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Penal Reform International
Office in Central Asia

Guidance document for the Unit on key causes of corruption in law enforcement settings and measures to take to prevent corruption in law enforcement settings

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Contents

Introduction.....	3
International Best Practice and Standard.....	4
National Strategic Framework.....	5
What is Corruption.....	7
Examples of Corrupt acts in Prisons.....	9
Key causes of Corruption.....	10
Corruption Prevention.....	12
Civil Service and Anti-Corruption Agency.....	13
Prison Anti-Corruption Unit.....	14
Selection and Recruitment of the Corruption Prevention Officer.....	17
Leadership.....	19
Code of Conduct and Standard of Behaviour.....	20
Internal monitoring systems.....	24
Risk Assessments- identifying areas of Corruption Susceptibility.....	25
IT System.....	26
Staff training.....	28
Performance Management.....	30
Establish Transparency Mechanism -External Scrutiny.....	31
• Prison Ombudsman.....	31
• Prison Inspectors.....	31
• Human Rights Agencies.....	31
• Civilian Prison Visitors.....	31
• Uncensored mail.....	32
Public Monitoring Commissions.....	33
Reporting Corruption.....	33
Information needed to report Corruption.....	33
Annex 1 United Nations Standard Minimum Rules for the Treatment of Prisoners ..	35

Introduction

This guidance document explores the issues of corruption in the Kazakhstan prison system including identifying measures to prevent it. Like other prisons around the world, corruption is an issue that prison administrators grapple with.

Findings derived from seminars, workshops and consultation meetings with stakeholders involved in the prison system including the Public Monitoring Commission informed the content of the guidance document.

The Public Monitoring Commission in Kazakhstan undertake prison visits to report on the condition and treatment of prisoners as part of their National Preventative Mechanism (NPM) responsibility¹.

PRI commissioned national experts, Law Professor Maratt Kogamov² and Yeskali Salamatov³ to undertake research into corruption issues in the Kazakhstan prison system. It is therefore appropriate that the contents of this guidance document took into account the findings and recommendations of their reports where it was necessary to do so.

There is no best universal approach to any prison system, each jurisdiction is different with its own tradition and culture which impacts on the way its prison system is administered. However, it is important to take account of international best practice guidance and standards and how best it can be adapted to suit each jurisdiction.

Prisons including those in Kazakhstan are complex environments in which to work in with a myriad of working relationships and subcultures existing between prison officers and prisoners.

Kazakhstan possesses its own peculiarities between prison officers and the National Guard who are armed, between National Guard and prisoners, prison management and the rest of the staff (prison officers and National Guard). These relationships operate within a restrictive environment separated by physical barriers with limited access to information and public scrutiny.

A prison is not like any other type of work environment, it is a community within a community. A place, that those who live there attempt to set their own set of values and standards if unchallenged, a place that makes it difficult to uphold humanitarian values in the treatment of those that live there and a place that attempts to make a distinction between humanitarian values in the prison community and humanitarian values outside of it.

¹ The NPM fulfils Kazakhstan's obligations arising from its status as a party to the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to ensure the independent, preventive monitoring of all places of detention and carry out other effective preventive measures.

² Program of Action of the Committee on the Penal Correction System of the Ministry of Interior of the Republic of Kazakhstan for the Implementation of a set of measures for anti-corruption within the penal correction system of the Agencies of the Ministry of Interior of the Republic of Kazakhstan

³ CORRUPTION WITHIN THE PENITENTIARY SYSTEM - Kazakhstan practice and international documents-PRI

Within this restrictive physical environment, Prison Officers and other staff undertake their duties which include but not limited to placing prisoners in isolation, granting prisoners access to mail, access to family visits including legal representatives, access to food, parole and to relocation of prisoners nearer their home.

In discharging these duties Prison Officers and staff wield tremendous powers that impact positively or negatively on the life of the prisoner in custody. If unchecked or unmonitored these powers could be abused by prison staff.

With this level of power vested in the Prison Officer and other staff, it becomes more important that effective checks and balances exist as failure to ensure this would lead to potential corruption and security challenges for the prison.

International best practice and standard

Whilst targeted corruption prevention measures are important in prison settings, an equally important but fundamental action is adopting a systemic approach to the problem by professionalising the whole prison system in which Prison Officers and staff operate. This is the first basic step towards reducing the risk of corruption.

The United Nations Standard Minimum Rules for the Treatment of Prisoners, sets out guidelines and standards covering important aspects of prison life that affect both prisoners and staff.

The Code of Conduct for Law Enforcement Officials (UN, 1979) adopted by UN General Assembly states categorically that;

“Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession”.

And Article 7 of the Code pays attention to corruption;

“Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts”

The Code of Conduct for Law Enforcement officials further addresses

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.

(b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

(c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

There are other international instruments that set out the standard for prison systems, which would lay the foundation for the effective treatment of prisoners, thereby creating a more difficult environment for corrupt acts to thrive.

- The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN, 1988)
- The Basic Principles for the Treatment of Prisoners (United Nations, Office of the Human Rights Commissioner 1990)
- The Standard Minimum Rules for the Administration of Juvenile Justice (UN, 1985 the Beijing Rules).
- United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (UN, December 2010 the Bangkok Rules)
- The European Prison Rules of the Council of Europe (1987, revised January 2006).

National Strategic Framework

The government of Kazakhstan ratified the UN Convention against Corruption and adopted a number of measures in this area, for example,

- the law "On Combating Corruption" November 2015,
- the law "On the Civil Service of the Republic of Kazakhstan" dated November 2015
- and the Ethical Code of Civil Servants of the Republic of Kazakhstan (the Rule of office ethics of Civil Servants) dated December 29, 2015, were all adopted in the country⁴.

In 2015 ambitious programmes for reform of the Criminal Justice Sector in line with the governments' strategic planning and programs were announced. Several key strategic documents were produced setting out the governments' long-term approach. These strategic documents include;

1. the Concept of Legal Policy Development 2010-2020, which establishes priority areas for the development of criminal law and procedure with the following objectives
 - Improvement of protection of human rights and freedoms as the fundamental principles of criminal justice
 - Provision of effective redress in cases of unlawful restriction of the rights and freedoms of citizens
 - wider application of criminal law measure, isolation from society based on effective risk assessment and monitoring procedures in individual cases

⁴ CORRUPTION WITHIN THE PENITENTIARY SYSTEM - Kazakhstan practice and international documents, PRI

2. The Programme on Modernisation of Law Enforcement 2014 – 2020 which provides objectives and impact indicators to measure success of the proposed interventions in the criminal justice sector.
 - The Programme seeks to address the need to reform performance management indicators, improve information systems and e-justice and conduct regular surveys to measure public trust, including the engagement of civil society organizations.

In the current government administration, the Rule of law is one of the Five Institutional Reforms priorities that the government has identified. To achieve this, the concrete plan of “100 steps to implement Institutional Reforms” was published by the government.

The 100 steps plan include elements that would enhance and create an enabling environment for corruption prevention, for example;

Step 33: Establishing an effective system of rehabilitation for citizens released from prisons and registered by the probation service. Development of a comprehensive strategy for social rehabilitation and a standard for special social services.

As mentioned elsewhere in the guidance, the professionalising of the prison system is of fundamental importance to a modern penal system and as such the rehabilitation and resettlement of prisoners is a key part of a professional service.

In accordance with Part 4, Article 13 of the Law on Internal Affairs Bodies (IAB),

“to build public trust in activities of internal affairs bodies, cooperation with civil society institutions is carried out and a public control system is applied. To carry out public control in accordance in keeping with the Republic of Kazakhstan laws, there are established Public Monitoring Commissions and the Public Council”.

This is captured in Steps 31 and 99 in the “100 specific steps” with respect to creating and strengthening the role of public councils and legislative regulation of their status and powers by a separate law⁵.

The government of Kazakhstan has created an enabling legislative and strategic environment for corruption prevention measures to be instituted in the prison system, which is being taken forward by the Ministry of Internal Affairs. As demonstrated by the Program of Action of the Committee on Penal Correction System (KUIS) for implementing a set of measures for anti-corruption in the penal system⁶.

⁵ PRI project - Making central and regional authorities more accountable and good governance in the law enforcement system for combating corruption in Kazakhstan.

⁶ Approved by the Order of the Minister of Internal Affairs of the Republic of Kazakhstan (by the Chairperson of the Committee on the Penal Correction System of the Ministry of Interior of the Republic of Kazakhstan). Professor M. Kogamov on the request of Penal Reform International in the Central Asia).

The Program of Action of the Committee on Penal Correction System (KUIS) identifies an improvement in the efficient application of systems, policies and procedures as an important step towards counteracting the effects of corruption in the prison system.

To achieve its objectives, the Program of Action set out measures to be taken by the prison system.

The suggested measures from the Program of Action of KUIS has been captured in the body of this guidance document and turned into practical activities for the prison system to implement.

Four measures in the Program of Action of KUIS include the following;

1. *“Improvement of the efficiency of organizational bases of the activities of the Committee on the Penal Correction System of the Ministry of Internal Affairs and its territorial subdivisions in counteraction to the corruption, as well as in the mitigation of corruption risks within the penal correction system.*
2. *Formation of anti-corruption outlook and culture of the personnel of the penal correction system.*
3. *Broad introduction of the institution of social overlook*
4. *Assuring the continuity, integrity and completeness of the system of measures for prevention of corruption in the penal correction system”⁷.*

An application of these measures and guidelines is the first of many other important steps towards professionalising the Kazakhstan prison service and laying the foundation for more targeted intervention measures to prevent and tackle corruption.

What is Corruption

There is no universally accepted definition of corruption. Transparency International defines corruption as “the abuse of entrusted power for personal gain”

In the legislation of Kazakhstan, corruption is understood as

“illegal use of powers of office and related opportunities by persons holding public office, persons authorized to carry out state functions, persons equated to persons authorized to carry out state functions, and officials to receive and use personally or through intermediaries’ material (non-material) benefits and advantages either for own self or third parties, as well as bribery through benefits and advantages”⁸

In a prison environment

Corruption occurs when prison staff abuse their position for their personal gain or another person’s benefit. When they misuse their role to plan or commit a criminal act. The benefit that can be gained include financial, emotional, sexual or other personal gains. Corrupt actions, for example, include taking or asking

⁷ Program of Action for the implementation of anti-corruption measures in prisons - Professor M. Kogamov

⁸ Law of the Republic of Kazakhstan “On Combating Corruption” dated November 18, 2015 – Yeskali Salamatov

for bribes, inappropriate relationships with prisoners and stealing of prisoner's money or property.

Inside prisons there are areas and functions that have a high risk of potential corruption, for example,

- Prison entrance – gate lodge
- Prisoner Reception/Admission centre
- Segregation
- Classification and Allocation of prisoners
- Prison to Prison transfer
- Prisoner transfer to external facilities, for example, outside hospitals.
- Prison visits
- Prisoner communication.
- Management of and access to prison resettlement facilities
- Parole consideration
- Prisoner Incentives and Privileges scheme.

The listed areas are not exhaustive and is only indicative as each prison should undertake its own individualised corruption risk assessment to identify areas of vulnerability. Reception and admission processes and procedures vary from prison to prison, which will determine the level of risk in that prison.

However, a common practice is when a prisoner arrives in custody for the first time, as part of the reception procedure a thorough search of the prisoners' body and belongings is undertaken. This is done to ensure no prohibited items such as weapons, drugs or mobile phones enter the prison and to also ensure that the prisoners' valuable items, like money or jewelry are recorded and stored. In this example, the reception and admission area are particularly vulnerable due to the function it fulfils.

It is important to distinguish corruption from other staff actions such as misconduct which can be dealt with through other management action by applying the right policy.

Prison staff should not have private interests that interfere with the discharge of their duties. This includes financial and business interests, secondary employment, and also any personal relationships, for example, with colleagues or people outside of their prison, which could compromise them.

Staff should report any potential conflicts of interest to their managers. All staff have individual and a collective responsibility to maintain the standards set by the Ethical code of public servants, Republic of Kazakhstan (Rules of office ethics of public servants).

The Ethical Code of public servants identifies the high standards of professional and personal conduct that prison staff are expected to meet. Not engaging in any form of corrupt behaviour is a key element of these standards.

Identifying signs of potential corruption within a prison environment, understanding its causes, and implementing measures to reduce it are essential to eliminating corruption in prisons

To eliminate corruption, those in charge of prisons play a key role and set the direction of the relationship that should exist between staff and prisoners. The leadership of prisons must show the will, professionalism, determination and integrity in all their actions which sets the tone and makes corruption at lower levels unacceptable.

Poor management, a lack of written operational policies and lack of staff Code of Conduct which sets out appropriate behaviours and rules for the treatment of prisoners create the conditions for corruption to be present and potentially thrive.

Failure to investigate serious allegations

If serious allegations are made against prison staff which warrant formal investigation but no action is taken, the failure to investigate the allegation sends the wrong signal to staff and prisoners and contributes to an enabling environment for corruption to thrive.

Also in a prison where a prisoner complaint system exists but is ineffective, prisoners will not use the system as they will not have confidence in a flawed prisoner complaints process. That means there will be no prisoner complaints as no effective system has been provided for prisoners to notify prison authorities of staff corruption or other wrong doing.

The lack of action from prison managers to put into practice an effective prisoner complaints system will send the wrong signal to staff and prisoners and create an enabling environment for corruption.

Perception and Culture

What would appear as minor infringement by prison staff could have a cumulative effect in a prison environment if not tackled at the early stages. Repeated inaction by prison authorities to allegations of wrongdoing against staff by prisoners would create a culture in the prison for corruption to thrive.

On the other hand, if a member of staff makes an allegation against a prisoner and it is rightly or wrongly investigated and leads to sanction against the prisoner. The perception amongst staff and prisoners could be that allegations against prisoners are more likely to result in action being taken when compared with allegation against staff.

Repeated action of this nature in a prison environment will undermine any reporting corruption mechanism or any anti-corruption measures which may be put in place at the prison including loss of confidence by the prisoner in the complaints procedure.

Examples of corrupt acts in prisons

A non-exhaustive list of examples of criminal activities and inappropriate actions that fall within the corruption definition are:

- Possession in a prison without authorisation of cameras, a mobile phone or SIM card

Taking into or out of a prison without authorisation:

- A firearm or ammunition
- Drugs
- Alcohol
- IT equipment
- Tobacco
- Staff assisting a prisoner to escape
- Bribery or soliciting bribery
- Blackmail
- Unauthorised disclosure of information
- Theft
- Fraud
- Categorising or Allocating a prisoner to a prison or cell for personal gain
- Inappropriate relationships either sexual/personal/financial with prisoners
- Inappropriate relationships sexual/personal/financial with non-prisoners in conflict of Ethical Code of public servants of Kazakhstan.

Staff corruption in prisons can appear in several ways which can include the involvement in serious crime. The definition of corruption includes conduct that might result in prosecution for a variety of offences under relevant legislation in Kazakhstan.

Key causes of Corruption

1. Inappropriate relationships

There is an increased risk of corruption where inappropriate relationships are formed between staff and prisoners and/or their family or friends. In some instances, such relationships themselves may constitute or involve criminal conduct.

2. Lack of Policy and Procedures or failure of implementation

The nature of prisons creates the condition in which corruption risks are high. The risk of corruption could be systemic if there is a lack of reporting corruption policy, lack of staff accountability and an absence of policies and procedures required for the effective administration of the prison or even where they exist there is a lack of implementation of those policies or procedures.

3. Low staff pay

In some jurisdictions with low staff pay, lack of resources and overcrowded facilities there is a higher risk of corruption. Staff that are poorly paid are easily influenced, induced and bribed by prisoners who are aware of the financial difficulty of the prison officers.

The lack of resources leads to conditions where effective policies are not developed and implemented to tackle corrupt practices at the prison and there is a failure of management oversight due to poor management culture.

4. Lack of internal and external oversight function

Lack of effective internal monitoring, lack of independent prison visitors or inspectorate systems in a prison means there are no monitoring mechanisms and public scrutiny. This creates a system that is vulnerable to corrupt practices. If prisoners do not have a way to safely report abuse, or if prison officers are not protected by robust internal corruption reporting system, then prisoners are likely to remain victims of corrupt activities.

5. Lack of staff investigation and Prisoner Complaints procedure

A prison lacking an effective investigation policy and procedure which has the confidence of staff will have challenges addressing corruption. Good staff will not want to use such a system to report wrong doing. The same applies to prisons that lack an effective Prisoner Complaints policy and procedure that has the confidence of prisoners, a complaints system that provides prisoners with confidentiality to ensure that any complaints made against staff of a serious nature does not lead to severe repercussion.

For example, in accordance with Article 14 of the Prison Executive Code of Kazakhstan *“In institutions and bodies that execute punishments, special mailboxes are provided to convicted individuals to submit claims of unlawful actions by their officials. Once a week, these claims are collected by the prosecutor together with representatives of the prisons management or another body executing the punishment. Special mailboxes are installed in prison premises that is accessible for prisoners”*.

However, practice shows that in prisons in Kazakhstan, the complaints boxes in many prisons do not have the confidence of prisoners because prisoners that use these mailboxes are not safe from persecution or revenge from prison staff.

This is despite the fact that a law exists that prohibits the filing of a complaint against a prisoner that submits a claim (Paragraph 9 of Article 14 of the PEC). Prisoners do not have the opportunity to refer to the Anti-Corruption agency or

other Law Enforcement agencies unhindered and directly about being forced to take illegal actions, such as giving bribes⁹.

6. Poor Recruitment practice

The recruitment process provides a prison the opportunity to vet new staff for possible corrupt behaviour. The recruitment process also offers the prison an opportunity to avoid nepotism or favouritism and ensure staff are brought into the organisation based on merit. The integrity of the recruitment process should also apply to staff promotion. If the recruitment and promotion process are not effective it leads to systemic failure, where the prison system would not be capable of developing and instituting corruption prevention measures.

7. Failure of Security measures

A lack of effective security measures, for example, lack of effective searching policy leading to prisoners being given responsibility to search other prisoners or undertake other key important role in the administration of the prison would enable an environment for corruption. There should be an agreed searching strategy for the whole prison which includes the searching of staff including senior prison officials and visitors to a prison.

Corruption Prevention

In prisons in Kazakhstan, it is important to integrate anti-corruption measures into the various policy and operational systems so that factors that contribute to corrupt behavior can be checked and those that discourage corrupt acts are reinforced at the early stages of any operational procedure.

- De-centralising power
- limiting discretion
- establishing both internal and external monitoring mechanisms
- creating a culture of accountability
- and having effective systems and processes that are clear and understood by staff are some of the important approaches for preventing corruption.

A searching strategy, which sets out clearly the level of searching required for prisoners, staff (including managers) and visitors and a system for recording when a search takes place, recording and documenting of illicit items found helps create the right operational environment for staff accountability.

Administering a security and intelligence reporting systems, which increases the probability of apprehending corrupt staff are effective measures that help reduce incidents of corruption.

Effectively managing the risks posed by corrupt staff is vital for maintaining good order and control of prisons, ensuring a safe environment for prisoners, staff and visitors.

⁹ CORRUPTION WITHIN THE PENITENTIARY SYSTEM - Kazakhstan practice and international documents, PRI

The more robust and effective measures that are put in place the more successful the prison will be at identifying those staff and taking appropriate action.

Agency for the Republic of Kazakhstan for Civil Service and Anti-Corruption

To introduce anti-corruption measures, prisons in Kazakhstan could work with the Agency for Civil Service and Anti- Corruption which has amongst its key priorities;

- Transparent and accountable staff
- Formation of a modern state apparatus
- Ensuring the Rule of law

The Agency for Civil Service and Anti-Corruption has shifted its focus from punitive measures to preventative measures in the fight against corruption with the objective of minimising corruption¹⁰. To this end they have identified some measures to achieve this;

- Anti-corruption monitoring
- Corruption risk assessment
- Anti-corruption restrictions and standards
- Uniting state and civil society efforts.

Working with the Agency for Civil Service and Anti-Corruption to introduce some of the systemic measures identified in the body of the report would further enhance and compliment the efforts by prison administrators.

Prison authorities (KUIS) as part of their corruption prevention initiatives may want to establish a Prison Anti-Corruption Unit (PACU) in partnership with the Agency for Civil Service and Anti- Corruption and other law enforcement agencies responsible for investigating crime.

Prisons must be committed to detecting, disrupting and deterring all forms of staff corruption and to deal robustly with those discovered to be engaging in such activities. The prison system should aim to ensure that across the prison environment:

- A clearer understanding of what corruption is and how to report it
- Public confidence as a result of staff corruption being tackled robustly
- An improvement in gathering and developing intelligence about staff corruption
- An improved ability to identify the extent of corruption
- Common standards across the prison estate
- More effective working with the police and other anti- corruption agency
- A culture in which corruption is not tolerated
- Clarity as to the exact role and responsibility of the Corruption Prevention Officer (CPO) if one is appointed

To introduce corruption prevention measures in a prison, one starting point is to establish what activities and functions are vulnerable to corruption and check if there are any existing control mechanisms that can detect and deter corruption, if the existing control mechanism is not effective, seek to determine the reason why it is not effective and evaluate the effectiveness of penalty and reward systems.

¹⁰ A modern model of the State free from corruption: Initiatives and achievements – Agency of the Republic of Kazakhstan for the Civil Service and Anti -Corruption, Alik Shpekbayev, Deputy Chair.

Prison Anti-Corruption Unit (PACU)

A new anti-corruption unit could be established located in the offices of the Agency for Civil Service and Anti-Corruption in Astana specifically tasked with anti-corruption measures in prisons.

Suggested composition of the PACU

1. official of the Agency for Civil Service and Anti-corruption with the powers to authorise investigations
2. A member of the Public Monitoring Commission
3. A representative of the Bar Association
4. A security and intelligence staff from KUIS or other Law Enforcement agency

Role of the PACU

The Prison Anti-Corruption Unit will have the responsibility of undertaking investigations into allegations of wrong doing brought to its attention by the Corruption Prevention Officer (CPO) through its regional office.

PACU will develop policy on the handling of staff related intelligence and how such information will be processed by working with other security and Law Enforcement agencies who are responsible for investigating crime.

PACU will publicise any findings for the benefit of the public to improve public confidence in the organisation and discourage staff from wrong doing.

PACU will oversee the appointment of CPOs in prisons in Kazakhstan who will be the key local point of contact for the purposes of collating prison intelligence reports from both staff and prisoners which is then fed through to PACU in Astana for further action or investigation.

Both PACU and KUIS should aim to ensure that across the prison estate:

- Staff understand what corruption is and how to report it
- A clear policy and procedure for staff responsible for collating intelligence about staff corruption
- An effective training for the local Corruption Prevention Officer (CPO) and other staff that work in the Prison Anti-Corruption Unit (PACU), covering information security and assurance, intelligence gathering and management of Covert Human Intelligence Sources.
- All prisons have a uniformed approach and structure to intelligence gathering and corruption prevention management.
- Develop effective working relationship with the Police and other Law Enforcement agencies
- There is a job description which sets out the role and responsibility of the Corruption Prevention Officer.
- That the Corruption Prevention Officers report directly and are managed by staff outside the chain of command of prison authorities.

The PMCs should be invited to be part of the PACU as observers to provide some degree of transparency and confidence in the system.

The Role of the Corruption Prevention Officer (CPO)

The locally based CPOs must have full access to every area of the prison and unrestricted access to prisoner records and prisoners to effectively undertake initial enquiries to support their work.

The CPO must;

- attend a corruption prevention training
- comply with the guidance and principles relating to the management of staff suspected of corruption.

Corruption Prevention Officers at the end of their training should be able to:

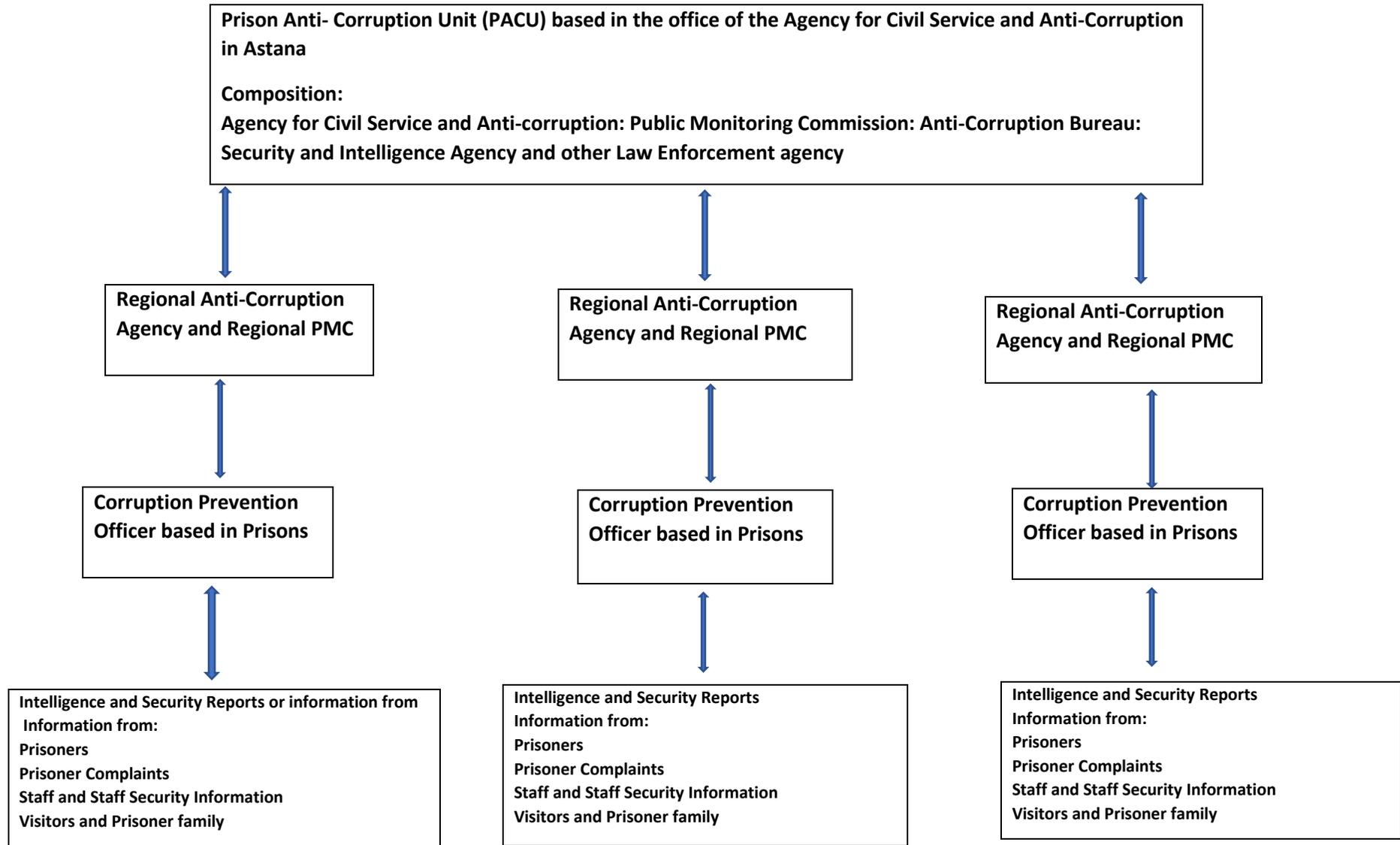
- Implement a corruption prevention procedure to address corruption issues of the Prison
- Identify actions and behaviours displayed by staff who are, or may become corrupt;
- Identify a range of actions to detect, disrupt and deter wrongdoing.

The CPO sources and gathers the initial information and intelligence from

- staff
- Prisoner complaints
- Prisoners
- Prisoner families and visitors
- Security Reports
- Intelligence Reports and any other sources.

Once the intelligence is gathered, working with the regional Anti-Corruption Unit, an **Initial Enquiry** can be undertaken by the CPO to gather relevant information for the PACU investigators. The decision to authorise a full investigation would rest with the centrally based Prison Anti-Corruption Unit located in Astana.

Suggested Prison Anti-Corruption Unit (PACU)



Selection and Recruitment of the Corruption Prevention Officer (CPO)

An example selection and recruitment process is illustrated here but it is up to the Kazakhstan prison authorities to consider what suits it best. The suggested approach is intended to ensure that the process is fair and help guard against unfair bias.

The guideline set out can also be used for the selection of Board members who are responsible for the recruitment of a new CPO.

Recall that to prevent corruption it is important that all staff are clear about their roles and responsibility, including what is expected from them, equally as important is ensuring that where processes have not been followed, rules broken or there is reported wrong doing, there is a robust system in place to determine the facts of what went wrong, which is why standards and set of rules should be in place against which actions can be judged.

The recruitment policy and procedure should be made available to all staff and publicised widely. There should be absolute transparency.

Members of the Recruitment Selection Board for the Corruption Prevention Officer role should

- have the competencies to be part of the board,
- be trained in their role as Selection Board members
- give an undertaking to act professionally with an in-depth understanding of the recruitment policies and processes.

Responsibilities and requirements for Selection Board Members

The Board will be charged with the responsibility of recruiting the **Corruption Prevention Officer (CPO)** to be located in prisons working for a new prison Anti-Corruption Unit (PACU). The new Anti-Corruption Unit will be based in the office of the Agency for Civil Service and Anti-Corruption in Astana.

The new Prison Anti-Corruption Unit PACU) will be supported by the prison based **Corruption Prevention Officer (CPO)**.

Requirement for the Selection Board are;

1. The Board comprises at least three senior managers, including the chairperson. The Board members could be made up of staff from each of the following groups
 - The security and intelligence department of KUIS
 - Anti-Corruption Agency staff
 - Member of the Public Monitoring Commission (PMC)
2. All members of the Board must be competent to undertake their duties and the chair of the Selection Board must be satisfied that this is the case
3. There should be no unlawful discrimination, either direct or indirect, during selection
4. The Board should be aware that there is a mandatory sequence in which vacancies are approved and published.

The values and the standards of behaviour expected of the Selection Board should be:

- Integrity – putting the obligations of KUIS above personal interests
- Honesty – being truthful and open
- Objectivity – basing advice and decisions on rigorous analysis of the evidence
- Impartiality – acting solely according to the merits of the candidates and selecting candidates of different ethnic groups equally well

Selection Methodology

Pre selection

The prison authorities at KUIS working with the Agency for Civil Service and Anti-Corruption officials could pre-select the CPO candidate to be interviewed by the Selection Board as they have prior knowledge of the candidates' record of employment. Their decision will be guided by:

- Staff conduct and discipline
- Operational competence
- Integrity backed by intelligence and other information
- There could be staff that have the right skills to work in the unit but are unfit, for example, previous questions of probity which had gone unchallenged.

If the Prison and Agency for Civil Service and Anti-Corruption authorities have an effective vetting system for newly recruited staff then the decision might be to advertise the position for the CPOs widely for members of the public to apply. The best approach should be a local decision.

Interviewing

Staff pre-selected by the authorities will be interviewed by the Selection Board using objectively justifiable scoring system to establish the order of merit, indicating whether candidates are considered suitable or not suitable.

- The chair of the Selection Board will produce a brief agreed assessment for each candidate that can be used to give feedback to candidates.
- The selection methods must be relevant to the vacancy and treat candidates in a consistent manner. They must be objective, fair and unbiased. Selection Board members must avoid prejudice or discrimination.
- All Selection board members should declare if they have a personal relationship with an applicant that could be perceived as compromising the integrity of the selection process.
- Selection board members should assess relative competence of candidates as evidenced by the interview.
- Selection board members should use an Interview Assessment Sheet to collate their individual assessments of applicants' competence at the interview stage.

- Candidates must be appointed in merit order unless there are sufficient vacancies to appoint all immediately.

How do you assess a candidate's suitability for the role of CPO?

The competencies chosen by senior managers describe the behaviours expected from staff that will work in the anti-corruption unit. By considering to what extent, and in what way someone can be seen to be demonstrating these behaviours a view can be formed during the selection process to allow for the most suitable candidate for the role to be selected. Candidates will need to demonstrate competency at the interview.

The decision of what the competencies for the CPO are should be a local decision. However, here are two example competencies that candidates being interviewed would be required to demonstrate at interview.

1. Security Awareness
2. Acting with integrity

Questions at the Interview stage

It is important that the questions the candidates are asked at the interview are related to the competencies to enable the interview panel identify that the candidate possess the competencies being sought.

If prison authorities decide to set up and establish an Anti-Corruption Unit in the Prison System it is important that the foundation and integrity of such a unit is above probity. The selection process must be transparent and open, able to pass the test of public scrutiny.

Leadership

The Committee on the Penal Correction System (KUIS) and the Ministry of Internal Affairs as leaders of the prison system need to create an enabling environment and a climate of anti-corruption culture for staff as mentioned in the Program of Action for the implementation of anti-corruption measures in prisons to set the tone for the rest of prison staff.

The leadership of any prison system plays an important role in promoting a positive commitment to high standards of behaviour and conduct from all their staff. The leadership must set the right direction for the rest of the organisation to follow, which could mean an effort to drive corruption prevention measures as part of a whole system prison reform programme.

For staff to carry out their business functions successfully they need to be clear on the standards, conduct, values and appropriate behaviour expected from them. The leadership determines the way and how the organisation deals with issues of integrity and staff accountability.

KUIS could set out an anti-corruption statement which is published in prisons for the benefit of staff and prisoners, supported by a clearly articulated Reporting Wrong doing policy backed up by collaboration with the Civil Service and anti-corruption Agency.

This would demonstrate a determined and whole system approach by prison leaders.

In the UK Prison Service, until about 18 years ago, prison managers had discretionary powers to take mobile phones into prisons and some prison staff and official visitors were granted prior approval to take mobile phones into prisons.

To help address the proliferation of mobile phones in prisons, the leadership of the Prison Service supported by the government introduced legislation, the Offender Management Act 2007 (OMA) which contained measures designed to ensure tighter control of items taken into and out of prisons, particularly sensitive documents and mobile telecommunication technology, as well as introducing options to pursue criminal charges against anyone in breach of the relevant sections of the Act which criminalized the conveying of mobile phones into prisons¹¹.

Prior to the introduction of the OMA in 2008, if a prison staff conveyed a mobile phone into a prison without approval the misdemeanor was usually dealt with through internal investigation and management action. However, following the introduction of the OMA the discretion was removed from prison managers to deal with the offence through management action. Anyone found to have illegally conveyed a mobile phone into prisons could face a criminal charge with severe punishment including custodial sentence. This measure by the leadership of the UK Prison Service reduced the risk of mobile phones entering prisons and demonstrated the determination of prison leaders to tackle an area susceptible to corruption.

Prison authorities in Kazakhstan (KUIS) could undertake a corruption susceptibility risk assessment and depending on the findings of the assessment, introduce the post of Corruption Prevention Officers to work in partnership with the Civil Service and Anti-corruption agency including the Public Monitoring Commission.

The appointment of dedicated Corruption Prevention Officers would be a good beginning for the prison system in Kazakhstan which would send the right signal to staff by setting the tone and encourage other staff to act professionally in their own area of work.

The leadership can set out very clear guidance on corruption prevention which are made publicly available for the benefit of staff and the wider public.

To ensure a fair and transparent recruitment process, there should be job descriptions, competencies, skills and qualification requirements for the selection and recruitment process for the Corruption Prevention Officers.

Code of Conduct & Standard of Behaviour

A staff Code of Conduct is the foundation of an effective anti- corruption compliance programme.

The staff of the Kazakhstan prison system, are expected to comply with the Ethical Code of public servants, Republic of Kazakhstan (Rules of office ethics of public servants).

¹¹ http://www.cps.gov.uk/legal/l_to_o/offender_management_act_2007/#a10

A Code of Conduct sets out the standards of behaviour expected of staff. It defines desirable behaviour for all types of activities in the work place. For the Code of Conduct to be an effective tool the contents have to be meaningful, appropriate, clear and represent the values of the prison system.

It should be the basis on which staff conduct themselves and define the behaviour of officers and employees. It should be widely publicised and made available to all staff and integrated into all aspects of the prison policy, for example, external contractors and contracts could be required to abide by them.

The attention of all new staff should be drawn to it and it should be used in the induction of new staff into the organisation. As a guiding principle, for example purpose, the Code of Conduct could provide;

- Practical examples of acceptable and non-acceptable behaviour, giving examples of conflicts of interests and other case scenarios for the benefit of staff.
- Emphasises on managers consistently enforcing the Code of Conduct, with managers having clear tasks of promoting it and monitoring compliance.
- Clarity on what constitutes violations of the Code of Conduct and sanctions.

The Code of Conduct for the staff of the prison system in Kazakhstan outlined in the Ethical code of public servants Republic of Kazakhstan (Rules of office ethics for public servants). Staff are expected to comply with this code.

General provisions

1. The execution of public service by Civil Servants is an expression of special trust from society and the state and this trust places great demands on the moral standards and obligations of public servants.
2. Society expects that public servants will use their energy, knowledge and their professional experience in undertaking their duties impartially and honestly to serve the Republic of Kazakhstan.
3. Public servants in their actions must be committed to the policy of the First President of the Republic of Kazakhstan - Elbasa of Nursultan Nazarbayev and to consistently put policy into practice.
4. The Code of Conduct is directed at building the confidence of society in Public servants and creating a culture of trust and confidence in the relationship with the public and prevent cases of unethical behavior by Public servants.
5. Heads of public authorities, in the Central Executive Bodies - responsible Secretaries of the Central Executive Bodies or Officials to whom powers of responsible Secretaries of the Central Executive Bodies are given, in accordance with the established procedure and in cases of absence of responsible Secretaries of the Central Executive Bodies or the specified Officials - Heads of the Central Executive bodies will implement the requirements of Code and publicizing the contents of the present Code in buildings of public authorities and in places for the benefit of the public.

6. The public servant within three days after receiving their first salary from the public service has to be informed in writing of the Code of Conduct.

General standards of behavior

Public servants have to:

1. To promote the strengthening of unity of the people of Kazakhstan and interethnic concord in the country, to relate validly to state and to other languages, traditions and customs of the people of Kazakhstan
2. Be honest, fair, modest, to respect the standard moral ethical standards, in treatment of citizens and colleagues to show politeness and correctness;
3. Provide legality and justice of the decisions made by them;
4. Provide transparency of decision-making, affecting the rights and legitimate interests of natural and legal entities;
5. Resist actions causing damage to the interests of the state, interfering or reducing the efficient functioning of public authorities;
6. Improve their professional level and skills for the effective execution of official duties, to observe the restrictions and the bans set by laws of the Republic of Kazakhstan;
7. Avoid their actions and behavior not to be open to criticism from society, not to allow prosecution for criticism, to use constructive criticism to eliminate shortcomings and improvement of the system;
8. Not to use official position to render influence on the activity of public authorities, organizations and public servants or to gain personal benefit from your position.
9. Not to spread misinformation
10. Ensure safety of state owned properties, rationally, effectively and to use them only for official purposes as entrusted by state ownership, including vehicles;
11. Strictly observe office discipline, honestly, impartially and qualitatively to fulfill the official duties, rationally and effectively to use working hours;
12. On a constant basis to take measures for improvement of quality of the rendered public services, entirely being guided by inquiries of the population as consumer of public services;
13. Not to allow commission of offenses and other offenses for which the law has provided disciplinary, administrative or criminal liability.
14. Follow business etiquette and rules of official behavior.
15. The appearance of the public servant at execution of official duties by him has to promote strengthening of the authority of government, correspond to the standard official style which distinguish officiality, restraint and accuracy.
16. Public servants shouldn't use official position and the related opportunities for the benefit of public and religious associations, other non-profit organizations, including for promotion of the attitude towards them.
17. The public servants including those holding senior positions can't openly show their religious beliefs in collective, force the subordinated employees to participation in activity of public and religious associations, other non-profit organizations.

Standards of behavior in off-duty time

Public servants in off-duty time have to:

1. To adhere to the standard moral ethical standards, not to allow cases of antisocial behavior, including stay in public places in the state of intoxication offending human dignity and public morality;
2. Show modesty, not to emphasize and not to use their official capacity to influence decisions when receiving a service from the public.
3. Do not allow anyone to break the law and don't involve any citizens in the in the undermining of public good.
4. Maintain the Standards of behavior related to their official capacity

Relationships between Public servants have to:

1. To promote the establishment and strengthening of collective business and benevolent relationship and constructive cooperation;
2. Stop or take other measures to prevent violations of norms of office ethics from other public servants
3. Abstain from discussion of personal and professional qualities of other colleagues which discredits their integrity and advantage in others;
4. Not allow their actions or inaction to interfere with the performance activities of their colleagues.

Relationship between Senior officials and other employees have to:

1. The behavior to be an example of impartiality, justice, unselfishness, respect for honor and dignity of the personality;
2. To provide respect for the principles of a meritocracy, at the solution of personnel questions not to give preference on signs of relationship, association and personal devotion;
3. To show justice and objectivity at assessment of results of their activity and also application of measures of encouragement and disciplinary sanctions;
4. To take the measures directed to labor protection, health, creation of safe and necessary conditions for effective activity and also creation of the favorable moral and psychological atmosphere excluding any forms of discrimination and infringement of honor and dignity of employees;
5. Not to use their official position to render influence on any activity that is not an official business
6. Not to use their position to force or commit acts of an illegal nature the and also acts not compatible to the moral ethical standards
7. Don't make any unsubstantiated accusations, or use your position to humiliate or take advantage of others or engage in incorrect behavior.

The public servants holding subordinate positions have to:

1. When performing orders of senior officials to submit only objective and authentic data;

2. To immediately inform management and the representative for ethics about any cases of violations of norms of office ethics and minor offenses that discredit public service which becomes known to them;
3. Not to allow their actions or inaction to interfere in the performance of lawful orders from Senior officials
4. Not to allow your position or use your position to obtain personal benefits and advantages at the expense of the public service.

The standards of behavior connected with public statements including in mass media

1. Public statements concerning activity of public authority are carried out by senior officials or officials that are authorized to make public statements.
2. Public servants have to conduct discussions in a professional manner without undermining the authority of Public service.

Public servants shouldn't express publicly the opinion concerning state policy and office activity if it:

1. Doesn't correspond to the main directions of policy of the state;
2. Discloses office information which isn't allowed for publication;
3. Contains unethical statements to officials of the state, state bodies, other Public servants.
4. Publications by public servants on behalf of public authority on the questions which aren't connected with carrying out state policy, activity of public authority and public servants aren't allowed. The publication of materials on pedagogical, scientific and other creative activity can be carried out by the public servant only from own name as individual.
5. If staff are falsely accused they have to respond to the false accusation within a month of the accusation being made

Internal monitoring systems

Limiting discretion was suggested earlier as a way to help with the fight against corruption. Individuals with oversight functions in the fight against corruption should be autonomous from management and should have sufficient resources to ensure any anti-corruption programme is implemented correctly.

It is good practice in prisons in several jurisdictions to have a system of prisoner incentives and privileges to encourage and reward good behavior by prisoners.

Rule 95 of the United Nations Standard Minimum Rules for the Treatment of Prisoners recognizes this as international best practice in the management of prisoners, however it is important to acknowledge that the awarding of incentives and privileges by staff could also be open to corruption if not effectively administered with safe guards and checks.

An analysis of prison practice and selective interviewing of former prisoners in the Kazakhstan prison system showed that the greatest corruption risk exist in areas where the rights and privileges of prisoners are affected, and where prison staff have

discretionary powers to make decisions related to the award of incentives and privileges¹².

Risk Assessment – Identifying areas of Corruption Susceptibility

Risk is defined as the probability of an event occurring that could have an adverse effect on the achievement of objectives and is measured in terms of consequences and likelihood. It is an important management tool in detecting and preventing corruption.

It is important to undertake an analysis of the activities and functional areas in a prison to understand the existing safeguards with a view to identify their weakness and/or areas that need strengthening.

In some jurisdictions, corruption prevention measures are undertaken as part of a wider security strategy with dedicated corruption prevention personnel working within a restricted and limited management structure. In others, the role might be fulfilled by the prisons internal audit unit that have specialist staff trained in undertaking corruption risk assessments for the prison.

The approach adopted varies from prison to prison but it is advisable to have a consistency of approach and coordinated effort under the same organisation.

A key step in addressing corruption is to understand the nature of the risks and define its scope. Prisons should identify, analyse, evaluate, prioritise and address the specific risks in their operations and functions.

In a prison, for example, prisoners have the right to a prison visit from their family and friends which can make the visit function an area vulnerable to corruption. It is a common feature in prisons that several of the illicit and banned substances that come into it come prison visits. That is partly why several prison systems have searching procedures and CCTV in the areas where visitors are processed prior to admittance into the prison.

“...also, corruptive relationships often result in the transportation of various banned items inside the institution by the staff: alcoholic beverages, narcotic drugs, money, cell phones and other items and things in demand among prisoners. In some cases, the employees carry forbidden items for a certain reward from the prisoner, his/her relatives or friends. In other cases, these acts are committed for commercial purposes, that is, items are purchased outside the institution at a low price and resold to a convicted person at a higher price. In addition, prohibited items can come through parcels when a responsible officer of the institution, for a certain reward, does not prevent it”¹³.

Depending on the layout of the prison, it is not uncommon that visitors after being searched are escorted through various routes inside the prison to meet with the prisoner.

¹² CORRUPTION WITHIN THE PENITENTIARY SYSTEM - Kazakhstan practice and international documents, PRI

¹³Importance of prevention of corruption among prison staff, Astana 2017 -PRI briefing paper #1

In this case undertaking a risk assessment to identify areas of corruption susceptibility will involve exploring the activities that take place in the visits area;

- what staff are involved?
- how many staff?
- what reporting systems are available to staff working in the area?
- what is the security and intelligence report from the area?
- are there increased intelligence reports or incidents of smuggling items into the prison when a particular prison officer is on duty?

A similar exercise can be repeated on a vehicle supplying goods to the prison, a staff member arriving at the prison to commence their duty, a new prisoner arriving in reception or a prisoner returning from court - similar corruption risk assessment questions apply, such as;

- Was there a search on arrival at the prison?
- what were the items found?
- were there any illicit items found?
- were the items recorded?
- was there a process for recording such and preserving evidence?
- and was there a process for Reporting this to prison authorities?

Analysis of a prison's existing security information reporting system may in-itself suggest there is corruption in the prison. For example, high reported incidents of mobile phones and drugs in the prison.

Intelligence gathering is important in determining the level of corruption risk in prisons. A prison will need to have an effective procedure for intelligence gathering and analysis by specialist staff who are trained for the role.

Staff should be given the resources to undertake their role including investigating and analysing reported incidents. Over time, an analysis of reported incidents will help inform a risk assessment, for example if there is pattern of repeated events which occur when a certain member of staff is on duty.

A prison system should proactively

- undertake assessment of corruption risk areas.
- Appoint and train relevant personnel on corruption risk assessment and corruption prevention planning.
- Ensure plans are developed to implement a corruption risk management procedure to address identified risks.
- Ensure that the prison's corruption prevention strategy is integrated into the corporate plan and other management plans of the prison system.

IT System

Supporting corruption prevention measures in the Kazakhstan prison system will require a comprehensive data collation and data capturing system. This could be in the form of browser based forms and electronically (automated) driven file storage system that can be used to transform hardcopy paper based information into softcopy format and the archiving of existing data forms.

Information is currently processed and archived manually in the prison system in Kazakhstan. The prevailing system used for collating data from courts is processed manually and mainly human driven in prisons. A process which is prone to errors and deliberate corrupt act. Document control should be an essential facet of the prison system especially as related to any efforts on corruption prevention.

The benefits of a data collation system for the prison system are:

1. The integrity of information and data are securely protected and there will be no requirement to keep paper copies of data forms which can be tampered with - electronically inputting data and information about prisoners will reduce the risk of losing information and minimise the risk of staff deliberately corrupting data.
2. Instant access to corporate information - having electronic forms allows KUIS to access information instantly reducing time wasted searching filing cabinets. All documents are immediately available via the line of business systems internet or desktop.
3. Faster response to queries - with quick access to information
4. Seamless integration with back end judicial systems - giving users the ability to search and retrieve directly from other software platforms, for example, eCourt Software System.
5. Access to useful and secure information to aid investigations into alleged corruption by staff.
6. Audit trails for every document- all activities relating to documents, such as views, prints, forward etc are noted. Documents cannot be removed from the system from an unauthorised individual or before the legal amount of time has passed, providing a complete and secure audit trail, which will aid corruption prevention measures.

The IT system should be a custody administration system able to support the day to day business need of prisoners and keep track of all aspects of the prisoner's individual sentence.

The system should contain functionality to support and host Microsoft documents, for example a Security Information template, Reception Assessment template, Categorisation and Allocation template and others.

The system should provide a single prisoner record stored on a central data base. The central data base of information should have the advantage of being in 'real time' thus allowing more accurate assessment of the prisoner with standardized forms and templates and crucial information being available at the earliest possible time.

The benefit of the system includes but not limited to:

1. A database of offender data to facilitate operational prisoner management and to produce accurate, speedy and relevant management information to aid corruption prevention measures.
2. Support for processes and procedures, for example, hosting documentations from which prisoner analysis or management report can be obtained.

3. Accurate information on prisoner location in the prison and movement outside of prison, for example, escort to court or hospital or discharge from prison.
4. Information provided at key decision points and case management tools that will enable earlier and more detailed risk assessments of prisoners in custody.

Staff training

Prisons must be committed to corruption prevention training and awareness ensuring that corruption, where suspected, is investigated and eliminated which is why it is important that staff are trained to have the skills and competencies to undertake any corruption prevention activity.

Policies and procedures detailing proper internal controls, auditing practices, documentation policies and disciplinary measures should be in place.

Prison authorities should develop a framework for staff training and refresher training which pays attention to corruption prevention measures in their prison system.

“The goal of the Program of Action of the Committee of the Penal Correction System is the improvement of the efficiency of counteracting corruption in the penal correction system, through the improvement of the efficiency of the organizational base of activities of prisons to counteract corruption and mitigate corruption risks within the penal correction system”¹⁴.

To achieve the goal it will be necessary to review the Standard Operating Procedures (SOPs) of the prison system to ensure they are up to date and in line with international best practice in prison management.

The SOP should cover a wide range of subject areas and provide guidance for staff on operating procedures for the treatment of prisoners. It is likely that existing instructions issued by the Ministry of Internal Affairs lacks sufficient operational detail in key areas, for example, searching of prisoners and security information management.

SOP's should be developed for the prison system and staff trained in their use so that a foundation is laid for an enabling environment to facilitate anti-corruption work. This is a fundamental piece of work required to professionalise the whole prison system. The SOP should cover the following areas but not limited to it:

1. The Reporting and Investigation of Staff Corruption
2. Staff Conduct & Discipline - Investigation
3. Code of Conduct -Standards of behaviour
4. Human Resources – Staff Recruitment and Promotion
5. Staff Performance Management Policy
6. Managing and reporting on extremist behaviour in custody
7. Management of prisoners – Operational Policy
 - Prisoner Complaints procedure/policy

¹⁴ Professor Kogamov -Programm of Action for the implementation of Anti-Corruption measures in prisons. Approved by the Order of the Minister of Interior of the Republic of Kazakhstan

- Search individuals, accommodation and areas
 - Maintain security whilst escorting individuals to courts and other environments
 - Risk based Categorisation, Allocation and Classification
 - Reception and Induction process
8. Prohibited and illegal Items – Drugs, mobile phones etc.
 9. Reporting Wrongdoing
 10. Staff Alcohol Policy
 11. Travel and Subsistence Policy
 12. Information Assurance Policy
 13. IT Security Policy
 14. Staff Grievances
 15. Security Management
 - Security handbook
 - Human Intelligence Management policy
 - Security Information Management

Part of the training framework could be ensuring that corruption prevention policies and procedures are frequently communicated throughout the organization, including information relating to the prisons' staff Code of Conduct.

The Prisoner Complaints procedure should be publicised widely for the benefit of prisoners. All staff should be familiar with the prisoner complaints procedure and able to fully explain the process to prisoners.

Explaining the prisoner complaints procedure should form part of the new arrival prisoner induction process.

All staff, including line managers, must read and understand their responsibilities under the prisons corruption prevention policy, staff Code of Conduct other guidance material related to professional standards.

Prison leaders must ensure that the corruption definition underpins all local efforts to combat staff corruption, and that all actions are complied with.

As previously mentioned prison leaders should ensure that any corruption prevention measures that are implemented are consistent at local, regional and national level.

Dedicated Corruption Prevention Officers where they exist must attend corruption prevention training and comply with the guidance and standards as set out in their job descriptions.

Dedicated Corruption Prevention Officers at the end of their training should be able to:

- Implement a corruption prevention procedure to meet the requirements of the Prison
- Through intelligence and security reports, identify actions and behaviours displayed by staff and prisoners who are, or may become corrupt;

- Work with the Anti-Corruption agency and PMC's to identify a range of options to detect, disrupt and deter wrongdoing.

Performance Management

Staff performance management contributes to the process of building and sustaining a prisons' ability to prevent corruption. It offers the platform for use to integrate corruption prevention procedures and policy into the organisation so that factors that contribute to corrupt behaviour can be checked.

Prisons should promote a culture of high performance to meet their objectives and to get the best from their staff. Staff should have their tasks, roles and duties set out very clearly and be subject to a system of internal controls on their behaviour. Managers should assess their staff performance at work to ensure that they deliver the prisons' objectives.

Staff objectives in the Performance Management record should reflect the ethical code of public servants, Republic of Kazakhstan (Rules of office ethics of public servants) sets out the values and standards that are expected.

It is important that to effectively fight corruption all aspects of a prisons work are inter-linked and connected to tackling corruption.

Prison managers with responsibility for staff should be aware of a drop in the performance of staff under their function. If a manager notices the first signs of a poor performance improvement action should be taken to address the performance issue.

Earlier in the guidance, it was mentioned that the first basic step in corruption prevention is professionalizing the organisation. Staff Performance management is an integral part of achieving this.

Management action that recognises and praises good staff behaviour through appropriate reward mechanism helps to encourage good behaviour and motivate staff to achieve their objectives.

Given the complex nature of a prison as a place of work, it is important for prompt action to be undertaken to ensure there are no wider security implications or corruption issues related to poor performance.

To support this, for example, the staff performance management document could contain a set of clear definitions of what is expected from staff which could include but not limited to;

- The prisons mission statement, set of core values, and staff code of conduct.
- Written and clear working definitions of corruption in the prison.
- Set out clear guidance on personal contact with prisoners, their families and friends.
- Instructions on the acceptance of gifts, prisoner discipline and staff role in the prison regime.
- Instructions on corruption prevention measures and how to report corruption.

Establish transparency mechanisms – External scrutiny

The nature of a prison environment makes it important that transparency is established and embedded in all aspects of its operation. Several ways of achieving this which meets international best practice are:

1. Prison Ombudsman

- Establish an independent prison ombudsman at the highest administrative level independent from the Prison service which reports to a higher authority than the Director General of the Prison system.
- The Ombudsman will carry out independent investigations into deaths and complaints in custody. They will investigate complaints made by prisoners and will investigate deaths of prisoners, due to any cause, including any apparent suicides and natural causes.
- The purpose of these investigations is to understand what happened, to correct injustices and to identify learning for the prison whose actions they oversee.

2. Prison Inspectors

- Establish an independent inspection process to report on the conditions for and treatment of those in prison. The role of Inspectorate of Prisons is to provide independent scrutiny of the conditions of prisoners and their treatment.
- An important aspect of the prison inspectorate to have independence to perform their duties and one way of achieving this is to ensure the prison inspectorate comply with the UN Paris Principles¹⁵.
- The Chief inspector of Prisons can be appointed by the Minister for Justice or Interior Ministry and be given powers to ensure independent inspection of places of detention. The Chief Inspector reports directly to the Minister on the treatment of prisoners and conditions in prisons. They have the powers to visit any prison to undertake inspection without prior notice to the prison authorities.

3. Human Rights Agencies

- Facilitate access to prisons by International Human Rights agencies, and National Human Rights Commission.

4. Civilian Prison Visitors

- Provide civilian oversight by allowing independent prison visitors who regularly visit the prisons and talk with prisoners, staff, and visitors. They provide recommendations to the minister responsible for corrections for example, the UK Independent Monitoring Board (IMB).
- Inside every prison there is an Independent Monitoring Board (IMB) – a group of ordinary members of the public that undertake unpaid work including visiting prisons. Their role is to monitor the day-to-day life in their local prison to ensure that proper standards of care and decency are maintained.

¹⁵ The Paris Principles of 1993 are a set of core minimum recommendations adopted by the UN General Assembly relating to the status and functioning of national institutions for the protection and promotion of human rights. One of such recommendations is the independence of such institutions from the Government.

- Members have unrestricted access to their local prison at any time and can talk to any prisoner they wish to, out of sight and hearing of a member of staff if necessary.
- Board Members also play an important role in dealing with problems inside the prison. The problem might include concerns over lost property, visits from family and friends, or even serious allegations such as bullying.

5. Uncensored mail

- Allow private and uncensored mail, visits, and telephone communications between prisoners and their legal representatives so that prisoners have other ways to report corrupt practices if they have lost confidence in the internal prison reporting system of complaints process.

Public Monitoring Commissions (PMC)

In Kazakhstan, the Public Monitoring Commission undertake prison visits and report on the condition and treatment of prisoners as part of their National Preventative Measures (NPM) responsibility¹⁶. They are given access to prisons provided they give 24hours notice of their intention to visit the prison.

PMC members do not undertake visits on weekends and prisoners are required to give written consent before a PMC member can see the prisoner's record. This is an unhelpful policy as a prisoner may be frightened to give their consent in a prison where there is staff corruption or any other form of abuse, as doing so could attract negative repercussion from staff.

In prisons in Kazakhstan, there are journals for recording information showing why a prisoner is held in solitary confinement however due to the culture of the prison service the journal is not usually completed.

It is noteworthy that the experiences of PMC members vary from region to region. PMC's in some regions stated that they have never being refused access to prisons whereas in some regions access to visit prisons can be frustrated by prison management. A common view of the PMC's is that there are no investigations when things go wrong and prisoner complaints are not effectively looked into.

One measure to improve the presence and engagements of PMC's in prisons in Kazakhstan would be for prisons to establish Anti-Corruption units and prisoner complaints monitoring board which includes members of the PMC.

The Prison Anti-Corruption Unit (PACU) could contribute to the investigation process and help publicise any findings for the benefit of the public to discourage staff from wrong doing and provide some degree of transparency in the prison system.

¹⁶ The NPM fulfils the Kazakhstan's obligations arising from its status as a party to the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to ensure the independent, preventive monitoring of all places of detention and carry out other effective preventive measures.

Another way of further engaging and enhancing the role of the PMC is that they conduct prison surveys to cover both staff and prisoners to gauge the nature of relationship between staff and prisoners at a prison.

Reporting Corruption

The Prison system should have a procedure that outlines the process for prison staff to follow when reporting a perceived corruption within the prison, including something they believe goes against the Ethical Code of Public Servants in Kazakhstan.

Staff should know they have a responsibility to speak up and report behaviour that contravenes the Ethical Code of Public Servants in Kazakhstan or any corrupt act.

Where prison staff raise a concern under the procedure the prison system has set out for them, it is vital that the prison system offer protection from any unfair treatment as a result of their reporting a corruption.

If a prison officer is asked to do something, or is aware that the actions of another, may be considered to be corrupt or a breach of the values of the staff Ethical Code of Civil Servants of the Republic of Kazakhstan, they can raise their concerns using the prisons corruption reporting procedure.

Prison officers and staff should not raise false allegations of corruption except where they believe that corruption has taken place or to prevent it.

Staff concerns of a Human Resources or personal nature, for example, complaints relating to a management decision should be raised using the appropriate policy covering that area.

There may be certain occasions when it would not be appropriate for a prison staff to report corruption concern to their line manager because the line manager could be implicated in the corruption, in which case the staff member can report their corruption concern to another manager that they feel comfortable with who can deal with the matter being reported.

The prison system should develop its own procedure which sets out clearly the options for staff to take if staff feel the need to report outside their line management.

Prisons in considering a Reporting Wrong doing procedure could opt to set up a system that identifies key staff charged with the responsibility of managing the reporting process, for example, this could form part of a prisons CPO role. However, resources must be allocated to properly train the CPO for the role.

Information needed to report corruption

Prison Officers or staff wishing to report corruption should try to provide the following information:

1. The background information which includes
 - dates,
 - where the corruption event occurred,
 - who was involved.

- All information related to the event should be stated.

It is not the role of the staff reporting corruption to decide which bit of the information is relevant. Every detail must be provided because there may be other related events that the staff member might not be aware of but which the CPO dealing with the report might have.

2. Staff in their report must also state if the event being reported has been reported before. This will be helpful in determining if reported issues are effectively being investigated and whether there are reported pattern or frequency of events.

Prison authorities should recognise that how they handle reports of wrong doing from staff will determine the level of confidence that staff have in the fight against corruption.

It is important that staff have the confidence that action will be taken where they have reported an act of corruption. To help ensure the confidence of staff in the investigation process, staff should be kept informed on the progress of the investigation and the conclusion of the investigation.

During any investigation, the prison officer or staff making the report should continue in their role as normal unless doing so will interfere or impact on the process of the investigation.

Annex 1

United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)

Rules of general application Basic principles

Rule 1

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

Rule 2

1. The present rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. The religious beliefs and moral precepts of prisoners shall be respected.

2. In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory.

Rule 3

Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

Rule 4

1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.

2. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.

Rule 5

1. The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect

due to their dignity as human beings.

2. Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.

Prisoner file management

Rule 6

There shall be a standardized prisoner file management system in every place where persons are imprisoned. Such a system may be an electronic database of records or a registration book with numbered and signed pages. Procedures shall be in place to ensure a secure audit trail and to prevent unauthorized access to or modification of any information contained in the system.

Rule 7

No person shall be received in a prison without a valid commitment order. The following information shall be entered in the prisoner file management system upon admission of every prisoner:

- (a) Precise information enabling determination of his or her unique identity, respecting his or her self-perceived gender;
- (b) The reasons for his or her commitment and the responsible authority, in addition to the date, time and place of arrest;
- (c) The day and hour of his or her admission and release as well as of any transfer;
- (d) Any visible injuries and complaints about prior ill-treatment;
- (e) An inventory of his or her personal property;
- (f) The names of his or her family members, including, where applicable, his or her children, the children's ages, location and custody or guardianship status;
- (g) Emergency contact details and information on the prisoner's next of kin.

Rule 8

The following information shall be entered in the prisoner file management system in the course of imprisonment, where applicable:

- (a) Information related to the judicial process, including dates of court hearings and legal representation;
- (b) Initial assessment and classification reports;
- (c) Information related to behaviour and discipline;
- (d) Requests and complaints, including allegations of torture or other cruel, inhuman or degrading treatment or punishment, unless they are of a confidential nature;
- (e) Information on the imposition of disciplinary sanctions;
- (f) Information on the circumstances and causes of any injuries or death and, in the case of the latter, the destination of the remains.

Rule 9

All records referred to in rules 7 and 8 shall be kept confidential and made available only to those whose professional responsibilities require access to such records. Every prisoner shall be granted access to the records pertaining to him or her, subject to redactions authorized under domestic legislation, and shall be entitled to receive an official copy of such records upon his or her release.

Rule 10

Prisoner file management systems shall also be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for evidence-based decision-making.

Separation of categories

Rule 11

The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus:

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;
- (b) Untried prisoners shall be kept separate from convicted prisoners;
- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d) Young prisoners shall be kept separate from adults.

Accommodation

Rule 12

1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison.

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 15

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner

Rule 16

Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the

climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

Rule 17

All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

Rule 18

1. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
2. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.

Clothing and bedding

Rule 19

1. Every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.
2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
3. In exceptional circumstances, whenever a prisoner is removed outside the prison for an authorized purpose, he or she shall be allowed to wear his or her own clothing or other inconspicuous clothing.

Rule 20

If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the prison to ensure that it shall be clean and fit for use.

Rule 21

Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

Rule 22

1. Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
2. Drinking water shall be available to every prisoner whenever he or she needs it.

Exercise and sport

Rule 23

1. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

2. Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided.

Health-care services

Rule 24

1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.

2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

Rule 25

1. Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation.

2. The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.

Rule 26

1. The health-care service shall prepare and maintain accurate, up-to-date and confidential individual medical files on all prisoners, and all prisoners should be granted access to their files upon request. A prisoner may appoint a third party to access his or her medical file.

2. Medical files shall be transferred to the health-care service of the receiving institution upon transfer of a prisoner and shall be subject to medical confidentiality.

Rule 27

1. All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

2. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.

Rule 28

In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

Rule 29

1. A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for:
 - (a) Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;
 - (b) Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists.
2. Children in prison with a parent shall never be treated as prisoners.

Rule 30

A physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to:

- (a) Identifying health-care needs and taking all necessary measures for treatment;
- (b) Identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission;
- (c) Identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm and withdrawal symptoms resulting from the use of drugs, medication or alcohol; and undertaking all appropriate individualized measures or treatment;
- (d) In cases where prisoners are suspected of having contagious diseases, providing for the clinical isolation and adequate treatment of those prisoners during the infectious period;
- (e) Determining the fitness of prisoners to work, to exercise and to participate in other activities, as appropriate.

Rule 31

The physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed. All medical examinations shall be undertaken in full confidentiality.

Rule 32

1. The relationship between the physician or other health-care professionals and the prisoners shall be governed by the same ethical and professional standards as those applicable to patients in the community, in particular:
 - (a) The duty of protecting prisoners' physical and mental health and the prevention and treatment of disease on the basis of clinical grounds only;
 - (b) Adherence to prisoners' autonomy with regard to their own health and informed consent in the doctor-patient relationship;
 - (c) The confidentiality of medical information, unless maintaining such confidentiality would result in a real and imminent threat to the patient or to others;
 - (d) An absolute prohibition on engaging, actively or passively, in acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation that may be detrimental to a prisoner's health, such as the removal of a prisoner's cells, body tissues or organs.

2. Without prejudice to paragraph 1 (d) of this rule, prisoners may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trials and other health research accessible in the community if these are expected to produce a direct and significant benefit to their health, and to donate cells, body tissues or organs to a relative.

Rule 33

The physician shall report to the prison director whenever he or she considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

Rule 34

If, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.

Rule 35

1. The physician or competent public health body shall regularly inspect and advise the prison director on:

- (a) The quantity, quality, preparation and service of food;
- (b) The hygiene and cleanliness of the institution and the prisoners;
- (c) The sanitation, temperature, lighting and ventilation of the prison;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

2. The prison director shall take into consideration the advice and reports provided in accordance with paragraph 1 of this rule and rule 33 and shall take immediate steps to give effect to the advice and the recommendations in the reports. If the advice or recommendations do not fall within the prison director's competence or if he or she does not concur with them, the director shall immediately submit to a higher authority his or her own report and the advice or recommendations of the physician or competent public health body.

Restrictions, discipline and sanctions

Rule 36

Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.

Rule 37

The following shall always be subject to authorization by law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;
- (b) The types and duration of sanctions that may be imposed;
- (c) The authority competent to impose such sanctions;
- (d) Any form of involuntary separation from the general prison population,

such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation.

Rule 38

1. Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.
2. For prisoners who are, or have been, separated, the prison administration shall take the necessary measures to alleviate the potential detrimental effects of their confinement on them and on their community following their release from prison.

Rule 39

1. No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence.
2. Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established, and shall keep a proper record of all disciplinary sanctions imposed.
3. Before imposing disciplinary sanctions, prison administrations shall consider whether and how a prisoner's mental illness or developmental disability may have contributed to his or her conduct and the commission of the offence or act underlying the disciplinary charge. Prison administrations shall not sanction any conduct of a prisoner that is considered to be the direct result of his or her mental illness or intellectual disability.

Rule 40

1. No prisoner shall be employed, in the service of the prison, in any disciplinary capacity.
2. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

Rule 41

1. Any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.
2. Prisoners shall be informed, without delay and in a language that they understand, of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defence.
3. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. If the prisoners do not understand or speak the language used at a disciplinary hearing, they shall be assisted by a competent interpreter free of charge.
4. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them.

5. In the event that a breach of discipline is prosecuted as a crime, prisoners shall be entitled to all due process guarantees applicable to criminal proceedings, including unimpeded access to a legal adviser.

Rule 42

General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

Rule 43

1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

- (a) Indefinite solitary confinement;
- (b) Prolonged solitary confinement;
- (c) Placement of a prisoner in a dark or constantly lit cell;
- (d) Corporal punishment or the reduction of a prisoner's diet or drinking water;
- (e) Collective punishment.

2. Instruments of restraint shall never be applied as a sanction for disciplinary offences.

3. Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.

Rule 44

For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

Rule 45

1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.

2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice, 28 continues to apply.

Rule 46

1. Health-care personnel shall not have any role in the imposition of disciplinary sanctions or other restrictive measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.

2. Health-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.

3. Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.

Instruments of restraint

Rule 47

1. The use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.

2. Other instruments of restraint shall only be used when authorized by law and in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they are removed when the prisoner appears before a judicial or administrative authority;

(b) By order of the prison director, if other methods of control fail, in order to prevent a prisoner from injuring himself or herself or others or from damaging property; in such instances, the director shall immediately alert the physician or other qualified health-care professionals and report to the higher administrative authority.

Rule 48

1. When the imposition of instruments of restraint is authorized in accordance with paragraph 2 of rule 47, the following principles shall apply:

(a) Instruments of restraint are to be imposed only when no lesser form of control would be effective to address the risks posed by unrestricted movement;

(b) The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the prisoner's movement, based on the level and nature of the risks posed;

(c) Instruments of restraint shall be imposed only for the time period required, and they are to be removed as soon as possible after the risks posed by unrestricted movement are no longer present.

2. Instruments of restraint shall never be used on women during labour, during childbirth and immediately after childbirth.

Rule 49

The prison administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.

Searches of prisoners and cells

Rule 50

The laws and regulations governing searches of prisoners and cells shall be in accordance with obligations under international law and shall take into account international standards and norms, keeping in mind the need to ensure security in the prison. Searches shall be conducted in a manner that is respectful of the inherent

human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.

Rule 51

Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy. For the purpose of accountability, the prison administration shall keep appropriate records of searches, in particular strip and body cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches.

Rule 52

1. Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner.
2. Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

Rule 53

Prisoners shall have access to, or be allowed to keep in their possession without access by the prison administration, documents relating to their legal proceedings.

Information to and complaints by prisoners

Rule 54

Upon admission, every prisoner shall be promptly provided with written information about:

- (a) The prison law and applicable prison regulations;
- (b) His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints;
- (c) His or her obligations, including applicable disciplinary sanctions; and
- (d) All other matters necessary to enable the prisoner to adapt himself or herself to the life of the prison.

Rule 55

1. The information referred to in rule 54 shall be available in the most commonly used languages in accordance with the needs of the prison population. If a prisoner does not understand any of those languages, interpretation assistance should be provided.
2. If a prisoner is illiterate, the information shall be conveyed to him or her orally. Prisoners with sensory disabilities should be provided with information in a manner appropriate to their needs.
3. The prison administration shall prominently display summaries of the information in common areas of the prison.

Rule 56

1. Every prisoner shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her.

2. It shall be possible to make requests or complaints to the inspector of prisons during his or her inspections. The prisoner shall have the opportunity to talk to the inspector or any other inspecting officer freely and in full confidentiality, without the director or other members of the staff being present.
3. Every prisoner shall be allowed to make a request or complaint regarding his or her treatment, without censorship as to substance, to the central prison administration and to the judicial or other competent authorities, including those vested with reviewing or remedial power.
4. The rights under paragraphs 1 to 3 of this rule shall extend to the legal adviser of the prisoner. In those cases where neither the prisoner nor his or her legal adviser has the possibility of exercising such rights, a member of the prisoner's family or any other person who has knowledge of the case may do so.

Rule 57

1. Every request or complaint shall be promptly dealt with and replied to without delay. If the request or complaint is rejected, or in the event of undue delay, the complainant shall be entitled to bring it before a judicial or other authority.
2. Safeguards shall be in place to ensure that prisoners can make requests or complaints safely and, if so requested by the complainant, in a confidential manner. A prisoner or other person mentioned in paragraph 4 of rule 56 must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint.
3. Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority in accordance with paragraphs 1 and 2 of rule 71.

Rule 58

1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:
 - (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and
 - (b) By receiving visits.
2. Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.

Rule 59

Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.

Rule 60

1. Admission of visitors to the prison facility is contingent upon the visitor's consent to being searched. The visitor may withdraw his or her consent at any time, in which case the prison administration may refuse access.
2. Search and entry procedures for visitors shall not be degrading and shall be governed by principles at least as protective as those outlined in rules 50 to 52. Body cavity searches should be avoided and should not be applied to children.

Rule 61

1. Prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff.
2. In cases in which prisoners do not speak the local language, the prison administration shall facilitate access to the services of an independent competent interpreter.
3. Prisoners should have access to effective legal aid.

Rule 62

1. Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
2. Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

Rule 63

Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the prison administration.

Books

Rule 64

Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

Rule 65

1. If the prison contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
2. A qualified representative appointed or approved under paragraph 1 of this rule shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his or her religion at proper times.
3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his or her attitude shall be fully respected.

Rule 66

So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination.

Retention of prisoners' property

Rule 67

1. All money, valuables, clothing and other effects belonging to a prisoner which he or she is not allowed to retain under the prison regulations shall on his or her admission to the prison be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.
2. On the release of the prisoner, all such articles and money shall be returned to him or her except in so far as he or she has been authorized to spend money or send any such property out of the prison, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him or her.
3. Any money or effects received for a prisoner from outside shall be treated in the same way.
4. If a prisoner brings in any drugs or medicine, the physician or other qualified health-care professionals shall decide what use shall be made of them.

Notifications

Rule 68

Every prisoner shall have the right, and shall be given the ability and means, to inform immediately his or her family, or any other person designated as a contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury. The sharing of prisoners' personal information shall be subject to domestic legislation.

Rule 69

In the event of a prisoner's death, the prison director shall at once inform the prisoner's next of kin or emergency contact. Individuals designated by a prisoner to receive his or her health information shall be notified by the director of the prisoner's serious illness, injury or transfer to a health institution. The explicit request of a prisoner not to have his or her spouse or nearest relative notified in the event of illness or injury shall be respected.

Rule 70

The prison administration shall inform a prisoner at once of the serious illness or death of a near relative or any significant other. Whenever circumstances allow, the prisoner should be authorized to go, either under escort or alone, to the bedside of a near relative or significant other who is critically ill, or to attend the funeral of a near relative or significant other.

Investigations

Rule 71

1. Notwithstanding the initiation of an internal investigation, the prison director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority that is independent of the prison administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The prison administration shall fully cooperate with that authority and ensure that all evidence is preserved.
2. The obligation in paragraph 1 of this rule shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed in prison, irrespective of whether a formal complaint has been received.
3. Whenever there are reasonable grounds to believe that an act referred to in paragraph 2 of this rule has been committed, steps shall be taken immediately to ensure that all potentially implicated persons have no involvement in the investigation and no contact with the witnesses, the victim or the victim's family.

Rule 72

The prison administration shall treat the body of a deceased prisoner with respect and dignity. The body of a deceased prisoner should be returned to his or her next of kin as soon as reasonably possible, at the latest upon completion of the investigation. The prison administration shall facilitate a culturally appropriate funeral if there is no other responsible party willing or able to do so and shall keep a full record of the matter.

Removal of prisoners

Rule 73

1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
3. The transport of prisoners shall be carried out at the expense of the prison administration and equal conditions shall apply to all of them.

Institutional personnel

Rule 74

1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of prisons depends.
2. The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
3. To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison staff and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

Rule 75

1. All prison staff shall possess an adequate standard of education and shall be given the ability and means to carry out their duties in a professional manner.
2. Before entering on duty, all prison staff shall be provided with training tailored to their general and specific duties, which shall be reflective of contemporary evidence-based best practice in penal sciences. Only those candidates who successfully pass the theoretical and practical tests at the end of such training shall be allowed to enter the prison service.
3. The prison administration shall ensure the continuous provision of in service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel, after entering on duty and during their career.

Rule 76

1. Training referred to in paragraph 2 of rule 75 shall include, at a minimum, training on:
 - (a) Relevant national legislation, regulations and policies, as well as applicable international and regional instruments, the provisions of which must guide the work and interactions of prison staff with inmates;
 - (b) Rights and duties of prison staff in the exercise of their functions, including respecting the human dignity of all prisoners and the prohibition of certain conduct, in particular torture and other cruel, inhuman or degrading treatment or punishment;
 - (c) Security and safety, including the concept of dynamic security, the use of force and instruments of restraint, and the management of violent offenders, with due consideration of preventive and defusing techniques, such as negotiation and mediation;
 - (d) First aid, the psychosocial needs of prisoners and the corresponding dynamics in prison settings, as well as social care and assistance, including early detection of mental health issues.
2. Prison staff who are in charge of working with certain categories of prisoners, or who are assigned other specialized functions, shall receive training that has a corresponding focus.

Rule 77

All prison staff shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

Rule 78

1. So far as possible, prison staff shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.
2. The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

Rule 79

1. The prison director should be adequately qualified for his or her task by character, administrative ability, suitable training and experience.
2. The prison director shall devote his or her entire working time to official duties and shall not be appointed on a part-time basis. He or she shall reside on the premises of the prison or in its immediate vicinity.
3. When two or more prisons are under the authority of one director, he or she shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these prisons.

Rule 80

1. The prison director, his or her deputy, and the majority of other prison staff shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.
2. Whenever necessary, the services of a competent interpreter shall be used.

Rule 81

1. In a prison for both men and women, the part of the prison set aside for women shall be under the authority of a responsible woman staff member who shall have the custody of the keys of all that part of the prison.
2. No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member.
3. Women prisoners shall be attended and supervised only by women staff members. This does not, however, preclude male staff members, particularly doctors and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women.

Rule 82

1. Prison staff shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Prison staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison director.
2. Prison staff shall be given special physical training to enable them to restrain aggressive prisoners.
3. Except in special circumstances, prison staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, prison staff should in no circumstances be provided with arms unless they have been trained in their use.

Rule 83

1. There shall be a twofold system for regular inspections of prisons and penal services:
 - (a) Internal or administrative inspections conducted by the central prison administration;
 - (b) External inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies.
2. In both cases, the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected.

Rule 84

1. Inspectors shall have the authority:
 - (a) To access all information on the numbers of prisoners and places and locations of detention as well as all information relevant to the treatment of prisoners, including their records and conditions of detention;
 - (b) To freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview;
 - (c) To conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits;

(d) To make recommendations to the prison administration and other competent authorities.

2. External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority and shall encompass health-care professionals. Due regard shall be given to balanced gender representation.

Rule 85

1. Every inspection shall be followed by a written report to be submitted to the competent authority. Due consideration shall be given to making the reports of external inspections publicly available, excluding any personal data on prisoners unless they have given their explicit consent.

2. The prison administration or other competent authorities, as appropriate, shall indicate, within a reasonable time, whether they will implement the recommendations resulting from the external inspection.

Rule 86

The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under preliminary observation 1 of these rules.

Rule 87

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

Rule 88

1. The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it. Community agencies should therefore be enlisted wherever possible to assist the prison staff in the task of social rehabilitation of the prisoners.

2. There should be in connection with every prison social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his or her family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

Rule 89

1. The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups. It is therefore desirable that such groups should be distributed in separate prisons suitable for the treatment of each group.

2. These prisons do not need to provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open prisons, by the very fact that they provide no physical security against

escape but rely on the self-discipline of the inmates, provide the conditions most favourable to the rehabilitation of carefully selected prisoners.

3. It is desirable that the number of prisoners in closed prisons should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such prisons should not exceed 500. In open prisons the population should be as small as possible.

4. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

Rule 90

The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards the lessening of prejudice against him or her and towards his or her social rehabilitation.

Treatment

Rule 91

The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

Rule 92

1. To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release.

2. For every prisoner with a sentence of suitable length, the prison director shall receive, as soon as possible after his or her admission, full reports on all the matters referred to in paragraph 1 of this rule. Such reports shall always include a report by the physician or other qualified health-care professionals on the physical and mental condition of the prisoner.

3. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

Rule 93

1. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

2. So far as possible, separate prisons or separate sections of a prison shall be used for the treatment of different classes of prisoners.

Rule 94

As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him or her in the light of the knowledge obtained about his or her individual needs, capacities and dispositions.

Privileges

Rule 95

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every prison, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of prisoners in their treatment.

Rule 96

1. Sentenced prisoners shall have the opportunity to work and/or to actively participate in their rehabilitation, subject to a determination of physical and mental fitness by a physician or other qualified health-care professionals.
2. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

Rule 97

1. Prison labour must not be of an afflictive nature.
2. Prisoners shall not be held in slavery or servitude.
3. No prisoner shall be required to work for the personal or private benefit of any prison staff.

Rule 98

1. So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.
2. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
3. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, prisoners shall be able to choose the type of work they wish to perform.

Rule 99

1. The organization and methods of work in prisons shall resemble as closely as possible those of similar work outside of prisons, so as to prepare prisoners for the conditions of normal occupational life.
2. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the prison.

Rule 100

1. Preferably, institutional industries and farms should be operated directly by the prison administration and not by private contractors.
2. Where prisoners are employed in work not controlled by the prison administration, they shall always be under the supervision of prison staff. Unless the work is for other departments of the government, the full normal wages for such work shall be paid to

the prison administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

Rule 101

1. The precautions laid down to protect the safety and health of free worker shall be equally observed in prisons.
2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workers.

Rule 102

1. The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workers.
2. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of prisoners.

Rule 103

1. There shall be a system of equitable remuneration of the work of prisoners.
2. Under the system, prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
3. The system should also provide that a part of the earnings should be set aside by the prison administration so as to constitute a savings fund to be handed over to the prisoner on his or her release.

Education and recreation

Rule 104

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.
2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

Rule 105

Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners.

Social relations and aftercare

Rule 106

Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his or her family as are desirable in the best interests of both.

Rule 107

From the beginning of a prisoner's sentence, consideration shall be given to his or her future after release and he or she shall be encouraged and provided assistance to

maintain or establish such relations with persons or agencies outside the prison as may promote the prisoner's rehabilitation and the best interests of his or her family.

Rule 108

1. Services and agencies, governmental or otherwise, which assist released prisoners in re-establishing themselves in society shall ensure, so far as is possible and necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

2. The approved representatives of such agencies shall have all necessary access to the prison and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his or her sentence.

3. It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

B. Prisoners with mental disabilities and/or health conditions

Rule 109

1. Persons who are found to be not criminally responsible, or who are later diagnosed with severe mental disabilities and/or health conditions, for whom staying in prison would mean an exacerbation of their condition, shall not be detained in prisons, and arrangements shall be made to transfer them to mental health facilities as soon as possible.

2. If necessary, other prisoners with mental disabilities and/or health conditions can be observed and treated in specialized facilities under the supervision of qualified health-care professionals.

3. The health-care service shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

Rule 110

It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric aftercare.

C. Prisoners under arrest or awaiting trial

Rule 111

1. Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

2. Unconvicted prisoners are presumed to be innocent and shall be treated as such.

3. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit from a special regime which is described in the following rules in its essential requirements only.

Rule 112

1. Untried prisoners shall be kept separate from convicted prisoners.

2. Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

Rule 113

Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

Rule 114

Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

Rule 115

An untried prisoner shall be allowed to wear his or her own clothing if it is clean and suitable. If he or she wears prison dress, it shall be different from that supplied to convicted prisoners.

Rule 116

An untried prisoner shall always be offered the opportunity to work, but shall not be required to work. If he or she chooses to work, he or she shall be paid for it.

Rule 117

An untried prisoner shall be allowed to procure at his or her own expense or at the expense of a third party such books, newspapers, writing material and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

Rule 118

An untried prisoner shall be allowed to be visited and treated by his or her own doctor or dentist if there are reasonable grounds for the application and he or she is able to pay any expenses incurred.

Rule 119

1. Every untried prisoner has the right to be promptly informed about the reasons for his or her detention and about any charges against him or her.
2. If an untried prisoner does not have a legal adviser of his or her own choice, he or she shall be entitled to have a legal adviser assigned to him or her by a judicial or other authority in all cases where the interests of justice so require and without payment by the untried prisoner if he or she does not have sufficient means to pay. Denial of access to a legal adviser shall be subject to independent review without delay.

Rule 120

1. The entitlements and modalities governing the access of an untried prisoner to his or her legal adviser or legal aid provider for the purpose of his or her defence shall be governed by the same principles as outlined in rule 61.

2. An untried prisoner shall, upon request, be provided with writing material for the preparation of documents related to his or her defence, including confidential instructions for his or her legal adviser or legal aid provider.

D. Civil prisoners

Rule 121

In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. Persons arrested or detained without charge

Rule 122

Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights,²⁹ persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C, of these rules. Relevant provisions of part II, section A, of these rules shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.