

Guidance on the Environmental Conditions of Detention



What are the 'environmental conditions of detention'?

'Environmental conditions' refer in particular to the sensory environment in places of detention. Four aspects are discussed here: sound, temperature, air and light. 'Detention' means any situation in which people are deprived of their liberty. These environmental conditions of detention cover prisons, remand centres, and secure accommodation for

children. They are also relevant for other sites of detention, such as asylum reception centres, hospitals and care homes when detention is mandated. This brief explains why the environmental conditions of detention warrant further consideration under the broader international rules on detention.

Why are the environmental conditions of detention so important?

Human beings are sensory creatures: we connect to the world around us through hearing, sight, touch, taste, and smell. Our senses make it possible to connect and communicate with others, and play an essential role in keeping us safe by providing information about potential dangers in our environment — for example, the sound or sight of approaching danger; temperatures that are outside of the range in which our bodies function; the air carrying the smell of smoke or other harmful pollutants. We depend on our environment to exist: we are kept alive by the air we breathe, and the natural interplay of lightness and darkness regulates many essential physiological functions.

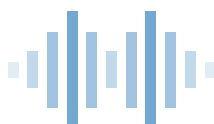
In conditions of detention people are typically deprived of the opportunity to moderate their environment. This lack of autonomy and control over very basic functions that are essential for the safety of mind and body can amount to a serious assault on human dignity, as well as posing dangers to health and wellbeing. Some people are particularly vulnerable

due to age, underlying health issues, neurodivergence or trauma. For example: neurodiverse people and people living with traumatic stress disorders — both disproportionately represented in prison populations — may have heightened sensitivity to their sensory environment and are therefore more at risk of significant negative impacts on cognitive functioning and psychological wellbeing.

Often, places of detention have been constructed without due consideration of the importance of the immediate environment, and its potential for harm. The combined impact of poor environmental conditions may rise to a level that constitutes cruel, inhuman and degrading treatment as defined in international law. In addition, manipulation of environmental and sensory conditions has often been used intentionally as a method of torture. Poor environmental conditions can also exacerbate the impact of other methods of torture and ill-treatment.

Four key elements: sound, temperature, air and light

While the environmental conditions of detention must be considered as interconnected, each impacting the other, this document explores specific issues, concerns and potential impacts of four key elements.



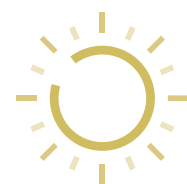
Sound



Temperature



Air



Light



Sound

The sonic environment has a significant impact on wellbeing. Hearing is one of the first senses to develop in utero, and remains one of the most fundamental ways in which people receive information about their environment and how safe it is.

Both sound and music have been extensively used in torture and ill-treatment. Broadly speaking, this can take the form of forced listening or forced performing. Forced listening may entail exposure to loud noise or music for extensive periods in ways that disorient or disturb, especially when combined with other environmental manipulations. Forced performing typically takes the form of forcing people to sing or to play instruments, dance or march to music. These activities may cause physical injury or pain in addition to psychological harm, humiliation and degradation. Conversely, the complete absence of sound can also be harmful, especially where it leaves the detainee with no real sense of the world beyond their immediate environment. This is a particular risk in solitary confinement.

The importance of the sound environment extends beyond intentional ill-treatment: any kind of noise at night may disrupt sleep, for example. The experience of sound can be very subjective: people who are neurodivergent or living with traumatic stress disorders may be hypersensitive to sound; sound can also be a trigger. Children hear a wider range of frequencies than adults and may therefore hear sounds that

older people do not. Silence can also be difficult for some individuals, who require a certain level of background noise to feel safe.

Ideally, detainees should have an element of control over their sound environment: for example, access to quiet places and places where sound can be made without negatively impacting others, or by designating specific, regular quiet periods throughout the day. Background music or noise should not be used to mask other noises. While access to music can be very positive for some detainees, choice and autonomy are central: no-one should be forced to listen to music or to sing, play, or move to music (including e.g. patriotic, religious or ideological songs).

Key Considerations

- **At night-time, is detainee sleeping accommodation affected by noise levels in-cell (e.g., air-conditioner unit, waterworks) or out-of-cell (e.g., other detainees, flight paths) to the extent this could affect sleep?**
- **Are there designated quiet spaces detainees can access spontaneously?**
- **What do detainees comment on when you mention sound, music or noise?**
- **Can detainees choose what to listen to and when?**
- **Are other detainees affected by these choices?**



Temperature

Extremes of temperature have been used intentionally as a means of torture. Beyond this, however, extremes of temperature arising from climactic conditions are an issue not merely of comfort but of the right to life: both hypothermia and heatstroke are medical emergencies. Levels of vulnerability to hypothermia and heatstroke are impacted by age and general health, including mobility, as well as the objective temperature. Detention authorities thus have a duty of care to ensure that temperatures are closely monitored, and that contingency planning is in place to address temperature extremes, also through climate change. Contingency measures may include providing access to adequate clothing, sufficient water or warming food, as well as mechanical methods of heating or cooling buildings. These measures are essential not only in buildings but also in transport vehicles.

Beyond the immediate risks associated with extremes of temperature, temperatures that are too hot or cold for comfort impact directly and indirectly on health and wellbeing. They may lead to sleep disruption and exacerbate underlying health conditions including diabetes and arthritis. Being too hot or too cold can significantly impact the ability to undertake everyday tasks and to think clearly: this can

constitute a further assault on individual autonomy and dignity, including e.g. through effectively restricting access to outside space and exercise. Here, too, there are different vulnerabilities: some people are less able to moderate their own body temperature, including some perimenopausal women, and people with conditions that affect blood circulation.

As important as temperature regulation is, some caution is also required, especially for prison monitors. Detention centres may claim to be keeping detainees 'cool' when in fact they are being exposed to near-freezing temperatures. The noise created by air conditioning or heating systems can also have a significant negative impact on detainees if it is disruptive enough.

Key Considerations

- **Is day-to-day indoor temperature recorded by the institution?**
- **Are items available onsite to adjust temperature if necessary? This could include blankets, extra clothes, fans and accessible water.**
- **Are you aware of changes in temperature when entering the detention setting or different parts of the setting?**
- **Do detainees complain about the temperature?**

Air

The recent COVID-19 pandemic has underlined the importance of air quality for our survival and wellbeing. The importance of the air that we breathe for dignity, health and wellbeing extends far beyond the risk of pathogens, however. Air is a complex topic: it relates not only to breathing, but also to smell, for example. Overcrowding is a significant factor in terms of the risks, as are poor sanitation and ventilation. The physical fabric of places of detention is also a central consideration: measures must be taken to mitigate issues here both in the short and long term.

Poor air quality can be caused by a lack of ventilation, especially in confined spaces. It is also closely linked to issues with hygiene. Lack of access to water for washing and confinement close to or with toilets — particularly in shared cells — raise important issues concerning not just personal comfort but also privacy and dignity. Certain smells may attract insects and pests, creating further health risks. Specific risks to health and wellbeing can arise from practices such as smoking, including in communal spaces.

Smell can be a significant triggering factor for trauma, not only during the period of detention itself: smells experienced in detention may become triggers for trauma after release. Neurodiverse people may be highly sensitive to smell and more at risk from negative impacts. Here, it is important to remember that the risk comes not only from 'bad' smells but potentially also from the smells of particular food, cleaning products, personal hygiene products and perfume, for example.

Key Considerations

- Are you aware of changes in smell when you enter the detention setting, or different parts of the detention setting?
- Do you observe any smoking indoors, near windows or entrances?
- Is there enough space, especially in shared cells, for effective ventilation/movement of air?

Light

Light is essential for orientation to the environment. Most everyday activities are impossible without adequate light. For detainees, having access to natural light helps create a connection to the outside world. Light also helps people orient themselves relative to other objects, and therefore has a direct impact on spatial awareness. Darkness increases a sense of enclosure and can cause fear and loss of a sense of self. Periods of darkness are essential, however, to induce rest and sleep. The presence of light during the day, and darkness at night, is fundamental to how we measure the passing of time.

Light, sunlight in particular, is essential for several physiological processes and for mental wellbeing. Both overexposure and underexposure to light (including sunlight) and darkness can have serious impacts on health and wellbeing. In the short-term this can cause disorientation and disturbed sleep patterns. Longer-term, those unable to absorb enough sunlight through their skin may suffer from Vitamin D deficiency and be more at risk from schizophrenia, cardiovascular disease, and damage to the immune system. Many hormones and neurotransmitters are affected by light, including serotonin, low levels of which can cause depression and anxiety.

Some people may be especially vulnerable to deprivation of light, particularly natural light, including people with pre-existing mental health or neurodivergent conditions. Light deprivation puts children at risk from the impact on growth and development. Risks from underexposure to natural light may also be compounded in certain geographical areas.

Deprivation of light can be an indicator of other issues, including lack of ability to exercise. Deprivation of sunlight may co-occur with poor ventilation through lack of windows. The mere presence of windows does not solve the problem if they are dirty, obscured, or inaccessible.

Key Considerations

- Inside sleeping accommodation, is there enough light (natural in daytime, artificial in evenings) for you to read this text?
- In longer-term detention, e.g., prison, can you clearly see the view outside – not just the sky – through windows (in-cell and in communal areas)? Barriers might be internal (e.g. fixed furniture) or the window itself (e.g. tinted or dirty windows).
- In rooms where detainees sleep, can lights be turned on and off in the room, rather than remotely? Where a level of constant lighting is needed for safeguarding, is it bright enough to disturb sleep? Is it different to daytime lighting levels?
 - Do staff use this light only following an individualised risk assessment?
- Are all detainees able to spend at least one hour a day outdoors, if they want to?
- Is the outdoor space open or covered?
- Can detainees access SPF products to protect against harmful effects from sunlight?

Key legal resources

Prohibiting torture and other forms of cruel, inhuman or degrading treatment or punishment is an obligation on states, including state organs that oversee detention facilities and operations, under a range of international and European agreements, including:

- **UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol**
- **International Covenant on Civil and Political Rights**
- **UN Convention on the Rights of the Child**
- **UN Convention on the Rights of Persons with Disabilities**
- **European Convention for the Protection of Human Rights and Fundamental Freedoms**
- **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

While binding legal documents address many of the human rights that can be impacted by aggravated conditions of detention, prevention is key. The primary guidelines that inform detention conditions are the Nelson Mandela Rules (the UN Standard Minimum Rules for the Treatment of Prisoners), which are supplemented by the UN Rules for the Protection of Juveniles Deprived of their Liberty (Beijing Rules) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). Within the Mandela Rules, Rules 12-17 address the accommodation provided in prisons. Rules 13 and 14 provide minimal guidance on the detention environment.

Further Resources

This brief was compiled by Dr M. J. Grant and Dr Kasey McCall-Smith, University of Edinburgh, in collaboration with the UK National Preventive Mechanism (<https://nationalpreventivemechanism.org.uk>). The guidance is the product of a workshop held on 10 June 2024 under the title *Understanding the Environmental Conditions of Detention* with the support of the following: University of Edinburgh College of Arts, Humanities and Social Sciences Knowledge Exchange and Impact Grant; Edinburgh Law School; and Edinburgh College of Art Research, Knowledge Exchange and Impact Fund.

More details on this project are available on the website:

www.detentionconditions.org

or scan the QR code



Rule 13

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

Rule 14

In all places where prisoners are required to live or work:

(a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

Rule 35, too, addresses issues of sanitation, temperature, lighting and ventilation (Rule 35(1)(c)).

The Beijing Rules address the physical environment and accommodation for children but do not provide any specific guidance on the environmental conditions in these settings. There is only one reference to the prohibition of placing a child in a 'dark cell' (Rule 67). The Bangkok Rules do not address the environmental conditions of detention.



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