

## Criminal Detention in the EU

### National Standard

COUNTRY	DETENTION ISSUES	KEY PROVISION	LEGAL INSTRUMENT	NPM RECOMMENDATION	NPM RECOMMENDATION YEAR	NPM REPORT URL
Austria	Cell space	<p>Arrest rooms have to be situated and equipped in a way that prisoners are kept in a humane way and that health endangerment is avoided.</p> <p>, Cells have to be appropriately equipped, have sufficient airspace and enough daylight.</p> <p>, The minimum size for cells in pre-trial-detention are 6 m<sup>2</sup> and in detention 7,5 m<sup>2</sup> to 12,3 m<sup>2</sup>.</p>	<p>Code of Conduct for Detention (Anhalteordnung)</p> <p>, Penal Code (Strafvollzugsgesetz)</p> <p>, Decree concerning the minimum sizes of detention areas (GRUNDSATZERLASS betreffend die Mindesthaftraumgrößen für Hafträume mit 1 – 4 Insassen und interne Richtlinien zur Ermittlung der Belagsfähigkeit der Justizanstalten)</p>	<p>For the NPM, compliance with the minimum size of inmate cells recommended by the CPT is mandatory in light of Article 3 of the European Convention on Human Rights (ECHR). Crowded detention conditions must be avoided and minimum cell sizes must be complied with. The NPM points out that, in evaluating the inmate cells, the square metres available are not the only factors to be taken into account. The overall picture of inmate cell conditions is essential. Overcrowding and the small size of inmate cells are especially concerning in light of the fact that most of the detainees have no employment and are confined Long lock-up times in the inmate cells for 23 hours a day.</p> <p>, Detention areas may only be occupied in accordance with their size. There should be no overcrowding even when there is an urgent need for space. At risk of overcrowding, detainees must be moved to other police stations.</p>	2015 , 2016	<p><a href="https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950">https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950</a></p> <p>, <a href="https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950">https://volksanwaltschaft.gv.at/en/reports#anchor-index-2950</a></p>

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<https://fra.europa.eu/en/databases/criminal-detention/en/databases/criminal-detention/criminal-detention>

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