UN political instruments: a strong foundation for RESCALED's vision of justice reform

The United Nations plays a crucial role in establishing global standards for all forms of deprivation of liberty. Through committees, conventions, and monitoring bodies, like the Subcommittee on Prevention of Torture (SPT), the UN works to ensure the humane treatment of people deprived of their liberty worldwide. The SPT conducts visits to places of detention and provides recommendations to protect people from torture and ill-treatment. Other bodies, like the Human Rights Committee and the Committee Against Torture, regularly review countries' compliance with these standards. These mechanisms, alongside the frameworks provided by instruments such as the Nelson Mandela Rules and specialized guidelines for women and young people, form a robust international system designed to protect the human rights and dignity of all persons deprived of their liberty.

These human rights standards provide a strong support base for RESCALED's innovative approach to detention, reinforcing the core principles of detention houses: small-scale, differentiation and community integration, and the ecosystem perspective. The ecosystem perspective recognizes the complex interconnections and shared responsibility between the justice system and other social systems, like healthcare, education, and employment, in supporting both detention facilities and the broader communities they serve.

Let's explore how these international guidelines align with and strengthen RESCALED's vision for justice reform.

Small-scale: creating human-centred environments

RESCALED supports the use of detention houses instead of large prison institutions. With between 8 and 30 residents living together, these houses create a more personal environment where staff

can provide more personalised attention and care. This principle finds strong support in UN standards:

- The Nelson Mandela Rules explicitly state that "the number of prisoners in closed prisons should not be so large that the individualization of treatment is hindered" (Rule 89.3).
- The Havana Rules, focused on juvenile detention, go even further, directly calling for "small-scale detention facilities" that are part of the community (Rule 30).

Small-scale facilities make it much easier to ensure people are treated with dignity and respect, unlike large prison institutions, where overcrowding leads to cramped conditions, lack of privacy, and increased tension and violence[1]. Research shows that positive relationships in detention facilities increase well-being while reducing violence, disorder and self-harm[2]. When staff is approachable, people feel safer and incidents are more easily prevented or resolved[3]. Higher quality of life during detention has also been linked to reduced reoffending after release[4].

Several UN instruments support this, requiring humane treatment and respect for human dignity (Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 1) and prevention of cruel, inhumane or degrading treatment (Convention Against Torture, Article 16 and Universal Declaration of Human Rights, Article 5). The personal attention and oversight possible in small-scale detention houses help fulfil these essential rights.

Differentiation: meeting individual needs

RESCALED believes in providing the right detention environment for each person based on their specific needs and circumstances. This aligns with UN standards:

- The Nelson Mandela Rules state that an individualized treatment is needed (Rule 89.1) and that prisons "do not need to provide the same degree of security for every group" (Rule 89.2). Unlike large prisons that apply the same high-security measures to everyone,

[1] https://www.coe.int/en/web/human-rights-rule-of-law/-/anti-torture-committee-calls-for-setting-a-limit-to-the-number-of-inmates-in-every-prison-and-promoting-non-custodial-measures
[2] Auty & Liebling, 2020; Johnsen et al. 2011; Liebling, 2004; 2011.
[3] Crewe, Liebling & Hulley, 2014.
[4] Auty & Liebling, 2020.

detention houses can offer different security levels based on what each person actually needs.

- The Bangkok Rules, recognizing the specific needs of women in detention, support differentiation through requirements for individualized approaches (Rule 42.2) and gender-specific healthcare (Rule 10, Commentary section). While traditional large prisons were designed for men and typically ignore women's specific needs, detention houses can create environments that address women's unique healthcare, safety, and support requirements, providing truly gender-responsive programs.
- The Beijing Rules emphasize personalized treatment for young people in detention (Rule 26.2) and require individualized approaches in education and vocational training (Rule 26.1, 26.2). Detention houses create age-appropriate environments with specialized educational and vocational programs tailored to young people's developmental needs.
- The Havana Rules call for different types of care based on age, personality, and specific requirements (Rule 28) and emphasize differentiated educational and vocational training opportunities (Rules 38, 42, 45). Rather than the one-size-fits-all approach common in large institutions, detention houses can match each person to the right type of facility and programs based on their individual situation.

This differentiated approach required by UN standards is only possible when detention facilities have the flexibility to adapt to individual needs, something large institutions with standardized operations across hundreds of people cannot achieve, but that detention houses are specifically designed to provide.

Community integration: building bridges with the community

RESCALED believes detention houses should be part of the community, not isolated from it. This means placing them where residents can maintain connections with their families, friends, local services, schools, and potential employers. When this happens, people are much better supported during detention and prepared for their life after release. This approach is consistent with UN frameworks:

- The Nelson Mandela Rules emphasize that the treatment should focus on people's continuing role in the community, not their exclusion from it (Rule 88.1), highlighting that people in detention should be allocated to facilities close to their homes (Rule 59) and that prison work should resemble as closely as possible those of similar work outside[5] (Rule 99). Detention houses can go even beyond this normalisation principle: rather than simply replicating outside environments, they can provide employment opportunities and community connections with local residents through social enterprises and local businesses.
- The Bangkok Rules require women's facilities to be close to their homes (Rule 4) and promote using local services and maintaining family connections (Rules 26, 28).
- The Havana Rules specify that detention facilities should be decentralized and integrated into the community environment (Rule 30), with young people having access to community schools where possible (Rule 38). They also encourage using all available community resources and services to help young people in detention (Rule 81).

The ecosystem perspective: recognizing interconnections

RESCALED's ecosystem perspective recognizes that detention systems function as part of a complex web of interconnected relationships. What happens in detention facilities doesn't exist in a vacuum, but is influenced by multiple layers of interaction.

At the most immediate level, detention houses are shaped by the direct relationships between people in detention, staff, visitors, and local service providers who interact daily with the facility. When staff are supportive or families can visit easily, this creates positive environments that enhance safety and maintain community connections.

Moving outward, detention houses exist within broader community networks, like local schools, healthcare providers, employment services, and social organizations. The quality of these connections significantly affects outcomes; for instance, when residents can attend community schools or work with local residents in social enterprises, they maintain connections and gain practical skills rather than being isolated from society.

[5] If you want to learn more about the Normalisation principle, listen to this episode of our podcast: https://open.spotify.com/episode/0xid9sDEwdqFkkpDsZmcuJ?si=yFLrF-TYRw2Ds8QPZmpEdA

Beyond the local community, detention houses are influenced by wider forces like government policies and legislation. Changes in these aspects have real impacts on how detention houses operate and what support they can provide. Media coverage can also shape public opinion and political decisions; for example, sensationalized reporting about crime can lead to harsher policies that limit reintegration opportunities.

Finally, detention houses operate within broader cultural and historical contexts, influenced by societal attitudes about justice, reintegration, and human dignity. These deeper cultural values shape everything from how facilities are designed to what programs are considered important. For instance, widespread stigma against people with criminal records creates barriers to employment and housing after release.

This multi-level understanding is supported by several UN instruments:

- The UN Special Rapporteur's report on contemporary forms of slavery affecting incarcerated people (A/HRC/57/46)[6] emphasizes the need for collaboration across multiple sectors, urging States to "work collaboratively with businesses and employers, workers' organizations, civil society, educational and vocational institutions, community leaders and other relevant stakeholders."
- The Bangkok Rules emphasize the importance of comprehensive pre- and post-release programs and coordination between justice agencies and community services (Rule 47).
- The Tokyo Rules promote viewing criminal justice as part of broader community systems (Rule 1.2).
- The Nelson Mandela Rules highlight how social agencies and support systems contribute to rehabilitation (Rules 88.2, 90, 107).

These standards recognize that detention cannot be viewed in isolation but must be understood as part of complex, interconnected social systems where changes at one level have ripple effects throughout the entire ecosystem.

From guidelines to action

[6] https://docs.un.org/en/A/HRC/57/46

Following these UN guidelines isn't just about compliance, it's about creating detention systems that work better for everyone involved and working towards societies that are inclusive, safe and sustainable.

The need for change is increasingly recognized internationally. The 2021 UN System Common Position on Incarceration[7] explicitly establishes "reducing the overreliance on incarceration and reducing the prison population" as primary objectives. With global prison populations exceeding 11 million people and having increased by 25% since 2000, the document emphasizes that "incarceration should be used as a last resort" and calls for a shift from punishment toward prevention, rehabilitation, and social reintegration.

The mission of RESCALED is to support systemic change towards the use of detention houses as the preferred form for liberty deprivation. For RESCALED, justice reform means rethinking how justice is understood, applied, and experienced at every level, from individuals and communities to institutions. RESCALED proposes detention houses as a replacement for large-scale prisons while the movement supports broader justice reform efforts at both the European and national levels, involving all relevant sectors and stakeholders, from justice and health to education, housing, and beyond. It's important to recognize that detention houses are not a solution to all problems within the justice system, nor do we advocate for more people to be detained in any form of facility. Detention should remain a measure of last resort. However, when deprivation of liberty is considered necessary, it should take place in environments that respect human dignity and support reintegration. Detention houses represent one component of broader systemic change, a step toward more humane and effective approaches that work alongside efforts to expand non-custodial alternatives and address the root causes of crime.

Recent policy developments demonstrate how these principles are being translated into concrete policy recommendations. The 2024 European Council Conclusions on Small-scale Detention[8], unanimously approved by all 27 EU Ministers for Justice, specifically recognize the value of small-scale, community-integrated detention facilities. They acknowledge that "small-scale detention can improve both the working conditions for staff in detention facilities and the quality of

[7] https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

[8] https://share.google/ZJkq7ukvYsNuQYRav

life of detained persons, and facilitate the creation of a constructive climate for reintegration". Similarly, the UN Resolution 57/9 on "Social reintegration of persons released from detention and persons subjected to non-custodial measures"[9] encourages member states to consider introducing "appropriate alternatives to traditional incarceration, including small-scale detention centres" as part of comprehensive reintegration strategies.

However, despite this encouraging policy direction, the practical implementation of replacements for incarceration requires careful consideration to prevent "net-widening," where programs inadvertently increase the overall number of people under criminal justice supervision rather than reducing incarceration. When developing detention houses, it's essential to truly create replacement options rather than additional forms of surveillance, with regular assessment to ensure programs actually decrease incarceration while supporting (re)integration.

When implemented effectively, this approach benefits everyone. **For people in detention**, it means being treated with dignity and having real opportunities to rebuild their lives. **For families and friends**, it means being able to stay connected and support their loved ones. **For communities**, it means taking shared responsibility for addressing root causes of crime to have safer neighbourhoods. **For staff**, it means working in a more positive environment where they can make a real difference. **For society**, it means creating inclusive systems that address social inequalities and recognize everyone's potential to contribute to it - people with lived experience as well.

These policy developments align well with RESCALED's vision and mission. However, significant work remains to bridge the gap between policy frameworks and practical implementation, which is what RESCALED is working to achieve across Europe. While UN standards establish minimum requirements for dignity and humane treatment in detention, they often lack specific guidance on how to implement these principles in practice. RESCALED goes beyond these baseline standards by providing a comprehensive, actionable framework that demonstrates how small-scale, differentiated, and community-integrated facilities can transform detention from a period of isolation into a meaningful opportunity. Rather than simply meeting minimum thresholds, detention houses create conditions where individuals can maintain family ties, access quality education and vocational training, build community connections, and prepare effectively for release.

[9] https://digitallibrary.un.org/record/4063839/files/A_HRC_RES_57_9-EN.pdf

Conclusion

UN standards provide a strong foundation for RESCALED's vision of justice reform. They not only validate detention houses' core principles but also create strong recommendations for member states to move toward more humane, effective approaches to detention. As more jurisdictions recognize the limitations of traditional prison systems, detention houses represent a concrete solution that aligns with international human rights standards. Large prison institutions, despite their efforts, face structural challenges in implementing these UN guidelines. Their size makes individualized attention difficult, their isolated locations hinder community integration, and their standardized measures cannot be easily differentiated.

The comprehensive support found in UN instruments demonstrates that RESCALED's approach isn't just innovative, it's necessary. These frameworks underscore the need for an ecosystem approach where criminal justice works in partnership with healthcare, education, employment, and social services sectors, sharing responsibility for supporting both people in detention and community integration. By following these internationally recognized standards, we can create detention systems that work better for everyone: the people in detention, their families, and the whole community.