



EUROPEAN UNION

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EU statement in response to Russian statement on pre-trial detention in the EU

The EU and its Member States would like to respond to concerns recently raised by the delegation of the Russian Federation regarding conditions of pre-trial detention and the right to a fair trial in the EU. Whilst these conditions are principally matters for Member States' justice and penal systems, these are important issues. The right to a fair trial is both a fundamental right and an important element of an effective justice system. The fact that the report to which the Russian Delegation referred was funded by the European Commission is an indication of the seriousness with which we treat this issue.

The Russian Federation noted that in some EU Member States, suspects can remain in pre-trial detention for extended periods of time. The time that a person spends in pre-trial detention varies from one EU Member State to another. European Court of Human Rights case law establishes that pre-trial detention must be regarded as an exceptional measure and that widest possible use should be made of alternative measures to detention and it is for Member States to give effect to ECHR case law in line with their obligations under that Convention system. Moreover, the European Commission is currently reflecting on the options for establishing minimum standards for pre-trial detention.

The Russian Federation also expressed concerns about procedural rights of suspects. Through the EU's agenda on procedural rights – a flagship initiative – we are working to reinforce the right to a fair trial for all persons facing criminal justice throughout the EU. Since 2009, the EU has adopted several Directives on the right to interpretation and translation, the right to information and the right to access to a lawyer. In March of this year, the Council and the Parliament adopted a Directive on further strengthening the presumption of innocence, a basic principle in our criminal

justice systems, and the right to be present at trial in criminal proceedings. The European Commission closely monitors the effective application of these Directives in all Member States.

In addition, the Commission's Justice Programme finances the training and networking of practitioners in the field of criminal justice in order to promote ethical and rights-based imprisonment, exchange of information and expert assistance. This will ensure that judges are able to carry out their duties professionally and ethically.

The European Court of Human Rights has previously found that conditions in prisons in some EU Member States are below the standards set by the Council of Europe. Those Member States should give effect to ECHR case law in line with their obligations under that Convention system. But in addition, the European Commission will set up an EU High-Level Group to exchange views on national policies and practices in this area. In addition, the Commission will cooperate closely with the Council of Europe to facilitate exchanges of best practices in the area of monitoring of detention conditions, including by creating a network of National Preventive Mechanisms (NPMs) of the EU Member States. There may also be scope for cooperation with ODIHR in this context.

Implementation of our Human Dimension commitments is of immediate and legitimate concern to all participating States. Once again, we appreciate the interest of the Russian Federation and the weight put on the right to a fair trial and the prohibition of torture and ill-treatment. It is important that we all assist each other in implementing our commitments and we would welcome information on the Russian Federation's own experiences and practice in this area. We also expect Russia to show the same constructive attitude when the EU raises concerns about the implementation by Russia of its international commitments and obligations.