

**Question for oral answer O-000286/2011  
to the Council**

Rule 115

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on behalf of the Verts/ALE Group

Subject: Detention conditions in the EU

The Commission has issued a Green Paper on the application of EU criminal justice legislation in the field of detention, on which it is currently consulting stakeholders. The Green Paper highlights the connections between detention conditions and various EU instruments, such as the European Arrest Warrant and the European Supervision Order, and illustrates how pre-trial detention, the situation of children and detention conditions are issues on which the EU could take initiatives.

The Communication contains an annex illustrating that the situation in Member States is very varied and often worrying, notably in relation to the number of pre-trial detainees, prison occupancy level and overcrowding, the size of the prison population, and the detention rate for non-nationals. The European Court of Human Rights has also repeatedly condemned EU Member States with regard to detention conditions, the length of pre-trial detention and the administration of justice, including on the basis of the reports of the Council of Europe's Committee for the Prevention of Torture.

What will the Council do at EU level to ensure that the fundamental rights of persons detained in prisons are respected and that detention conditions are improved in Member States?

Does the Council recognise the tension between substandard detention conditions and the execution of a European arrest warrant as underlined by the questions raised in Case C-396/11, *Radu*?

Can the Council provide concrete statistics as regards the average amount of time persons surrendered under a European Arrest Warrant spent in pre-trial detention?

Is the Council willing to accept procedural requirements for keeping suspects in pre-trial detention, including possibilities for review and maximum periods before being released?

Is the Council willing to propose EU legislation incorporating the European Prison Rules developed by the Council of Europe, particularly as regards accommodation, access to health care and legal advice?

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Deadline for reply: 18.11.2011