

Criminal detention: Are rights respected?

“International and EU prison rules are clear that prisoners should be treated with dignity,” says FRA Director [Michael O’Flaherty](#). “Prisoners often suffer degrading conditions during their imprisonment. EU Member States need to ensure respectful detention conditions to improve the chances of prisoners’ rehabilitation.”

The ‘[Criminal detention conditions in the European Union: rules and reality](#)’ report outlines selected minimum standards at international and European levels, and how they translate into national laws. It also shows how these rules apply in practice focusing on:

- **Cell size:** Overcrowding often leads to prisoners having less than 3m² per prisoner, violating the recommended minimum of 4m².
- **Time outside:** Member States do not always regulate how long prisoners can spend outside their cell. Sometimes prisoners spend one hour per day outside their cell, which especially is insufficient in overcrowded prisons.
- **Sanitation:** Dirty prisons with limited access to bathrooms breach international and national laws, even though conditions are slowly improving.
- **Healthcare:** Although prisoners should benefit from the same level of healthcare as the public, staff shortages often lead to delays. They also lack privacy during their examinations.
- **Violence:** Fights, sexual violence and bullying among prisoners is common in many Member States, despite the States’ obligation to protect inmates under their custody.

The findings will guide judges and other legal practitioners to assess whether prisoners are at risk of inhuman and degrading treatment, in violation of their fundamental rights.

This is especially useful when deciding on cross-border cases, such as when Member States issue a [European Arrest Warrant](#).

FRA’s new [online criminal detention database](#) complements the report. It contains national standards, laws and monitoring reports on detention conditions from across the EU.

FRA used reports from national monitoring bodies and [interviews from previous research](#) to illustrate how detention conditions vary across the Member States.

The European Commission asked FRA to compile information on prison conditions and monitoring across all EU Member States to assist judicial authorities when deciding on transferring detainees to another EU Member State

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