



30.1.2015

NOTICE TO MEMBERS

Subject: Petition 2541/2013 by Alberto Ruiz Gonzalez (ES), on Parot doctrine's effects in Spain and on the Spanish Code of Criminal Procedure.

1. Summary of petition

The petitioner asks of the EP to ensure that the lack of application of the "Parot doctrine" in Spain, stemming from a July 2012 sentence of the European Court of Human Rights decreeing its violation of fundamental human rights, would take into consideration the nature of the crime committed, especially in cases of rape and/or sexual assault. The signatory requests that in such cases, released convicts would have to wear permanent GPS bracelets at least until certain criteria (three to be more precise) were adhered to. The "Parot doctrine", it shall be noted here, was first adopted by Spain's Supreme Court in 2006 to restrict ETA prisoners' entitlement to early release and other benefits. It ensured that remission for work done in prison was deducted from the total sentence rather than the 30-year limit under Spanish law. Although, under a judgment of 8 March 1994, the maximum term of 30 years provided for in Article 70 of the 1973 Criminal Code acted as a "new and autonomous sentence, to which the prison benefit provided for by law was applicable", the Supreme Court changed its position in a judgment of 28 February 2006 and introduced the so-called "Parot doctrine", under which remission was to be applied to each sentence individually, and not to the maximum 30-year term.

2. Admissibility

Declared admissible on 24 October 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 January 2015

The Commission has no competence to interfere with the day-to-day administration of the justice systems of individual States. Under the current Treaty of the European Union and the Treaty on the Functioning of the European Union, the Commission can only intervene if an issue of EU law is involved.

As things stand, no EU legislation exists with regard to the conditions under which early release or other benefits can be granted to prisoners in the Member States. For this reason, it is not possible for the Commission to follow up on this issue.

Conclusion

As things stand there are no EU rules yet in place that would be applicable in this case. In the absence of European legislation in this area, the administration of criminal justice and penitentiary institutions come within the competence of national authorities. For this reason, it is not possible for the Commission to follow up on this matter.