TRAINING MODULE FOR PUBLIC MONITORING COMMISSIONS (PMC) ON IDENTIFYING AND PREVENTING CORRUPTION IN LAW ENFORCEMENT SETTINGS

TRAINING MODULE FOR PUBLIC MONITORING COMMISSIONS (PMC) ON IDENTIFYING AND PREVENTING CORRUPTION IN LAW ENFORCEMENT SETTINGS

Table of Contents

1. INTRODUCTION

This draft training document has been produced for PRI's Central Asia office as part of its project to develop government accountability and good governance in the law enforcement system in order to combat corruption in Kazakhstan.

This guide has been produced for a training of members of the Public Monitoring Commissions (PMCs) and regional representatives of the anti-corruption agency in Astana and Shymkent in preparation for their joint monitoring visits to detention facilities in relation to corruption.

The publication may also provide useful to monitors in other countries, including both internal and judicial inspectors as well as independent external monitors such as NGOs, NHRIs, Ombuds offices and NPMs.

This training document is aimed at those monitoring places of detention within the criminal justice system. However, some of the information could also be useful to those groups and individuals mandated to monitor other places of detention, including military facilities, immigration detention centres and psychiatric institutions.

2. BACKGROUND

Prisons are high risk environments for corruption. This is primarily because prisoners are often completely dependent on prison authorities to cater for their basic needs, and because prison staff have an unparalleled level of power over prisoners.

Prisons are often harsh environments and many prisoners will do whatever they can to do improve their daily lives. In extreme circumstances, engagement in corruption can mean the difference between life and death. However, prison corruption is not inevitable and well-managed facilities can be corruption free.

Monitoring bodies can play a key role in detecting and preventing corruption in prisons. While some monitoring bodies will not have the issue of corruption within their mandate,[1] many monitoring bodies will already have a clear sense of the nature and extent of the problems in the facilities they monitor. Those which have a specific focus on the prevention of torture and other ill-treatment (NPMs) will also know that corruption is often closely linked to such abuse.

This training document provides monitors with examples of corrupt practices in different detention situations, and provides some practical suggestions of how monitors might identify the signs that corruption is present in particular facilities.

This document should be read in conjunction with existing tools which provide more detailed guidance on detention monitoring.[2]

The overall objective of this training document is to improve the capacity of detention monitoring bodies to identify corruption in prisons. The specific objectives are:

o To increase awareness amongst monitoring bodies of the types of behaviour that can constitute corruption and the prevalence of such behaviour in prisons.

o To help monitoring bodies understand the causes and consequences of corruption in prisons and to include this in their planning where relevant.

o To identify and address the particular risks and challenges associated with monitoring for corruption.

o To assist monitors in developing appropriate methodology to research corruption.

o To provide practical guidance on how monitoring bodies can incorporate the issue of corruption in their daily work.

---

[1] PMCs and NPMs in Kazakhstan do not have the identification of corruption within their mandate, 'Corruption within the Penitentiary System: Kazakhstan practice and international documents', Yeskali Salamatov, P.6.
[2] See for example, *Monitoring Places of Detention: A practical guide,* Geneva: APT (2004) and *Practical Guide: Monitoring places where children are deprived of their liberty,* Belgium: DCI (2016).

3. UNDERSTANDING CORRUPTION

3.1 WHAT IS CORRUPTION?

There is no universally accepted definition of corruption. Even the United Nations Convention against Corruption does not provide a definition.

Transparency International, the main international organization working on the issue, defines corruption as:

'The abuse of entrusted power for private gain' and notes that corruption can be classified as 'Grand', 'Petty' or 'Political', depending on the amounts of money involved and the sector where it occurs.

Grand Corruption: 'consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good.'

Petty Corruption: 'refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens.'

Political Corruption: 'is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.'

Whilst there are clearly acts of grand corruption and political corruption which have an impact on detention facilities, the majority of corruption cases that monitors encounter are acts of petty corruption by prison officials. These acts can impact the lives of prisoners on a daily basis.

The definition of corruption in the UN Code of Conduct for Law Enforcement Officials[3] is also particularly useful when looking at corruption in the context of detention:

'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.'

The Code of Conduct also notes that *'[t]he expression "act of corruption" referred to above should be understood to encompass attempted corruption.'*

---

[3] Available here: http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx

Corruption as an 'omission of an act' is significant in prison settings, particularly in facilities with informal control structures in which prisoners hold positions of power over others.

Under Kazakhstan law, corruption is defined as the:

'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 in order 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"[4].

The inclusion of 'persons authorized to carry out state functions' and 'persons equated to persons authorized to carry out state functions.' Is also particularly useful in prison settings where informal power structures are common.

The focus of monitoring should be on the negative impact of corruption, particularly in relation to prisoners' human rights, and monitors should take a victim-oriented approach. Monitors should bear in mind that human rights violations regularly occur as a result of a corrupt act, and that a corrupt environment also allows other human rights violations to flourish.

In some circumstances there are mutual benefits resulting from a corrupt act. For example, if a prison guard takes money from a prisoner in return for a longer family visit, it can be said that both prisoner and prison guard benefit from this act. However, in this case there will be 'invisible victims', i.e. those prisoners who could never afford to pay a bribe in return for longer family visits. When there is doubt about whether an act constitutes corruption or not, it will be useful for teams to consider both the intent and the impact of the act.

Monitors should also be aware of the concepts of 'active' and 'passive' corruption. For example, the difference between offering bribes and taking bribes. However, in a detention environment it may not always be useful to determine if a prisoner has taken part in corruption actively or passively, because of their complete dependence on prison authorities for their basic needs.

3.2 DIFFERENT FORMS OF CORRUPTION

It is important that members of monitoring bodies have a common understanding of the forms of corruption they are assessing and which types of acts constitute corruption.

Transparency International have identified 31 forms of corruption. Ten of the terms used are particularly relevant in a prison setting as set out below, including a summary of the Transparency International definition, and an example of how each form of corruption may look in a prison setting:

---

[4] Law of the Republic of Kazakhstan On Combating Corruption, November 18, 2015, from the publication, 'Corruption within the Penitentiary System: Kazakhstan practice and international documents', Yeskali Salamatov.

BRIBERY - The offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust.

e.g. A prison officer accepts a bribe to change information in the prisoner file.

CLIENTELISM - An unequal system of exchanging resources and favours based on an exploitative relationship between a wealthier and/or more powerful 'patron' and a less wealthy and weaker 'client'.

e.g. A prison officer pays a prisoner in return for sexual favours.

COLLUSION - A secret agreement between parties, in the public and/or private sector, to conspire to commit actions aimed to deceive or commit fraud with the objective of illicit financial gain.

e.g. Prison managers and staff conspire to falsify the financial accounts of a prison for their own financial gain.

CONFLICT OF INTERESTS - Situation where an individual or the entity for which they work is confronted with choosing between the duties and demands of their position and their own private interests.

e.g. A staff member works in a prison where his or her close relative is detained.

EMBEZZLEMENT - When a person holding office in an institution, organisation or company dishonestly and illegally appropriates, uses or traffics the funds and goods they have been entrusted with for personal enrichment or other activities.

e.g The profits from prison labour programs go directly to the prison director.

EXTORTION - Act of utilising, either directly or indirectly, one's access to a position of power or knowledge to demand unmerited cooperation or compensation as a result of coercive threats.

e.g. Prison staff demand money from prisoners and otherwise threaten to disclose confidential information about them to other prisoners.

FACILITATION PAYMENTS - A small bribe, also called a 'facilitating', 'speed' or 'grease' payment; made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement.

e.g. Prison staff accept bribes to facilitate or expedite a prisoner's application to join a training course.

FRAUD - To cheat. The offence of intentionally deceiving someone in order to gain an unfair or illegal advantage.

e.g. Prisoners are given false information about other prisoners in order to scare or intimidate them.

PATRONAGE – Form of favouritism in which a person is selected, regardless of qualifications or entitlement, for a job or government benefit because of affiliations or connections.

e.g. Prison staff are selected for promotion based on their relationship with prison staff rather than because of their performance.

SOLICITATION - The act of a person asking, ordering or enticing someone else to commit bribery or another crime.

e.g. Prison staff bribe or threaten others to get them to smuggle in goods into the prison.

3.3 CORRUPTION IN PRISON SETTINGS

Corruption can manifest itself in many different ways in prison settings. Some examples include:

- Smuggling prohibited items into prison (eg drugs, alcohol, weapons and mobile phones)
- Taking or asking for bribes
- Turning a blind eye to or covering up criminal activities within prisons, including criminal activities with accomplices outside prison (e.g. gang related activities)
- Unauthorized disclosure of information
- Corruption related to procurement for prison services (eg prison shop, catering services)
- Stealing prisoners' property
- Conflict of interest
- Assisting escape attempts
- Blackmailing prisoners
- Falsification of information
- Conspiracy to pervert the course of justice
- Engaging in criminal activities from within prison, including gang related activities.

Whilst corruption is often associated with financial gain, it is important to note that other goods and services are often traded as a result of corrupt practices. This is particularly notable in prison environments where there may not be much money in circulation.

Thus, corruption might take the form of illicit trading of items such as drugs, alcohol, cigarettes and weapons. However, because prisoners' access to the most basic commodities and services is dependent on authorities, anything that is important for basic survival or general wellbeing, can be used as leverage against them. Prison staff might therefore take advantage of prisoners in return for promises of:[5]

---

[5] Not intended as an exhaustive list.

- Extra supplies of basic commodities such as food, water, sanitary items and bedding.
- Ventilation, heating, fans and air-conditioning in cells.
- Access to vocational and recreational training opportunities.
- Additional out-of-cell time.
- Longer, or additional family visits.
- Home visits.
- Access to the prison library or other facilities.
- Work opportunities in the facility.
- Access to medical care.
- Favourable behaviour reports.
- Lower security classification.
- Transfer to another cell or facility.
- Applications for pardon or early release.
- Protection from abuse or disciplinary measures.
- Assistance with escape attempts.

In return for some of the items or services listed above, prison staff might ask prisoners to do, or provide them with, the following:[6]

- Money
- Drugs
- Sexual favours
- Information about other prisoners or staff members
- Assistance with smuggling/trading prohibited items
- Favours from accomplices outside prison
- Threats or violence against other prisoners/turning a blind eye to abuse by staff
- Complicity in human rights violations
- Imposition of punishments against other prisoners

3.4 WHO ARE THE PERPETRATORS AND POTENTIAL VICTIMS OF CORRUPTION?

As has been noted above, the law in Kazakhstan includes 'persons authorized to carry out state functions' and 'persons equated to persons authorized to carry out state functions' as potential perpetrators of corruption. Those responsible for corruption could therefore potentially include:

- Prison staff and management
- Prison medical staff and hospital/private clinic staff/prison psychologists
- Judicial officials
- Probation officers
- Individuals working for private companies contracted to work in the prison system (eg transport, catering, construction, medical services, work programs)
- NGOs working in the prison system (e.g. training providers)
- Lawyers and legal aid providers
- Embassy staff/consular officials

---

[6] Not intended as an exhaustive list.

- Prisoners who are performing state functions (officially or unofficially)
- Prison inspectors and monitors
- Representatives of the media
- Families and other visitors
- In Kazakhstan: the National Guard

Those potentially responsible for corrupt acts will always be those who are in a position of power over others. It should however be noted that corrupt acts will often be the result of collusion between one or more of the above groups. Some examples could include:

Prison staff colluding with food suppliers to smuggle in drugs
Prison staff paying inspectors/monitors to ignore human rights violations
Lawyers colluding with prison staff/court officials to falsify legal documents

Victims of corrupt practices will usually be those who are dependent on others for something. They might include:

- Prisoners
- Families and other visitors
- Prison staff
- Prison medical staff and hospital/private clinic staff
- Individuals working for private companies contracted to work in the prison system (eg transport, catering, construction, medical services, work programs)
- NGOs working in the prison system (e.g. training providers)
- Lawyers and legal aid providers
- Prison inspectors and monitors

3.5 PERCEPTIONS OF CORRUPTION

Whilst monitors should have a clear understanding of what constitutes corruption within their particular mandate, they should also be aware that there will be different perceptions amongst individuals about whether a specific act is corrupt or not, depending on the individual concerned, the way it was carried out, the reasons for the act and the outcome. Perceptions of corruption might also vary depending on the cultural context.

4. RISK SITUATIONS AND EXAMPLES OF CORRUPT PRACTICES

There are many examples of corruption in prison and these vary from one location to another. However, there are certain situations or environments which carry higher risks of corruption. This section outlines these scenarios, containing examples of corrupt practices in each. The scenarios include potential indicators of corruption as well as other practical considerations for monitors.

This is not intended as an exhaustive list of corrupt practices in prisons. Instead it should serve as a starting point for monitors to identify patterns of corruption in different facilities.

4.1 ARRIVAL AT PRISON

Why a risk situation?
Prisoners are particularly vulnerable to corrupt practices when they first arrive in prison. They may be scared, disoriented and, if it is their first time in prison, they will not be familiar with the prison regulations or the prison culture.

Examples of corruption

⊗ Prison officers and other prisoners take advantage of the situation of newly arrived prisoners by offering initial deals for services, goods or protection against violence.

Potential Indicators

⇒ Prisoners are not given information about the prison rules and regulations, or their rights and duties upon admission to prison.

Practical considerations for monitors
As arrival at prison is a time of handover by the police or other arresting authorities, monitors should be aware of potential collusion between the police and prison staff. For example, police officers might also accept bribes to ignore smuggled items.

4.2 INVENTORY OF PERSONAL PROPERTY

Why is it a risk situation?
The risks of malpractice in relation to personal property is very high. On admission to prison personal property is usually searched. Some valuable items, including money and jewellery, will be stored by prison management to be returned to the prisoner on release. Property given to prisoners during the course of their imprisonment might also be retained by prison management. All such items should be recorded in an inventory.

Examples of corruption

⊗ Personal property is stolen by prison staff before being logged.

⊗ Prison staff offer to exchange personal property for other goods/services.

⊗ Personal property is incorrectly logged in the inventory/information in the inventory is falsified. Items go 'missing' during the course of imprisonment.

Potential indicators

⇒ Prisoners are not given the opportunity to review and sign the inventory of personal property before it is stored.

⇒ Documents are not securely stored and/or unauthorized persons have access to them.

Practical considerations for monitors

Those still in prison may not be aware that their personal property has gone missing as they cannot access it until they are released. Interviews with former prisoners might also give a useful indication of corruption in relation to personal property.

4.3 INITIAL MEDICAL SCREENING

Why is it a risk situation?
Prisoners are usually given a medical screening when they first arrive at prison. As well as determining their ongoing health care, the results of these screenings can influence decisions on cell allocation, fitness to work and take part in other activities, and rehabilitation programs. As a result, the results can be manipulated in return for money, goods or other services. Such medical screenings also pose a risk of abuse as the prisoner is usually alone in a room with prison medical staff.

Examples of corruption

⊗ Police pay medical staff to ignore signs of torture and other ill-treatment or to remove this information from the medical records.

⊗ Prisoners are told they have to pay for the medical screening or for the medication they need.

⊗ Staff fabricate health conditions in return for money or other goods/services (prisoners with certain health conditions might have access to certain drugs, have better living conditions, or might, for example avoid taking part in prison work).

⊗ Prisoners have to pay for certificates to prove they have particular heath conditions.

Potential indicators

⇒ The lack of proper records of initial medical screenings

⇒ Staff with no medical training are involved in medical screenings

⇒ There are no guidelines or procedures related to the conduct of medical screenings.

Practical considerations for monitors

As medical screening usually takes place soon after arrival at prison, monitors should be aware of potential collusion between the police and prison staff, particularly in relation to signs of torture or other ill-treatment by police.

4.4 REGISTRATION and PRISONER FILES

Why is it a risk situation?
The registration book and individual prisoner files should contain the most important information about prisoners, including the reason for their commitment, the date of their admission and release, and any visible injuries or complaints of prior ill-treatment. During the course of their imprisonment other information should be included in the prisoner file, including information related to behaviour and discipline. Given the significance of the information in the file, including in relation to home visits and early release, the potential for corruption is very high.

Examples of corruption

⊗ Information in the prisoner file is falsified or changed in order to secure more favourable conditions of detention or early release.

⊗ Confidential information in prisoner files is disclosed to unauthorized persons.

⊗ Prisoners have to pay to view their own files.

Potential indicators

⇒ Prisoner files (both manual and electronic) are not securely stored the potential for corrupt practice is high.

⇒ There is no secure audit trail for prisoner files.

⇒ Prisoners are employed to carry out administrative functions in the facility.

⇒ Monitors are not given access to prisoner files when requested.

Practical considerations for monitors
It can be difficult for monitors to detect or verify allegations of unauthorized access to or modification of information in individual prisoner files. This might only be uncovered if there is a pattern of complaints of such malpractice.

4.5 ALLOCATION

Why is it a risk situation?

Allocation can refer to allocation to a particular prison as well as allocation to a specific cell or block within a prison. Allocation should be based on security classifications and risk and needs assessments. Because allocation is an important factor in determining prisoners' experience in detention, it may be subject to undue interference.

Examples of corruption

⊗ Prisoners are allocated to particularly harsh, or remote prisons as punishment or retribution.

⊗ Prison staff accept bribes to transfer prisoners to less crowded cells within a facility.

⊗ High security prisoners are allocated to low security cells/blocks as a perk. Low security prisoners are allocated to high security cells/blocks as punishment or retribution.

⊗ Prisoners are allocated to cells in which they can assert power over other prisoners or they are knowingly co-located with potential conspirators (e.g. fellow gang members)

Potential indicators

⇒ Allocation is not based on transparent classifications, risk and needs assessments.

⇒ There is no strict separation of adults and juveniles, pre-trial and convicted prisoners or different security levels of prisoners.

Practical considerations for monitors
In countries where prison and/or cell allocation is determined by the courts rather than the prison system (based on the severity of the crime), monitors should be aware that corrupt practices in relation to allocation may take place at that level, and there is a risk of collusion between prison and judicial authorities.

4.6 CLASSIFICATION, RISK and NEEDS ASSESSMENTS

Why is it a risk situation?
In addition to determining allocation, security classification and risk and needs assessments should also determine individual sentence planning and rehabilitation programs.

Examples of corruption

⊗ Risk factors, needs or vulnerabilities are deliberately ignored.

⊗ Those prisoners deemed to be a high risk of escape are transferred to a low security facility.

⊗ Information related to security classification, risk and needs assessments is disclosed to unauthorized persons.

Potential indicators

⇒ There are no standard tools for classification, risk and needs assessments.

⇒ There is no transparent process for reviewing security classifications, needs and risk assessments.

⇒ Those conducting the risk assessments have not received appropriate training.

⇒ Prisoners have not been able to see the results of their classification or assessments or to challenge their findings.

Practical considerations for monitors

In some systems there is no process in place for proper security classification or for risk and needs assessments. In others the systems make exist but prisoners themselves may not be aware of the results of their classification and assessments, or how the information was used to determine their allocation or sentence planning.

4.7 ACCESS TO LEGAL ADVICE/REPRESENTATION and ACCESS TO THE JUDICIAL SYSTEM

Why is it a risk situation?

Legal advice and representation is important, not only for the trial itself, but for appeals and other post-trial matters, including the possibility of early release. As such, access to this advice and representation, as well as access to the justice system itself, present a risk for potential corrupt practice.

Examples of corruption

⊗ Prisoners have to pay to telephone or meet with their legal representative in full privacy.

⊗ Prisoners have to pay to access documents relating to their legal proceedings.

⊗ Prisoners are able to pay to bring forward the date of their trial or appeal.

⊗ Prisoners have to pay to attend court hearings.

Potential indicators

$\Rightarrow$ Prisoners are not aware of their right to communicate and consult with a legal adviser of their own choice or a legal aid provider.

$\Rightarrow$ Prisoners are not aware of their right to appeal or how they can do so.

Practical considerations for monitors

In order to gain a better understanding of potential corrupt practices in relation to legal advice and representation, monitors should also consider talking with legal representatives. Monitors should however also be aware of the possibility that legal representatives are themselves involved in corruption.

This document does not cover corruption within the court system itself. However, in assessing corrupt practices related to access to the courts, monitors should be aware that the corruption may originate from judicial or police officers, and may be a result of collusion.

4.8 CONTACT WITH THE OUTSIDE WORLD

Why is it a risk situation?
Contact with the outside world is particularly important for prisoners. This can include contact with families, embassies, NGOs and others. As prisoners are usually dependent on prison staff to enable this contact, there is a particular risk of corrupt practices.

Examples of corruption

$\otimes$ Prisoners, or their visitors, have to pay for visits. This might include paying extra for more favourable visiting conditions, longer visits and contact visits.

$\otimes$ Prison staff accept bribes to allow prisoners extended, conjugal or home visits.

$\otimes$ Prisoners have to pay to access their mail or have to pay overly inflated prices to use the telephone or computer.

$\otimes$ Prisoners who bring money, food, medicine or other goods to prisoners have to give a percentage of these items to prison staff, or the staff confiscate the items for their own benefit.

$\otimes$ Prison visitors are able to smuggle in prohibited items because they are deliberately not searched or the smuggled items are ignored.

$\otimes$ Prison staff prohibit or restrict visits, or threaten to do so, in order to elicit money, goods or favours from prisoners.

Potential indicators

⇒ There are no minimum visiting entitlements which apply to all prisoners.

⇒ Prisoners and their visitors do not have Information about their visiting rights, about how visits should be arranged or the rules and regulations governing such visits.

⇒ Restrictions on monitoring are not informed by proper procedures, including individual assessments.

Practical considerations for monitors
In assessing corruption in relation to contact with the outside world, monitors should consider talking to prison visitors as well as prisoners themselves. The potential for corruption may be particularly high in prison systems that allow visitors to bring money, food and other goods to prisoners.

4.9 BODY and CELL SEARCHES

Why is it a risk situation?
Prisoners are usually searched when they first arrive at prison to check for prohibited items such as weapons, drugs or mobile phones. Prisoners might also be searched after contact visits, upon returning from court hearings, hospital appointments, or from working outside the prison. Body or cell searches might also be carried out routinely, or if staff suspect that prisoners are in possession of a prohibited item.

Body and cell searches present particularly high risks for corruption because prisoners are vulnerable and are often alone in a room with one or two prison officers. Prisoners are also particularly at risk of torture and other ill-treatment during body searches.

Examples of corruption

⊗ Prison staff accept bribes to not search particular prisoners or their cells or to ignore smuggled items during searches.

⊗ Prison staff use or threaten violence, including sexual violence, during body searches as a way to get money or other goods or favours from prisoners.

⊗ Personal items go missing during cell searches.

⊗ Prohibited items are planted on a prisoner or in their cell.

Potential indicators

⇒ There is no clear regulation of search procedures, including when and how different types of searches can be carried out and by who.

⇒ There is no consistent record keeping of searches, including the reason for the search, who carried it out and the results.

⇒ Searches are carried out in isolated locations and/or the prisoner is alone with a single staff member during the search

Practical considerations for monitors

Monitors should consider who conducts the body searches. For example, health-care professionals may be responsible for body cavity searches and might themselves be involved in corrupt practices.

When interviewing prisoners about body searches, particularly strip and body cavity searches, monitors should approach the subject with sensitivity as searches can be particularly distressing experiences.

4.10 DAILY PRISON LIFE

Why is it a risk situation?

All aspects of daily prison life carry potential risks of corruption. These might include, but are not limited to, personal space, prison food, water, toilets and showers, sanitary items, out-of-cell time, opportunities for exercise, electricity (including access to fans, heating, lighting and TV) and the prison shop.

Examples of corruption

⊗ Prisoners have to pay for their sleeping space, with the better, bigger sleeping spaces given to those who pay more.

⊗ Items for sale in the prison shop are overpriced and/or the profits go directly to prison officials.

⊗ Prisoners have to pay for basic items such as food, water, sanitary items, fans or heating in their cell.

Potential indicators

⇒ The potential for corruption in relation to basic commodities and services is higher in overcrowded facilities with poor physical conditions.

Practical considerations for monitors

Some indications of corruption in relation to daily prison life might be detected during visits to prison facilities. For example, if some cells contain TVs, fans or heaters whilst others do not, if some cells appear to be more overcrowded than others, or if levels of comfort appear

to vary from one cell to another. Monitors could also compare prices of items in the prison shop with those in the outside community to see if there is a significant price difference.

4.11 REQUESTS and COMPLAINTS

Why is it a risk situation?

It is particularly important for prisoners to be able to make requests or complaints as this may be their only avenue for addressing the problems they face. However, there is a high potential for corruption because prisoners are reliant on the prison administration to ensure that requests and complaints are dealt with fairly and safely.

Examples of corruption

⊗ Confidential requests and complaints are passed to unauthorized persons.

⊗ Systematic complaints about prison staff or the prison system are ignored or those making the complaints are subject to retribution.

Potential indicators

⇒ There are no clear set of procedures for making requests and complaints and/or prisoners do not trust the system of requests and complaints.

⇒ Prisoners are not aware of their right to make requests or complaints or how to do so.

⇒ There are no safeguards in place for those who make serious complaints.

⇒ The prison administration does not keep records of requests and complaints or follow up action.

Practical considerations for monitors

Monitors might also consider assessing the systems in place for prison staff to make requests and complaints as these systems may also be open to abuse. In assessing access to and effectiveness of requests and complaints systems, monitors might also request to review any existing records of requests and complaints and any follow up action.

4.12 EDUCATION, TRAINING and other REHABILITATION OPPORTUNITIES

Why is it a risk situation?

Access to education and training opportunities are important factors in a prisoner's eventual rehabilitation. Such opportunities can also greatly improve the experience in prison, including by relieving boredom and stress. As such there is a high risk of potential corrupt practice.

Examples of corruption

⊗ Prisoners have to pay for or otherwise 'earn' the opportunity to access education, training and other rehabilitation opportunities.

Potential indicators

⇒ Rehabilitation programs are not based on individual assessments.

Practical considerations for monitors

Monitors should be aware of the potential for collusion between prison staff and providers of education and training programs.

4.13 PRISON WORK

Why is it a risk situation?

Prison labour usually results in some form of profit and is likely to be less regulated than work in the community. Prisoners are unlikely to have access to unions and other protective measures. The risk of corruption is therefore high.

Examples of corruption

⊗ Prisoners do not receive proper compensation in return for their labour and/or the profits of prison labour are used to benefit prison officials.

⊗ Prison officials have business or personal interests in connection with companies used for prison labour.

⊗ Prisoners are forced to work extra hours and health and safety requirements are not met.

Potential indicators

⇒ Prisoners are not given the opportunity to complete a consent form detailing their wages and conditions of work.

⇒ Wages are not paid directly to prisoners.

Practical considerations for monitors

Monitors should be aware of potential collusion between prison staff and companies providing prison labour schemes.

4.14 DISCIPLINARY MEASURES

Why is it a risk situation?
If disciplinary measures are not applied in a fair, consistent and transparent manner, there is a high risk that they will be misused as a means to extort money, goods or favours from prisoners. Additionally, those undergoing any form of disciplinary measures might be particularly susceptible to corrupt practices.

Examples of corruption

⊗ Prisoners are threatened with disciplinary measures if they do not respond to requests for money or favours.

⊗ Those undergoing punishment, including segregation, are told the punishment will come to an end only when they agree to pay money or provide services.

Potential indicators

⇒ There are no clear rules and regulations related to disciplinary measures.

⇒ Disciplinary measures appear to be applied disproportionately against particular individuals or groups of prisoners.

⇒ Informal systems of punishment administered by staff or other prisoners are in regular use.

⇒ Prisoners are not able to appeal against the imposition of disciplinary measures.

Practical considerations for monitors
In order to get a better understanding of corruption in relation to disciplinary measures, monitors should try to meet with those currently subject, or those recently subjected to, such measures. Monitors should also be aware that, where punishments are regularly administered by prisoners, there is the potential for collusion between staff and prisoners.

Monitors should consider reviewing records of disciplinary procedures, including the reason for their imposition, as part of their assessments.

4.15 PRISONER INCENTIVES

Why is it a risk situation?

Where prisoner incentive schemes exist there is a clear risk of malpractice, particularly when such schemes are not applied fairly, consistently and transparently.

Examples of corruption

⊗ Prisoners can bribe officials to gain incentives which would normally only be gained through good behaviour.

⊗ Behaviour which might lead to a loss of incentives is ignored.

Potential indicators

⇒ There are no clear rules and regulations related to incentive schemes.

⇒ Incentives appear to be given disproportionately to particular individuals or groups of prisoners.

⇒ Decisions related to downgrading of incentives cannot be challenged.

Practical considerations for monitors

Monitors should be aware that, in addition to (or instead of) formal incentive schemes, there may be informal systems of incentive in operation.

4.16 TORTURE AND OTHER ILL-TREATMENT and VIOLENCE

Why is it a risk situation?

Prisons are high risk environments for torture and other ill-treatment. The threat of abuse and violence, or the promise of protection against it, is often associated with corrupt practices.

Examples of corruption

⊗ Prisoners pay or exchange favours in return for protection against abuse (protection rackets).

⊗ Prisoners are subjected to torture or other ill-treatment in order to extract money or other goods from them.

⊗ Prison staff are subjected to violence by prisoners in order to force them to ignore or collude in wrongdoing.

Potential indicators

⇒ Informal systems of governance are commonplace in the prison system.

⇒ There are no systems in place for the proper investigation and other follow-up of allegations of torture and other ill-treatment.

Practical considerations for monitors
Monitors should be aware that prisoners might themselves be for the abuse, either under the direct orders of prison staff, or with their knowledge.

4.17 ACCESS TO HEALTH CARE

Why is it a risk situation?
Prisoners are dependent on prison authorities for access to healthcare. Such access, and the quality of the healthcare provided, may therefore be open to corruption. Procurement of health care services in prisons might also lead to corrupt practices.

Examples of corruption

⊗ Prisoners have to pay to access health care services (both in prison and outside of prison, including paying for transportation to hospital).

⊗ Other prisoners act as 'gatekeepers' for prison health services.

⊗ Prisoners have to pay for medication.

⊗ Confidential medical information is disclosed to unauthorized persons.

Potential indicators

⇒ The prison health care service is not independent of the prison administration.

⇒ Medical files are not securely stored.

⇒ Prisoners cannot request access to health care services in full confidentiality.

Practical considerations for monitors
Monitors should be aware that health care providers may themselves be involved in corruption and there may be collusion between prison officers, prisoners and health staff.

4.18 TRANSIT AND TRANSFER

Why is it a risk situation?

Transfer and transport of prisoners is a high risk time for corruption. This is because there is often a lack of oversight during this period of detention, and those in charge of transporting prisoners may not have been vetted and trained to the same standards as regular prison staff. Transport of prisoners is sometimes also under the control of private companies. In addition, prisoners might also be transferred to another facility as a result of corrupt practice.

Examples of corruption

⊗ Prisoners can pay to be transferred to another facility.

⊗ Prisoners are transferred to a harsher facility as a form of punishment or because they don't agree to requests for bribes or services.

⊗ Prisoners are threatened with violence during transfer.

Potential indicators

⇒ The transport of prisoners is contracted to private companies.

⇒ The safeguards applied in prison appear to be less stringently applied during transit and transfer (including, for example, separation of prisoners)

⇒ Information about prisoner transfer is not properly recorded in prisoner files and/or prisoners are not able to inform their families/lawyers ahead of a transfer.

⇒ There is no CCTV in vehicles used for transfers

Practical considerations for monitors

When monitoring the potential for corrupt practices during transit and transfer, monitors should be aware of every situation of risk, including for example, periods of time when detainees/prisoners are waiting in hospitals and court houses, or when they are taken to use toilet facilities during transit.

4.19 RELEASE AND POST-RELEASE

Why is it a risk situation?

Examples of corruption

⊗ Prisoners are able to bribe their way to early release, including through pardons and sentence reductions.

⊗ Prisoners who are due to be released are threatened with violence or offered money to keep quiet about their experiences in prison.

⊗ Prisoners have to pay in order to be released on their due release date.

⊗ Personal property is not returned upon release, or prisoners have to pay to receive it.

Potential indicators

⇒ There are no clear procedures for applying for sentence reductions and pardons.

⇒ Prisoner files are not kept up to date in relation to release dates.

Practical considerations for monitors
In order to fully assess corruption in relation to release and post-release, monitors will need to interview former prisoners.

4.20 OTHER

⊗ Prison staff assist prisoners in escape attempts
⊗ Prison staff smuggle prohibited items to give to prisoners or bribe others to smuggle items (eg monitors, NGOs)
⊗ Prison staff bribe monitors to ignore malpractice

5. VULNERABLE GROUPS

When considering situations of vulnerability for corrupt practices, monitors should also consider which individuals, or groups within prisons might be particularly vulnerable to such actions and why. Undoubtedly, everyone in a prison environment can be a victim of corruption, however there are some who may be more so than others.

For prisoners, factors which might increase vulnerability include, but are not limited to:

- Gender
- Age
- Sexual orientation and gender identity
- Nationality and ethnicity
- Physical and mental health
- Behaviour and personality
- Addictions or dependencies
- Social and economic status
- Gang affiliations (or lack of)
- Legal status (pre-trial or convicted)
- Crime accused or convicted of
- Time spent in prison

- Incarceration history
- Level of contact with the outside world
- Access to legal advice and representation
- Literacy and levels of education

In the sections below we consider in more detail why it is that particular individuals or groups of prisoners are at risk of corruption and the way in which this can manifest itself.

5.1 WOMEN

Factors which increase their vulnerability to corruption

- As the main caregivers in families, women may have greater concern for family welfare, particularly for their children and other dependents
- They may have a higher reliance on family visits, particularly visits from children
- Prisons are male dominated environments
- Male staff may use sexual threats/favours against women
- Women have particular health and sanitary needs
- Pregnant women and those with children living with them need specific items and services
- Women may be less likely to have access to legal advice and representation

What type of corrupt practices might they be subject to?

- Having to pay for contact with family members, including family visits and visits involving their children.
- The threat of sexual violence or 'protection' from sexual violence
- The offering of goods or services in return for sexual favours
- Women have to pay for sanitary towels, medication; Pregnant women have to pay to access specialist health care.
- Women can have their children stay with them if they bribe prison officials.

5.2 CHILDREN

Factors which increase their vulnerability to corruption

- Due to their age, children may be particularly fearful and stressed in a prison environment
- Children are less likely to have experienced prison before and might therefore be viewed as 'naïve' about the prison culture
- They may be susceptible to offers of 'help' or 'protection' from adults
- Children may be less likely to understand their rights as prisoners
- Children have particular educational and social support needs

What type of corrupt practices might they be subject to?

- Offers of 'protection' in return for services or favours

- Payments or favours in order to be allowed to attend education courses or sports activities
- Payments for family visits.

5.3 LGBTI PRISONERS

Factors which increase their vulnerability to corruption

- They may not want their sexual orientation or gender identity known to prison staff or other prisoners
- They may not want their sexual orientation or gender identity known to their family or to the wider community
- They may be particularly at risk of violence, including sexual violence
- There may be particular considerations in relation to allocation and body searches
- Transgender prisoners may have particular health care needs

What type of corrupt practices might they be subject to?

- Blackmail or threats to disclose their sexual orientation or gender identity
- Payments required to allow their partner to visit
- Threats of violence, including sexual violence
- Disclosure of confidential medical information

5.4 FOREIGN PRISONERS

Factors which increase their vulnerability to corruption

- They may be more isolated within the prison, especially if they do not know the local language/s and/or are unfamiliar with the local culture
- Information about the prison rules and their rights as prisoners may not have been made available to them in their own language
- They may have limited contact with the outside world in comparison to other prisoners

What type of corrupt practices might they be subject to?

- They have to pay to contact their consular representatives
- They are given false information about their rights as prisoners
- They have to pay to be considered for transfer back to their own country

5.5 PRE-TRIAL DETAINEES

Factors which increase their vulnerability to corruption

- They may be particularly stressed about their situation and uncertain about their future

- They may be unfamiliar with the prison culture, particularly those who have recently arrived in prison
- They are likely to require more access to legal advice and representation

What type of corrupt practices might they be subject to?

- Bribery in relation to court proceedings/legal decisions
- They may have to pay to contact their lawyer
- Offers of 'protection' for newly arrived prisoners

5.6 PRISONERS WITH MENTAL HEALTH CONDITIONS

Factors which increase their vulnerability to corruption

- They may have less understanding of their rights as prisoners
- They may be particularly vulnerable to pressure from prison staff and other prisoners
- They may have particular needs in relation to health care and medication

What type of corrupt practices might they be subject to?

- Having to pay for necessary health care or medication
- Persuaded to be Involved in smuggling operations
- Performing tasks for other prisoners

5.7 PRISONERS WITH PHYSICAL DISABILITIES

Factors which increase their vulnerability to corruption

- They may have particular needs in relation to health care and medication
- They may also have particular needs relating to physical access to basic services in prison
- They may be reliant on other prisoners to help them with their daily routine

What type of corrupt practices might they be subject to?

- Having to pay for necessary health care or medication
- Having to pay other prisoners to help with daily routines

5.7 PRISONERS FROM DISADVANTAGED OR MARGINALIZED COMMUNITIES

Factors which increase their vulnerability to corruption

- Prisoners with less access to money and other goods might have to perform services for staff or other prisoners instead of financial payments
- They are less likely to have access to legal representation
- They may have less contact with family and friends due to the costs associated with prison visiting

- They are likely to have higher rates of illiteracy

What type of corrupt practices might they be subject to?

- Performing jobs for richer prisoners or staff members
- Providing favours, including sexual favours, in return for access to basic goods and services

5.8 PRISONERS WITH DRUG OR ALCOHOL ADDICTIONS/DEPENDENCIES

Factors which increase their vulnerability to corruption

- Vulnerability due to addition/dependency

What type of corrupt practices might they be subject to?

- Being offered drugs or alcohol in return for money or other goods/services

6. STAFF AS VICTIMS OF CORRUPTION

Whilst the main focus of this training document is on corruption experienced by prisoners, it has already been noted that staff and others within prison systems can also potentially be victims of such practices. As staff are the second most likely group to be impacted by corruption, this section briefly notes the most likely risk factors for staff and the forms of corruption they may experience:

Risk factors

Amongst prison staff, vulnerability to corrupt practices could be increased by:

- Gender
- Age
- Sexual orientation and gender identity
- Nationality and ethnicity
- Physical and mental health
- Behaviour and personality
- Addictions or dependencies
- Social and economic status
- Gang affiliations (or lack of)
- Position in the staff hierarchy
- Length of service
- Professional conduct
- Professional relationships
- Literacy and levels of education

It should be noted that many of the risk factors for staff members are similar to the risk factors for prisoners.

Likely forms of corruption affecting staff members

- Access to promotion opportunities
- Access to training opportunities
- Staff pay and benefits, including holiday entitlement
- Threats of demotion/disciplinary measures
- Protection from bullying and violence
- Threats against their family
- Blackmail in relation to their private life, including sexual orientation or personal relationships

SECTION 2: MONITORING FOR CORRUPTION

7. PLANNING A VISIT

7.1 IDENTIFYING THE CAUSES OF CORRUPTION

When planning to monitor for corruption within prisons, it will be important for monitors to consider the underlying factors for corruption (i.e. why it is that corruption might be present in a particular facility). This will help monitors choose which facilities to prioritize and will help to determine their monitoring strategy.

Underlying factors for corruption could include:

- Levels of corruption within society generally
- Corruption within government, civil service and at top levels of prison management
- Management style and weak/strong managers
- Levels of funding/allocation of funds
- Dominant prison culture/subculture (is corruption more likely in a strictly run facility?)
- Prison security level (is corruption more likely in a low security or a high security prison? open/closed facilities?)
- Cell type (is corruption more likely in dormitory style cells or single cells?)
- Existence of informal power structures (including prisoner self-governance)
- Prison location (more likely in rural or urban prisons?)
- Prisoner composition (richer or poorer prisoners?)
- Levels of overcrowding
- Understaffing (prisoners more likely to have control in understaffed facilities)
- Poor staff pay
- Poor recruitment practices
- Lack of appropriate training
- Individual opportunism

Teams should bear in mind the above factors when determining which sites to monitor. Based on this, they might decide to prioritize:

- Facilities where little information about levels of corruption is available
- Those with high levels of previous reports of corruption
- Facilities in areas of the country where corruption is more prevalent
- Those with high levels of reports of human rights violations (considering the link between corruption and human rights violations)
- Prisons holding significant numbers of individuals deemed to be at risk of corruption, as identified above
- Facilities which have been identified as a high risk for corruption by other monitors, former detainees/prisoners, staff, visitors or others stakeholders
- Facilities in particularly rich/poor areas of the country
- Particularly overcrowded and/or under-resourced facilities
- Those which employ private companies to carry out prison functions
- Those in very remote locations and those which have not recently been monitored
- Facilities which have had a recent change in management
- Facilities which do not allow unfettered access by monitors and those which are not regularly monitored

Sometimes it may be useful to focus on prisons with few or no reports of corruption, either to identify and disseminate examples of good practice, or because there are reasons to believe that corruption is taking place but is not being reported. Monitors might also decide to specifically monitor facilities which already have an effective zero tolerance policy towards corruption, in order to understand how this works in practice and to develop practical recommendations for other facilities.

7.2 IDENTIFYING CHALLENGES AND RISKS

It can be particularly difficult to report and detect corruption in prisons for many reasons. Corruption monitoring also presents particular risks to those involved. It would therefore be useful for monitors to identify these challenges and risks when preparing their strategies. This should help them overcome research challenges and mitigate against potential risks.

The challenges and risks often mirror those challenges and risks associated with reporting torture and other ill-treatment.

Challenges – why is corruption underreported?

- **Mutual benefits** - corrupt practices can be beneficial for both perpetrator and victim. For example, victims may fear losing the goods and services they obtain as a result of corruption (for example, the availability of drugs, additional out-of-cell time, the promise of extended family visits).

- **Fear -** victims and witnesses may fear retaliation if they report incidents of corruption, especially if there are no effective victim/witness protection programs in place.

- **Feelings of shame, embarrassment or guilt** – those who have been the victims of corruption may be reluctant to talk about the abuse because they feel ashamed, embarrassed or guilty, especially when corruption is linked to sexual abuse, and particularly when they do not have access to support services.

- **The absence of an effective complaints system/lack of information about the complaints process** – Victims and witnesses may not lodge official complaints because the procedures are not safe or effective, or prisoners do not know how to access them. Some of those identified as being particularly at risk of corruption may also face particular problems in accessing complaints procedures (e.g. if they do not speak the language, are illiterate, have mental health problems or are held in isolation. Women and juveniles may also face specific barriers in accessing such procedures.) Internal complaints mechanisms are likely to be particularly ineffective if there is high level involvement in corruption.

  Distrust in the effectiveness of complaints and response procedures – victims of corruption might decide not to report abuse because they feel their complaint will be ignored by authorities, dismissed as 'trivial', or that authorities will fail to adequately respond. They may also feel that, even if their complaint is taken seriously, authorities will not be able to prevent the corruption from recurring.

- **Belief that corruption in prison is inevitable/normal** – corruption may be so endemic in prison environments that victims and witnesses consider it a normal or inevitable part of imprisonment

- **Concern about protective measures** – prisoners in particular may be reluctant to report corruption because they are worried they will be transferred to a different part of the facility, or to another facility, for their own protection. This can sometimes lead to a deterioration in their living conditions, and it may mean that it is more difficult for families and friends to visit them.

- **No clear line of responsibility** – corruption may not be reported because it is not clear who is ultimately responsible (going up levels of power but also collusion)

- **Fear of ostracism and demotion (staff members)** - staff may themselves be reluctant to report incidents of corruption due to the potential backlash from colleagues or detainees/prisoners, the fear of being demoted or losing their jobs, and the fear of being ostracized by other staff for whistleblowing.

7.3 DEFINING THE SCOPE AND OBJECTIVES OF MONITORING VISITS

When planning to include the issue of corruption in regular monitoring, or corruption specific monitoring, teams should agree in advance on the scope of the research, including:

WHO

- What levels of the prison administration they are monitoring for corruption (within the prison itself or up to ministry level and beyond?)
- If their research will focus on corruption by prison staff or if it will include corruption by others (eg service providers, other prisoners (inaction by staff), judicial officials etc.)
- Whether their research will Include collusion with others (eg judicial officials, police)

WHERE

- Which places of detention are included in the monitoring? (prisons only? including pre-trial facilities and police custody?)
- Will the monitoring include corruption outside of the immediate detention environment, including during transit, at court, hospital?
- Will the monitoring include corruption in relation to prisoners who have been released on parole?

WHAT

- Monitors need a clear agreement on what types of act constitute corruption under their monitoring mandate.

HOW

- Monitors should discuss and agree the best methods for researching corruption, including whether the monitoring visits should be corruption specific or be part of their regular visits, and, where there is a choice, if visits should be announced or unannounced.

WHEN

- Monitoring teams should also discuss how often it will be necessary to visit particular facilities in order to gain a good understanding of levels of corruption.

OBJECTIVES

Teams should also set clear, achievable objectives with measurable outcomes. Broadly speaking, the monitoring teams should aim to:

→ Understand the context in which corruption occurs in detention locations, including relevant laws, regulations and procedures.
→ Research the types and extent of corruption occurring in each facility.
→ Identify the groups or individuals most at risk of corruption and why this is the case.

→ Understand why it is that individuals become perpetrators of corruption in places of deprivation of liberty.

→ Understand if corruption is underreported and, if so, the reasons why detainees/prisoners and staff do not report instances of corruption.

→ Gain a good understanding of the attitudes of management, staff and detainees/prisoners towards corruption.

→ Assess the effectiveness of existing mechanisms designed to prevent corruption.

→ Review the effectiveness of monitoring and complaints mechanisms.

→ Assess the measures in place to respond to allegations of corruption.

Once the general objectives have been set in relation to corruption, monitoring teams can more easily determine the specific fact-finding needs when planning to visit particular prisons. This might include:

→ The composition of the prison population, including the known population of groups which might be vulnerable to corruption.

→ The size and location of the detention facility.

→ Levels of overcrowding

→ The security level of the facility.

→ Previous complaints, investigations and prosecutions related to corruption.

→ The records of previous monitoring visits and information from other sources, including media, NGOs, former detainees/prisoners, family members and other visitors.

8. RESEARCH METHODOLOGY

Corruption monitoring will form part of the overall monitoring strategy, and should be integrated into a team's ongoing work. Because corruption is often the sign of poor prison management, and because it is often related to other problems in prisons, including torture and other ill-treatment, it is likely that monitoring findings and recommendations will mirror those related to other areas of prison life.

When planning a visit, research teams should consider the most effective methodology for researching corruption, including whether particular monitoring visits should focus specifically on corruption or whether it should form part of a general monitoring visit.

8.1 REVIEWING EXISTING INFORMATION AND DOCUMENTATION

Before undertaking a visit to a particular facility, monitors should familiarize themselves with any existing information related to corruption. Where available this might include:

History of corruption within the facility

- The findings of previous monitoring visits from their own or other monitoring mechanisms.
- Any media reports related to corruption in the facility. A review of media might also reveal useful information about media and public attitudes towards corruption in prisons, or the attitude of authorities towards the topic.
- Previous complaints of corruption from detainees/prisoners, staff, service providers, family members or others, including any cases which resulted in disciplinary procedures or court proceedings.
- Information on prohibited items which have been seized by authorities.

Information about the facility

- Assessing detainee/prisoner composition
- Assessing levels of overcrowding
- Looking at staffing levels and the chain of command.

Existing policies, procedures and guidelines

- Reviewing any existing anti-corruption policies, laws, policies and procedures in relation to corruption (where they exist).
- Any existing measures to promote anti-corruption measures, including efforts to disseminate knowledge about the prevention of corruption
- Assessing complaints procedures, including their safety and effectiveness (including staff complaints procedures)
- Do staff disciplinary policies contain anything on corruption?

Staff recruitment and training
- Assessing recruitment procedures, staff training manuals and codes of conduct to assess staff vetting. For example, whether staff screening includes issues such as integrity, honesty, responsibility.
- Assessing opportunities for staff training and promotion.
- Looking at relevant conflict of interest policies- For example, do staff have to declare their outside interests? (including other employment? or gifts received in the context of carrying out their professional duties)
- Reviewing staff training manuals to see if they include anything on corruption or related matters
- Looking at staff pay scales – are there equitable pay scales/equal renumeration?

Accountability measures

- Researching the prison finance system. Is it transparent and accountable? Is there any public reporting on revenue and expenditure, accounting and auditing and oversight.
- Is information on systems of procurement/how contracts are awarded/declarations of interest publicly available?
- Is there any other public reporting about the prison? (eg decision making processes, administrative procedures)

Availability of information

- Is there any information available to prisoners on corruption prevention and what they can do if they become aware of corruption or if they become victims themselves?
- What are the prison rules related to corruption, what are the consequences?

Ошибка! Закладка не определена.

8.2 VISITING THE FACILITY

The visit to the detention facility is likely to be the main source of information for the monitoring and is likely to include interviews with detainees/prisoners, management, staff and other stakeholders. Many monitoring mechanisms will also be mandated to inspect all areas of the facility and to consult prisoner files and prison registers.

Some monitoring bodies are able to conduct unannounced visits. Where this is possible they should determine the pros and cons of announced and unannounced visits in relation to corruption. For example:

Pros: Reduce the opportunity for authorities to threaten victims of corruption
Reduce the chance for them to 'clean up' the prison before the visit/hide prisoners
Monitors are more likely to be able to interview prisoners of their choice

Cons: Difficult to organize access for specialists
More difficult to organize surveys etc.

Ошибка! Закладка не определена.

8.3 INFORMATION FROM PRISONERS

When collecting Information about corruption from prisoners, monitors should consider who they want to include in interviews/surveys etc., the sampling methodology and the best methods of obtaining the information. Most importantly, they should choose the methods which would be the safest and most appropriate given the sensitive nature of the subject matter and the context in which they are operating.

In order to protect against the possibility of retaliation, and to get the best possible picture of the nature and extent of corruption, it may be useful to aim for a randomized sample of participants which reflects the composition of the overall prison population. In this way monitors can include those most at risk of abuse of corruption or the potential perpetrators of corruption, without drawing unwanted attention to their situation.

Thus, where possible, the groups of participants should:

- Be gender balanced.
- Include a representative sample of both pre-trial and convicted prisoners.
- Represent the different age groups within the prison population.
- Include detainees/prisoners from different wings/blocks/cells/dormitories.
- Include those detainees/prisoners undergoing any form of punishment.

- Include those who have physical/mental health problems.
- Represent the different security levels in the detention facility and different sentence lengths of convicted prisoners.
- Include some detainees/prisoners who have recently arrived in the facility.

When determining the means of information gathering, monitors should consider the most appropriate method for monitoring corruption. It will often be most useful to use of combination of different research methodology. Below if a brief description of the different methods, and the pros and cons in relation to corruption.

GROUP DISCUSSIONS

Group discussions might be useful for discussing small scale corruption, but will not be useful for getting information about particular incidents. Group discussions also present a high risk of retaliation against those who report incidents of corruption, particularly if perpetrators of corruption are in the group, or if others report back to them. When organizing such discussions, monitors also need to determine the best way to select and group participants.

CASUAL CONVERSATIONS

Casual conversations might be useful for getting indications of the problem of corruption, identifying those most at risk, and gaining a sense of the attitudes towards corruption within the facility. However, such conversations will not be useful for discussing specific incidents and can be particularly dangerous for victims of corruption due to their non-confidential nature.

ONE-TO-ONE PRIVATE INTERVIEWS

One-to-one confidential interviews are undoubtedly the best, and safest, forum for obtaining information about corruption from individuals. They can provide more confidentiality and allow for a more open conversation about the problems. In such interviews monitors must gain the trust and confidence of participants and provide them with reassurances that their identity and the information they provide will remain fully confidential.

On the other hand, one-to-one interviews can be time consuming and, whilst they can provide detailed information about particular instances of corruption, they may not provide a good overview of the broader problem and underlying causes. Monitors must also take precautions when conducting individual interviews, including by considering how interviewees are brought to the interview room in order to protect their identity.

With one-to-one interviews, care must also be taken to reduce the risks of retaliation against the interviewee. The location and privacy of the interview room, and the manner in which the person is escorted to the room, should therefore be carefully considered.

SURVEYS
Surveys can be useful tools for providing quantitative data about corruption in prisons, giving a sense of the broader problem and vulnerable groups. Surveys can also provide a degree of

confidentiality for participants. However, the lack of detailed information means that they are only useful when carried out in conjunction with other monitoring tools.

OBSERVATION

Direct observation during monitoring visits might sometimes also be useful in detecting corruption, although the chances of getting much information will be limited.

Ошибка! Закладка не определена.

8.4 INFORMATION FROM FORMER INMATES, FAMILY MEMBERS AND OTHER STAKEHOLDERS

Monitors should consider interviewing former detainees/prisoners as part of their research into corruption. This will be particularly helpful for places of deprivation of liberty where detainees are too fearful to talk or where it is not possible to conduct fully confidential interviews. It can also be useful if monitors need to confirm patterns of corruption, or obtain more details about particular incidents. Former detainees/prisoners who were the perpetrators of corruption might also be more willing to talk about their actions once they are no longer detained.

Similarly, monitors may wish to consider interviewing family members and other visitors, lawyers and service providers. This can be useful in obtaining information if detainees/prisoners are themselves unable to discuss incidents of corruption. Such discussions might also reveal instances of corruption against the visitors, lawyers and service providers themselves. Family members are often subject to bribes themselves in return for promises of better treatment and conditions for their relatives in prison.

Additionally, based on their knowledge of particular facilities, former inmates and other stakeholders may give useful suggestions on priority areas for monitoring, or the most effective ways to approach the issue of corruption in a particular location.

It should be noted that both former prisoners, family members and others may still be fearful about retribution, or for the safety of those still detained. It may be that they prefer to speak on the telephone or meet in person, rather than formalizing a complaint in writing.

8.5 INFORMATION FROM AUTHORITIES

In the course of meetings with managers, policymakers and ministry staff, monitors should take the opportunity to raise the issue of corruption. This might be useful in assessing their attitudes towards corruption, their understanding of the issue and their knowledge of how corruption is regulated by law, policies and procedures.

Where possible, monitors should also seek to meet with staff who are directly involved in the supervision of prisoners in order to assess their awareness of corruption, their knowledge of applicable regulations and their views on the extent of the problem. Private meetings with staff members might also reveal information about their own experiences of corruption.

As with all other monitoring, interviews with staff should include a gender balance and a representative sample of staff members. Monitors might also wish to consider interviewing former staff members as they may be more willing to disclose information when they are no longer in active service.

9. RECRUITMENT AND STAFFING

The careful selection and proper training of prison staff at all levels is essential for creating corruption free facilities. Staff need to be properly recruited and trained, well-supervised and supported.

Candidates should be properly screened during recruitment to ensure only suitable applicants are recruited. Vetting processes for staff must include background checks, to ensure that there is no history of corruption and that the individuals are committed to ending corruption.
When considering staff recruitment, retention and training in relation to corruption, monitors could consider:

- What screening processes are in place for prospective staff members and whether this includes a background check and testing for personal ethics, including attitudes towards corruption.

- If staff training contains modules on corruption.

- If staff training contains modules on working with vulnerable groups or the victims of abuse.

The careful selection and proper training of staff at all levels is essential for creating an environment in which SGBV is not perpetrated, condoned or tolerated. Staff not only need to be properly recruited and trained, they must also be well-supervised and supported.
Increasing diversity among staff, including female representation, is also critical to addressing SGBV.
Candidates should be properly screened during recruitment to ensure only suitable applicants are recruited. Vetting processes for staff must include background checks, to ensure that there is no history of perpetrating or condoning SGBV. Fundamentally, all those recruited into the criminal justice system, including health care providers, must be committed to the prevention of SGBV.
In addition to improving the representation of female staff, the recruitment procedures should ensure that opportunities are provided to diverse candidates with the aim of ensuring that the overall staff includes representation of under-represented groups or, at a minimum, staff who have expertise in working with particular minority groups or victims of SGBV specifically. Staff diversity should be reflected at all levels, including in senior and management posts and among policy-makers.
Staff diversity should also extend to the retention of a diverse staff, especially female staff. Attention should be given to mentoring for new recruits, establishing family-friendly

workplaces, and making sure that there are no barriers to their advancement, including with regard training opportunities.

When considering staff recruitment, retention and training in relation to SGBV, monitors could consider:

- What screening processes are in place for prospective staff members and whether this includes a background check and testing for personal ethics, including attitudes towards SGBV.

- The diversity of the staff at all levels, including gender representation and whether there are any polices or procedures in place which encourage staff diversity.

- Whether there are any identifiable barriers to staff diversity, including promotion and training opportunities.

- If staff training manuals contain modules on SGBV, gender sensitivity, non-discrimination and working with vulnerable groups or the victims of abuse.

- Whether staff receive relevant training before entering active duty.

- Whether staff salaries, benefits and conditions of service are adequate to attract and retain suitable staff.

10. MONITORING TEAMS

The inclusion of corruption in the work of monitoring mechanisms requires a consideration of the mandate and activities of the mechanisms themselves, including their recruitment practices and internal policies and procedures which relate to corruption. Corruption bodies must themselves demonstrate a zero-tolerance approach to corruption and should commit to hiring a diverse work force.

When considering the skills and competencies required in those involved in monitoring for corruption, monitoring bodies should consider:

- Those who have experience working on issues of corruption.
- Those who have experience interviewing prisoners with special needs, including those with mental health care needs.
- Those who are trained in gender-sensitive approaches and those who are trained to interview children.
- Monitors should be vetted to ensure they do not themselves have any history of involvement in corrupt activities.

11. LANGUAGE AND WORKING WITH INTERPRETERS

Whilst monitoring mechanisms should make reasonable efforts to include members who can understand and speak the other languages commonly found amongst detainees/prisoners, it is clear that this will often not be possible.

Monitors are therefore likely to have to employ the services of interpreters for interviewing some detainees/prisoners, and these should be chosen with care, particularly as the the issue corruption is particularly sensitive and is often linked to abuse, including sexual abuse.

Ideally, interpreters should have previous experience of interviewing victims of corruption and of working within a detention setting. They should have a clear understanding of the concept of corruption, the reasons for underreporting and particular issues which are likely to arise.

All interpreters, and particularly those with no prior experience of corruption, should be fully briefed on the interview topics in advance, and the specific words or phrases which might come up in the context of corruption.

As with monitoring teams, interpreters should be carefully selected based on gender, cultural and religious considerations and taking into account the identity of the likely interviewees. It may sometimes be necessary to have more than one interpreter available in case an interviewee is not comfortable discussing corruption with a particular person.

If possible, interviewees should be asked in advance if they would prefer a male or female interpreter. Monitoring teams should avoid using those who live locally and who may have a connection to detainees/prisoners and/or staff members. All interpreters must commit to respecting the confidentiality of the interview and to protect the identity of the individuals concerned.

12. BUILDING THE CAPACITY OF MONITORING MECHANISMS

As has already been noted, in order to effectively monitor corruption in prisons, monitors first need to understand the nature of corruption in such facilities, the types of actions which can constitute corruption and the problems and risks associated with monitoring this aspect of detention.

Monitors should therefore be sensitized to the issues that may arise in relation to corruption and they must feel comfortable discussing such matters in detention settings.

In order to provide monitors with the skills and capacity to undertake this form of monitoring, training providers and monitoring mechanisms should include corruption specific modules in their training programs, including in particular:

- The different forms of corruption and how it relates to torture and other ill-treatment.
- The impact of corruption.

- Interview techniques, including how to approach the issue of corruption with perpetrators and victims
- How to follow up on specific cases of corruption, including how to deal with issues of consent and confidentiality.
- How to document allegations and instances of corruption.
- Relevant national legislation, regulations and policies and applicable international and regional instruments.
- Personal safety.

13. FOLLOW UP AND RECOMMENDATIONS

When it comes to follow up on cases of corruption the monitoring mechanism should have a clear mandate and guidelines on what they can do and the processes to follow. In all cases they should bear in mind the following key principles when determining the most appropriate form of follow up:

→ The follow up action should not put the victim of corruption at any further risk of abuse or retaliation or draw any unnecessary attention to their situation.
→ Monitors must respect the anonymity of the individual concerned and the confidentiality of any information provided.
→ Where possible, the victim should have given their consent for any follow up taken and they should fully understand the benefits and possible risks of such action.
→ Intervention should be a priority if an individual's life is determined to be at risk.
→ Where necessary monitors should plan a follow up visit to check on the safety of any individual they have taken action on behalf of.

Recommendations will target different authorities depending on the level of action required, and some issues will require intervention at many different levels. Whilst there may be recommendations related to specific incidents of corruption, it is important for monitors to also include recommendations which target the underlying causes of corruption and promoting long term solutions. Such an approach recognizes that the most important tool for tackling corruption is prevention. For example, if monitors detect that prison staff are accepting bribes to transfer prisoners to a lower security cell, they should also investigate why this can happen. Such underlying causes could include, for example, considerations of prisoner risk and needs assessments, security of prisoner files and staff pay and benefits.

As has been noted, it is likely that recommendations related to corruption will mirror more general recommendations related to prison management and prisoners' human rights.

In addition to policy and legislative recommendations to government ministries, and practical suggestions to prison management and staff, monitoring mechanisms could consider the following actions in relation to corruption.

→ Communicate and coordinate with other monitoring mechanisms, including international and regional mechanisms, on developing strategic, realistic recommendations related to corruption.

→ Liaise and establish a dialogue with civil society organizations and individuals specialized in dealing with issues of corruption in the community, as well as victims of corruption themselves.

→ Undertake educational and awareness raising activities on corruption more generally in places of deprivation of liberty and develop outreach to specific target audiences.

→ Closely monitor the response to all recommendations, including the extent to which authorities deal with recommendations.