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EUROPEAN COMMITTEE ON CRIME PROBLEMS

(CDPC)

COMMITTEE OF EXPERTS

ON THE OPERATION OF EUROPEAN CONVENTIONS

ON CO-OPERATION IN CRIMINAL MATTERS

(PC-OC)

Prison standards in extradition matters

Question raised by Ms Kristina Speicher (Germany)

I'd like to point out your attention on a question that recently occurred in extradition matters in the Federal Ministry.

As regards assurances concerning prison conditions, the German courts and the Federal Office of Justice are using different wordings if the requesting state is member of the ECHR or not.

If the requesting state is member of the ECHR, the wording of the assurance refers to the ECHR and the European Standards about the treatment of prisoners.

If the requesting state is not member of the ECHR, the text of the assurance refers to the standard minimum rules for the treatment of prisoners (UN).

But the European Court of Human Rights uses also the European Standards and the ECHR in order to review surrender procedures with non-member states.

So we asked us if there are - so to say - maximum standards and if there is a difference between the European Standards and the Standards of the United Nations. We're also interested in how other member states handle with this.

What do you think about discussing this topic during the next meeting in November?