

(English version)

**Question for written answer E-002115/26
to the Commission
Pina Picierno (S&D)
(21 May 2026)**

Subject: Prison overcrowding in Italy and violation of prisoners' fundamental rights

Overcrowded to the point of 140% of statutory capacity, Italian prisons are in dire straits. Part of the blame lies with the use of an algorithm which in applying revised criteria for calculating the detention space per prisoner modifies the walkable area of cells in a manner that contravenes case law and allocates non-existent per capita space to inmates.

This irregularity was picked up during an inspection of the Regina Coeli prison on 30 September 2025, carried out in the presence of representatives from the NGO Nessuno tocchi Caino ('Hands Off Cain'), which found that approved cells fell short of minimum standards laid down in Article 35(b) of the Italian Penitentiary Act.

The relevant authorities have yet to put forward measures to remedy the situation.

In light of the above:

1. Will the Commission launch a monitoring exercise to gauge the compatibility of detention conditions in Italy with the standards laid down in Article 4 of the Charter of Fundamental Rights of the European Union, with a particular emphasis on the use of algorithmic tools for calculating detention space which alter detention conditions?
2. Does it consider the failure of the Italian authorities to take regulatory action against established violations to be consistent with the obligations arising from Article 2 TEU?
3. Will it promote binding, uniform EU-wide standards for calculating prison capacity, in line with recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European prison rules, to prevent methodological differences between countries from being held up as a smokescreen to conceal overcrowding?

Submitted: 21.5.2026

**Answer given by Mr McGrath on behalf of the European Commission
(17 July 2026)**

Detention issues fall primarily within the responsibility of the Member States. To support Member States in this area, on 8 December 2022, the Commission adopted the recommendation on the procedural rights of suspects and accused in pre-trial detention and on material detention conditions ⁽¹⁾.

This recommendation recalls obligations stemming from Article 2 of the Treaty on European Union and the rights enshrined in the Charter of Fundamental Rights of the European Union ⁽²⁾.

By the end of 2026, the Commission will publish a comprehensive report assessing the national measures taken by the Member States to implement the recommendation.

With this analysis, the Commission will be able to evaluate how each Member State is performing and to be better positioned to address potential issues further.

⁽¹⁾ Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions, OJ L 86, 24.3.2023.

⁽²⁾ https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.