

(English version)

**Question for written answer E-003171/25
to the Commission
Mary Khan (ESN)
(4 August 2025)**

Subject: Gathering and comparison of data regarding the treatment of serious violent crimes by third-country nationals in the EU under criminal law

In light of the worrying increase in serious acts of violence committed by third-country nationals in Member States, there is an urgent need for a fact-based, transparent and objective analysis. In particular, the increasing classification of foreign offenders under criminal law as mentally ill or not criminally responsible raises serious questions about the consistency, compliance with the rule of law and transparency of judicial decisions within the European Union. Given the massive increase in migratory movements since 2015 and diverging national legal practices, it is essential to collect reliable and comparable data in order to reveal systematic inequalities and possible legal loopholes.

1. How has the proportion of third-country nationals classified as mentally ill or not criminally responsible in cases of serious violent crime (murder, manslaughter, rape) evolved in the Member States between 2015 and 2024?
2. Does the Commission have any information on differences between Member States in the use of medical and psychiatric diagnoses in criminal proceedings, in particular with regard to the classification of third-country nationals as not criminally responsible?
3. What concrete measures does the Commission intend to take to ensure the transparent use of psychiatric assessments in criminal proceedings and thereby prevent potential abuses?

Submitted: 4.8.2025

**Answer given by Mr McGrath on behalf of the European Commission
(16 September 2025)**

The Commission does not have specific statistics on the proportion of third-country nationals classified as mentally ill or not criminally responsible in cases of serious violent crime in the Member States, or information on the use of medical and psychiatric diagnoses in the context of national criminal proceedings.

Furthermore, the rules on the assessment of criminal responsibility and, more specifically, on the possible interference of a mental condition, lie within the exclusive competence of the Member States.
