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Answer given by Mr Reynders
on behalf of the European Commission
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Detention issues, including decisions concerning the allocation and social rehabilitation of prisoners, are primarily a responsibility of Member States. All Member States have, however, committed themselves to respect the standards on this matter drafted by the Council of Europe, such as the 2006 European Prison Rules.

Moreover, on 8 December 2022, the Commission adopted a Recommendation on the procedural rights of suspects and accused in pre-trial detention and on material detention conditions¹. It should be noted that the minimum standards as laid down in the Recommendation are not legally binding on the Member States. However, they will serve as a reference point in order to improve the situation in prisons within the EU. The Commission will monitor and assess the measures taken by Member States in the coming years.

The Commission is committed to ensuring the respect of fundamental rights within the remit of its competences. However, the Charter applies to Member States only when they are implementing EU law, in line with its Article 51(1). Therefore, it is for the concerned Member State to ensure that fundamental rights are effectively respected and protected in accordance with their national law and international obligations, including the European Convention for Human Rights.

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7570