

EN

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Answer given by Mr Reynders
on behalf of the European Commission
(7.4.2020)

There are currently no specific EU rules relating to detention conditions¹. Member States have however agreed to respect the existing Council of Europe standards on the matter, such as the European Prison Rules 2006².

The Commission cooperates closely with the Council of Europe to address issues such as prison overcrowding. To that effect, the Commission has co-organised a High-Level Conference on Prison Overcrowding, which took place in April 2019³. Since 2016, the Commission also provides a direct grant to the Council of Europe aimed at the operation of a European Forum of independent prison monitoring bodies, the so-called National Preventive Mechanisms (NPMs). It allows these bodies to meet regularly within an informal network to discuss detention matters and exchange best practices⁴.

At EU level, Council Conclusions on Alternatives to Detention were adopted in December 2019⁵ aiming at avoiding prison overcrowding.

The six directives adopted to strengthen the rights of suspects and accused persons that have been adopted at EU level⁶ provide for certain procedural safeguards in criminal proceedings, including during pre-trial detention.

¹ See also Commission's reply to the European Parliament resolution of 5 October 2017 on prison systems and conditions (2015/2062(INI)).

² Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules

³ <https://www.coe.int/en/web/cdpc/high-level-conference-on-prison-overcrowding>.

⁴ See for the European Forum of National Preventive Mechanisms (NPMs):

<https://www.coe.int/en/web/national-implementation/european-npm-forum-phase-2>. Under this direct grant, the Commission is also financing the collection of the Council of Europe's Annual Penal Statistics, better known as SPACE (*Statistiques Pénales Annuelles du Conseil de l'Europe*), by ensuring that a common working methodology is applied to enhance comparability of data across Europe. See <https://www.coe.int/en/web/prison/eu/council-of-europe-project>

⁵ Council conclusions on alternative measures to detention: the use of non-custodial sanctions and measures in the field of criminal justice 2019/C 422/06, ST/14546/2019/REV/1.

⁶ Directive 2010/64/EU on the right to interpretation and translation, Directive 2012/13/EU on the right to information, Directive 2013/48/EU on the right of access to a lawyer, Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence, Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, Directive (EU) 2016/1919 on legal aid.