



**TRUST FUND  
FOR FAMILY VISITS**



As Registrar of the ICC, it is my responsibility to manage the Detention Centre and to ensure that detained persons are treated humanely and in line with relevant international standards and with full respect for the relevant policies and procedures. One of their rights is to regularly receive family visits and, for those who are indigent, I have the duty to see these visits implemented. The facilitation of family visits has played a critical role in ensuring the psychosocial well-being of the detained persons and thus the good administration of the Detention Centre. In turn, the judicial proceedings have progressed without delays, saving the Court important human and financial resources.

**PETER LEWIS, REGISTRAR**

## WHAT IS THE TRUST FUND FOR FAMILY VISITS?

The Trust Fund for Family Visits (“TFFV”) contributes to protecting the right to and respect of family life for all indigent persons detained at the Detention Centre of the International Criminal Court (“ICC” or “Court”). The TFFV ensures that during their time in detention, which usually spans over several years, detained persons are able to receive a limited number of visits from their families, who could not otherwise afford to travel for that purpose. Visits with family members contribute significantly to the psychosocial well-being of detained persons, which is indispensable for a fair and efficient judicial process.

The Registry oversees the responsible use of voluntary contributions made to the TFFV, by approving requests for family visits made by indigent detained persons only if they meet specific criteria (including that visitors must be



members of the immediate family of the indigent detained persons and lack the independent financial resources to visit).

## HOW AND WHY WAS THE TFFV CREATED?

The right to the respect of family life is enshrined in article 16 of the Universal Declaration of Human Rights, article 8 of the European Convention on Human Rights and articles 17 and 23 of the International Covenant on Civil and Political Rights. Furthermore, the relevant ICC legal framework (namely regulation 100(1) of the Regulations of the Court and regulation 179 of the Regulations of the Registry) entitles all persons detained by the ICC to receive visits and the Registrar to give specific attention to maintaining family ties.

Existing law and standards on the right to family visits for detained persons do not require such visits to be paid for by the detaining authority. However, in a public decision of 10 March 2009

(ICC-RoR-217-02/08-8), the Presidency of the Court ruled that the Court has an obligation to provide and fund family visits for indigent detained persons due to the fact that: (i) persons detained in The Hague tend to be far from their families and often lack the resources to fund visits, (ii) the proceedings and detention, during which detained persons are presumed innocent, can extend over several years, and (iii) family visits are beneficial to the well-being of detained persons. The Presidency further added that the Registrar should ensure that the budget of the Court makes provision for the funding of family visits to indigent detained persons.

Following the above Presidency decision, a 2009 resolution of the Assembly of States Parties (ICC-ASP/8/Res.4) (“ASP”) invited the Court to continue addressing the well-being of its detained persons, with particular focus on the maintenance of family contacts.

In 2010, the ASP established the TFFV by resolution ICC-ASP/9/Res.4 tasking the Court with its promotion and the collection of voluntary donations.

## WHY IS THE TFFV IMPORTANT?

### 1. Respect for international human rights standards and the well-being of detained persons

The TFFV contributes to strengthening the Court's legitimacy by ensuring that conditions of detention are consistent with international human rights standards.

In addition to the right to the respect of family life, international human rights law also recognizes the right of a detained person to receive family visits. For example, the Standard Minimum Rules for the Treatment of Prisoners, adopted by the United Nations in 1977, provide that "[p]risoners shall be allowed under necessary supervision to communicate with their family and

reputable friends at regular intervals, both by correspondence and by receiving visits", emphasizing that "[s]pecial attention shall be paid to the maintenance and improvement of [...] relations between a prisoner and his family [...]." Also, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the United Nations General Assembly in 1988, provides that "[a] detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family [...]"

Not only is the right to receive family visits a human right, but it also fundamentally affects the well-being of the detained person. Maintaining family ties is a central component of the identity of every individual. A lack of family visits may cause some emotional hardship for the detained person and affect his or her psychological and/or physical well-being. Detrimental effects may include a sense of isolation due to

the distance with family, depression or, worse still, self-harm.

Family visits also facilitate the future reintegration of a detained person into society following acquittal or release after serving a sentence. The rights of the detained person intersect with the interests of other affected individuals such as those of any minor children they might have who need contact with their detained parent.

In short, the TFFV is invaluable to the psychological and physical well-being of indigent detained persons, because it guarantees a key human right, namely the right during detention to receive visits from their families who could not otherwise afford to visit them.

## 2. Contribution to the efficient conduct of proceedings

From the experience of the ICC and other international courts and tribunals,

it is evident that direct contact with immediate family members in the form of visits has played a critical role in promoting the psychological well-being of the detained persons throughout what is often a lengthy judicial process. This, in turn, has a positive impact on the efficient conduct of the judicial proceedings. Conversely, were a detained person to be unfit to attend his or her trial, this would lead to delays in the proceedings, which would take up the Court's valuable time as well as its human and financial resources. Every day of cancelled hearings incurs significant costs for the ICC. For example, a one-month delay in a trial would represent a considerable financial loss because the Court would have to continue paying legal aid, keep the courtrooms running and pay any additional staff recruited for the trial.

In short, the facilitation of family visits through the TFFV ensures not only the good health and

well-being of the detained person but also allows the proceedings to run smoothly and efficiently.

### 3. Proper administration of the Detention Centre and implementation of its policies, practices and regulations

The TFFV has contributed to the good management of the Detention Centre. As said, over time, the physical distance of detained persons from their families can create feelings of frustration which place an additional demand on the Detention Centre. By providing an opportunity to maintain contact, family visits noticeably alleviate these feelings of stress and frustration, allowing the Detention Centre to save valuable time and financial and human resources. In over fifteen years of experience, the Detention Centre has seen that contact with families not only eases the frustration felt by detained persons, but

also contributes to reducing complaints and litigation, which has an impact on the human and financial resources of the Detention Section, the wider Registry and the Presidency.

In recent years, the underfunding of the TFFV has caused an increase in the number of complaints, leading the Registry to divert resources from other areas in order to deal with these complaints effectively.

### HOW IS THE TFFV FUNDED?

The TFFV is subsidized entirely through voluntary contributions by States, non-governmental organizations and individuals. Since its inception, it has received over €345,000 from six States and one organization. Since 2011, this funding has enabled nine indigent detained persons to receive, collectively, 40 family visits involving 121 family



members, including 79 children (statistics updated in October 2022).

## HOW MUCH DO FAMILY VISITS COST?

The amount of funding required varies each year, depending on how many indigent persons are in the custody of the Court and the particular circumstances and needs of their respective families. The funding of the above-mentioned 40 family visits since 2011 amounted to approximately €300,000, with an average of €2,500 per family member.

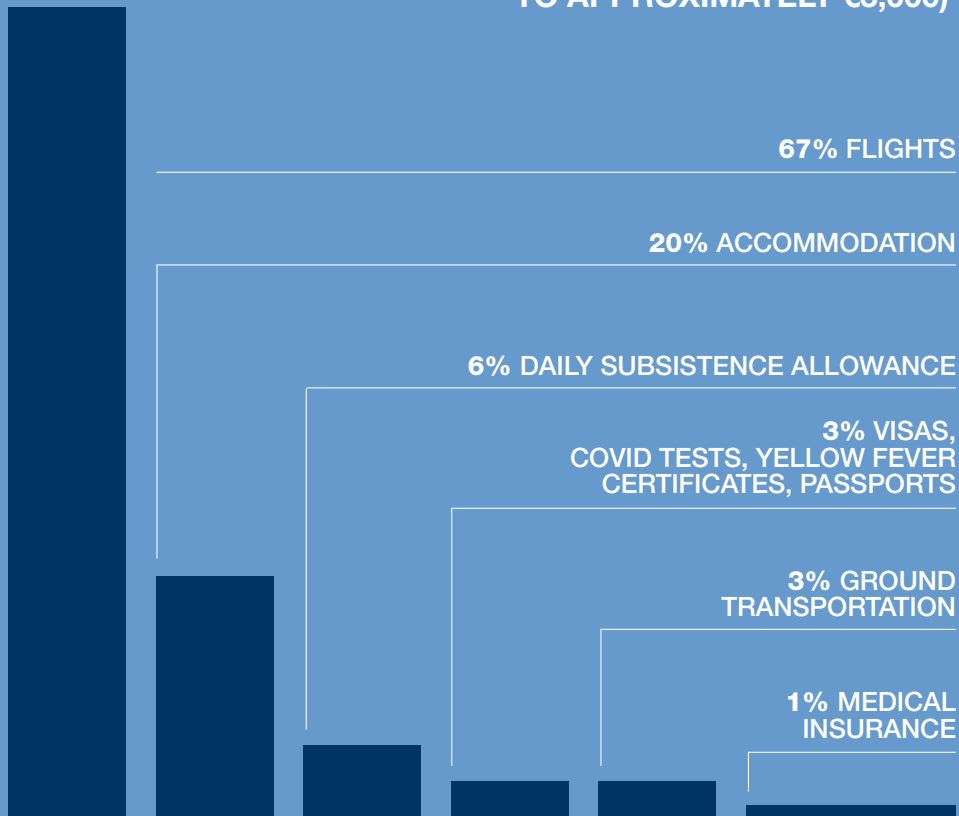
While these costs may seem high, it is important to bear in mind that the Court must factor in, for example, the often significant distance between the Detention Centre and the place of residence of the families, family size and

specific cultural, linguistic and personal factors that may necessitate special assistance during travel.

Given the current global context, the Registry predicts that costs for visits could rise by approximately 20% and could amount to approximately €3,000 per family member. With the current pending requests for family visits and, should those visits all go ahead, the Registry foresees that currently available funds would be depleted by the end of 2022. This would put the Court in a difficult situation in relation to future requests for family visits, should the TFFV not be replenished.

The breakdown of the costs per travelling family member is described in the following chart; as previously noted, costs will vary depending on factors, such as country of travel.

**BREAKDOWN OF COSTS, PER PERSON,  
PER TRIP IN % AND IN EUROS  
(IF THE TOTAL COSTS PER PERSON AMOUNT  
TO APPROXIMATELY €3,000)**



# HOW CAN STATES AND OTHER ENTITIES SUPPORT THE TRUST FUND FOR FAMILY VISITS?

## DONATE

While multi-year donations are particularly helpful for ensuring the sustainability of the Fund, and allow for better planning and preparation, the Court is also grateful for smaller, individual contributions that collectively help it to meet its obligations towards indigent detained persons. States and other entities that are interested in making a donation or have questions regarding this Fund are invited to contact the Registry's External Relations and State Cooperation Unit.

## RAISE AWARENESS

Sharing information about the TFFV helps to widen its funding base. In particular, States Parties and other entities can help to increase

awareness about this Fund at the national-level by sharing this brochure and requesting from the Registry any additional information that policymakers may need. ■

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