Resolution on detention conditions in the EU

2011/2897(RSP) - 15/12/2011 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on detention conditions in the EU.

The resolution had been tabled by the EPP, S&D, ECR, Greens/EFA, ALDE and GUE/NGL groups.

It welcomes the Commission Communication entitled 'Strengthening mutual trust in the European judicial area - A Green Paper on the application of EU criminal justice legislation in the field of detention', and is **concerned by the alarming situation as regards detention conditions** in the EU. Members note that the total prison population of the EU in 2009-2010 was estimated to be 633 909 and that the Green Paper paints an alarming picture of prison overcrowding, a growing prison population, a rise in the number of foreign nationals being held, large numbers of pre-trial detainees, detainees with mental and psychological disorders, and numerous cases of death and suicide. They call on Member States to take **urgent measures to ensure that the fundamental rights of prisoners are respected**, notably the rights of the defence and of access to a lawyer, and that the rights of suspects or accused persons are guaranteed, including the right not to be subjected to inhuman or degrading treatment.

Parliament considers that **minimum common standards of detention** should be applied in all Member States. It calls for a **legislative proposal on the rights of persons deprived of their liberty,** including those identified by Parliament in its resolutions and recommendations, and to develop and implement minimum standards for prison and detention conditions, as well as uniform standards for compensation for persons unjustly detained or convicted. The Commission and Member States are asked to keep the issue high on their political agenda and to devote appropriate human and financial resources to addressing the situation.

Parliament calls on Member States to earmark appropriate resources for the restructuring and modernisation of prisons, and to **create a specific EU budget heading** with a view to encouraging projects to:

- protect detainees' rights;
- successfully rehabilitate and prepare detainees for their release and social integration;
- provide the police and prison staff with training based on contemporary prison management practices and European human rights standards, to monitor prisoners suffering from mental and psychological disorders.

Parliament believes that measures should be taken at EU level so that national MPs are guaranteed the **right to visit prisons** and that this right is also granted to MEPs within the territory of the EU.

The resolution calls on Member States to **ensure that pre-trial detention remains an exceptional measure** to be used under strict conditions of necessity and proportionality and for a limited period of time, in compliance with the fundamental principle of presumption of innocence and of the right not to be deprived of liberty. It recalls that a judicial authority must review pre-trial detention periodically and that alternatives such as the European Supervision Order must be used in transnational cases. Members call on the Commission to come up with a legislative proposal on minimum standards in this field.

Parliament goes on to call on the Commission to examine the impact of differences in criminal law and procedural law on detention conditions in the EU Member States and to make recommendations on these

issues, notably in relation to recourse to alternative measures, criminalisation and decriminalisation policies, pre-trial detention, amnesty and reprieve, notably in the fields of migration, drugs use and juvenile offenders.

Member States and the accession countries are also asked to sign and ratify the **Optional Protocol** to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment Punishment, which establishes a system of regular visits by international and national bodies to places of detention and confers on those bodies the task of visiting and inspecting prisons and hearing appeals by prisoners. The EU and its Member States to fully collaborate with and support these bodies, including with appropriate resources and funds.

Lastly, Parliament calls on the Commission and the **Fundamental Rights Agency** to monitor the situation as regards detention conditions in the EU, and support the Member States in their efforts to ensure that their laws and policies are consistent with the highest standards in the field.