



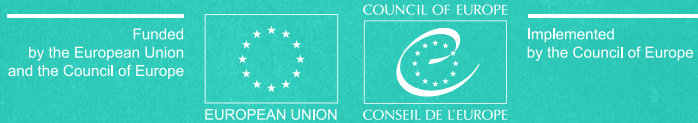
# European Prison Rules

**Short guide**



## Short guide to the European Prison Rules

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European NMP Forum

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# Background

## What are the European Prison Rules?

The European Prison Rules, developed by the Council of Europe, set out standards on the management of prisons and the treatment of people in prison. They apply in all 47 Council of Europe countries and provide critical guidance to prison staff on how to protect and safeguard the human rights of people in prison.

The Rules have been developed with the involvement of practitioners, experts and government officials from across Europe. They provide detailed guidance on best practice in all areas of prison management, from admissions to release. They assemble key prison standards developed by the Council of Europe and its bodies, collated in one comprehensive rule book for national prison authorities to follow.

By informing prison rules and practice at a national level, the European Prison Rules in turn guide how prison staff should go about their work on a day-to-day basis.

“

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 3, European Convention on Human Rights (ECHR)

”

## The 2020 Revision

Knowledge of good prison practice, and how to effectively protect human rights in prison, is constantly evolving: for this reason, Rule 108 specifically requires that the European Prison Rules be updated regularly. The Rules have been revised four times since 1973, most recently in 2020.

As well as new scientific research, these updates are based on the experiences of the European Committee for the Prevention of Torture (CPT, see *Further resources*), which visits hundreds of prisons in Europe each year, and the European Court of Human Rights, which decides on individual complaints from persons in prison on their treatment and the denial of basic rights.

There is also synergy with international standards, as the United Nations 2015 'Nelson Mandela Rules' on the treatment of people in prison drew on the earlier European Prison Rules, and the 2020 revision has in turn been able to draw on those Rules, and the 2010 'Bangkok Rules' on the treatment of women in prison (see *Further resources*).

The European Prison Rules therefore provide a framework for prison authorities that is compliant with human rights and up to date with international developments. They outline key guidance for prison staff on how to integrate these developments in their day-to-day work.

## **How to use this guide**

This guide outlines key requirements of the European Prison Rules on a range of issues from record keeping and protection of health to safety, security and discipline. Rules amended in the 2020 revision are marked with \*. Aimed at people who work in or monitor prisons, the guide provides an overall framework which can be followed to ensure that daily prison processes and activities by prison staff and other professionals working in prisons are conducted in compliance with the Rules. More detailed guidance can be found in the text of the European Prison Rules themselves and their comprehensive Commentary.<sup>1</sup>

1. Council of Europe Committee of Ministers, *European Prison Rules*, revised 2020 (CM/Rec(2006)2-rev), and *Commentary to the European Prison Rules*, revised 2020 (CM(2020)17-add2), available at [www.coe.int/en/web/prison/conventions-recommendations](http://www.coe.int/en/web/prison/conventions-recommendations).

# What are the rules?

Rules amended in the 2020 revision are marked with \*.

## Basic principles

The European Prison Rules set out basic principles which should underpin prison administration and guide interpretation of the Rules themselves.

### ⇒ Protection of human rights [Rules 1 and 2]

Human rights must always be respected and protected. People do not lose their human rights on entering prison, although they may be restricted.

### ⇒ Proportionality [Rule 3]

Any restrictions placed on people in prison must be proportionate and pursue legitimate aims.

### ⇒ Normalisation [Rules 4 and 5]

Life in prison must, as closely as possible, reflect life in the community.

### ⇒ Reintegration [Rules 6 and 7]

Reintegration into the community must be the key goal of how detention is managed. Cooperation with outside social services and (where possible) civil society is encouraged.

### ⇒ Adequate and quality staffing [Rule 8]

Good recruitment, training and working conditions for prison staff should be implemented to ensure high standards of care for people in prison.

### ⇒ Accountability and transparency [Rule 9]

Prisons shall be subject to regular inspection and independent monitoring.



## Admission and record keeping

### ➡ Immediately upon admission [Rules 15\*, 30.1]

The day and hour of admission and specific details about the person being admitted must be recorded. This includes information on their identity, any visible injuries and important health information, and family members or next of kin. People must also be informed of the rules governing prison discipline, and their rights.

### ➡ As soon as possible after admission [Rule 16]

Health information recorded upon admission must be supplemented by a medical examination. Information collected upon admission must be evaluated to address the individual's personal or welfare needs. Their potential threat to safety and the appropriate level of security must also be determined. In the case of sentenced persons, steps must be taken to implement their sentence plans.

### ➡ Continuous record keeping [Rule 16A\*]

Information collected during admission must be updated and supplemented where appropriate and kept confidential. Further information must be collected throughout an individual's period of detention, including in relation to sentence planning, behaviour, any requests or complaints made (unless confidential), and the use of disciplinary measures, restraints or intrusive searches to which they are subject.

## Prison conditions

### ➡ General [Rule 4]

Prison conditions should be of a basic minimum standard to ensure that the dignity of all persons in prison is upheld. Staff play an important role in this respect. A lack of resources can never justify conditions that infringe human rights.

## ⇒ **Accommodation and allocation** [Rules 17-18, 32]

Accommodation must respect human dignity, privacy and health. This requires paying particular attention to floor space, air, lighting, heating and ventilation. For instance, windows must enable people to read or work by natural light and (unless there is suitable air conditioning) allow the entrance of fresh air.

Conditions during prison transfer require, among other things, adequate lighting and ventilation.

Persons should be allocated to facilities close to their homes or communities. Allocation should take into account their safety, security, and availability of an appropriate regime.

## ⇒ **Physical wellbeing** [Rules 19-22, 25, 27]

All parts of every prison must be clean and properly maintained and people must have access to sanitary and washing facilities – with special provision made for the sanitary needs of women – as well as their own bed. Clothing must be suitable for the climate, in good condition, and must not be degrading. Everyone must be provided with adequate food, both in quantity and nutritional diet that takes into account religion and culture, and clean drinking water must be available at all times.

The prison regime itself must provide a balanced programme of activities and facilitate an adequate level of human and social interaction. In addition, all persons in prison should be offered at least one hour of open-air exercise a day where they are allowed to associate with one another. Alternative arrangements for should be put in place if weather does not permit outdoor exercise.



## ➔ **Prison work [Rules 26, 100, 105]**

Prison work must not be used as a punishment; it should be of a useful nature, provide fair payment, and include vocational training for those able to benefit from it. People should be given a degree of choice over the work they undertake and working standards (including maximum hours and health and safety precautions) must not be lower than they are outside of prison. The pursuit of financial profit must not be prioritised over the interests of people in prison.

People in pre-trial detention may be allowed to work but must not be required to. Those sentenced who have not reached retirement age may be required to work, subject to physical and mental fitness.

## ➔ **Education [Rules 28 and 106]**

People should have access to comprehensive educational programmes, with particular attention paid to young people, those with special needs and those who lack basic education. Educational programmes for those who have been sentenced must be tailored to their projected length of stay in prison.

## ➔ **Contact with the outside world [Rules 23-24, 99]**

Everyone must be allowed to communicate as often as possible with people outside of prison, including through visits, letters, and phone calls. This is a vital component of their right to private and family life and is essential for mental wellbeing. Communications may only be subject to restrictions or monitoring where this is necessary, for instance for the prevention of criminal offences, but even where restricted an acceptable minimum level of contact must be allowed. Assistance in maintaining adequate contact with the outside world should be provided.

People in prison are entitled to legal advice, which must be kept confidential. The only exceptional circumstances for interference with lawyer-client confidentiality would be to prevent serious crime or major breaches of prison safety and security.

## ⇒ **Release [Rules 33, 107]**

Upon release, all property must be returned. Identification papers should be provided and assistance given in finding suitable accommodation and work. People released must be provided with sufficient means to ensure they can meet their immediate needs and make their way home. Pre-release assistance must be provided, including through cooperation with probation agencies, community agencies and support networks.

## **Health**

### ⇒ **Access to health care [Rules 39-41, 46-47]**

The full range of health services, including necessary medical, surgical and psychiatric services, must be accessible to those in prison, without discrimination and equivalent to those available outside of prison (see principle of normalisation). Access must also be provided to dentists and opticians. The Rules apply equally to mental and physical health. The prison medical service must therefore provide for psychiatric treatment where needed and pay special attention to suicide prevention.

### ⇒ **Duties of the medical practitioner [Rules 41-45]**

Each prison must have at least one qualified medical practitioner, as well as other trained health care staff, and make arrangements to ensure the medical practitioner can be available in matters of urgency. Alongside diagnosing health conditions and prescribing treatment, they have numerous duties, including:

- Recording and reporting any sign that an individual may have been treated violently, whether a result of inter-prisoner violence or staff ill-treatment
- Dealing with withdrawal symptoms from drugs, including alcohol



- Identifying psychological impacts of detention and reporting to the director when an individual's physical or mental health is put seriously at risk by any condition of imprisonment, including solitary confinement
- Making arrangements with community agencies for the continuation of treatment after release
- Visiting people subject to solitary confinement daily and providing them with prompt medical assistance at their request
- Regularly inspecting and reporting on the hygiene, sanitation and food quality in the prison (which may also be undertaken by another designated authority) and take immediate steps to remedy any concerns identified.

## Safety, security and discipline

### ➔ Security [Rule 51]

Measures and conditions must not be more restrictive than is necessary. A key way this can be achieved is through the use of '**dynamic security**', which is based on staff building relationships with people in prison through communication and interaction.

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### **Dynamic security**

A concept and a working method by which staff prioritise the creation and maintenance of everyday communication and interaction with people in prison based on professional ethics. It aims at better understanding individuals and assessing the risks they may pose as well as ensuring safety, security and good order, contributing to rehabilitation and preparation for release. This concept should be understood within a broader notion of security which also comprises structural, organisational and static security (walls, barriers, locks, lighting and equipment used to restrain people in prison when necessary).

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## ⇒ Safety [Rule 52]

Procedures must be put in place to ensure the safety of all staff, persons in prison, and visitors. Detained persons must be able to contact staff at all times in case there is a threat to safety. See also 'Admission and record keeping' in relation to risk assessments.

## ⇒ Special high security or safety measures [Rule 53\*]

Where a person poses a particular threat to security or safety, they may be subject to special high security or safety measures. These should only be applied in exceptional circumstances based on current risk, to individuals rather than groups, and only for as long as security or safety cannot be maintained in a less restrictive way. Such measures must only be approved for a specified period of time, beyond which further approval is needed, and the individual must be informed in writing how to challenge the measure.

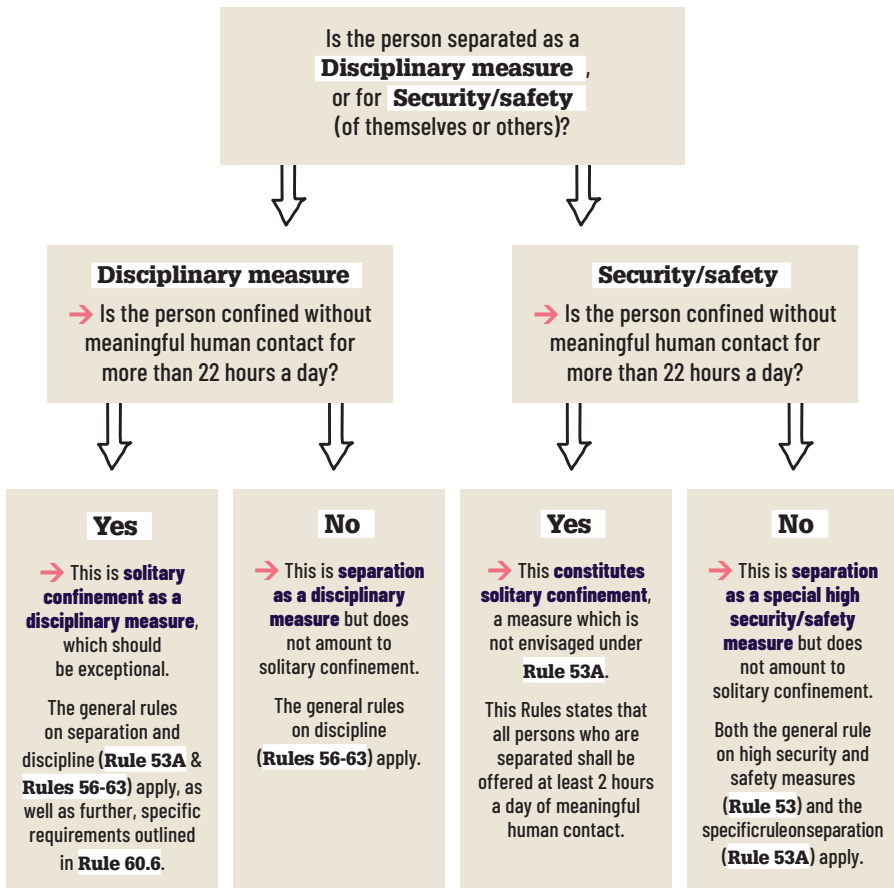
## ⇒ Disciplinary measures [Rules 56-63]

Disciplinary procedures must be used only as a last resort, with restorative measures or mediation used instead, wherever possible. National law must define what constitutes a disciplinary offence (which may only include acts or omissions likely to constitute a threat to good order, safety or security), limit the types and duration of disciplinary measures that can be used, and set out an appeals process.

An individual charged with a disciplinary offence must be informed promptly and given adequate time and facilities to prepare a defence – including, in some cases, access to legal assistance. An individual must never be punished twice for the same conduct.

## ➡ Separation and solitary confinement [Rule 53A\*, 60.6\*]

People in prison may be separated as a special high security or safety measure, or for disciplinary reasons. Different rules apply in each case. Separation without meaningful human contact for longer than 22 hours a day constitutes 'solitary confinement' – an extreme form of separation, likely to harm the physical and mental health of a person. This measure may only exceptionally, and subject to strict safeguards, be imposed as a disciplinary punishment for the shortest possible period.



## Separation as a special high security or safety measure [Rule 53A\*]

As well as the general requirements for special high security and safety measures, further rules apply in the case of separation as a high security or safety measure. Proportionality is vital: restrictions should be the minimum necessary to achieve the objectives of separation and be regularly reviewed in line with the objectives in each case, to assess whether continuation is necessary. Separated people must also have a right of complaint (see Complaints). The decision to separate someone must also take into account their physical and mental health and any disabilities they have which may exacerbate the likely negative health impacts of separation.

If someone is separated for security or safety reasons, whether to protect themselves or others, they shall be offered at least two hours a day of meaningful human contact. Whether human contact is 'meaningful' will depend on the quality of interaction and the level of psychological stimulation. For contact to be meaningful it must be face-to-face, 'more than fleeting or incidental' and it must not be limited to routine contact experienced as part of daily prison life (see Commentary to the Rules, Rule 53A, *Further resources*).

Separated people must be visited daily, including by the prison director or staff acting on their behalf. If separation adversely affects anyone's health, it must be suspended or replaced with a less restrictive measure. The longer someone is separated, the more steps must be taken to facilitate their contact with others and provide facilities and activities – to mitigate the harmful effects of separation. Facilities and activities should include, as a minimum from the very start of separation, access to reading materials and the opportunity for at least an hour of exercise a day.

### ➡ **Solitary confinement as a disciplinary punishment [Rule 60.6\*]**

Solitary confinement is defined as the confinement of a detained person for more than 22 hours a day without meaningful human contact. It must never be used on children, pregnant women, breastfeeding mothers, parents with infants in prison, or people with mental or physical disabilities when their condition would be exacerbated by solitary confinement. It may only be used in exceptional cases and must never amount to torture or inhuman or degrading treatment or punishment.

Solitary confinement may only be implemented for a specified period, which must be as short as possible, and limited to a maximum time period outlined in national law. People must be visited daily, including by the prison director or staff acting on their behalf, as well as the medical practitioner, and their confinement must be terminated or suspended if their mental or physical condition deteriorates.

### ➡ **Use of force and restraint [Rules 64-68]**

Force may only be used by staff subject to detailed procedures in self-defence, cases of attempted escape, or resistance to lawful order. It must always be a last resort, and only the minimum level of force necessary should be used – staff must be trained in techniques to enable the minimum use of force.

Instruments of restraint may only be used when authorised by law, and when no lesser form of control would be effective. They must never be used on women during labour or childbirth, or immediately after childbirth. The method of restraint must be the least intrusive possible, and restraints must be removed when the risk is no longer present. Each instance where restraints are used must be recorded in a register.





Handcuffs, restraint jackets and other body restraints may only be used to prevent escape during transfer, or when ordered by the prison director to prevent harm to the individual or others – in which case the medical practitioner must be immediately informed. Degrading forms of restraint, such as chains and irons, must never be used.

### ⇒ **Requests and complaints [Rule 70]**

People in prison must have the opportunity to make requests or complaints both to internal authorities, such as the prison director, or externally, to competent authorities such as inspection or monitoring bodies. Systems and procedures must ensure there is no risk of censorship or breach of confidentiality. They must not be subject to reprisals or sanctions for making a request or complaint. Authorities must also take into account complaints from family or support networks.

Staff have an important role to resolve minor requests or complaints to mitigate more serious issues. A record of requests and complaints must be kept, and they must be dealt with as soon as possible, ensuring participation of the person concerned. If a request is denied or a complaint is rejected, reasons should be provided and an appeal possible to an independent authority.

## **Groups with specific needs**

### ⇒ **Women [Rule 34\*]**

The Rules require the implementation of specific gender-sensitive policies, and for positive measures to be taken in all areas to meet the needs of women in prison.

When making decisions that affect any aspect of women's detention, particular attention must be given to their physical, vocational, social and psychological needs, as well as any caregiving responsibilities.

Particular efforts must be made to protect women from physical, mental or sexual abuse in prison and, where women are survivors of such abuse, they must be given access to specialised services including psychological support or counselling, and appropriate medical advice.

### ⇒ **Children [Rule 35]**

Children (persons under 18) should not be detained in adult prisons. The European Rules for Juvenile Offenders (see *Further resources*) provide detailed rules on the management of children accused or convicted of an offence. Where, exceptionally, a child is detained in an adult prison, they must have access to all the social, psychological and educational services available to children in the community and should be housed in a separate section to adults.

### ⇒ **Infants [Rules 34.4\*, 36]**

Arrangements must always be made for detained women to give birth outside of prison. If, in exceptional circumstances, they give birth in prison, all necessary support and facilities must be provided. An infant may stay in prison with a parent only when it is in the best interest of the infant concerned. They must not be treated as detained and special provision must be made for a nursery and appropriate accommodation to protect their welfare.

### ⇒ **Foreign nationals [Rule 37\*]**

Positive measures must be taken to meet the distinctive needs of foreign nationals (for more detailed requirements, see the Council of Europe Recommendation on foreign prisoners in *Further resources*). Steps must be taken to facilitate their contact with family and networks outside of prison as well as, where the person consents, diplomatic or consular representatives.

### ⇒ **Ethnic or linguistic minorities [Rule 38]**

Special arrangements must be made to meet the needs of ethnic or linguistic minorities (for instance, through the use of competent interpretation services or adapting for cultural dietary needs – see Physical wellbeing). As far as practicable, the cultural practices of different groups shall be allowed to continue in prison.

## **Training and prison management**

### ⇒ **Principles [Rules 71-75 and 83]**

Prison management must be guided by respect for human dignity and a focus on reintegration. At all times, staff must perform their duties in such a manner as to influence the prison population by good example and to command their respect. Systems of organisation and management must be in place to ensure that prisons can meet human rights standards.

### ⇒ **Prison management [Rules 82-89]**

Staff must be appointed without discrimination and should include specialists like psychiatrists and teachers and a balance of men and women. The director, management and the majority of staff must be able to speak the majority language of the prison population.

Prison administrations should work with government to ensure there is adequate staffing at all times. This includes a director who is appointed on a full-time basis and adequately qualified.

### ⇒ **Training [Rule 81]**

Prison management should ensure consistently high standards of prison staff in recognition that they carry out an important public service. Prison staff should be able to maintain and improve their knowledge throughout their career by attending training and development courses. Specific training must be provided to staff working with

specific groups such as children, young adults, foreign nationals, women or older persons. Training must include instruction in the European Convention on Human Rights, the European Prison Rules, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and other human rights standards.

### **Inspection and monitoring [Rules 92 and 93]**

To ensure that prisons comply with national and international law, including the provisions of the European Prison Rules, they must be inspected regularly by a State agency and monitored by an independent body, whose findings shall be made public.

Independent monitoring bodies must be guaranteed access to all parts of the prison and to all prison records that they require. They must be able to visit all prisons and be able to choose which prisons to visit – unannounced or otherwise. They must be able to choose who to interview and to conduct confidential interviews with people detained and staff. No one should be disciplined for providing information to an independent monitoring body.

Independent monitoring bodies must have the authority to make recommendations, to which national authorities or prison administration must respond publicly in a reasonable time in relation to the action being taken.

## Further resources

Council of Europe, *Guidelines regarding recruitment, selection, education, training and professional development of prison and probation staff*, 2019 (CM(2019)111-add).

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## **About Penal Reform International**

Penal Reform International (PRI) is a non-governmental organisation working globally to promote criminal justice systems that uphold human rights for all and do no harm. We work to make criminal justice systems non-discriminatory and protect the rights of disadvantaged people. We run practical human rights programmes and support reforms that make criminal justice fair and effective.

Registered in The Netherlands (registration no 40025979), PRI operates globally with offices in multiple locations.

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