

FRA Report on Detention Conditions – New Tool for Legal Practitioners Dealing with EAWs

Cornelia Riehle

In December 2019, FRA published [a report on criminal detention conditions in the EU](#).

The report responds to the Commission's request to compile certain basic information on prison conditions and existing monitoring mechanisms in Member States. FRA stresses that the report does not intend to compare and rate EU Member States, but instead aims at assisting judges and legal practitioners in their assessment of mutual recognition instruments, in particular the European Arrest Warrant. The question of when the execution of an EAW can be denied because of bad prison conditions is a persistent problem (see, recently, the CJEU judgment in Case C-128/18, reported in [eu-crim 3/2019](#), pp. 177-178; see also the seminar report on the EAW AWARE project in this issue).

The report looks at five core aspects of detention conditions in EU Member States:

- Cell size;
- Amount of time detainees can spend outside of their cells, including outdoors;
- Sanitary conditions;
- Access to healthcare;
- Whether detainees are protected from violence.

For each of these aspects, the report gives an overview of the minimum standards at the international and European levels and explains how these standards are translated into national laws and other rules within the EU Member States.

Regarding cell space, the report concludes that the problem of overcrowding is a persistent issue in many EU Member States, despite the establishment of detailed minimum standards and guidelines on prison cell space at national, European, and international levels.

While serious issues can also be found in many Member States with regard to hygiene and sanitary conditions, the report notes a gradual improvement in the situation in prison facilities in the EU.

Regarding time spent outside cells and outdoors, the report finds that inmates benefit from only one hour a day outside their cells. Consequently, lock-up times last up to 23 hours per day, which is considered intolerable.

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Looking at inmates' access to healthcare, the report states that all Member States provide medical services on the premises of detention facilities. However, the report also finds that a shortage of medical staff often leads to delays in medical examinations.

Lastly, the report finds inter-prison violence a cause for extreme concern – it is a critical issue in most Member States.

The report complements [FRA's database on detention conditions](#). The database centralizes national standards, jurisprudence, and monitoring reports on detention conditions in all 28 EU Member States ([see separate news item](#)).

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