

EN
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Answer given by Mr McGrath
on behalf of the European Commission
(2.9.2026)

The Commission places great importance on ensuring respect for the procedural rights of suspects and accused persons in criminal proceedings.

Directive (EU) 2016/343¹, which contributes to safeguarding the right to a fair trial and the rights of defence set out in Article 6 of the European Convention of Human Rights and in Articles 47 and 48 the Charter of Fundamental Rights of the EU, requires Member States to ensure that suspects or accused persons are not presented as being guilty, whether in court or in public, through the use of measures of physical restraint. Such measures may only be used where justified by case-specific reasons, relating to security or to the prevention of suspects or accused persons from absconding or from having contact with third persons.

The Commission is closely monitoring the transposition and application of this Directive. Where specific non-conformity issues arise, the Commission will take every appropriate measure to ensure the compliance of national legislation with the Directive.

Detention issues fall primarily within the responsibility of the Member States. 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 conditions². By the end of 2026, the Commission will publish a report assessing the national measures taken by the Member States to implement the Recommendation.

¹ Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, OJ L 65, 11.3.2016, pp. 1–11.

² 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, C/2022/8987, OJ L 86, 24.3.2023, p. 44–57.