

EN
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Answer given by Mr McGrath
on behalf of the European Commission
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Detention issues fall primarily within the responsibility of the Member States.

To complement and support Member States' policies, 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 conditions¹. On the basis of the Recommendation, Member States should ensure that detainees are treated with respect and dignity and in line with human rights obligations, including the prohibition of torture and inhuman or degrading treatment or punishment as laid down in Article 3 of the European Convention on Human Rights and Article 4 of the Charter of Fundamental Rights of the European Union.

Moreover, the Recommendation provides specific guidance on the minimum standards to be followed by Member States for material detention conditions, including in relation to accommodation, healthcare, nutrition and time spent outside the cell and outdoors.

By the end of 2026, the Commission will publish a comprehensive report assessing the national measures taken by the Member States to follow-up to the Recommendation. The Commission will then be able to evaluate how each Member State is performing and, where implementation falls short, will be better placed to consider how to address any remaining issues.

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, pp. 44–57.