prohibition of inhuman or degrading treatment operates as both a material benchmark for proportionality in criminal punishment and a precondition for cross-border enforcement of custodial sentences in compliance with the EU's common fundamental rights standards.

Thus, while the CJEU's jurisprudence is gradually expanding towards human rights considerations, it has yet to develop a robust framework for integrating psychological harm into proportionality analyses. This gap underscores the continued primacy of the ECtHR in advancing legal standards concerning the mental health implications of punishment.

Challenges and future directions

A significant challenge remains in translating European human rights standards into consistent national practice. Many domestic legal systems still lack systematic mechanisms to assess psychological harm during sentencing or prison administration. Judicial awareness and training on mental health issues vary greatly, and procedural tools for introducing psychological evidence into sentencing hearings are often underdeveloped.

Moreover, courts may hesitate to reduce sentences on psychological grounds, fearing that such decisions could undermine public confidence in the justice system or conflict with punitive goals like deterrence and retribution. This tension reflects a broader debate about the balance between penal severity and human dignity—a balance that remains unsettled in both law and public policy.

Going forward, closer dialogue between national courts, the ECtHR, and the CJEU will be crucial for developing coherent legal standards. Sentencing guidelines could be amended to include factors related to mental health vulnerability, the cumulative impact of detention conditions, and the risk of psychological deterioration. Additionally, interdisciplinary cooperation between legal professionals, psychiatrists, psychologists, and criminologists is essential for grounding proportionality assessments in robust empirical knowledge.

In conclusion, while European human rights law has made significant strides in recognizing psychological harm as a component of proportionality, domestic legal systems—and the CJEU—must still close the gap between legal theory and practical protection of mental integrity in the penal context.

Conclusion and discussion

Imprisonment imposes psychological harms that often extend far beyond the intended deprivation of liberty, potentially exceeding proportional limits and undermining both the rehabilitative purpose of punishment and the fundamental principle of human dignity. The evidence presented in this paper confirms that prison conditions—including overcrowding, violence, solitary confinement, and lack of meaningful activity—produce significant mental health consequences such as anxiety, depression, identity erosion, and diminished prospects for social reintegration (Haney, 2003; Grassian, 2006; Shalev, 2008). These harms are not merely incidental; they represent an intrinsic and pervasive reality of custodial punishment.

European human rights jurisprudence has increasingly recognized that psychological harm must factor into proportionality analyses, notably through judgments by the European Court of Human Rights (ECtHR) that emphasize the state's obligation to safeguard prisoners' mental health and prohibit treatments that amount to inhuman or degrading punishment (*Vinter and Others v. United Kingdom*, 2013; *Wenner v. Germany*, 2016). Yet despite these important developments, domestic legal systems remain inconsistent in integrating psychological realities into sentencing and prison management practices. National courts often lack clear statutory guidance, specialized knowledge, or operational frameworks for assessing psychological harm in the proportionality calculus, resulting in fragmented and uneven protection for vulnerable individuals (Roberts & Hough, 2012; van Zyl Smit & Appleton, 2016).

A principled commitment to proportionality requires that courts and policymakers systematically incorporate empirical evidence of psychological harm into sentencing decisions and prison regulation. The proportionality principle is not merely a mathematical equation matching punishment to crime severity; it embodies a normative imperative to ensure that punishment remains humane and does not impose suffering beyond what is necessary for legitimate penal goals (Ashworth, 2010). Failure to consider psychological impacts risks transforming a nominally proportionate sentence into one that is cruel, degrading, and ultimately counterproductive to rehabilitation.

The discussion suggests several key implications and avenues for reform:

- **Codification of psychological thresholds:** Legislatures should develop clearer statutory standards defining the circumstances under which certain forms of imprisonment, such as prolonged solitary confinement, are presumptively disproportionate due to foreseeable mental harm.
- **Judicial training and expertise:** Courts should receive specialized training on psychological science to enable more informed assessments of how punishment conditions impact mental health. Expert testimony from psychiatrists and psychologists should become a routine component of proportionality analyses in sentencing hearings.
- **Sentencing guidelines:** National sentencing guidelines should explicitly include psychological vulnerability, mental health status, and the foreseeable psychological effects of specific custodial regimes as factors in determining the appropriateness and proportionality of prison sentences.

- Alternative sanctions: Where imprisonment is likely to produce disproportionate psychological harm, courts should prioritize non-custodial alternatives, such as community service, probation, or therapeutic interventions, consistent with both public safety and respect for human dignity (Bottoms, 1995).
- Monitoring and accountability: Independent oversight bodies should systematically monitor prison conditions to identify practices that cause or exacerbate psychological harm. Transparent reporting and the incorporation of findings into policy reform are essential to ensure compliance with human rights obligations.

Additionally, there is an urgent need for interdisciplinary collaboration. Bridging the gap between law and psychology is essential to create a justice system that is not only legally sound but also scientifically informed and ethically defensible. Research in psychology and criminology must continue to inform legal standards, while legal frameworks must adapt to integrate these insights into practice.

Ultimately, protecting mental integrity is not an ancillary concern but a core requirement of justice in a democratic society. A penal system that disregards the psychological consequences of imprisonment risks perpetuating cycles of harm, alienation, and recidivism, undermining its own goals of rehabilitation and public safety. By committing to a proportionality framework that fully recognizes psychological realities, justice systems can safeguard both society's security and the fundamental dignity of those they punish.

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