



**Brussels, 23 September 2026
(OR. en)**

13300/26

**COPEN 337
JAI 1163
FREMP 291**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	23 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2026) 497 final
Subject:	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of 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

Delegations will find attached document COM(2026) 497 final.

Encl.: COM(2026) 497 final



EUROPEAN
COMMISSION

Brussels, 23.9.2026
COM(2026) 497 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the implementation of 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**

Introduction

On 8 December 2022, the Commission adopted Commission Recommendation (EU) 2023/681 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions⁽¹⁾ (hereinafter: the ‘Recommendation on Detention’). The Recommendation on Detention constitutes the first EU act to embody standards on pre-trial detention and material detention conditions.

Paragraph 87 of the Recommendation on Detention provides that Member States should inform the Commission of their follow-up to that Recommendation within 18 months of its adoption. On the basis of that information, the Commission should monitor and assess the measures taken by Member States and submit a report to the European Parliament and to the Council within 24 months of the Recommendation’s adoption.

The Recommendation on Detention underlines that pre-trial detention must remain a measure of last resort, applied only where strictly necessary and when no suitable alternative is available. At the same time, detention conditions must meet minimum standards to safeguard human dignity and ensure compliance with fundamental rights obligations. These principles are not only essential in themselves but also form the foundation of mutual trust, which is essential for smooth judicial cooperation within the EU.

The case-law of the European Court of Human Rights establishes that pre-trial detention must be regarded as an exceptional measure, and that the widest possible use should be made of non-custodial supervision measures. Excessively long periods of pre-trial detention are detrimental to the individual, and a pattern of excessively long pre-trial detention in a particular Member State can undermine mutual trust.

Framework Decision 2009/829/JHA on the European Supervision Order (ESO) has the potential to reduce pre-trial detention in the EU, but its application by the Member States remains extremely limited.

Moreover, where material detention conditions fall below the agreed standards, the effects are felt beyond the individual case. Poor accommodation, overcrowding, lack of access to healthcare and insufficient safeguards for vulnerable groups raise serious concerns under the Charter of Fundamental Rights and the European Convention on Human Rights.

These shortcomings directly affect the operation of the European Arrest Warrant (EAW), as executing judicial authorities must refuse to surrender a requested person if they are at a real risk of inhuman or degrading treatment. In recent years, courts have increasingly scrutinised detention conditions in the issuing Member State, leading to delays, additional evidentiary requirements and, in some cases, refusal to execute EAWs.

Available statistics on the EAW⁽²⁾ demonstrate that, since 2016, in close to 586 cases, Member States have refused or delayed execution on grounds related to a real risk of breach of fundamental rights and to inadequate material conditions of detention.

⁽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, C/2022/8987, (OJ L 86, 24.3.2023, p. 44).

⁽²⁾ https://commission.europa.eu/publications/replies-questionnaire-quantitative-information-practical-operation-european-arrest-warrant_en.

A practice of seeking assurances from the requesting judicial authorities has also arisen.

This demonstrates the central role of detention standards in maintaining mutual trust⁽³⁾. The principle of mutual recognition depends on the presumption that all Member States ensure an equivalent and appropriate level of rights protection. When this presumption is weakened by evidence of systemic deficiencies in detention, the efficiency and credibility of the EAW mechanism are compromised. This erodes confidence among judicial authorities, affects cooperation in cross-border criminal cases and places an additional burden on courts to assess compliance on a case-by-case basis.

In this regard, the meetings in 2025 of the High-Level Forum on the Future of Criminal Justice (HLF) concerning possible EU rules on pre-trial detention and material detention conditions divided the opinion of the participants. One group stressed that detention matters should be dealt with at national level, as they fall under national procedural autonomy, while the other group called for action at EU level to draw up binding standards of protection. The first group voiced openness to further soft law measures, such as project financing, and stressed the need to focus on implementing the Recommendation on Detention. The second group underlined strong evidence of shortcomings in Member States' detention standards and the inadequacy of existing preventive mechanisms at Council of Europe level.

⁽³⁾ The judgments of the CJEU in Cases Aranyosi and Căldăraru (Joined Cases C-404/15 and C-659/15 PPU), ML (C-220/18 PPU), Dorobantu (C-128/18) and Breian (C-318/24) have shown how material conditions can affect mutual trust in practice.

Methodology

This implementation report examines how EU standards on procedural rights in pre-trial detention and material detention conditions are applied in the 27 Member States. It seeks to provide a comparative overview of existing legal frameworks and practices, highlighting key areas of convergence and divergence, and implementation gaps.

Member States informed the Commission of their follow-up to the Recommendation within 24 months of its adoption. For that purpose, questionnaires were developed in 2024 in cooperation with prison staff, judges and prosecutors, as well as with representatives of the Council of Europe's Committee for the Prevention of Torture (CPT) and the EU Fundamental Rights Agency (FRA).

As regards material detention conditions, the questionnaire focuses mostly on the practical implementation of the standards as laid down in the Recommendation on Detention. Information on the legislative implementation of these standards for material detention conditions for each Member State can already be found in the FRA's Criminal Detention Database, which has been developed at the request of the Commission and is publicly accessible at <https://fra.europa.eu/en/databases/criminal-detention/>.

The questionnaire also served to obtain information on how Member States have implemented procedural rights in pre-trial detention and how they have applied pre-trial detention in practice.

The questionnaires were submitted via EU Survey on 24 July 2024. The Commission received all the Member States' replies by June 2025.

While all Member States' prison administrations participated, not all responded to every question in the questionnaire. Additionally, information systems supporting data collection differ widely. Some Member States maintain advanced centralised databases that track occupancy levels, incidents, solitary confinement, complaints, staffing and programme participation. Others rely on decentralised or manual record-keeping, which limits the ability to aggregate data or monitor trends.

When the Commission assessed the information, it found that some Member States had provided incomplete information, while others had provided very detailed data. The amount and quality of data provided to the Commission varied considerably across Member States. Therefore, there is a risk of drawing distorted conclusions or presenting a misleading picture of the detention situation in individual Member States.

As a first step, the Commission will therefore publish this report, which provides a general overview of the situation across the EU regarding procedural rights in pre-trial detention and material detention conditions.

As a second step, the Commission is developing country factsheets on material detention conditions in close collaboration with the Council of Europe under the ongoing joint EU/Council of Europe project⁽⁴⁾. The factsheets could also serve as an accessible tool

⁽⁴⁾ <https://www.coe.int/en/web/implementation/european-npm-forum>.

providing a clear overview of the detention situation in each Member State, also in the context of assessments under the EAW.

The added value of this report is to provide insight into how the Recommendation on Detention is applied across the EU. The analysis aims to evaluate compliance across Member States, as well as to identify systemic gaps where more convergence would be needed. The conclusion of this report not only describes shortcomings but also underlines examples of good practice.

MINIMUM STANDARDS FOR THE PROCEDURAL RIGHTS OF SUSPECTS AND ACCUSED PERSONS SUBJECT TO PRE-TRIAL DETENTION

1. Pre-trial detention as a measure of last resort and alternatives to detention

(14) Member States should impose pre-trial detention only where strictly necessary and as a measure of last resort, taking due account of the specific circumstances of each individual case. To this end, Member States should apply alternative measures where possible.

(15) Member States should adopt a presumption in favour of release. Member States should require the competent national authorities to bear the burden of proof for demonstrating the necessity of imposing pre-trial detention.

(16) To avoid inappropriate use of pre-trial detention, Member States should make available the widest possible range of alternative measures, such as the alternative measures mentioned in Framework Decision 2009/829/JHA on the application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

(17) Such measures could include: (a) undertakings to appear before a judicial authority as and when required, not to interfere with the course of justice and not to engage in particular conduct, including that involved in a profession or particular employment; (b) requirements to report on a daily or periodic basis to a judicial authority, the police or other authority; (c) requirements to accept supervision by an agency appointed by the judicial authority; (d) requirements to submit to electronic monitoring; (e) requirements to reside at a specified address, with or without conditions as to the hours to be spent there; (f) requirements not to leave or enter specified places or districts without authorisation; (g) requirements not to meet specified persons without authorisation; (h) requirements to surrender passports or other identification papers; and (i) requirements to provide or secure financial or other forms of guarantees as to conduct pending trial.

(18) Member States should furthermore require that, where a financial surety is fixed as a condition for release, the amount is proportionate to the suspect's or accused person's means.

Most legal frameworks allow deprivation of liberty before conviction, when necessary, proportionate, and when detention cannot be replaced by a less intrusive measure. In some Member States, this requirement is spelled out explicitly in legislation; in others, it is implemented through case law and consistent judicial practice. Even where the principle is not expressly codified, courts apply proportionality assessments that effectively limit detention to exceptional cases. No Member State mandates automatic pre-trial detention for any category of offences or alleged offenders. In a small number of systems, serious crimes may generate rebuttable presumptions in favour of detention, but judges must still apply an individualised assessment grounded in necessity and proportionality.

In all Member States, judicial authorities are responsible for issuing detention orders and must provide a reasoned decision specifying why alternative measures cannot achieve the intended aims.

All Member States provide alternatives to pre-trial detention, though their structure and availability vary. Common measures include obligations to report to authorities, restrictions on contact or movement, residence requirements, travel bans, surrender of travel documents, financial guarantees, and various forms of electronic monitoring or supervised release. Some systems provide an open-ended list of alternatives that allow courts to tailor conditions to the accused's personal circumstances. Other systems have more restrictive lists but still apply alternatives on a case-by-case basis, particularly where risk can be sufficiently mitigated without detention.

Electronic monitoring is available in most Member States, though its use remains uneven due to technical limitations, staffing constraints or requirements such as stable housing. Some employ electronic monitoring widely, while others reserve it for post-conviction contexts or rarely apply it at all. Bail continues to be used throughout Member States but takes different forms. In some Member States, bail serves mainly as a guarantee to secure the accused person's appearance before the court or their compliance with the rules governing conditional release, while in others it operates as a central feature of the release procedure and is rooted in constitutional protections. Variations include whether the courts must offer bail of their own motion, how courts determine whether the amount is proportionate to the suspect's financial means, and whether the suspect may pay in instalments. Many Member States rarely rely on bail, instead favouring reporting obligations or movement restrictions.

Supervision mechanisms for alternatives also differ. Probation services play a central role in many Member States, providing monitoring, compliance checks and pre-sentence reports that help courts determine appropriate conditions. Other systems do not rely on such reports, except in complex cases or when electronic monitoring is considered. Common obstacles to applying alternatives at the pre-trial stage include unstable housing, limited social or family ties, insufficient resources for supervision and administrative delays caused by staff shortages.

The ESO (Framework Decision 2009/829/JHA), which is intended to facilitate cross-border recognition of pre-trial alternatives, remains rarely used. Although nearly all Member States have transposed the instrument, its practical application remains limited due to administrative complexity, low awareness among practitioners and concerns about enforceability.

Vulnerable persons are generally not subject to separate legal regimes, but courts are required to consider individual circumstances such as disability, age, pregnancy, illness or social marginalisation when deciding on detention or alternatives. Some Member States have explicit legislative provisions promoting non-custodial measures in cases involving vulnerable persons.

Overall trends

Overall, three broad patterns emerge across Member States:

- systems combining strong legal safeguards with regular use of alternatives to pre-trial detention and well-developed supervision structures;

- systems with detailed legal frameworks but inconsistent implementation due to resource or technical constraints;
- systems in which alternatives to pre-trial detention exist but are applied infrequently, and where the resulting judicial discretion often leads to the overuse of pre-trial detention

Most Member States enshrine either in legislation or case law the principle of detention as a last resort and provide for alternatives such as reporting duties, bail, electronic monitoring or movement restrictions. However, practical reliance on such measures in the pre-trial stage varies widely, impeded in some cases by technical limitations and a lack of trust or resources. The use of the ESO also remains limited. Some Member States still apply mandatory pre-trial detention for certain offences, although this is rare.

2. Reasonable suspicion and grounds for pre-trial detention

(19) Member States should impose pre-trial detention only on the basis of a reasonable suspicion, established through a careful case-by-case assessment, that the suspect has committed the offence in question, and should limit the legal grounds for pre-trial detention to: (a) risk of absconding; (b) risk of re-offending; (c) risk of the suspect or accused person interfering with the course of justice; or (d) risk of a threat to public order.

(20) Member States should ensure that the determination of any risk is based on the individual circumstances of the case, but that particular consideration be given to: (a) the nature and seriousness of the alleged offence; (b) the penalty likely to be incurred in the event of conviction; (c) the age, health, character, previous convictions and personal and social circumstances of the suspect, and in particular their community ties; and (d) the conduct of the suspect, especially how they have fulfilled any obligations that may have been imposed on them in the course of previous criminal proceedings. The fact that the suspect is not a national of, or has no other links with, the state where the offence is assumed to have been committed is not in itself sufficient to conclude that there is a risk of flight.

(21) Member States are encouraged to impose pre-trial detention only for offences that carry a minimum custodial sentence of 1 year.

Pre-trial detention requires two cumulative aspects to be fulfilled across all Member States, i.e. a sufficiently established level of suspicion regarding the commission of an offence, and specific statutory grounds demonstrating that detention is necessary. Although terminology differs across Member States - ranging from 'reasonable suspicion' to 'serious indications' or 'probable cause' - the underlying evidentiary standard is similar. Thus, suspicion must be based on objective evidence exceeding mere speculation but not reaching the level of proof required for conviction.

The evidentiary threshold that courts must apply sits between simple police suspicion and the standard applicable at trial. Judicial authorities must be satisfied that there are concrete, verifiable indications linking the accused to the alleged criminal conduct. Some Member States adopt a comparatively high evidentiary bar, requiring clear factual elements; others rely on internal judicial conviction consistent with European Court of Human Rights case-law. In certain systems, detention cannot be ordered until formal charges are brought, while others permit pre-trial detention for brief periods where formalisation of suspicion is imminent.

Minimum penalty thresholds also vary. Some Member States restrict pre-trial detention to offences punishable by penalties above a defined level, while others do not impose a statutory minimum but still apply proportionality principles in practice.

The recognised grounds for detention are highly harmonised. All systems allow detention based on risk of flight, risk of interference with the investigation and risk of reoffending. Some also include threats to public order or safety. Courts assess risk through a holistic evaluation of the accused's personal circumstances, including residence, employment, social ties, nationality, previous behaviour and the seriousness of the offence. The absence of a fixed residence is widely considered an aggravating factor, though Member States differ in how EU cross-border residence is assessed, with some accepting EU-wide ties as mitigating risk under principles of mutual trust.

Risk assessments are conducted individually in every case. Judges examine the gravity of the offence, the potential sentence, the suspect's community ties, criminal record and their behaviour during the investigation. So far, none of the Member States uses automated or algorithmic tools in risk evaluation; decisions remain fully judicial and discretionary.

Health, age and disability commonly influence assessments of whether pre-trial detention is necessary. Some jurisdictions authorise release or home detention on medical or humanitarian grounds, while others offer therapeutic alternatives already at the pre-trial stage for persons with substance-dependence or mental health needs. However, in other Member States this is not possible in view of the presumption of innocence. Vulnerability considerations may justify less intrusive measures or prohibit detention outright in certain cases.

Overall trends

Across all Member States, courts rely on a combination of evidentiary thresholds and risk-based justifications to determine whether pre-trial detention is warranted. However, the threshold for imposing pre-trial detention, for example, 'reasonable suspicion' or 'serious indications of guilt', is defined in a different manner across Member States. Judicial discretion is central across Member States, and no system relies on automated tools. Vulnerability considerations are taken into account in many Member States.

3. Reasoning of pre-trial detention decisions

(22) Member States should ensure that every decision by a judicial authority to impose pre-trial detention, to prolong such pre-trial detention, or to impose alternative measures is duly reasoned and justified and refers to the specific circumstances of the suspect or accused person justifying their detention. The person affected should be provided with a copy of the decision, which should also include reasons why alternatives to pre-trial detention are not considered appropriate.

Judicial reasoning is a core safeguard ensuring transparency, fairness and legality when imposing and continuing pre-trial detention. All Member States require courts to issue reasoned decisions detailing the factual and legal grounds for detention, explaining why alternatives are inappropriate and demonstrating that continued custody remains necessary and proportionate.

A detention order must identify the accused, specify the alleged offences, cite the relevant provisions, outline the grounds for detention, and set out the factual basis supporting both suspicion and necessity.

Many Member States set strict deadlines for issuing written decisions, ranging from immediate provision to delivery within 24 or 48 hours. Written reasoning is indispensable for appeal, and failure to provide it typically renders the order invalid.

Courts are expected to provide individualised reasoning rather than formulaic or standardised wording, although such wording is still used in some Member States. Judicial authorities must examine personal circumstances and demonstrate why detention is indispensable in the specific case. Proportionality assessments, which require the explicit balancing of public interest against personal liberty, are formalised in several Member States. Other systems rely on case-law to impose similar obligations.

All Member States require courts to justify the rejection of alternatives to pre-trial detention before ordering detention. Common reasons include the seriousness of the offence, prior non-compliance with conditions, the lack of a stable residence, or a high risk of reoffending. In Member States with less formal requirements, courts may still address alternatives implicitly.

Decisions must be communicated promptly to the accused, with translation provided where necessary. Some Member States provide oral decisions followed by written copies; others serve written documentation immediately.

Overall trends

While most Member States require judges to provide individualised and reasoned decisions when ordering pre-trial detention such reasoning can take different forms, with some Member States relying on standard wording or templates. Most Member States also impose strict time limits for issuing written decisions. The obligation to consider and reject alternatives exists in practice in all Member States, even where it is less formalised.

4. Periodic review of pre-trial detention

(23) Member States should ensure that the continued validity of the grounds on which a suspect or accused person is held in pre-trial detention is periodically reviewed by a judicial authority. As soon as the grounds for detaining the person cease to exist, Member States should ensure that the suspect or accused person is released without undue delay.

(24) Member States should permit the periodic review of pre-trial detention decisions to be initiated upon request by the defendant or, ex officio, by a judicial authority.

(25) Member States should, in principle, limit the interval between reviews to a maximum of 1 month, except in cases where the suspect or accused person has the right to submit, at any time, an application for release and to receive a decision on this application without undue delay.

Regular judicial review of pre-trial detention is a fundamental safeguard across all Member States, ensuring that the deprivation of liberty remains justified throughout the proceedings. All Member States provide mechanisms for reassessing detention, though the structure, frequency, and procedural detail vary considerably. Reviews may occur at fixed statutory intervals, at key procedural stages, or upon request by the defence or prosecution.

In Member States with fixed-interval reviews, courts reassess detention every few weeks or months. These frequent, scheduled reviews ensure that judges evaluate whether the grounds for detention still apply, whether suspicion remains sufficiently substantiated and whether alternatives can replace pre-trial detention. Other systems link review to procedural stages, such as the completion of investigative steps or the transfer of the case to trial courts. A third group relies primarily on reviews initiated by the defence, though courts still have the authority to review detention of their own motion.

The accused and the defence counsel are typically allowed to participate in review procedures. Many Member States require oral hearings, with the accused brought before a judge, while others allow written procedures for routine reviews. Oral hearings commonly include the participation of the prosecution and allow defence submissions, the presentation of evidence and requests for release. Interpretation and translation are generally provided when necessary.

In many Member States, judges reassessing detention must re-examine the evidentiary basis of suspicion, the relevance and strength of risk factors, and the proportionality of continued pre-trial detention in light of time elapsed. Courts generally also need to consider whether developments in the case - such as reduced flight risk, completion of investigative steps, or improved personal circumstances - justify substituting pre-trial detention with less intrusive alternative measures. Some Member States require that changes in circumstances be explicitly analysed in every review.

Timely communication of review decisions is standard practice across Member States. Notifications are generally provided in writing to the accused, the defence counsel and the relevant authorities. In some Member States, automated or centralised communication systems facilitate the rapid transmission of decisions and hearing dates.

As detention length increases, judicial scrutiny becomes more intense in many systems. Higher courts may be required to review prolonged detention, or special oversight procedures may apply when certain time periods have elapsed.

Overall trends

Regular judicial review of pre-trial detention is required in most Member States, often at fixed intervals. Nevertheless, the timing, frequency and thoroughness of these reviews varies considerably. In many Member States, reviews are conducted by written procedure.

5. Hearing of the suspect or accused person

(26) Member States should ensure that a suspect or accused person is heard in person or through a legal representative by way of an adversarial oral hearing before the competent judicial authority making a decision on pre-trial detention. Member States should ensure that decisions on pre-trial detention are made without undue delay.

(27) Member States should uphold the suspect or accused person's right to a trial within a reasonable time. In particular, Member States should ensure that cases in which pre-trial detention has been imposed are treated as a matter of urgency and with due diligence.

The right to be heard before any decision imposing or extending pre-trial detention is guaranteed across all Member States. All Member States require that persons deprived of liberty be brought promptly before a judicial authority and given the opportunity to present their views personally or via a defence counsel.

Statutory time limits for bringing detainees before a court are generally strict, typically ranging between 24 and 48 hours. A small number of Member States permit periods up to 72 or 96 hours in exceptional cases, but such extensions remain limited. Hearings must be conducted promptly, and exceeding statutory deadlines often results in automatic release.

Across Member States, detention hearings are oral and adversarial. They are conducted with the participation of the defence counsel and, where appropriate, the prosecution. Defence representation is mostly mandatory, and proceedings cannot lawfully continue without a lawyer present. Confidential communication between the accused and their defence counsel is protected as a core component of fair process.

The accused should appear in person at the first detention hearing. Subsequent hearings may be conducted via videoconferencing, though Member States' laws differ on whether this requires the accused's consent. Some prohibit remote participation for initial hearings to ensure that judges can assess the person directly before ordering pre-trial detention.

Access to case materials is essential for effective participation. Many systems grant immediate access to relevant evidence once pre-trial detention is sought, while others impose strict timelines for disclosure before the hearing.

Hearings are formally documented. Written minutes are required in all Member States and audiovisual recording is increasingly common. The duration of hearings varies, with some Member States having brief, focused hearings that last only around 15 minutes, while hearings in complex cases or multi-person proceedings may last significantly longer and extend up to several hours. Decisions are mostly delivered immediately or shortly after the hearing.

Some Member States operate highly structured and formalised hearing procedures, with detailed legal requirements regarding timing, documentation and evidentiary rights. Others adopt more flexible approaches. Videoconferencing practices vary widely, reflecting differences in technological infrastructure, legal culture and views on the necessity of the accused's physical presence.

Overall trends

While the comparative analysis shows that Member States generally ensure suspects' right to be heard before a decision on pre-trial detention is taken, there are differences in access to case files and communication rights with defence counsel. Videoconferencing practices vary widely across Member States.

6. Effective remedies and right to appeal

(28) Member States should guarantee that suspects or accused persons who are deprived of their liberty have recourse to proceedings before a court, which is competent to review the lawfulness of their detention and, where appropriate, to order their release.

(29) Member States should grant suspects or accused persons subject to a decision on pre-trial detention the right of appeal against such a decision and inform them of this right

The ability to challenge pre-trial detention is a fundamental safeguard embedded in all national systems. Member States provide several avenues for contesting detention orders, ensuring that that individuals have effective access to justice.

Three main remedies are commonly available. The first is an ordinary appeal against the decision imposing or maintaining pre-trial detention. Such appeals are typically reviewed by higher courts and decided within fixed time limits to avoid undue prolongation of pre-trial detention. The second remedy consists of requests for release or the substitution of pre-trial detention with less restrictive measures. These can usually be filed at any time during the proceedings. The third remedy involves *habeas corpus* – a procedure for reviewing the legality of detention – which allows detainees to challenge the legality of their detention.

Individuals must be informed of their rights to challenge detention at the moment the decision is issued. Written decisions often include explicit information on appeal rights. Interpretation and translation services ensure that accused persons understand the remedies available regardless of language barriers.

Appeals typically do not suspend the execution of pre-trial detention orders, but courts must decide them expeditiously. Time limits differ among Member States, ranging from decisions

within 24 hours to periods of several days or weeks, or a complete absence of time limits. However, in Member States where no statutory deadline exists, courts prioritise pre-trial detention appeals to prevent the unjustified continuation of custody.

Reviewing courts evaluate both legality and proportionality. They assess whether suspicion and risk grounds remain valid and whether alternatives to pre-trial detention could sufficiently mitigate risks. If the basis for pre-trial detention lapses, courts must order the detained person's release. Some Member States have expedited judicial review procedures (such as *référé-liberté*), which are specifically designed to address urgent cases.

While few Member States provide specialised mechanisms for vulnerable detainees, general judicial review and appeal procedures also apply in such cases. Legal aid is widely available, and representation is often mandatory, guaranteeing effective access to remedies.

Overall trends

All Member States recognise the right to appeal pre-trial detention decisions, although deadlines and notification practices differ. Some impose deadlines as short as 24 hours, raising concerns about effective access to remedies.

7. Length of pre-trial detention

(30) Member States should ensure that the length of pre-trial detention does not exceed, and is not disproportionate to, the penalty that may be imposed for the offence concerned.

(31) Member States should ensure that the length of pre-trial detention imposed does not conflict with the right of a detained person to be tried within a reasonable time.

(32) Member States should consider as a priority cases involving a person subject to pre-trial detention.

Member States' systems regulate the permissible duration of pre-trial detention through statutory limits and ongoing proportionality assessments. While approaches differ, all Member States ensure that pre-trial detention cannot be indefinite and must end when it is no longer justified when the grounds for pre-trial detention no longer apply.

Some Member States impose strict maximum time limits for pre-trial detention, which vary depending on the nature of the offence or procedural stage. These limits may range from a few months for minor offences to several years for exceptionally serious crimes. When time limits expire, release is mandatory, though courts may impose non-custodial alternative measures to secure compliance with procedural obligations.

Other Member States operate mixed models, combining maximum time limits with judicial discretion to extend detention in complex cases. Extensions generally require court authorisation and may be subject to scrutiny by a higher court.

A third group of Member States does not rely on fixed statutory maximum time limits but instead subjects pre-trial detention to a continuous proportionality review, requiring that detention remains necessary and reasonable in light of the circumstances and time elapsed.

Mechanisms to prevent breaches of time limits include electronic tracking systems, prosecutorial oversight and automated alerts that notify authorities when deadlines approach. Such systems are intended to safeguard against detention periods overrunning.

Delays in proceedings, which can prolong detention, are commonly attributed to case complexity, the involvement of several defendants, cross-border investigations, reliance on expert evidence or limited judicial resources. Most Member States recognise that procedural inefficiencies, rather than the deliberate overuse of pre-trial detention, are the primary causes of extended detention.

Compensation for excessive or unlawful detention is available in many systems, although eligibility may depend on the outcome of the case or specific legislative criteria and eligibility rules vary. In some Member States, compensation requires acquittal, while in others, compensation is available even where proceedings result in conviction where the pre-trial custody was unjustified.

Overall trends

Maximum time limits on pre-trial detention exist in most Member States, but the maximum durations vary from a few days to several years. Even where time limits exist, procedural delays, case complexity and judicial backlog often lead to prolonged detention.

8. Deduction of time spent in pre-trial detention from the final sentence

(33) Member States should deduct any period of pre-trial detention prior to conviction, including where enforced through alternative measures, from the length of any sentence of imprisonment subsequently imposed

All Member States recognise the principle that time spent in pre-trial detention must be deducted from any custodial sentence imposed following conviction. This principle prevents double punishment and ensures that the total deprivation of liberty remains proportionate and legally justified. Although the scope of the deduction, the taking into account of restrictive alternative measures to detention and the mechanisms for calculation vary, time already spent in pre-trial detention is generally deducted automatically.

In all Member States, formal pre-trial detention is deducted on a day-for-day basis. Sentencing courts typically apply the deduction directly, though in some jurisdictions, enforcement authorities are responsible for calculating and applying the deduction once a sentence becomes final. Automated systems in certain jurisdictions track pre-trial detention periods electronically to streamline accuracy and avoid errors. In others, deduction relies on judicial verification or administrative documentation.

Some Member States extend deduction to restrictive alternatives to pre-trial detention such as house arrest, electronic monitoring or intensive supervision, treating these as sufficiently similar to detention to warrant deduction. In those systems, restrictive measures may be deducted equivalently or proportionally depending on the degree of limitation imposed. Other jurisdictions restrict deduction strictly to formal custody in pre-trial detention facilities, although they may consider restrictive alternatives as mitigating factors during sentencing even if they do not formally reduce the sentence.

Conversion formulas exist in a few Member States to translate different forms of deprivation or restriction of liberty into equivalent custodial days. These formulas may convert periods of house arrest, community service, fines or reporting obligations into custodial equivalents for deduction purposes. In other systems, courts apply case-law to determine proportional deduction based on the nature of the restrictions.

Disputes about deduction are rare because rules are clearly stipulated and consistently applied. Situations involving overlapping pre-trial detention in related proceedings may be addressed through legislative provisions that avoid duplication of credit. Where unlawful or excessive pre-trial detention occurs, compensation mechanisms provide additional safeguards.

Overall trends

Deducting time spent in pre-trial detention from the final custodial sentence is standard practice across Member States. However, there is no consistent approach to taking alternative measures (e.g. house arrest or electronic monitoring) into consideration when calculating sentences. Only a few Member States deduct the full range of alternatives, while others exclude them entirely.

MINIMUM STANDARDS FOR MATERIAL DETENTION CONDITIONS

1. Accommodation

(34) Member States should assign each detainee a minimum amount of surface area of at least 6 m² in single-occupancy cells and 4 m² in multi-occupancy cells. Member States should guarantee that the absolute minimum personal space available to each detainee, including in a multi-occupancy cell, amounts to the equivalent of at least 3 m² surface area per detainee. Where the personal space available to a detainee is below 3 m², a strong presumption of a violation of Article 3 of the ECHR arises. The calculation of the available space should include the area occupied by furniture but not that occupied by sanitary facilities.

(35) Member States should ensure that any exceptional reduction of the absolute minimum surface area per detainee of 3 m² is short, occasional, minor and accompanied by sufficient freedom of movement outside the cell and appropriate out-of-cell activities. Furthermore, Member States should ensure that, in such cases, the general conditions of detention at the facility are appropriate and that there are no other aggravating factors in the conditions of the concerned person's detention, such as shortcomings in minimum structural requirements for cells or sanitary facilities.

(36) Member States should guarantee that detainees have access to natural light and fresh air in their cells.

Accommodation standards in detention facilities reflect a combination of legal obligations, administrative practice and material constraints such as overcrowding. While most Member States impose mandatory minimum standards for personal living space, sanitary facilities, lighting, ventilation and sleeping arrangements, compliance varies widely due to structural and operational challenges.

A significant number of Member States incorporate binding minimum space requirements (in m²) through primary legislation, regulations or administrative rules. Others rely on policy guidelines or non-binding standards. Even among jurisdictions with mandatory standards, the amount of minimum personal space differs substantially. Some systems prescribe space per detainee that aligns closely with recommended levels, while others set limits significantly below the standards set out in European Court of Human Rights case-law and the Recommendation on Detention. A few jurisdictions permit exceptionally low minimums of 2 m² of personal space in defined circumstances, such as temporary overcrowding or short-term placements. Across Member States, personal space in single-occupancy cells ranges from 2 m² to 12 m², which demonstrates the very large divergence in detainees' basic living standards in the EU.

Compliance with these standards varies. Several Member States report that all detainees have access to at least the minimum required space and that no detainees have less than 4 m² of personal space. Others report that a small proportion of detainees have less personal space than the recommended thresholds. However, in a handful of Member States with extensive overcrowding, large percentages (above 50%) of detainees have less than 4 m² of personal space. Overcrowding in such systems also affects several prison facilities.

Only a minority of Member States use modern IT-based occupancy management tools to monitor compliance and trigger alerts when capacity limits are exceeded. Most rely on manual monitoring, periodic reporting or inspections by oversight bodies.

Sleeping arrangements vary. Many systems report that detainees do not sleep on floor mattresses or in triple bunks. Where such situations occur, they are described as rare, temporary, or limited to specific secured cells. A small number of jurisdictions report widespread use of triple bunks or significant numbers of detainees sleeping on floors due to overcrowding.

Most Member States report that detainees have access to natural light and fresh air in cells. Smoking policies differ, with many Member States allowing smoking in single cells or only with the consent of all detainees in multi-occupancy cells, while other Member States ban indoor smoking entirely.

Remedies for inadequate accommodation also differ widely. Some Member States provide more out-of-cell time or opportunities for transfers, while others allow judicial review, complaints procedures or sentence reductions. In systems with low legal space requirements or widespread exceptions, remedies are often limited.

Overall trends

Across Member States, accommodation standards vary widely. While many Member States provide adequate space and living conditions, others face serious prison overcrowding issues, affecting compliance with minimum thresholds and leading to some detainees sleeping on mattresses for prolonged periods of time. Monitoring systems are improving but remain inconsistent.

2. Allocation

(37) Member States are encouraged, and in the case of children, should make sure, to allocate detainees, as far as possible, to detention facilities close to their homes or other places suitable for the purpose of their social rehabilitation.

(38) Member States should make sure that pre-trial detainees are held separately from convicted detainees. Women should be held separately from men. Children should not be detained with adults, unless it is considered to be in the child's best interests.

(39) When a detained child reaches the age of 18 and, where appropriate, for young adults under the age of 21, Member States should provide for the possibility to continue to hold that person separately from other detained adults where warranted, taking into account the circumstances of the person concerned and provided that this is compatible with the best interests of children who are detained with that person.

Allocation policies govern where detainees are placed geographically and how they are separated within facilities.

Across Member States, allocation decisions consider detainees' family ties and previous residence. Proximity to family is widely recognised as important for maintaining relationships and supporting reintegration. However, allocation based on family location is often restricted by the need to match detainees with appropriate security levels, treatment programmes or

available spaces. Specialised facilities for medical or psychological needs may require placement away from home regions.

Most systems separate pre-trial and sentenced detainees, though in some Member States these groups participate in shared activities during the day. Nonetheless, the presumption in favour of separation is broadly upheld to protect the presumption of innocence.

Separation by gender is nearly universal. Women are typically held in separate facilities or distinct units within mixed institutions. Some systems allow women to participate in mixed activities under supervision, though accommodation is separate.

The separation of minors from adults is widely implemented. Children under 18 are usually placed in specialised juvenile institutions or dedicated wards. Age thresholds vary in a few Member States, with some extending juvenile-style placement to persons aged up to 21 or even 24 under certain conditions. A small number of systems allow for the case-by-case placement of young adults (18 to 21 years) with children or, conversely, older adolescents with adults when considered appropriate.

Practices for supporting young adults differ more widely. Some Member States provide specialised units or youth-oriented programmes, while others integrate young adults into the general prison population with additional educational and rehabilitative supports.

Overall trends

Allocation practices reflect shared goals – protecting vulnerable detainees, preserving the presumption of innocence of pre-trial detainees and enabling rehabilitation – yet implementation depends on the design and capacity of the facility. Housing women and children separately is consistently prioritised, while the situation for young adults varies. Family proximity is considered important but not determinative, as operational requirements often take precedence.

3. Hygiene and sanitary conditions

(40) Member States should ensure that sanitary facilities are accessible at all times and that they offer sufficient privacy to detainees, including effective structural separation from living spaces in multi-occupancy cells.

(41) Member States should establish effective measures to maintain good hygienic standards through disinfection and fumigation. Member States should furthermore ensure that basic sanitary products, including hygienic towels, are provided to detainees and that warm and running water is available in cells.

(42) Member States should provide detainees with appropriate clean clothing and bedding, and with the means to keep such items clean.

Hygiene and sanitary conditions are central to dignity, health and disease prevention in detention facilities. Most Member States report that detainees have access at all times to basic

sanitary facilities (toilets and wash basins), either within cells or in shared areas with immediate staff access. The extent and quality of in-cell sanitary provision vary significantly across Member States.

Most Member States provide both a toilet and washbasin in almost all cells. Some report full coverage in all cells, while others indicate partial provision, particularly in older facilities or multi-occupancy cells. Certain systems provide these facilities in fewer than 50% of all cells, requiring detainees to rely on shared sanitary areas.

Privacy in toilet use depends heavily on whether toilets are partitioned off. Some Member States report universal or near-universal partitioning off, while others provide this in only less than 50% of cells. It is especially common in multi-occupancy cells to have toilets that are not partitioned off, raising concerns about dignity and privacy.

Infestations or sanitary problems such as mould, insects, rats or bedbugs are reported by some Member States, though usually in a limited number of facilities. A few Member States report more widespread issues affecting a large proportion of institutions. Preventive measures include regular pest control, ventilation improvements and the replacement or heat treatment of mattresses.

Running water is generally available across Member States, though access to warm water is inconsistent. Some Member States provide warm water in all cells; others provide it in more than 50% of cells. A smaller group reports limited or no in-cell warm water, requiring detainees to shower in shared facilities according to regulated schedules.

Shower frequency varies between systems, ranging from daily access to once or twice a week, with some providing more frequent access for women.

Hygiene products such as soap, shampoo and feminine hygiene items are widely provided. Most Member States provide such products free of charge, though some allow detainees to buy additional supplies.

Clothing and bedding are usually supplied free of charge, especially upon admission. Laundry arrangements differ, with the washing of clothing and bedding once or twice a week being standard practice. Some systems allow detainees to use shared laundry facilities for personal washing.

Overall trends

Hygiene standards vary widely across Member States. While many Member States provide adequate in-cell sanitation and privacy, others rely on shared facilities or do not partition toilets off, particularly in multi-occupancy cells. Warm water access and shower frequency vary greatly, reflecting infrastructure disparities. Infestations remain an issue in some Member States.

4. Nutrition

(43) Member States should ensure that food is provided in sufficient quantity and quality to meet the detainee's nutritional needs, and that food is prepared and served under hygienic conditions. Furthermore, Member States should guarantee that clean drinking water is available to detainees at all times.

(44) Member States should provide detainees with a nutritious diet that takes into account their age, disability, health, physical condition, religion, culture and the nature of their work.

Nutrition is a core component of detainee health and well-being, and most Member States recognise the obligation to provide meals that are balanced and sufficient in caloric value. Most Member States aim to provide three meals per day, with caloric ranges typically between 2 200 and 3 000 kcal per detainee. Some explicitly align their standards with national nutritional guidelines or incorporate medical oversight to ensure adequacy.

Daily spending on food varies significantly across Member States. Some report relatively high spending levels, enabling diverse and nutritionally varied diets. Others operate on substantially lower budgets, in some cases less than EUR 2 per detainee per day. These differences (ranging from less than EUR 2 to more than EUR 10 per detainee per day) raise concerns about whether food quality and variety can be maintained in low-spending systems, even though all jurisdictions assert compliance with minimum dietary standards.

Most Member States provide dietary adaptations for medical conditions, allergies, age-related needs, pregnancy, breastfeeding and religious requirements. Vegetarian diets are widespread, and vegan diets are increasingly available. Certain Member States also offer supplementary meals or adjusted schedules for detainees engaged in work or physically demanding activities.

All report universal access to clean drinking water at all times.

Overall trends

Across Member States, standards for caloric intake and dietary variety are broadly consistent, but food budgets differ sharply, ranging from below EUR 2 to more than EUR 10 per detainee per day. Systems with higher spending can more easily provide fresh and diverse food, whereas low-spending systems risk relying on less varied or lower-quality options despite formal compliance. Dietary accommodations for religious and medical needs are widely embedded across all Member States. Access to clean drinking water is guaranteed in all Member States.

5. Time spent outside the cell and outdoors

(45) Member States should allow detainees to exercise in the open air for at least 1 hour per day and provide spacious and appropriate facilities and equipment for this purpose.

(46) Member States should allow detainees to spend a reasonable amount of time outside their cells to engage in work, education, and recreational activities as are necessary for an appropriate level of human and social interaction. To prevent a violation of the prohibition of torture and inhuman or degrading treatment or punishment, Member States should ensure that any exceptions to this rule in the context of special security regimes and measures, including solitary confinement, are necessary and proportionate.

Time spent outside the cell is fundamental to detainees' physical and mental well-being. All Member States guarantee detainees at least one (1) hour of outdoor activity daily, except under exceptional conditions such as extreme weather or specific security measures. This standard is widely respected and reflects a shared understanding of the importance of exercise and exposure to fresh air.

Beyond the mandatory hour outdoors, the average daily out-of-cell time varies significantly. While many Member States aim for a minimum of three hours, actual figures often depend on detention regime, staffing capacity, security classification and the availability of structured activities. Some Member States, particularly those with extensive programming for sentenced detainees, allow substantially more out-of-cell time. Pre-trial detainees, who are not obliged to work and may have fewer programme obligations, often spend more time locked in their cells. A few Member States report average out-of-cell times as low as one to two hours for certain categories of detainees.

Activities available to detainees typically include work, vocational training, formal education, psychological and social programmes, addiction treatment, debt counselling, parenting courses and reintegration support. Recreational activities such as sports, art, music and access to libraries or religious services are also common. Some systems offer more specialised or culturally oriented programmes provided by volunteers or NGOs, including creative workshops, discussion circles or supervised day trips for eligible detainees.

Special security regimes exist in many Member States, though definitions vary. Such regimes often involve increased monitoring, restricted movement or isolation measures, and may include placement in specially secured cells, increased searches, continuous lighting or limitations on activities. Placement under these regimes usually requires an assessment of risks such as violence, self-harm, escape attempts or gang affiliations. Regular reviews are required to ensure these measures do not extend beyond necessity.

Statistics on solitary confinement - defined as isolation for 22 hours or more without meaningful human contact - is limited. Few Member States maintain comprehensive monitoring systems, making comparisons difficult. Available data suggest that solitary confinement exists but is inconsistently recorded and varies widely between institutions.

Overall trends

Time outside the cell remains one of the most variable aspects of detention conditions. All Member States meet the basic requirement of one hour outdoors daily, but overall, out-of-cell time differs greatly due to infrastructure, staffing and programme availability. Structured activities are widespread but often prioritise sentenced detainees above pre-trial detainees. Special security regimes persist across Member States, typically with safeguards for review. A consistent trend is the lack of robust data on solitary confinement, highlighting ongoing challenges in transparency and monitoring.

6. Work and education of detainees to promote their social reintegration

(47) Member States should invest in the social rehabilitation of detainees, taking into account their individual needs. To that effect, Member States should strive to provide remunerated work of a useful nature. With a view to promoting detainees' successful reintegration into society and the labour market, Member States should give preference to work that involves vocational training.

(48) To help detainees prepare for their release and to facilitate their reintegration into society, Member States should ensure that all detainees have access to safe, inclusive and accessible educational programmes (including distance learning) that meet their individual needs while taking into account their aspirations.

Work and education are widely recognised as essential tools for rehabilitation and reintegration. Most Member States provide structured activities that allow detainees to acquire skills, maintain daily routines and build competencies for post-release life. However, there are notable differences in participation rates, programme availability and the use of individualised planning.

Many Member States support sentenced detainees through individual enforcement or rehabilitation plans. These plans identify specific educational, vocational, psychological and behavioural objectives tailored to the detainee's needs. However, not all systems apply individual enforcement plans uniformly. Some create enforcement plans only for those serving longer sentences (at least one year) or those assessed as requiring targeted support. A few Member States maintain comprehensive planning for all detainees, regardless of sentence length. Pre-trial detainees rarely receive full rehabilitation plans but may still access education or work opportunities when security and procedural constraints allow.

Participation in work varies significantly. Some Member States report that only a small percentage of detainees engage in work, while others indicate very high participation rates among sentenced detainees. Pre-trial detainees participate far less frequently due to voluntary participation rules, presumption of innocence and practical obstacles related to ongoing investigations.

Education opportunities range from basic literacy programmes to university-level distance studies. Many systems allow detainees to continue formal education begun before their

detention. Distance learning platforms are increasingly used, particularly in systems with strong ICT infrastructure, though access to digital tools is often strictly controlled.

Detainees are generally paid for work, though pay levels vary widely. Some Member States also offer financial or non-financial incentives for completing educational courses or participating in treatment programmes.

Overall trends

Work and education are widely available but unevenly accessed. Sentenced detainees benefit most from structured programmes and individual planning, while pre-trial detainees have fewer opportunities. Participation rates vary largely across Member States, influenced by facility capacity, labour availability and legal frameworks. Education is increasingly flexible due to distance learning options.

7. Healthcare

(49) Member States should guarantee that detainees have access in a timely manner to the medical, including psychological, assistance they require to maintain their physical and mental health. To this end, Member States should ensure that healthcare in detention facilities meets the same standards as that provided by the national public health system, including with regard to psychiatric treatment.

(50) Member States should provide regular medical supervision and should encourage vaccination and health screening programmes including communicable (HIV, viral hepatitis B and C, tuberculosis and sexually transmitted diseases) and non-communicable diseases (especially cancer screening), followed up by diagnosis and initiation of treatment where required. Health education programmes can contribute to improving screening rates and health literacy. In particular, Member States should ensure that special attention is paid to treatment for detainees with drug addiction, infectious diseases prevention and care, mental health and suicide prevention.

(51) Member States should require that a medical examination is carried out without undue delay at the beginning of any period of deprivation of liberty and subsequent to any transfer.

All Member States conduct medical assessments upon admission, though timing varies from immediate screening within 24 hours upon arrival to assessments conducted within several days (usually within 3-5 working days).

Most Member States test for communicable diseases such as HIV, hepatitis, tuberculosis and sexually transmitted infections, alongside screenings for non-communicable conditions, including cancers. In some systems, the focus is primarily on communicable diseases, reflecting resource constraints or the prioritisation of public health risks.

Healthcare delivery models vary. Some Member States rely heavily on in-house healthcare staff, including general practitioners, nurses, psychologists, psychiatrists and dentists. Others use mixed models combining in-house services with external specialists. Certain Member States - particularly those with older or smaller facilities - offer only basic in-house medical care, relying extensively on external hospitals or outpatient clinics for specialised services to ensure 24/7 care.

Suicide remains a concern across all Member States. Reported figures vary widely, with some jurisdictions experiencing high absolute numbers due to large detainee populations, while others report higher rates relative to population size (ranging from 0.07% to 1.19% of the prison population). Most systems maintain protocols for suicide prevention, including reporting and investigation tools, independent inquiries and protocols.

Treatment for addiction is available in all Member States. Services include supervised detoxification, medically assisted treatment, psychotherapy, group sessions and long-term rehabilitation programmes. These interventions often form part of broader mental health strategies, given the overlap between substance use and psychological vulnerabilities.

Overall trends

While all Member States provide basic services and initial screening, the availability of specialist care varies significantly. Suicide prevention and addiction treatment are prioritised across Member States. A common trend is the reliance on mixed medical models and the integration of external providers for specialised treatment.

8. Prevention of violence and ill-treatment

(52) Member States should take all reasonable measures to ensure the safety of detainees and to prevent any form of torture or ill-treatment. In particular, Member States should take all reasonable measures to ensure that detainees are not subject to violence or ill-treatment by staff in the detention facility and that they are treated with respect for their dignity. Member States should also require staff in the detention facility and all competent authorities to protect detainees from violence or ill-treatment by other detainees.

(53) Member States should ensure that the fulfilment of this duty of care and any use of force by staff in the detention facility are subject to supervision.

Preventing violence and ensuring protection from ill-treatment are core responsibilities of detention systems. Member States report varied approaches to data collection, risk management, staff training and oversight mechanisms, reflecting differing institutional capacities and reporting cultures. Although fatal incidents are generally rare, non-fatal violence, intimidation and aggression occur to differing degrees across Member States.

Reliable data on violent incidents remain difficult to obtain in many jurisdictions. A few Member States maintain centralised databases documenting violence resulting in serious injury or death, while others rely on manual reporting from facilities, limiting accuracy and comparability. Most Member States report low numbers or no fatal incidents over the relevant

years. Non-fatal violence statistics show considerable diversity, with some systems recording hundreds or thousands of incidents annually, while others report only a handful.

Preventive measures against violence among detainees typically include structured risk assessment, reporting protocols for medical staff, the mapping of protection needs and camera surveillance.

Other measures reported by some Member States include promoting a non-violent environment through, for instance, interior design choices and the presence of supervisors; increased observation and regular body searches of high-risk detainees; programmes designed to help detainees manage their emotions and impulses, such as anti-aggression training or animal therapy; specialist prison police units; and multidisciplinary monitoring boards.

Many systems employ dynamic security approaches that emphasise continuous interaction between staff and detainees to prevent conflict and identify risks early. Staff training frequently includes de-escalation techniques, management of aggressive behaviour and protocols for the use of force.

Virtually all Member States confirmed that prison medical staff are under a duty to automatically report cases indicative of ill-treatment to the prison hierarchy (e.g. the chief warden or the prison governor), the competent police department and/or the supervising prosecutor. That duty applies regardless of whether the ill-treatment is attributable to another detainee or to prison staff. A handful of Member States noted that - in principle - medical staff are bound by confidentiality and thus can disclose personal information only after obtaining consent. But even in those Member States there are exceptions, especially when the affected detainee is a minor or otherwise vulnerable, when medical staff witnessed the incident, when the ill-treatment constitutes a serious offence attracting a sentence of more than one year's imprisonment, and/or when there is a significant risk to the life or health of the detainee or third parties. In some Member States confidentiality can, or must, be broken in all cases where prison staff has been implicated.

Safeguards against ill-treatment by staff mirror those applied to detainee-to-detainee violence, presented above.

Other measures against ill-treatment by staff reported by some Member States include special prison departments charged with monitoring potential ill-treatment of detainees by staff, compulsory body cameras for staff who interact with detainees, staff education in human rights and the prevention of torture, vulnerability training, as well as access to internal and external accountability and complaint procedures. Moreover, almost all Member States declared having systems in place to record the use of force against detainees, although these systems can vary in scope and sophistication, ranging from the availability of camera footage to imposing an obligation on prison staff to file a report with their hierarchy and/or the supervising judge or prosecutor. Most Member States also (or at least) have a centralised IT system or log to record all unusual incidents between staff and detainees, including the use of force, and some have special reporting procedures for the use of weapons such as guns and batons.

Staff-to-detainee ratios also vary significantly among jurisdictions, ranging from fewer than 0.2 staff members per detainee to more than 0.8 staff members per detainee, reflecting differing staffing models, facility sizes and resource constraints. Some systems have relatively high ratios that support more intensive monitoring and dynamic security, while others operate with fewer staff relative to the detainee population, raising challenges for supervision and safety.

Overall trends

Across Member States, the prevention of violence and ill-treatment remains a priority, though data quality and monitoring capacity vary widely. Fatal incidents are rare, but non-fatal violence continues to pose challenges. Systems increasingly focus on preventive strategies, staff training and dynamic security. Staff ratios differ greatly, influencing levels of supervision and safety.

9. Contact with the outside world

(54) Member States should allow detainees to receive visits from their families and other persons, such as legal representatives, social workers and medical practitioners. Member States should also allow detainees to correspond freely with such persons by letter and, as often as possible, by telephone or other forms of communication including alternative means of communication for persons with disabilities.

(55) Member States should provide suitable facilities to accommodate family visits under child-friendly conditions, compatible with the demands of security but less traumatic for children. Such family visits should ensure the maintenance of regular, meaningful contact between family members.

(56) Member States should consider enabling communication via digital means, such as video calls, in order to, inter alia, enable detainees to maintain contact with their families, to apply for jobs, to take training courses or to look for accommodation in preparation for release.

Maintaining connections with family, friends, legal representatives and community support is a vital component of humane detention and successful reintegration. All Member States guarantee detainees the right to maintain contact with the outside world, though the frequency, duration and conditions of visits and communication vary substantially.

Family visits in pre-trial detention, for instance, are permitted in every State. However, the minimum frequency can range from as little as once or twice per month to between once and three times per week to every day or as often as institutional capacities allow, while the reported minimum duration of each visit is 30-60 minutes across most jurisdictions. Some Member States, moreover, treat conjugal visits like family visits or allow for an additional, longer visit every month or quarter if certain conditions are met, while others do not provide for this option at all. Overnight visits are possible, also under certain conditions and at lower frequencies (typically once or twice every six months), only in few jurisdictions. Lawyers, by contrast, have access to their clients upon request in all Member States.

For the most part, these visitation patterns do not change post-trial. In some Member States, the frequency of family visits can be adjusted down, but the duration tends to go up, while in others, the frequency can increase as well. And finally, more Member States are prepared to organise conjugal and/or overnight visits.

Almost all Member States confirmed that in both pre- and post-trial detention there are special arrangements for visits from children. However, the scale and purpose of these arrangements can range from meeting basic safeguarding requirements (especially the accompaniment of the child by an appropriate adult) and providing child-friendly areas with toys, etc., which were reported by most Member States; to extended or additional visits that take school hours into consideration; and to structured activities and staffed programmes designed to foster a healthy bond between parent and child and to break the intergenerational cycle of disadvantage and incarceration.

The list of reasons for limiting visitation rights, either through bans and restrictions or surveillance, including by technical means, can include concerns around security and order, as well as disciplinary action for violating prison rules, child welfare considerations or the lack of parental consent. Furthermore, the (court-ordered) protection of ongoing pre-trial investigations prevents contact with victims and witnesses, gang members, etc., and the (court-ordered) protection of the post-trial custodial objective prevents contact with persons who are likely to have a detrimental impact on rehabilitation and reintegration efforts.

Letters and telephone calls are standard across all Member States, although the calls may be limited in frequency and duration. Typically, they are allowed at least once per week, for 10-20 minutes on average and are subject to the detainee having purchased sufficient credit. The vast majority of Member States, moreover, have set up, or are in the process of setting up, video calls to take place either in addition to, or in lieu of, regular in-person visits. These video calls are intended especially for family and young children, and especially in post-trial detention where such relationships can be harder to maintain. Unlike telephone calls, video calls can be subject to conditions, such as prior approval and supervision, but they can also last longer, with some Member States, for instance, allowing up to two hours per session. Communication via email and independent use of the internet, on the other hand, are largely unavailable. Several Member States reported exceptions for specific purposes, such as educational activities, work or the regulation of personal affairs. But in these cases, access is generally granted for certain ‘white-listed’ websites only and is not intended for personal communication.

Like visits, communication with the outside world can also be restricted or banned. Except for official or privileged correspondence, letters may be opened, read and/or withdrawn. Calls may be recorded and the numbers to be reached may require approval. The grounds for implementing those measures vary across Member States. They include concerns around security and order, especially regarding the prevention of crimes and/or (further) radicalisation, as well as disciplinary action for violation of prison rules. Further grounds include the (court-ordered) protection of ongoing pre-trial investigations (risk of witness tampering, etc.) and the (court-ordered) protection of victims and the broader post-trial custodial objective. Nearly all Member States were keen to stress that every decision to restrict or prohibit communication needs to be targeted, reasoned and temporary, but most were unable to specify a time limit. Court orders can stay in place throughout the entire duration of pre-trial detention, for instance, while disciplinary measures will necessarily be shorter-lived. Overall, proportionality and regular review appear to be the guiding principles.

Overall trends

Contact with the outside world is widely enabled but unevenly implemented. Family visits and telephone access are standard, while video calls are increasingly common. Internet and email

access remain restricted. Member States place strong emphasis on child-focused visiting arrangements. The overarching trend reflects a balance between maintaining security and enabling meaningful social ties, with modern technologies gradually expanding communication opportunities.

10. Legal assistance

(58) Member States should ensure that detainees have effective access to a lawyer.

(59) Member States should respect the confidentiality of meetings and other forms of communication, including legal correspondence, between detainees and their legal advisers.

(60) Member States should grant detainees access to, or allow them to keep in their possession, documents relating to their legal proceedings.

All Member States confirmed, in more or less detail, that pre-trial detainees can access legal assistance, particularly by exercising their right to appoint a defence counsel. Many Member States made it clear that pre-trial detention is a situation requiring mandatory defence, and that legal aid and public defenders are available to those with insufficient financial resources (as defined by national legislation). Additionally, some Member States noted that staff and social workers in their prisons provide pre-trial detainees with practical information and advice on how to seek assistance (list of lawyers, NGOs, etc.) and can help set up the initial contact. Communication and correspondence with defence counsel are privileged in all Member States, and their visits are not subject to limitations.

After sentencing, detainees in all Member States have the right to seek legal assistance to challenge administrative or disciplinary decisions and security measures, and to lodge complaints about ill-treatment or poor detention conditions, either internally, in court or by recourse to international mechanisms. Most Member States again noted the availability of legal aid, and a small number of them reported that legal aid lawyers are regularly present in prisons to give advice. The measures in place in a large number of Member States to facilitate the right to legal assistance are as follows:

- the possibility of a remote (VoIP) consultation with a lawyer;
- telephone calls, email exchanges and postal correspondence between the lawyer and detainee;
- access to the file by the detainee (through the lawyer);
- access to a computer by the detainee to make notes;
- a list of lawyers for detainees who are unrepresented; and
- permission for the lawyer to bring their own computer to the prison.

Most Member States give detainees physical access to personal and/or case files. Some Member States also provide digital access (on a secure viewing platform, via USB, etc.) in all or some cases.

Overall trends

Legal assistance is guaranteed across Member States. Mandatory defence in pre-trial detention, legal aid and strong confidentiality protections create strong safeguards. Digital access to legal communication is expanding but varies in reach.

11. Requests and complaints

(61) Member States should ensure that all detainees are clearly informed of the rules applicable in their specific detention facility.

(62) Member States should facilitate effective access to a procedure enabling detainees to officially challenge aspects of their life in detention. In particular, Member States should ensure that detainees can freely submit confidential requests and complaints about their treatment, through both internal and external complaint mechanisms.

(63) Member States should ensure that detainee complaints are handled promptly and diligently by an independent authority or tribunal empowered to order measures of relief, in particular measures to terminate any violation of the right not to be subjected to torture or inhuman or degrading treatment.

Effective complaint mechanisms ensure accountability, transparency and respect for detainees' rights. All jurisdictions provide mechanisms for detainees to obtain information, make requests and lodge complaints about conditions, treatment or procedural issues.

All Member States confirmed that, upon arrival, detainees are clearly informed of the rules of the facility in which they are detained. In most Member States, this is done orally - for instance, during the reception interview with the prison governor - and/or in writing by means of brochures, quick-reference guides, illustrated posters, etc., which are handed out to the detainees and/or located in cells and communal spaces. Some Member States reported using informational videos as well. Some Member States also stood out for their efforts to make essential information available in electronic form, having put in place dedicated IT portals such as organisational intranets (with sections on rules, rights and documents, but also updates on activities and news, personal accounts to manage allowances, etc.) that can be accessed either directly from the detainees' cell or by visiting an information point. Whatever the medium, all Member States gave some assurance that the rules are translated - by an interpreter or with the help of appropriate software - into different languages.

Complaint mechanisms vary but generally include the submission of oral or written complaints directly to staff, anonymous complaint boxes, complaint forms and procedures involving specialised internal roles such as prison ombudsmen, complaint judges or prosecutors. Some systems use elected detainee spokespersons or detention 'buddies' to support communication.

The time limits for detainees to receive a response to their complaints vary among Member States and depend both on the nature and urgency of the complaint and the way in which it was lodged. Most Member States reported that complaints are processed and addressed as quickly as possible, ranging from three days to 2-3 months at the very latest.

External complaint procedures tend to include the prison board, the head of the prison service, and the highest supervisory authority (typically, the Ministry of Justice), as well as independent

national authorities - such as a prison commissioner or an ombudsman - and international oversight bodies, particularly, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Most Member States also mentioned the possibility of judicial review (including of administrative decisions taken in response to internal complaints) by competent national and international courts. Moreover, detainees are always free to reach out to police and prosecutorial agencies as well as defence counsel to draw attention to relevant grievances and misconduct.

Overall trends

Across Member States, access to complaint mechanisms is comprehensive but varies in sophistication. Digitalisation is gradually improving transparency and response times. Information, also in different languages, is provided at admission. External oversight remains an important means of complementing internal complaint mechanisms.

12. Special measures for women and girls

(64) Member States should take into account women's and girls' specific physical, vocational, social and psychological needs, as well as sanitary and healthcare requirements, when making decisions that affect any aspect of their detention.

(65) Member States should allow detainees to give birth in a hospital outside of the detention facility. Where a child is nevertheless born in the detention facility, Member States should arrange all necessary support and facilities to protect the bond between mother and child and to safeguard their physical and mental well-being, including appropriate pre-natal and post-natal health care.

(66) Member States should allow detainees who have infant children to keep such children with them in the detention facility to the extent that this is compatible with the best interests of the child. Member States should provide special accommodation and take all reasonable child-friendly measures to ensure the health and welfare of affected children throughout the execution of the sentence.

Women in detention have distinct needs related to healthcare, safety, family responsibilities and vulnerability to abuse. Member States have adopted a range of measures addressing these needs, though the level of provision varies widely.

Member States provide separate allocation either in separate facilities or separate wards, as well as feminine hygiene products and mother-child units that enable women to live with their children while serving their sentences or awaiting trial (see below). In addition to this, most Member States noted a broad commitment to targeted treatment and support measures for female detainees. That can include specialist physical and mental healthcare, in particular, access to routine gynaecological examinations, pre- and post-natal services, as well as social, psycho-social and psychiatric interventions for those who struggle with anxiety or depression or have experienced violence or abuse; 'gender-specific' sports and leisure activities, educational programmes, or work and vocational training opportunities, longer or additional

visits from children; body searches and/or supervision by female prison staff; and a more tightly regulated use of disciplinary measures, especially solitary confinement, during pregnancy and postpartum.

All Member States confirmed that female detainees are routinely allowed to give birth outside the prison, although there are significant differences across Member States regarding the absolute number of detainees who have given birth over the last three years, ranging from less than 10 to over 150 births in detention. This indicates, in turn, rather different approaches to the incarceration of pregnant women across the EU.

The age until which children are allowed to stay with their mother in prison is one or three years in most Member States, where this is in the best interests of the child. In some Member States, there is no strict age limit, while in a few Member States children may stay with their mother in prison until the age of six.

Most Member States confirmed that they have mother-child units and that women with children are accommodated in those units.

Overall trends

Women's needs are increasingly recognised across detention systems, with improvements in healthcare, hygiene provision, safety and family support. Mother-child units are widely available, though their structure and age limits vary. Gender-sensitive policies remain uneven, with some jurisdictions offering comprehensive services and others relying on more limited provisions.

13. Special measures for foreign nationals

(67) Member States should ensure that foreign nationals and other detainees with particular linguistic needs have reasonable access to professional interpretation services and translations of written materials in a language that they understand.

(68) Member States should ensure that foreign nationals are informed, without undue delay, of their right to request contact, and be allowed reasonable facilities to communicate, with the diplomatic or consular service of their country of nationality.

(69) Member States should ensure that information about legal assistance is provided.

(70) Member States should ensure that foreign nationals are informed of the possibility to request that the execution of their sentence or pre-trial supervision measures be transferred to their country of nationality or permanent residence, such as under Framework Decision 2008/909/JHA and Framework Decision 2009/829/JHA

Foreign nationals make up a significant proportion of detainee populations in many jurisdictions, and detention systems have adapted their procedures to address the linguistic, legal and social barriers that such detainees may face. All Member States report specialised

measures intended to ensure that foreign nationals can understand and exercise their rights, maintain communication with their consulates and access reintegration support.

Apart from the translation and interpretation of information, such as the facility's rules, many Member States reported additional measures to support foreign nationals in detention. These measures include, in particular, access to relevant language courses, investment in activities, programmes or specialist staff to foster integration and intercultural skills, facilitation of international telephone or video calls to protect family ties, accommodation together with detainees of the same national and/or linguistic background and assistance with immigration matters. The different kinds of interpretation services used by Member States include internal or external interpreters (in-person), audio/video interpreting, e-translation tools, multilingual staff members, or assistance from detainees who speak the same language.

All Member States confirmed that, within the framework and scope of international agreements, foreign nationals have a right to notify their respective diplomatic or consular representation of their detention, and that correspondence, telephone or video calls, and visits may take place confidentially and without undue restrictions. Likewise, all Member States confirmed that foreign nationals can access legal assistance and legal aid under the same conditions as their own citizens.

Almost all Member States reported that foreign nationals are proactively informed about the possibility to request that the execution of their sentence or pre-trial supervision measure be transferred to their country of nationality or permanent residence under Framework Decisions 2008/909/JHA and 2009/829/JHA. In some Member States, this information is provided by prison staff during the admission procedure, orally and/or in writing and in a language that the detainee is able to understand. In some Member States, it is included in the informational brochures that are handed out to all detainees upon arrival. Several Member States made clear, however, that national legal aid is - at least in some cases - available for requesting such a transfer.

Overall trends

Foreign nationals receive widespread procedural support, particularly in access to translation and interpretation and communication with consular authorities. Educational and integration measures are common, though their availability varies, and assistance with transfers of custodial sentences or supervision measures is more uneven.

14. Special measures for children and young adults

(71) Member States should ensure that the child's best interests are a primary consideration in all matters relating to their detention, and that their specific rights and needs are taken into account when making decisions that affect any aspect of their detention.

(72) For children, Member States should establish an appropriate and multidisciplinary detention regime, that ensures and preserves their health and their physical, mental and emotional development, their right to education and training, the effective and regular exercise of their right to family life, and their access to programmes that foster their reintegration into society.

(73) Any use of disciplinary measures, including solitary confinement, use of restraints or use of force should be subject to strict necessity and proportionality considerations.

(74) Where appropriate, Member States are encouraged to apply the juvenile detention regime to young offenders under the age of 21.

Children and young adults in detention require specialised safeguards due to their developmental needs, heightened vulnerability and greater potential for rehabilitation. Member States provide a wide range of protection measures that govern separation, education, disciplinary practices and psychological support.

In addition to separate allocation, most Member States reported that the detention regimes of children under the age of 18 and, where applicable, young adults between the ages of 18 and 21 are founded on non-punitive, educational objectives and the social and psychological support necessary to promote a sense of civic responsibility and belonging. Besides the completion of compulsory schooling, vocational training and appropriate sports and leisure activities, concrete examples of what that might entail include open or semi-open living conditions; increased supervision by, and access to, specially trained, multidisciplinary staff; frequent, close contact with family - including during home visits and family therapy sessions - and participation in the local community; as well as personal, emotional and social skills training, for instance, to help foster healthy eating and hygiene habits, control aggression and violent behaviour, prevent addiction and build social trust.

Most Member States generally confirmed the availability of solitary confinement as a disciplinary measure for pre-trial and sentenced detainees under the age of 18. However, they made clear that this is a measure of last resort applied only to serious and/or repeated offences, as specified in the prison rules. Such offences include escape, the smuggling of drugs or other prohibited items into the facility, threats and violent attacks on staff or other detainees, simulation of an illness with the aim of being transported out of the facility, taking part in an act of collective insubordination, etc. Some Member States use solitary confinement also for protection reasons in cases of suspected self-harm or risk of suicide, for health reasons, or when there is a need to shield other vulnerable detainees. In principle, while the time spent in solitary confinement will have to be proportionate to the reason for which it was imposed, the maximum duration can vary significantly from 3-21 days. In most Member States, it ranges from 5-10 days, while one Member State limits the measure to four hours per day on no more than five

consecutive days, and another usually applies it only during recreational time so that it does not affect school activities. Finally, while few Member States actually specified how frequently solitary confinement decisions are reviewed, many noted the importance of medical and psychological supervision.

In addition to, or in lieu of, solitary confinement, several Member States also confirmed the availability of other, less invasive disciplinary measures for children under the age of 18. The most common ones include warnings and reprimands, increased surveillance, confiscating or withholding certain items, restricting pocket money and shopping in the prison store, restricting (communal) leisure activities and cultural events, removing audiovisual devices (such as a personal television), fewer or shorter visits and telephone calls, suspending the right to engage in work, and prohibiting the receipt of parcels. All of these measures are temporary, lasting anywhere from a few days to several months at a time, and have to be proportionate to the disciplinary offence committed. Thus, disrespecting staff or failing to clean one's cell, for instance, warrant a milder response than stealing or trading drugs. Some Member States emphasised the importance of using disciplinary measures only if restorative or pedagogical interventions have failed.

Overall trends

Across Member States, the protection of children and young adults is a high priority. Separation from adults, mandatory education and extensive psychological support are widely implemented. Limitations on solitary confinement and emphasis on family contact provide consistent safeguards. Approaches for young adults (18-21 years) vary more widely, but many systems increasingly recognise their specific developmental needs.

15. Special measures for persons with disabilities / serious medical conditions

(75) Member States should ensure that persons with disabilities or other persons with serious medical conditions receive appropriate care comparable to that provided by the national public health system which meets their specific needs. In particular, Member States should ensure that persons who are diagnosed with mental health related medical conditions receive specialised professional care, where needed in specialised institutions or dedicated sections of the detention facility under medical supervision, and that continuity of healthcare is provided for detainees in preparation of release, where necessary.

(76) Member States should take special care to meet the needs of and ensure accessibility for detainees with disabilities or serious medical conditions with regards to material detention conditions and detention regimes. This should include the provision of appropriate activities for such detainees.

Persons with disabilities or serious medical conditions face obstacles in detention, and Member States have developed various measures to identify, accommodate and support their needs. Member States provide general information on the delivery of physical and mental health

services, and put programmes in place for managing substance addiction and withdrawal. In addition to those measures, the most frequently cited measures taken by Member States to adapt detention conditions to the needs of (pre-trial and sentenced) detainees with disabilities or serious medical conditions are related to the accessibility of cells and wards, and to communal areas for physically disabled and older detainees. That can include anything from elevated in-cell toilets and shower chairs, added handrails and adjustable beds, to ramps, lifts and wider corridors (including in visitation spaces). Some Member States also mentioned the provision of aids, such as crutches and wheelchairs - although that is presumably considered essential healthcare across all jurisdictions - while others noted that detainees can receive special assistance to help them navigate daily life. Special activities and treatments, such as sports programmes, work opportunities, etc., on the other hand, were mentioned only by some Member States. And finally, more than one third of all Member States reported the existence of specialised mental health and/or drug addiction wards.

Overall trends

Across Member States, the recognition of disability-related needs is increasing, but implementation still varies. Adaptations include structural adjustments and, in some cases, the provision of assistive devices or individual support to help detainees manage daily life. More specialised responses, such as adapted activities or dedicated mental health and drug addiction wards, are less widespread.

16. Special measures for persons with special needs / vulnerabilities

(77) Member States should ensure that placement in detention does not further aggravate the marginalisation of persons because of their sexual orientation, racial or ethnic origin or religious beliefs or on the basis of any other ground.

(78) Member States should take all reasonable measures to prevent any violence or other ill-treatment, such as physical, mental or sexual abuse, against persons because of their sexual orientation, racial or ethnic origin, religious beliefs or on the basis of any other ground by staff in the detention facility or other detainees. Member States should ensure that special protection measures are applied where there is a risk of such violence or ill-treatment.

Detention systems encounter a wide range of vulnerable detainees, including older persons, persons with mental illnesses, those at risk of suicide, LGBTIQ detainees and persons with substance-dependence needs.

Virtually all Member States confirmed that they take steps to ensure the safety of detainees with special needs and vulnerabilities, be that through general anti-discrimination policies and staff training, vulnerability classifications and protection measures, individual care and rehabilitation plans, inclusive activities and awareness raising among the broader detainee population, or the strict implementation of internal reporting obligations. When asked specifically about the protection of LGBTIQ+ detainees, a handful of Member States reported practical guidelines

addressing specific problems such as access to appropriate healthcare, bathing arrangements, use of pronouns, privacy and data protection, body searches, violence and bullying, etc. However, virtually all Member States identified the allocation of transgender detainees as their principal focus. The various approaches taken in this regard range from allocation in line with registered (legal) gender, a case-by-case decision (personal wishes, security concerns, expert assessments) or special wards or single-occupancy cells.

Member States generally confirmed that hormonal treatment can be started, or continued, in prison.

Overall trends

Vulnerability management is generally integrated into detention operations. Virtually all Member States reported measures to protect detainees with special needs and vulnerabilities, including anti-discrimination policies, staff training, vulnerability assessments and individual care or placement plans.

17. Inspections and monitoring

(79) Member States should facilitate regular inspections by an independent authority to assess if detention facilities are administered in accordance with the requirements of national and international law. In particular, Member States should grant unhindered access to the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and to the National Preventive Mechanisms network.

(80) Member States should grant access to detention facilities to national parliamentarians and are encouraged to grant similar access to members of the European Parliament.

(81) Member States should also consider organising regular visits to detention facilities and other detention centres for judges, prosecutors and defence lawyers as part of their judicial training.

Robust inspection and monitoring mechanisms are central to transparency, accountability and the prevention of ill-treatment.

Many Member States operate a tripartite framework of internal and external, as well as domestic and international controls. This framework commonly includes (i) judges, prosecutors and/or the inspectorate of the national prison administration; (ii) the Ministry of Justice as the highest supervisory authority, an ombudsman and/or specialised agencies and commissioners tasked with auditing prisons and protecting detainees' rights, and (iii) members of the national parliament, and the CPT.

As a general rule, the more removed a particular oversight body is from the national prison service, the more likely it is that its findings are, or can be, made public. Virtually all Member States reported no restrictions on access to sites and documents, particularly for those acting as

National Preventive Mechanisms. Some Member States noted that sensitive information must be handled confidentially or may be restricted due to reasons of national security, ongoing investigations, medical privilege, etc. and that site access may also be temporarily limited, especially if the safety of visitors cannot be guaranteed.

When asked whether there are any systems in place for monitoring compliance with the assurances given to other Member States as part of European Arrest Warrant (EAW) proceedings, many Member States referred to the general monitoring of detention conditions and some declared that this is the responsibility of the courts, the prosecution or the Ministry of Justice, etc. Only one Member State reported a sophisticated real-time verification system within its prisons which monitors whether assurances are being complied with and issues automated alerts when they are not. At the same time, it actively checks whether assurances have been given for new arrivals and uses specific cells to avoid non-compliance.

Overall trends

Inspection and monitoring frameworks are comprehensive across jurisdictions, though implementation differs. Independent oversight is widely institutionalised, and external bodies play an active role in evaluating conditions. Reporting and follow-up mechanisms vary in effectiveness.

18. Specific measures to address radicalisation in prisons

(82) Member States are encouraged to carry out an initial risk assessment to determine the appropriate detention regime applicable to detainees suspected or convicted of terrorist and violent extremist offences.

(83) Based on this risk assessment, these detainees may be placed together in a separate terrorist wing or may be dispersed among the general prison population. In the latter case, Member States should prevent such individuals from having direct contact with detainees in situations of particular vulnerability in detention.

(84) Member States should ensure that further risk assessments are carried out on a regular basis by the prison administration (at the beginning of detention, during detention and prior to release of detainees suspected or convicted of terrorist and violent extremist offences).

(85) Member States are encouraged to provide general awareness training to all staff, and training to specialised staff, to recognise signs of radicalisation at an early stage. Member States should also consider providing an appropriate number of well-trained prison chaplains representing a variety of religions.

(86) Member States should implement measures providing for rehabilitation, deradicalisation and disengagement programmes in prison, in preparation of release, and programmes after release to promote reintegration of detainees convicted of terrorist and violent extremist offences.

Preventing radicalisation and supporting disengagement are key priorities across detention systems. Member States employ a variety of strategies combining risk assessment, specialised interventions, staff training and inter-agency cooperation.

Most Member States reported that at least some and often several specific measures have been put in place to address radicalisation in prisons. It must be noted, however, that not all Member States have implemented the same measures in the same way. One example, frequently mentioned, is that risk assessment tools are widely used to identify individuals at risk of radicalisation or exhibiting extremist ideologies.

Some jurisdictions operate specialised units or wards dedicated to individuals assessed as posing radicalisation risks. Other systems avoid physical segregation to prevent the formation of extremist networks, choosing instead to integrate detainees with the general prison population.

Deradicalisation and disengagement programmes are also widely available in Member States, as well as recourse to multi-agency cooperation with national security agencies, police authorities, probation services and community organisations to monitor individuals before and after release.

Staff training, ranges from ‘basic’, ongoing and progressive professional development to extensive programmes designed to impart sound, up-to-date knowledge and skills on radicalisation assessment, prevention and intervention strategies.

Overall trends

Across Member States, strategies to prevent radicalisation, such as risk assessment, specialised interventions and multidisciplinary cooperation are widespread. Some Member States rely on segregation, while others prioritise integration with the general prison population. Despite some differences in the level of staff training, inter-agency coordination is generally well-developed.

Conclusions, best practices and way forward

Overall conclusions

The comparative assessment of pre-trial detention and the material conditions of detention demonstrates that Member States have put in place a legal framework that broadly reflects European and international standards. Across both areas, however, there is a recurring gap between law and practice.

In the area of pre-trial detention, most systems enshrine the principle that deprivation of liberty before trial must be exceptional, and subject to necessity and proportionality tests. A broad catalogue of alternatives is available, yet these measures remain underused. Despite the formal recognition of reporting obligations, bail, electronic monitoring and residence restrictions, courts frequently rely on custodial measures. Barriers such as lack of trust, resource shortages, and technical constraints reduce the effectiveness of alternatives, while cross-border instruments, such as the European Supervision Order (ESO), remain particularly underutilised. The requirement of reasonable suspicion is a consistent safeguard, but its definition and threshold vary, leading to differences in protection across jurisdictions.

Courts are typically obliged to provide reasoning for pre-trial detention decisions, but the quality of this reasoning is uneven, and in some cases remains generic or formulaic. Periodic reviews are also common in law, but their effectiveness is not always guaranteed, leading to risks that such reviews become a formality. The right to be heard before pre-trial detention is almost universally recognised, but access to case files and the protection of confidentiality - particularly in videoconference hearings - remain areas of concern. Remedies and appeals are available, but deadlines, clarity of rules and practical effectiveness differ widely. Maximum periods for pre-trial detention are in place in many Member States, yet prolonged detention remains a recurring challenge in complex cases. Deduction of time served in pre-trial detention from final sentences is a near-universal safeguard, but rules on compensation in cases of acquittal remain uneven. Despite the transposition of the Framework Decision on the ESO in all Member States, its practical application remains minimal. As a result, foreign suspects often remain in pre-trial detention even where equivalent supervision could be arranged in their home Member State.

Turning to material conditions, minimum standards for accommodation are widely established, particularly regarding personal space and access to basic facilities. Yet overcrowding continues to undermine compliance, leaving many detainees in situations that are below international benchmarks. Allocation policies generally aim to separate detainees by legal status, gender and age, but capacity constraints limit strict implementation. Standards of hygiene and sanitation are guaranteed, though privacy, access to warm water, and pest control remain weak points. Nutrition is broadly secured, but disparities in budgets lead to unequal quality of diets across facilities.

Time outside cells and daily outdoor activity are guaranteed, but actual practice varies considerably. Opportunities for meaningful activities such as work, education and vocational training are available but unevenly implemented, particularly for pre-trial detainees. Healthcare provision is widely guaranteed, but gaps persist in mental health support, suicide prevention

and addiction treatment. Protocols exist, yet suicides and self-harm remain pressing issues. Efforts to prevent violence and ill-treatment are in place, including surveillance and staff training, but inconsistent data collection and reporting weaken oversight.

Rights to have contact with the outside world and to legal assistance are firmly established. Family visits, correspondence and legal defence rights are broadly respected, with innovations such as video calls and child-friendly visiting arrangements gaining ground. However, digital communication opportunities remain limited, particularly for foreign nationals. Complaint mechanisms are well established and complemented by independent monitoring bodies, but responsiveness, frequency of inspections and follow-up on recommendations differ widely.

Special safeguards for vulnerable groups - such as women, children, foreign nationals, persons with disabilities, and others with specific needs - are widely recognised. These include gender-sensitive healthcare, child-specific education, interpretation services and accessible infrastructure. Nevertheless, outdated facilities, overcrowding and uneven resourcing constrain their consistent implementation. Tailored units and programmes exist in some places but are far from universal.

Taken together, these findings show that most Member States have produced a rather solid legal framework both for procedural rights in pre-trial detention and material conditions of detention. However, persistent practical implementation gaps continue to undermine these standards. The recurring challenges of overcrowding, under-use of alternatives to detention, infrastructural weaknesses and uneven protection of vulnerable groups highlight the need for further efforts to ensure that rights are fully respected in practice.

Best practices

Despite the wide variation in infrastructure, resources and legal traditions, many jurisdictions have developed **best practices** that strengthen procedural safeguards in pre-trial detention and improve detention conditions. These practices can also support the social rehabilitation of detainees and serve as examples for broader implementation.

Regarding **procedural rights in pre-trial detention**, the following best practices can be identified.

- A number of Member States have adopted detailed statutory requirements obliging judges to provide explicit, personalised reasoning when ordering or extending detention. This includes an analysis of risk factors, proportionality assessments and explicit explanations why alternatives to pre-trial detention (such as supervision, reporting duties or electronic monitoring) are not considered adequate. Such an obligation to provide individualised reasoning increases transparency and creates stronger safeguards against excessive or arbitrary pre-trial detention.
- Best practices include the use of short, non-renewable detention periods that require frequent judicial review. Automatic hearings prevent prolonged detention without oversight and ensure ongoing evaluation of case progress, risk and proportionality. In some systems, extended detention must be authorised by higher courts, providing an additional layer of scrutiny.
- Advanced digital systems that track procedural deadlines, detention time limits and scheduled reviews help prevent unlawful extensions of pre-trial detention. Automated

alerts to judges and prosecutors support timely action and reduce administrative errors. These systems are particularly effective where case volumes are high.

- Some Member States ensure that defence lawyers are automatically appointed (rather than requested), regardless of the suspect's or accused's financial means, as soon as that person is deprived of liberty. This ensures that detainees benefit from quick access to legal advice throughout the pre-trial detention period, for example, through defence counsel's participation in early investigative acts, and effective representation at pre-trial detention hearings.
- Member States with a more centralised system for issuing and executing ESOs use that instrument more frequently. A more centralised approach allows them to build up networks and expertise on the arrangements for the monitoring of supervision measures, as an alternative to pre-trial detention in other Member States.

Regarding **material detention conditions**, the following best practices can be identified.

- Some Member States have introduced IT-based systems that track occupancy levels and automatically prevent facilities from exceeding capacity. These tools support the equitable allocation of detainees across facilities and facilitate compliance with minimum space requirements. Real-time monitoring also helps administrations plan transfers to avoid overcrowding.
- Newer prisons designed with improved natural light, ventilation and environmental controls represent best practices in infrastructure development. Such facilities often incorporate energy-efficient systems, single-cell accommodation and better accessibility for detainees with disabilities.
- Several Member States train staff in dynamic security approaches that emphasise communication, trust-building, conflict prevention and daily interaction with detainees. This approach reduces reliance on physical restraints and isolation and improves overall safety. Specialised training modules on mental health, intercultural communication and trauma-informed care further strengthen staff capacity.
- Some Member States conduct immediate, multidisciplinary medical screenings at admission, including psychological assessments, addiction evaluations and infectious disease testing. Early detection of vulnerabilities enables rapid interventions and reduces the risk of deterioration.
- Dedicated mental health units staffed by psychiatrists, psychologists and specialised nurses represent good practice. These units provide structured therapy, crisis intervention, medication management and long-term treatment for detainees with complex mental health needs. They reduce reliance on solitary confinement for individuals in crisis and improve continuity of care.
- Some Member States employ comprehensive violence prevention frameworks combining staff training, intelligence gathering, conflict mediation programmes and targeted interventions for high-risk individuals. Such strategies help reduce both detainee-to-detainee and staff-to-detainee violence.
- Best practices include centralised, detailed recording of all use-of-force incidents, mandatory medical examinations following any use of force and independent oversight of incident reviews.
- Effective penitentiary systems ensure that each detainee receives a personalised plan addressing education, work, health needs, psychological support and reintegration goals. Plans are regularly reviewed and updated with input from multidisciplinary teams, including probation services.

- Partnerships with private companies and labour market organisations provide detainees with vocational qualifications and real-work experience. These opportunities significantly improve post-release employment prospects.
- Controlled access to digital learning tools - such as tablets with limited internet access, e-libraries or accredited online courses - stands out as best practice. These tools improve educational opportunities for detainees, especially children and young adults.
- Specialised visiting rooms, parenting programmes and extended visits for detainees with young children promote family stability and well-being. Such practices help maintain positive relationships and support reintegration.
- Combining in-person visits with video calls, digital messaging systems and monitored email access expands communication options and reduces isolation - particularly for detainees from distant regions or those with mobility restrictions.
- Separate units or tailored support services for vulnerable groups create safer environments and provide targeted interventions. Examples include mother-child units, youth wards with more extensive educational services, and dedicated facilities for older detainees.
- Best practices include allowing national prison monitoring bodies unrestricted access to all areas, detainees and records, and ensuring regular unannounced inspections.
- Some Member States require formal action plans in response to inspection findings and institutionalise follow-up mechanisms to evaluate progress. This strengthens accountability and drives reform efforts.

The way forward

The **way forward** lies in consolidating the progress made at the legal level while closing the gap between standards and daily reality on the ground.

As regards **pre-trial detention**, national legal frameworks are compliant overall, but in practice the recourse to pre-trial detention remains excessive in the EU. The principle of pre-trial detention as a measure of last resort should be applied more consistently. Decisions imposing pre-trial detention should always include individualised reasoning in order to ensure proportionality and alternatives to pre-trial detention, including the European Supervision Order (Framework Decision 2009/829/JHA), should be applied more systematically.

As regards **material detention conditions**, addressing overcrowding demands not only investment in infrastructure but also structural reforms in sentencing policy and greater reliance on alternative sanctions. Strengthening healthcare provision, particularly for mental health, suicide prevention and addiction treatment, will improve both outcomes in detention and reintegration prospects after release. Expanding access to education, vocational training and meaningful work is equally vital, ensuring that detention supports rehabilitation rather than increases the risk of reoffending.

Safeguards for vulnerable groups must be translated into consistent practice, through gender-sensitive regimes, child-appropriate facilities, accessible infrastructure and specialised services tailored to individual needs. The use of digital tools to facilitate complaints, monitoring and contact with the outside world should be expanded to increase accessibility and transparency.

Prison **monitoring mechanisms** must also be strengthened by giving independent monitoring bodies sufficient resources and empowering them to ensure that their recommendations lead to tangible improvements.

By identifying systemic challenges and highlighting best practices, this report contributes to ongoing efforts to improve compliance with the Recommendation on Detention and with international standards. Its purpose is to provide evidence for policy discussion and to strengthen the foundations of mutual trust. Ensuring that pre-trial detention is used as a last resort and that material detention conditions respect human dignity is not only a matter of individual rights but is also indispensable for the effective functioning of the EAW and, more broadly, for the credibility of judicial cooperation in the EU.

The Commission will therefore continue to improve the sharing of information on detention conditions in EU Member States. For this purpose, it will develop, in close coordination with the Council of Europe, **country fact sheets** setting out the detention situation in each Member State.

Discussions are also ongoing on how EU prison monitoring bodies can **use the questionnaire** developed for this report to increase consistency in monitoring practices across the EU.

Training activities on the implementation of the Recommendation will also be prioritised. Reference is made in this context to the 2025 Guide for National Preventive Mechanisms on the monitoring of the implementation of the Recommendation on Detention, as developed under the joint EU/CoE project <https://www.coe.int/en/web/implementation/european-npm-forum>.