

# European Rules on Detention Houses (ERDH)



WORKING IN SMALL SCALE DETENTION HOUSES IN EUROPE

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# CHAPTER 1. INTRODUCTION TO THE EUROPEAN RULES ON DETENTION HOUSES

The European Rules on Detention Houses (ERDH) is a milestone document for the criminal justice system and reflects the larger impact of this system on society. Drafted by representatives with different legal and cultural backgrounds from all regions of Europe, the ERDH were launched on October 31st as common standards to implement small-scale, differentiated and community-integrated detention houses in the European Union, as part of a pivotal change already happening in criminal justice systems across Europe. The ERDH set out the ecosystem of a detention house on its own and as part of, and within a community and society, emphasizing sustainability. As the European Prison Rules have been common standards for large-scale prison institutions, the European Rules on Detention Houses shall form essential standards for detention houses, in order to guarantee a way of liberty deprivation that is humane and more fit for the 21<sup>st</sup> century.

## Important notes on the application of the Rules

1. Liberty deprivation shall be used as a measure of last resort ('ultimum remedium'). All the more so when this liberty deprivation is applied before a person's conviction (remand custody).
2. Restorative justice practices shall be a priority in the criminal justice system.
3. The implementation of detention houses instead of large prison institutions shall prevent an increase in capacity, or so-called net-widening, through a systemic change approach.
4. Each detention house shall be based on three pillars which cannot be implemented on their own but shall always be combined, reinforcing each other; small-scale, differentiation and community-integration.
5. The ERDH shall only apply to adults above 18 and older who are sentenced under national law. Minors shall neither be incarcerated in prisons nor in detention houses.
6. The ERDH shall only apply to adults whose state of mental health is compatible with staying in a detention house. People who live with severe mental illness shall neither be incarcerated in prisons nor in detention houses.
7. Persons who encounter problems with the criminal justice system only due to a lack of permanent residence shall neither be placed in a detention house nor in a prison, but accommodation shall be found outside the justice system.
8. This document shall be considered as a starting point for discussion within the context of the Council of Europe.

## CHAPTER 2. EUROPEAN RULES ON DETENTION HOUSES

### PART I. BASIC PRINCIPLES

#### 1. Key Values

- Respect for individuals' needs and rights due to their inherent dignity and value as human beings;
- Environmental, economic and social sustainability as guiding principles for detention houses;
- The belief that individuals, communities and society as a whole are connected and mutually influence each other and that a detention house can thus be perceived as an ecosystem;
- Integrity and high ethical, professional standards;
- Humility to be able to learn from others and from evidence;
- Openness to work with others and innovate to achieve a greener, fairer and more inclusive future;

#### 2. Sustainable Development Goals

The ecosystem of the detention house shall aim to comply as much as possible with the Sustainable Development Goals (SDGs) created by the United Nations. National governing bodies shall integrate the SDGs into the framework of policies on detention houses.

Sustainability shall be considered at a micro, meso and macro level and shall align with both ecological and social European guidelines and policies.

#### 3. Universal Declaration of Human Rights

The international, national and local institutions responsible for policies on detention houses shall consider the application of the articles of the Universal Declaration of Human Rights into the framework of each detention house to safeguard these rights and freedoms.

#### 4. European minimum standards

The recognized European minimum standards for detention form the background against which the European Rules on Detention Houses are to be interpreted. The present Rules do not repeat all existing minimum standards but add an essential perspective based on evidence and experience in regard to detention that is small-scale, tailored to individual needs and community-integrated.

Relevant Rules and Recommendations that have been adopted in past decades include:

- CPT Standards and tools
- Case-law of the European Court of Human Rights
- Council of Europe Recommendation (89) 23 on Education in Prison
- R (93) 6 concerning prison and criminological aspects of the control of transmissible diseases, including Aids and related health problems in prison
- R (97) 12 on staff concerned with the implementation of sanctions and measures
- R (98) 7 concerning the ethical and organisational aspects of health care in prison

- R (99) 22 concerning prison overcrowding and prison population inflation
- Rec (2003)22 on conditional release (parole)
- Rec (2003)23 on the management by prison administrations of life sentence and other long-term prisoners.
- Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules

## **5. Systemic change**

The purpose of these Rules is not to support the implementation of one detention house but to support a systemic change towards the use of detention houses as the preferred form for liberty deprivation, for all incarcerated persons. This means that opening detention houses must go hand in hand with closing down large prison institutions, thus preventing an increase in capacity or so-called net-widening.

## **6. Scope and application**

These Rules shall be applied impartially, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The European Rules on Detention Houses apply to persons who have been remanded in custody by a judicial authority or to persons who have been deprived of their liberty following conviction.

The Rules shall apply to any person who may be deprived of their liberty in a detention house and regardless of the governing body (government, NGO or private) of the detention house.

## PART II. INDIVIDUAL

### HUMAN DIGNITY AND IDENTITY

1. All persons affected by liberty deprivation - incarcerated people, staff, their family, loved ones, visitors, etc. - shall be treated with respect for their human dignity and human rights.
2. Health and Well-Being
  - 2.1. The health and well-being of incarcerated persons shall be safeguarded through active collaboration with health care services in the local community of the detention house.
  - 2.2. On reception, all individuals shall be assessed by a healthcare professional to identify their physical and mental health needs, and ensure continuity of care with the support of the local community.
  - 2.3. Individuals shall be provided with differentiated treatment appropriate to their physical and mental health condition, paying special attention to particularly vulnerable situations such as of young adults, elderly people and people with disabilities, physical or mental illness.
  - 2.4. Mental health care, such as therapy or counselling, shall be available as a general healthcare routine as opposed to only for specific or severe problems. Special attention shall be given to gender issues and its effects on mental health and feelings of safety.
  - 2.5. All individuals affected by liberty deprivation have the right to feeling safe. To this end, security measures shall be complemented and balanced with care and support.
3. Right to autonomy
  - 3.1. The right to autonomy and self-determination shall be respected and only be restricted as far as strictly necessary.
  - 3.2. Personal autonomy shall be individually-tailored and promoted through the contact with the local community, freedom of movement within the detention house, control over schedule and daily life activities and empowerment to fulfil one's own needs and achieve one's own goals.
4. Right to privacy
  - 4.1. Individual's privacy shall be respected and guaranteed to the greatest possible extent.
  - 4.2. The detention house shall provide for individual accommodation, except where it is preferable for them to share sleeping accommodation.
  - 4.3. The detention house shall provide for private spaces for the resident to be alone, receive visitors and communicate with family, loved ones and independent bodies of inspection.
  - 4.4. The security measures shall be balanced with the right for privacy.
5. Freedom of thought, conscience and religion
  - 5.1. Incarcerated people's freedom of thought, conscience and religion shall be respected. They may not be compelled to practice, attend religious services or meetings or take part in practices of any religion or belief if they do not wish to do so.
  - 5.2. The detention house shall be organised to allow and empower incarcerated persons to practice their religion and follow their beliefs in an individual or communal setting. Time and space for this purpose shall be accommodated in the daily routine as far as practicable.
  - 5.3. Incarcerated people can attend services or meetings led by representatives of such religion or beliefs inside the detention house or in the local community. They can receive visits from such representatives and have in their possession books, literature or other items relating to their religion or beliefs.

- 5.4. Respect for incarcerated people's freedom of thought, conscience and religion shall be extended to autonomy on choice of clothing, food and cultural activities.
6. Responsibility
  - 6.1. The detention house shall be an environment that actively encourages and supports taking responsibility and ownership of one's person, actions and role within the detention house and community.
  - 6.2. The participation of residents in public life and public debates shall be encouraged to promote a greater sense of belonging to the community and responsibility for its future.
7. Information and Legal Support
  - 7.1. All people in detention houses are entitled to information and legal support.
  - 7.2. The detention house shall provide them with adequate information and guarantee all the means and conditions for them to be properly informed, to receive legal assistance and to have access to effective legal aid.
8. Person-first and identity-first language
  - 8.1. People in detention houses shall always be addressed by their own name.
  - 8.2. People in detention houses shall always be referred to in terms of person-first language<sup>1</sup>.
9. Inclusion
  - 9.1. The small-scale environment of a detention house shall be organised in a way in which people feel included and represented in the group. Each person shall receive differentiated care and support.
  - 9.2. Equity shall be a guiding principle through recognising that each person has different needs and choosing different resources and opportunities to reach an equal outcome.
  - 9.3. The detention house shall promote an inclusive and safe environment within the local community.
  - 9.4. The contact of incarcerated individuals with the local community shall be encouraged, in and outside the detention house, through the offer of services or products to the community, organisation of joint activities and events.
10. Age-friendly
  - 10.1. Incarcerated persons shall have the opportunity to spend time with same-age peers and those of other ages through meaningful contact in and outside the detention house.
  - 10.2. Young adults shall be placed in detention houses with differentiated treatment compatible with their age-specific needs and that provide for integration with youth groups in the local community.
  - 10.3. Detention houses shall reduce ageist attitudes, prejudices and stereotypes through education and intergenerational contact inside the detention house and with the community.
11. Gender and sexual orientation
  - 11.1. There shall be no discrimination on the grounds of sex, gender or sexual orientation. Steps shall be taken to create an inclusive environment in the detention houses that promotes gender equality and respects gender identity.

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<sup>1</sup> A person is not merely a 'prisoner', a 'detainee' etc. A person is more than their punishment or role as regarded by the criminal justice system.

- 11.2. The staff will receive adequate information and training on gender related topics to identify and eliminate unlawful discrimination, harassment and inequality of opportunities based on sex, gender or sexual orientation.
  - 11.3. Detention houses shall be an inclusive environment for all, along with targeted support measures to address the specific needs of LGBTIQ+ individuals.
  - 11.4. The detention house will encourage contact with organisations from the local community that support and promote gender equality.
12. Mothers, fathers, families
- 12.1. Parental rights and responsibilities must be respected and promoted during the execution of the sentence through a parental empowerment approach.
  - 12.2. The father or mother deprived of their liberty shall be close to their children, and a family-friendly detention house should take preference.
  - 12.3. The detention house shall promote the involvement of the local community in supporting the families of people deprived of their liberty in detention houses.
  - 12.4. The detention house shall provide for adequate spaces for parents to receive their children and encourage the maintenance and improvement of relations between incarcerated individuals and their families.
13. Foreign nationals.
- 13.1. Foreign nationals shall be placed in detention houses close to transport facilities that enable their families to visit them and, if possible, alongside other foreign nationals of their own nationality, culture and language.
  - 13.2. The detention house shall collaborate with organisations from the local community to provide peer-to-peer support for incarcerated foreign nationals.
  - 13.3. Interpreters shall be made available and opportunities to learn the local language shall be provided to enable foreign nationals to communicate and be autonomous in their interaction with the local community.

## MATERIAL LIVING CONDITIONS

15. Homestay
- 15.1. Incarcerated people have the right to access various living spaces in the detention house and its green spaces. They shall be encouraged to acquire responsibility by taking up household tasks and contributing to communal life in the detention house.
  - 15.2. Household tasks such as cleaning, laundry, cooking, etc. shall be shared among all persons living in the detention house.
  - 15.3. Incarcerated people are free to wear clothing of their choice. Those who do not have clothing of their own shall be provided with clothing by the detention house. Every person shall have access to facilities to do the laundry, drying and ironing in order to maintain their own clothing.
  - 15.4. Household and personal hygiene shall be respected and properly maintained at all times, with attention to individual needs concerning hygiene (women, elderly people, people with disabilities, people with specific medical requirements, etc.). Incarcerated people shall have access to sanitary facilities that are hygienic and guarantee privacy. They shall be provided with toiletries and cleaning materials for this purpose.

- 15.5. Personal hygiene shall also encompass rituals that contribute to personal well-being such as haircuts, shaving, and use of cosmetics, which shall be done in establishments in the local community, if possible.
  - 15.6. Rooms in the detention house may be personalised and personal space shall be respected.
  - 15.7. The detention house shall provide for open-air and green spaces. Individuals shall be encouraged to spend time in open-air spaces in the community, especially when this is not available in the detention house.
16. Personal belongings
- 16.1. Individuals shall be allowed to maintain their personal belongings in the detention house such as personal clothing and shoes; toiletries; books, periodicals and writing materials; publications of spiritual and religious content and personal objects of spiritual and religious worship; objects with particular emotional value; items that are important for reasons of health; and any other objects that are justified by the individual needs of each person.
17. Money
- 17.1. Incarcerated individuals shall be encouraged to manage their own finances and use their money to obtain goods and services in the local community. The detention house shall provide for and promote financial literacy.
18. Nutrition
- 18.1. Individuals in a detention house shall have autonomy to choose their own food and be facilitated to maintain a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work.
  - 18.2. The requirements of a nutritious diet to be provided for incarcerated individuals, including its minimum energy and protein content, shall be prescribed in national law.
  - 18.3. All residents and staff shall be involved in organising meal routines. Fresh and local produce shall be prioritised.
  - 18.4. Food shall be prepared by each individual themselves, alone or collectively, in a hygienically manner. In cases where individuals are not able to prepare food for themselves for a number of reasons, residents or staff members shall provide help in the preparation.
  - 18.5. There shall be at least three meals a day with reasonable intervals between them.
  - 18.6. Clean drinking water shall be available and free to people in a detention house at all times.
  - 18.7. In cases where a more specific diet is medically necessary for the health of the person in a detention house, a medical practitioner, nurse or dietician from the local community shall be consulted.

## MEANINGFUL TIME-USE

19. Individuals in a detention house shall have as much autonomy as possible to manage their own time and fill it with meaningful activities. As much as possible, these activities should take place outside of the detention house.
20. Activities shall have a strength-based focus and aim at identifying and developing the individual's personal (life) goals.



21. People in detention shall have time and space for non-mandatory activities that contribute to self-fulfillment and are not linked to a specific goal.
22. During the stay in a detention house, there shall be a focus on lifelong learning to continuously update incarcerated persons' professional knowledge in a rapidly evolving society.
  - 22.1. People in detention shall have the right to participate in education and training to acquire skills and qualifications. Success in these courses shall lead to certificates. Both the skills and the certificate will support finding employment.
  - 22.2. Education and skills-training shall take place in the local community and with students from outside the detention house as much as possible.
  - 22.3. Due to the differentiation of detention houses, each detention house shall offer skills-training to people in detention based on their individual needs. This includes professional skills such as electrical training, car mechanics or learning of languages, but also other social skills such as communication, financial literacy or parenting knowledge.
  - 22.4. Detention houses shall increasingly focus on diverse online learning opportunities. Technology is indispensable and small-scale detention houses have the benefit of making technology more accessible and manageable.
  - 22.5. People in a detention house shall be encouraged in reading, listening and watching activities as part of their education offer or during their free time.
23. Right to work
  - 23.1. People in detention houses shall have the same labour rights as any other individual in society that is working and receiving wages.
  - 23.2. Work is an essential part of human life in a detention house. Work shall be an activity that allows people to support themselves, support others and support the needs of a wider community. Work shall be done in or outside the detention house.
  - 23.3. As soon as people leave a detention house, each individual should have the right to employment, with as few restrictions as possible as required by the government, municipality or other institutions.
  - 23.4. Work in a detention house shall be approached as a positive element of the methodology and shall never be used as a punishment.
  - 23.5. Detention houses shall strive to provide meaningful work that contributes to the nearby community.
  - 23.6. Detention houses shall choose a sustainable approach by focusing on employment that is sought after in the labour market. Continuity of employment after release has a positive impact on the distance-process.
24. Wage
  - 24.1. People in detention houses shall have the opportunity to earn a living for themselves and their families.
  - 24.2. People living in a detention house shall be paid wages as a crucial step to be part of society.
  - 24.3. People working in a detention house shall earn at least the minimum income, but wages should strive to be competitive, in other words, a salary that is comparable to other employers in the market.
25. Right to exercise and recreation
  - 25.1. All people in detention, including those subject to disciplinary punishment, shall be able to exercise and recreate.

- 25.2. A detention house shall organise sports activities and recreation, which are an ideal opportunity for involving people in an important aspect of life in a detention house and for developing their social and interpersonal skills.
  - 25.3. A detention house shall provide sports activities as much as possible outside the detention house. If possible, people in detention shall make use of the sports facilities in society.
26. Right to participate in civic life
- 26.1. People in detention houses remain citizens, and thus part of society at large. Detention houses shall allow people in detention to participate in, and contribute, to civic life, with the aim of feeling meaningful and part of society.
  - 26.2. Detention houses shall prioritise inclusiveness, universality, equality and participation. Inherent in these are the right to vote, contributing to public debate, making educated and informed choices, participating in community governance and becoming involved in wider civic society.

## PART III. FACILITY

### ARCHITECTURAL ENVIRONMENT

27. Small-scale
- 27.1. Based on evidence and best-practices in Europe, the capacity of detention houses shall be between 8 and 30 individuals.
  - 27.2. The minimum number shall ensure healthy group dynamics and avoid tense social climates, toxic relationships or conflicts generally encountered in groups of less than 8.
  - 27.3. A maximum number of 25 shall allow for a high quality of relationships among residents and with staff of the detention house, while also facilitating feelings of safety and security, particularly relational security.
  - 27.4. The space of the detention house shall only be used for the exact number of people it was designed for and not exceed the limit of its capacity.
28. Fresh air, daylight and greenspace
- 28.1. Detention houses shall allow for unobstructed windows and a continuous flow of fresh air and natural daylight, contributing to the well-being and mental health of incarcerated people and staff in the detention house.
  - 28.2. Detention houses shall be brightened up with colors, textures and patterns to create a more lively, warm environment that the brain will understand as cognitive, emotional and social stimuli.
  - 28.3. Greenspace shall be an essential part of the detention house, both within the house, through the addition of plants, as in its surrounding, in the form of a garden or a shared greenspace available in the local community. Residents shall be able to enjoy the greenspace, contributing to their physical and mental well-being.
  - 28.4. Time outdoors and activities such as gardening shall be encouraged.
29. The detention house shall implement environmentally sustainable practices.
- 29.1. Energy use and supply in detention houses shall comply with national, European and international standards.

29.2. The detention house shall be mindful of and prioritise waste management, implementing waste reduction, composting, and recycling practices wherever possible, and in compliance with local regulations and practices.

### 30. Architecture

30.1. The architectural design of detention houses shall differentiate according to the needs of the people in detention, the underlying methodology and the security framework set in place.

30.2. Material aspects and methodologies applied shall aim to affect the (in)direct environment as positively as possible.

30.3. As far as possible, detention houses shall be part of the social and urban environment in which they are located. As part of this ecosystem, the architecture of the detention houses shall integrate and blend in with the neighborhood and not be built as a separate entity, unless otherwise stipulated by the national governing body for care or security reasons.

30.4. The architecture of detention houses shall be supportive in providing self-sufficiency in food- and energy supply in line with eco-design principles.

30.5. The architectural design shall facilitate autonomy of people in detention over time and space such as manual opening of doors and freedom of movement within the detention house as far as possible.

30.6. The detention house shall emphasize spaces for communal living and individual spaces for privacy through its design.

30.7. The architecture shall encourage meaningful social interactions through e.g., child-friendly areas and furniture or decoration that provides a homely feel or opportunities for conversation. Meaningful time-use shall be facilitated through spaces suitable for workshops, education classes and physical activities.

30.8. The detention house shall be equipped with a digital infrastructure to allow digital access and support in developing or strengthening digital literacy and skills.

## SOCIAL CLIMATE

### 31. Social health and mutual trust

31.1. Each detention house in a community shall be characterised by mutual trust, safety, belonging and access to education, work, health care and connectivity with the local community.

31.1.1. The basis of a detention house shall be mutual trust between staff, management and people in detention, as well as with the local community.

31.1.2. Safety inside the detention house and its outside parameter is characterized by relational, procedural and static elements elaborated in articles 35, 36 and 37.

31.1.3. A detention house shall be part of the strong local community. This presupposes that embeddedness is realized and taken care for from the early planning and realization to the operational phase of the detention house.

31.2. Staff shall offer a tailor-made approach for each individual person in the detention house in establishing safety and promoting optimal development.

31.3. The detention house shall be a therapeutic place where people's needs shall be met, criminogenic risks shall be addressed, strengths and protective factors shall be built upon.

32. Organisational health

- 32.1. Good communication and proper coordination shall be facilitated between detention houses and between the different classifications of staff in a detention house, in particular with respect to the care and integration of persons into society.
- 32.2. The detention house shall aim to foster a diverse and inclusive work environment, free of discrimination.
- 32.3. The work environment in a detention house shall encourage open communication and allow staff and management to collectively design the methodology and social climate of the detention house.
- 32.4. Staff shall comprise of a diverse team, in terms of sex, age, racial and ethnic origin, language and religion to enable a better connection with the people in detention and a better representation of its society.
- 32.5. Staff in detention houses shall include persons with lived-experience.

33. Request & complaint procedures

- 33.1. Detention houses shall adhere to the national regulation on complaint procedures.
- 33.2. With regards to request and complaint procedures article 60-63 of the CoE Recommendation, restorative justice shall be applicable, prescribing proactive use of restorative principles and approaches.
- 33.3. Restorative justice shall be the first choice in conflict resolution among people in detention, or people in detention and staff.
- 33.4. As long as national complaint procedures do not include standards for restorative justice this shall be realized by the detention house according to international or national standards for Restorative Justice.

34. A solid security framework shall be set up where in each setting there are three distinct, but inter-related elements of security: relational security, procedural security and static security.

- 34.1. Relational security shall be at the core of the security framework.

35. Relational security

- 35.1. A personal approach shall better ensure relational security and enable the crafting of tailor-made reintegration trajectories.
- 35.2. Staff shall prioritize building positive relationships and open communication with people in detention as a fundamental aspect of maintaining relational security.
- 35.3. Staff shall strive to understand the personal situations of people in detention, including their individual challenges and vulnerabilities.
- 35.4. Staff shall strive to create an open-door policy.
- 35.5. Staff shall be expected to regularly walk through their assigned areas to maintain a visible presence and be available and approachable for people in detention.
- 35.6. Encouraging positive behavior is a fundamental aspect of relational security. Consequently, it shall be crucial to provide constructive activities and programs to all individuals.
- 35.7. Regular communication, positive relations, and the exchange of relevant information among all staff shall be essential for maintaining relational security.
- 35.8. Staff shall consistently uphold a balance of firmness and fairness in their interactions with people in detention, ensuring that rules and regulations are enforced while respecting their rights.
- 35.9. A consistent approach shall be maintained when addressing inappropriate behaviour among people in detention.

- 35.10. All requests made by people in detention shall be followed up in a timely manner to maintain trust and credibility.
36. Procedural security
- 36.1. Procedural security shall prioritize and facilitate relational security; it shall provide the essential framework for relational security without compromising its effectiveness.
  - 36.2. Procedures shall be clearly defined and, where relevant in the context of relational security, available to people in detention at all times.
  - 36.3. Detention houses shall conduct and document risk assessments. It shall be communicated why these assessments are important for the proper functioning of the facility and the safety of the environment.
  - 36.4. At the beginning of a person's stay in a detention house, the risk assessment process shall be clearly explained and integrated into the program. Persons shall be aware that it is a standard part of their program and this shall be contractually defined.
  - 36.5. The counting of persons in detention shall be conducted in a manner consistent with relational security that does not disrupt the daily program of people in detention while maintaining the security and safety of the facility.
  - 36.6. House rules shall be discussed and established in consultation with individuals in detention whenever feasible and in accordance with the principles of relational security.
  - 36.7. Individually based restrictions placed on people in detention shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed.
37. Static security
- 37.1. Static security shall prioritize and facilitate relational security; it shall provide the essential framework for relational security without compromising its effectiveness.
  - 37.2. People shall not be placed under higher levels of security than necessary to reasonably ensure public and institutional safety, permitting them to build on protective factors and maintain a positive relationship with the local community whenever possible.
  - 37.3. The lowest possible level of static security shall be given preference for each person in the detention house.
  - 37.4. A tailored justice system shall at all times subject people to the least restrictive setting possible; and recognize that individual risk and needs are dynamic and change over time.
  - 37.5. Deprivation of liberty shall be a sliding scale of high levels of deprivation of liberty to the lowest level of deprivation of liberty. For each person, the degree of autonomy shall be determined by the staff, if possible, in consultation with the person in detention.
  - 37.6. The use of technological security shall not exceed the purposes of static security.
  - 37.7. The application of technology shall never stand alone; but fit within the framework of procedural security and detract as little as possible from relational security.
38. Social enterprise
- 38.1. Each detention house shall collaborate with local social workers, doctors, teachers, and sports coaches, as well as local governments, municipalities, NGO's, local entrepreneurs and volunteers from the community.
  - 38.2. Each detention house shall aim to include a social enterprise as part of the integration process into the community.
  - 38.3. The social enterprise shall focus on contributing products or services that are lacking within the community and aid in self-financing of the detention house.

## STAFF

39. Multi-disciplinary teams
  - 39.1. The organization and staff of a detention house shall be comprised of a multi-disciplinary team in order to ensure the highest form of care and standards.
  - 39.2. People at risk of reoffending or custody shall have a key worker from the multidisciplinary team as a single point of contact as they move through the criminal justice system, including any periods in custody, to coordinate the planning and delivery of interventions.
  
40. Work as part of serving the community
  - 40.1. Detention houses shall be managed within an ethical context which recognises the obligation to treat all persons in detention houses with humanity and with respect for the inherent dignity of the human person.
  - 40.2. Staff shall manifest a clear sense of purpose of the detention house and its role within the community.
  - 40.3. The duties of staff shall take into account the need to facilitate the integration of persons into the community and society during, and after their sentence has been completed, through a programme of positive care and assistance.
  - 40.4. Staff shall operate to high professional and personal standards and shall be supported in their work by national governing institutions.
  - 40.5. Staff shall at all times conduct themselves and perform their duties in such a manner as to influence the living and working environment of the detention house in a positive manner.
  - 40.6. Staff from the detention house shall work together with volunteers from the community.
  
41. Selection of staff
  - 41.1. When selecting new staff great emphasis shall be placed on the need for integrity, humanity, professional capacity and personal suitability.
  - 41.2. Staff shall be selected and appointed on an equal basis, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
  - 41.3. Selection of staff shall focus on the ability of people to be able to sense whether to engage or disengage in a given situation.
  - 41.4. Selection of staff shall aim towards encouraging diversity of staff to deal with the specific needs of people in detention houses. There may be a specific emphasis on recruiting staff based on linguistic abilities and inter-cultural skills, including an understanding of diverse religions and traditions.
  - 41.5. Whenever it is necessary to employ part-time staff or freelancers, these criteria shall apply to them as far as that is appropriate.
  - 41.6. Staff shall be recruited as much as possible from the community where the detention house is based.
  
42. Training of staff
  - 42.1. Training of staff shall be facilitated through national authorities focusing on, but not limited to health care, social services, education, restorative justice and criminal justice.
  - 42.2. Before entry into practice, staff shall be given tailored training in their general and specific duties and be required to pass theoretical and practical tests focusing on working in a small-scale setting.
  - 42.3. Before entry into practice, staff shall be given tailored training about working with relational security.

- 42.4. The designated authority shall ensure that, throughout their employment in the detention house, all staff maintain and improve their knowledge and professional capacity by attending courses of training and development to be organised at suitable intervals.
  - 42.5. Training for staff shall focus on being able to quickly adapt and connect to the group/target demographic.
  - 42.6. Staff who are to work with specific groups in detention houses, such as foreign nationals, women, or people who live with a mental illness etc., shall be given specific training for their specialised work.
  - 42.7. The training of all staff shall include instruction in the international and regional human rights instruments and standards, especially the European Convention on Human Rights and the International Treaty on Economic, Social and Cultural Rights, as well as the application of the European Rules on Detention Houses.
  - 42.8. Skills of staff shall be focused on balancing care and security and creating a safe environment based on relational security.
  - 42.9. Skills shall focus on relationships, pro-social modelling, problem solving, motivational interviewing and cognitive restructuring.
  - 42.10. Staff shall be supported on a regular basis before and during the employment, especially because of the relatively new working method with a focus on relational security.
  - 42.11. Training protocols shall provide guidance on how to handle potentially difficult and challenging situations, and support staff members develop the necessary skills to do their work effectively and create a safe environment for the residents, the staff and people living in the community. However, these protocols should always be under scrutiny of common sense.
43. Care of staff
- 43.1. Staff care in detention houses shall comply with national regulations on working conditions, including aspects related to working conditions, safety and the well-being of employees.
    - 43.1.1. Detention houses shall provide a safe working space for staff. This includes maintaining a secure environment and taking measures to minimize risks associated with the nature of the work.
    - 43.1.2. A designated person of confidence shall be available to provide support and address the concerns or issues of staff members.
    - 43.1.3. Detention houses shall have a written an active policy on prevention, outlining measures to prevent workplace incidents, injuries, and issues related to staff well-being.
    - 43.1.4. Detention houses shall conduct regular risk assessments and evaluations related to staff safety and well-being. This includes identifying and mitigating potential risks within the work environment.
    - 43.1.5. Detention houses shall have an active policy in place to address and manage psychosocial workload. This policy should focus on managing stress, addressing mental health concerns, and ensuring staff well-being in a demanding work environment.
  - 43.2. Intervision and reflection is part of the professional practice of a detention house, stressing the collective responsibility.
  - 43.3. With regards to care of staff and internal rules and regulations article 60-63 of the CoE Recommendation on Restorative Justice is applicable, prescribing proactive use of restorative principles and approaches.

## METHODOLOGY

44. Methodology
  - 44.1. Detention houses are striving to approximate normal life as closely as possible and to deviate only when it directly serves the goals of the detention house or the individual goals of a person in detention.
  - 44.2. A tailor-made approach is required in detention houses at all times, and deviations from this are allowed only if they contribute directly to the purpose of a detention house.
  - 44.3. Differentiation shall focus on placing people in the best context according to needs and conditions that fit the person deprived of their liberty.
  - 44.4. Staff working in detention houses shall be able to support a large variety of cognitive, psychological and social challenges.
  - 44.5. A specific methodology shall form the framework of a set of procedures or protocols that are in place to secure the safety, security, rights and well-being of the people living and working in a detention house.
  - 44.6. The level to which a specific methodology is implemented shall be considered on an individual level and shall focus primarily on the individual's strong characteristics and abilities as well as the strong characteristics and abilities of the staff member.
  - 44.7. Staff training shall be taken into account before a specific methodology is implemented.
  - 44.8. In the application of the methodology, consideration shall be given to group dynamics.
  - 44.9. A one-to-one relationship where practical support and monitoring provided by mentors on a wide range of issues relating to offending behaviour shall be available to people in detention houses to support compliance with court orders.
45. Application
  - 45.1. The methodology used in a detention house shall be documented and defined in a method book.
  - 45.2. The methodology outlined in the method book shall be verifiable. This means it should be transparent and clearly articulated.
  - 45.3. The methodology shall be rooted in insights from scientific research. It should be based on established theories, empirical evidence and best practices supported by relevant fields of study, such as psychology, criminology or social work.
  - 45.4. The method book shall be a dynamic document that is constantly updated to reflect the latest findings and developments in research.
  - 45.5. At the core of the methodology is the concept of the "working alliance" between the professional and the person in detention. The methodology shall emphasize the importance of building and maintaining a positive working relationship to achieve the best results.
  - 45.6. Regular evaluation and quality assurance measures shall be taken to assess the effectiveness of the methodology. Data and feedback should be collected to ensure that the methodology is achieving its intended results and to identify areas for improvement.

## COMMUNICATION

46. People held in detention houses shall be allowed to communicate with loved ones, other persons and representatives of outside organisations as often as possible.
  - 46.1. Communications shall be allowed by visits, email, telephone, letter or other forms, and provided at no charge by the detention house.
  - 46.2. National law and internal regulations of the detention house shall specify the modalities of communication. Any restriction must be justified.



- 46.3. The arrangements for visits shall be such as to allow residents to maintain and develop family relationships in as normal a manner as possible and adapted to residents and visitors' special needs.
  - 46.4. Staff and prison authorities shall assist residents in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.
  - 46.5. Any information received of the death or serious illness of any near relative shall be promptly communicated.
  - 46.6. Residents shall be authorised to leave detention houses either under escort or alone in order to visit a sick relative, attend a funeral or for other humanitarian reasons.
  - 46.7. People in detention houses shall be allowed to inform immediately their families, the nearest relative and any other person previously designated of their placement or transfer to another facility.
  - 46.8. People in detention houses shall be allowed to inform immediately their families, the nearest relative and any other person previously designated immediately of any serious illness or injury they may suffer.
47. Language
- 47.1. The detention house, its staff and its residents shall communicate with each other in the local language.
  - 47.2. Efforts shall be made by all to better understand and communicate with people of whom the local language is not their mother tongue and who face difficulties with the language. Language barriers may be overcome through the use of a translator from outside the detention house, a staff member, incarcerated person or digital translation.
  - 47.3. Important documents such as house rules and other instructions shall use simple terms and easy to understand language for non-native speakers and people confronted with analphabetism.
  - 47.4. Oral language skills and reading comprehension of a person shall be assessed and immediate support shall be offered upon admission.
48. Right to staying informed regularly of public affairs
- 48.1. Persons in detention houses shall be allowed to keep themselves informed regularly of public affairs by subscribing to and reading newspapers, periodicals and other publications and by listening to radio or television transmissions unless there is a specific prohibition for a specified period by a judicial authority in an individual case. No media shall be censored.
  - 48.2. Limitations in the right to access information shall be implemented only in individual cases of a prohibition for a specified duration by a judicial authority.
  - 48.3. Local and national authorities shall ensure that persons in detention houses are able to participate in elections, referenda and in other aspects of public life, in so far as their right to do so is not restricted by national law.
49. Use of technology
- 49.1. Technology shall help to move the organization of a detention house forward and ensure the people living in the detention house are able adapt to the digital transformation of a rapidly changing society.
  - 49.2. Technology shall facilitate differentiation and tailor-made approaches to specific groups' and individuals' needs and expectations. Technology shall be part of the detention house for supporting community-integration.
  - 49.3. Technology has become an essential service in 21<sup>st</sup> century society. Therefore, persons in detention houses shall have access to internet at any given moment. Restrictions may be imposed by national institutions to specific individuals for serious security reasons only.

- 49.4. When technology shall be used for reasons of care and control, the ethical aspects shall be carefully considered by a local and/or national governing body and specific guidelines for staff shall be shared with each detention houses.
- 49.5. In local and/or national guidelines it shall be stipulated in which way technology shall and shall not be used in a detention house.
- 49.6. Technology and human interactions shall be complimentary, where technology is designed and used well, and humans are taking the lead. Use of technology shall not restrict physical movement or time in the fresh air for people in the detention house.
- 49.7. Technology in a detention house shall be adapted to other emerging forms of technology and be in line with international and national legal frameworks for regulation of and protection from these technologies, particularly in regard to artificial intelligence.

## TIME AND TIME-USE

- 50. A detention house shall be built and operated in order to pursue the maximum use of time and experience of time, such as people do in society. A stay in a detention house is not to deprive time, but to deprive liberty.
  - 50.1. Each detention house shall be adapted to the people living in the house, and thus to their pace.
- 51. Process of placement
  - 51.1. No person shall be admitted to or held in a detention house without a valid commitment order, in accordance with national law.
  - 51.2. At admission the following details shall be recorded immediately concerning each person in detention:
    - a information concerning the identity of the person in detention;
    - b the reasons for commitment and the authority for it;
    - c the day and hour of admission;
    - d an inventory of the personal property of the person in detention that is to be held in;
    - e any visible injuries and complaints about prior ill-treatment;
    - f subject to the requirements of medical confidentiality, any information about the person's health that is relevant to the physical and mental well-being of the person in detention or others;
    - g. if the person has children and how the relationship is with their children;
    - h. social situation of the person; and
    - i. which future goals the person has and ways to achieve these goals.
  - 51.3. At admission all persons shall be given information about their stay in the detention house.
  - 51.4. The risk assessment process shall be clearly explained and integrated into the program. Persons shall be aware that it is a standard part of their program and this shall be contractually defined.
  - 51.5. Immediately after admission notification of the detention of the person shall be given to closest family or friends.
  - 51.6. Any available information about the social situation of the person in detention shall be evaluated together with the person itself, family, friends and other professionals previously involved in the life of the person in detention in order to deal with the immediate personal and welfare needs.
  - 51.7. Allocation and accommodation

- 51.7.1. Individuals shall be allocated to detention houses within 50 kilometers of their last residence<sup>2</sup> or city where people will integrate into the community. When decided to reintegrate in the former social environment, it is possible to allocate, in mutual agreement, the person within 50 kilometers of the future residence.
- 51.7.2. Whenever appropriate, allocation of a person to a specific detention house shall be communicated to people involved (victims, family members) in the crime for which the person has been convicted or charged with.
- 51.7.3. As far as possible, people in detention shall be allocated to the detention house that most closely meets their needs. During their detention, people in detention will move from house to house according to their process and security needs.
- 51.7.4. Every transfer to another detention house will be communicated with the victims, family and other relatives.
- 51.7.5. A place in a certain detention house can be refused at any time by the management of the house, national institutions or the victims.
- 51.7.6. The accommodation of a detention house shall be as homely as possible in regards to normalisation.

## 52. Daily routines

- 52.1. Detention houses shall be differentiated in terms of size, people living at the facility, activities offered and daily routines, unless otherwise determined by a national or local body for specific reasons.
- 52.2. Justice settings and programs shall be tailored to the unique challenges that each person faces and should promote developmental competencies, strengths and resources within each unique individual (e.g., self-esteem, autonomy) and their context (e.g., employment, social relationship, financial stability).
- 52.3. Daily routines shall be, at any time, negotiable and adaptable. People in the detention house shall be responsible for their daily routines themselves.
- 52.4. In the daily routines there shall be attention to both group activities as well as individual activities.
- 52.5. A detention house shall have a fixed daily routine that creates predictability, but also leaves space for personal interpretation and spare time.

## PART IV. COMMUNITY

### 53. Social sustainability

- 53.1. Whenever possible and in the best interest of individuals in detention and their personal well-being, as well that of their family and friends, people in detention shall be given the opportunity to maintain close proximity to their personal network, during their period of detention.
- 53.2. Detention houses shall collaborate with partners on a local level.
  - 53.2.1. Community services and facilities for the general population shall be available on an equal basis to persons in a detention house.

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<sup>2</sup> Many incarcerated people have problems when it comes to having an address. Many of them do not have a known address. If this is immediately arranged upon arrival in a detention house, the integration process should be easier and faster.

- 53.2.2. People in detention shall have access to a range of residential and other community support services, including personal assistance needed to support community living and integration and to prevent isolation or seclusion from the community.
- 53.3. Detention houses shall generate value for the quality of life of the community. This includes promoting social and cultural life, and citizen engagement.
  - 53.3.1. Detention houses shall promote initiatives that can collaborate with the local community to organize events, workshops and cultural exchanges and actively seek input and participation from community members.
  - 53.3.2. Detention houses shall consider activities such as hosting a talk café, arranging for buddies from the community who visit and engage in friendly conversations with individuals in detention, or organizing events that encourage interaction between the individuals and the local community to enrich social and cultural life.
- 54. Restorative justice
  - 54.1. Restorative justice shall be applied when it is determined to benefit the well-being of individuals involved, including victims and family members.
  - 54.2. Restorative justice processes shall provide opportunities for open communication and dialogue between individuals in detention and those impacted by their actions. Mediation, facilitated conflict settlement, restorative conferences or restorative circles should be employed to foster understanding and healing.
  - 54.3. Training and education on restorative justice principles and practices shall be provided to both staff and individuals in detention to ensure a comprehensive understanding of the process and its importance in the reintegration process of those in detention.
  - 54.4. If in any instance, it benefits the wellbeing of people involved (victims, family members) that the person in detention lives close by, the possibility shall be offered in terms of restorative justice.
  - 54.5. Restorative justice initiatives within detention facilities shall prioritize the needs and well-being of individuals impacted by the transgressive act. Victims and their families should have a role in the design and implementation of these initiatives to ensure their interests are considered.
  - 54.6. During the stay in a detention house, the person in detention shall be enabled to restore the harm caused by the offense both symbolically, financially and emotionally.
  - 54.7. Using Restorative Justice principles and approaches the CoE recommendation on Restorative Justice shall be applicable within the practice of detention houses (inside and in the local community).
- 55. Environmental sustainability
  - 55.1. The built environment of a detention house shall visually and spatially blend in with its community.
  - 55.2. The built environment of a detention house shall be flexible and dynamic so that it can be transformed for another purpose when it is no longer needed to accommodate incarcerated people (e.g., regular houses).
  - 55.3. A detention house shall be designed and managed in such a way that it maintains the quality of life of the environment in which it is located. This includes ways to reduce emission and other waste, to reduce the use of water and energy, and to employ renewable energy sources.
  - 55.4. Detention houses shall make use of local resources. Goods and services needed for the house, such as food, healthcare, etc., shall be bought as much as possible from the community where the detention house is located, thus supporting the local economy and reducing the footprint linked to long-distance transport.
  - 55.5. Detention houses shall be easily accessible by public transport.

- 56. Economical sustainability
  - 56.1. Detention houses shall apply circular economy principles by default.
  - 56.2. Detention houses shall generate value for the neighbourhood, which may translate in economic value for the detention house. More specifically, social purpose projects like a social restaurant, a supermarket, a repair shop or the sale of home-grown vegetables may provide an income to the detention house.
  - 56.3. As far as possible, people who are incarcerated in a detention house shall be employed by companies or nonprofit organizations and work for these employers outside of the detention house.
  - 56.4. When it is not possible to leave the detention house on a regular basis, the work provided in the detention house shall enable people to earn salaries or wages that are similar to those in society. This work shall also enable people to maintain or increase their ability to earn a living after release.
  - 56.5. The national governing body responsible for social security matters shall make all arrangements necessary to ensure that all individuals in the detention house can access the welfare benefits they are entitled to during and after their stay in the detention house.
  - 56.6. Due to its small-scale and social climate, a detention house shall optimize more efficient and effective allocation of human resources.

## **PART V. MONITORING AND LEARNING**

- 57. Monitoring and inspection
  - 57.1. All premises of detention houses shall be subject to regular governmental inspection (internal inspection) and independent monitoring (external inspection), including inspections from regional and international bodies.
  - 57.2. Inspection visits shall be carried out in a gender-sensitive manner.
  - 57.3. Inspectors shall be allowed to
    - 57.3.1. Access all information on the number of people held in the detention house, as well as all information relevant to their treatment, including their records and conditions of detention.
    - 57.3.2. Freely choose which detention house to visit, including by making unannounced visits at their own initiative and freely choose which resident they interview.
    - 57.3.3. Conduct private and fully confidential interviews with the residents and with the staff.
    - 57.3.4. Make recommendations to the head of the detention houses, prison administration and any other competent authority.
  - 57.4. Inspectors shall be required to ask people in detention for their explicit permission when entering their private space such as a personal bedroom. In the exceptional event that permission cannot be given by the person in question, the inspectors shall notify that person of the proceedings in respect to their privacy.
  - 57.5. Inspections shall be carried out by a qualified, multidisciplinary and gender balanced team.
  - 57.6. Findings and recommendations from independent bodies shall be made public.
  - 57.7. The head of the detention house and/or other competent authority shall indicate, within a reasonable time, whether and how they will implement the recommendations.
  - 57.8. Civil society shall be involved in the monitoring process and recommendations follow-ups.
  - 57.9. Access to detention houses shall also be provided to lawyers and other legal service providers, as well as judicial authorities.

58. Formal mechanisms of complaint and requests

- 58.1. People in detention houses shall have the possibility to make requests or complaints, individually or as group, to any competent authority via a formal mechanism. The procedure shall protect residents from any retaliation by staff or authority.
- 58.2. All residents shall be informed of their rights, upon admission and during the detention, and procedures to formulate a complaint.
- 58.3. A designated person of confidence shall be available to provide support in making requests and complaints, and ensure the person feels safe to do so. In the event that the designated person is subject of the request or complaint, another person of confidence shall be available.
- 58.4. If a request is denied, residents shall have the possibility to appeal to an independent authority.
- 58.5. No one shall be punished for having made a request or lodged a complaint.
- 58.6. Legal advice is allowed and provided free of charge during a complaint or request procedure.
- 58.7. All complaints and requests shall be logged in a specific register, which can be consulted by independent inspection bodies during a monitoring visit.
- 58.8. Restorative justice processes shall be encouraged to solve conflicts between residents and staff and amongst residents, see rule 54.

59. Evidence-based approach and lived-experience

- 59.1. The implementation, functioning and evaluation of detention houses shall be evidence-based and continuously updated according to multi-disciplinary insights.
- 59.2. All detention houses shall organise a learning committee involving residents, staff and external actors. These committees discuss detention conditions with regards to the present set of rules.
- 59.3. Independent research on the functioning of the detention houses shall be encouraged.
- 59.4. Residents willing to share their lived experience with academics, civil society organisations and media shall be encouraged and not punished. Their anonymity shall be respected and protected.

## WEBSITE TEXT

### 02. EUROPEAN RULES ON THE ECOSYSTEM OF SMALL-SCALE DETENTION FACILITIES

It starts with a healthy ecosystem. Different elements of an ecosystem reinforce each other when they interact to form an effective system. The reverse can also happen: a disruptive factor can throw the ecosystem out of balance. A detention context can be viewed in the same way. The different elements of that context can reinforce each other into a safe and constructive context.

When considering the ecosystem of detention houses, we look at detention from a holistic perspective, including the architecture, the social climate, security, community-integration, sustainability, work, individual needs, staff well-being and the use of technology. Indeed, the design of small-scale detention facilities is not just about architecture. It also includes the social design, which means building a positive climate for all people who work, live in or close to the building.

The European Rules on Detention Houses (ERDH) is a milestone document for the criminal justice system and reflects the larger impact of this system on society. Drafted by representatives with different legal and cultural backgrounds from all regions of Europe, the ERDH were launched on October 31st as common standards to implement small-scale, differentiated and community-integrated detention houses in the European Union, as part of a pivotal change already happening in criminal justice systems across Europe. The ERDH set out the ecosystem of a detention house on its own and as part of, and within a community and society, emphasizing sustainability. As the European Prison Rules have been common standards for large-scale prison institutions, the European Rules on Detention Houses shall form essential standards for detention houses, in order to guarantee a way of liberty deprivation that is humane and more fit for the 21st century.