



EUROPEAN COMMISSION - PRESS RELEASE

European Commission seeks views on detention in the EU's area of justice

Brussels, 14 June 2011 – Europeans must have confidence that they will be treated to similar standards of protection no matter where they are in the European Union. EU Justice Commissioner Viviane Reding presented a Green Paper today asking 10 questions on how to strengthen mutual trust in the field of detention. Detention conditions and periods vary widely between EU countries. While national governments are solely responsible for detention issues and prison management, it is the European Commission's role to make sure judicial cooperation in the EU works and fundamental rights are respected when EU mutual recognition instruments – such as the European Arrest Warrant – are implemented.

"For EU countries to cooperate in tackling crime and making justice systems work, there needs to be mutual trust between judicial authorities in the EU," said Vice-President Reding, the EU's Justice Commissioner. *"Prison conditions are a national responsibility. The aim of the Commission's work should be made clear from the outset: we need to strengthen mutual knowledge about our systems and reinforce mutual trust to ensure an effective application of the principle of mutual recognition so that an EU area of justice can be effective."*

The Green Paper kicks off a public consultation that will run until 30 November and will help to explore more closely the links between detention issues and mutual trust in the EU's area of justice. Detention conditions can have a direct impact on the smooth functioning of mutual recognition of judicial decisions – the basis for cooperation between judges in the EU. For example, [the European Arrest Warrant](#) – in effect since 2004 – provides an efficient tool for extraditing people suspected of an offence from one EU country to another, so that criminals have no hiding place in Europe ([IP/11/454](#)). But the system is impeded if judges refuse to extradite accused persons because detention conditions in the requesting country are substandard.

Prison overcrowding and allegations of poor treatment of detainees may also undermine the trust that is necessary for judicial cooperation within the European Union. The time that a person can spend in detention before being tried in court and during court proceedings varies a lot between Member States. In some countries, a person can be held in pre-trial detention for up to four years. Excessively long periods of pre-trial detention are detrimental for the individual, can prejudice judicial cooperation between Member States and run counter to EU values.

Options for improving mutual trust between judicial authorities raised in the Green Paper include promoting exchanges of best practice on detention conditions between national administrations, alternatives to detention for children, and better monitoring of prison conditions by national governments.

Background

The Commission's public consultation is open to legal practitioners, those working in prisons and probation services, national administrations, non-governmental organisations and anyone else with an interest in detention issues. Responses can be submitted until 30 November 2011.

For more information

Justice Directorate General Newsroom:

http://ec.europa.eu/justice/news/intro/news_intro_en.htm

Homepage of Vice-President Viviane Reding, EU Justice Commissioner:

<http://ec.europa.eu/reding>

Annex: PRISON POPULATION IN THE EUROPEAN UNION 2009-2010

EU Member States Data from 2009/2010	Prison population total (including pre-trial detainees/ remand prisoners)	Pre-trial detainees (percentage of prison population)	Occupancy level (based on official capacity)	Prison population rate (per 100 000 of national population)	Non-national prisoners (percentage of prison population, incl. non-national EU citizens)	Juveniles / minors (percentage of prison population)
Austria	8 671	23,7%	102,9%	103	45,8%	2,6 %
Belgium	10 501	35%	118,9%	97	41,1%	0,3 %
Bulgaria	9 071	10,4%	155,6%	120	1,9%	0,5 %
Cyprus	831	38,4%	150,5%	105	59,6%	0,6 %
Czech Republic	22 575	11,3%	111,9%	214	7,3%	0,7 %
Denmark	3 967	34,9%	96%	71	21,9%	0,5 %
Estonia	3 436	21,9%	97,2%	256	39,4%	1 %
Finland	3 231	17,1%	98,2%	60	10,3%	0,1 %
France	59 655	27,7%	118,1%	96	19,2%	1,1 %
Germany	69 385	15,5%	89,0%	85	26,3%	3,5 % (of pre-
Greece	11 547	27,4%	129,6%	102	43,9%	4,4 %
Hungary	15 373	29,3%	127,7%	153	3,8%	3 %
Ireland	4 409	14,9%	103,7%	99	10,8%	2,4 %
Italy	68 795	43,6%	153%	113	36,9%	0,5 %
Latvia	7 055	28,3%	70,4%	314	1%	2,1 %
Lithuania	8 655	14%	85,5%	260	1,2%	2,5 %
Luxembourg	706	47,2%	99,3%	139	69,5%	0,7 %
Malta	583	35,2%	84,5%	140	40,1%	6,1 %
The Netherlands	15 604	36,3%	86,4%	94	27,7%	4,7 %
Poland	82 794	10,3%	97,4%	217	0,7%	0,3 %
Portugal	11 896	19,4%	98,5%	112	20,2%	0,7 %
Romania	28 481	16,5%	81,4%	133	0,7%	1,6 %
Slovakia	10 044	17,4%	94,6%	185	1,8%	0,8 %
Slovenia	1 385	24,4%	124,2%	67	10,8%	2 %
Spain	73 520	18,7%	136,3%	159	35,5%	0 % (2,1 %
Sweden	7 286	24,7%	105,4%	78	28,7%	0,1 %
United Kingdom ¹						
a) England & Wales	85 206	14,9%	107,2%	154	12,9%	1,9 %
b) Scotland	7 781	20,2%	105,2%	149	3,4%	1,5 %
c) Northern Ireland	1 557	36,8%	82,7%	86	8%	1 %

Sources: International Centre for Prison Studies – King's College:
<http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/?search=europe&x=Europe>
 and Eurostat – statistics in focus – 58/2010

¹ Figures for the UK are reported separately as a) England & Wales, b) Scotland and c) Northern Ireland owing to the existence of three separate jurisdictions.

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