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TRAINER'S MANUAL

INTRODUCTION TO THE NELSON MANDELA RULES INTERNATIONAL TRAINING PROGRAMME

TRAINER'S MANUAL FOR THE 4-DAY TRAINING COURSE FOR PRISON STAFF
ON THE PRACTICAL IMPLEMENTATION OF THE NELSON MANDELA RULES

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Produced by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Penal Reform International (PRI) in partnership with the Swedish Prison and Probation Service (SPPS) and the United Nations Office on Drugs and Crime (UNODC)

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INTRODUCTION

INTRODUCTION

This publication has been developed to guide trainers leading 4-day in-person training courses for prison staff designed by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and Penal Reform International (PRI) in partnership with the Swedish Prison and Probation Service (SPPS) and the United Nations Office on Drugs and Crime (UNODC).

This manual has been made available as an online resource to encourage the development of training programmes on the Nelson Mandela Rules or to supplement existing training agendas. It will also be provided to all those participating in the ODIHR/PRI Training-of-Trainer sessions.

Prison staff play an essential role in ensuring that the human rights of people in prison are respected and upheld. The Revised Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)[1] are the key international standard governing the treatment of prisoners. This training package has been designed to help prison staff understand and implement the Rules in practice. The manual is based on the OSCE ODIHR/PRI Guidance Document on the Nelson Mandela Rules.[2]

The training course is arranged thematically. It gives guidance on how to implement minimum standards for the treatment of people in prison and should not hinder the implementation and development of higher standards of prison management, treatment of prisoners or prison conditions. The course also makes regular reference to the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)[3] where particularly relevant.

The manual provides presentations, practical exercises and guidance notes that trainers can use, as well as other background information and resources that may be useful in the different sessions. Those participating in the training sessions will receive a separate package of information.

This publication complements the UNODC's e-learning course[4] on the Nelson Mandela Rules and several of these scenarios are included. All course participants

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1   The United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules), United Nations Office on Drugs and Crime (UNODC).

2   Guidance Document on the Nelson Mandela Rules: Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, OSCE/ODIHR, 9 August 2018. This guidance note focuses in detail on the rules changed/added as part of the revision process. This training course aims to cover all areas included in the Nelson Mandela Rules, not exclusively those that were changed.

3   The Bangkok Rules, UNODC, UNGA A/RES/65/229, 16 March 2011.

4   UNODC's e-learning course on the Nelson Mandela Rules.

should complete the full UNODC e-learning course within three months of finishing the training course.

A draft of this training manual was piloted in Sweden in April 2022 with participants from the German, Italian, Romanian and Swedish prison services. The curriculum has been amended to reflect participants' feedback on how the content and exercises worked in practice.

TRAINING METHODOLOGY

Introduction

This section of the manual sets out the guiding principles for the training course and provides information for trainers on how to organize the sessions. It also highlights practical considerations and gives suggestions on how trainers can prepare themselves ahead of the training.

The training is intensive — lasting four days (or the equivalent of a four-day training course over a different timeframe) — and covers a broad range of issues. It gives participants a full introduction to the Nelson Mandela Rules and provides them with practical tools on how to implement the Rules in practice across different prison contexts.

Objectives of the training methodology

The training methodology has been developed with the following training-specific objectives in mind:

- Participants are interested, engaged in the subject matter, and are able to focus on how they can adapt their own way of working to meet the training objectives.
- The training responds to the real-life needs of participants and is relevant to the challenges in their own institutions and countries.
- All participants feel comfortable discussing their own experiences without fear of judgement or recrimination.
- Participants accept human rights as a valid and useful approach and understand their own role in the promotion and protection of human rights.
- Participants understand how a human rights approach to prison management can benefit not only the people in prison, but also the prison staff and the institution/the community more broadly.
- Participants and trainers learn to understand and tackle their own biases and stereotypes about people in prison, minority groups and others.
- Participants openly identify and discuss which skills, including 'soft skills' are required to facilitate implementation of the Nelson Mandela Rules, and how they already apply these skills in practice.
- The training increases an individual's motivation to perform their job well.
- Trainers learn from the sessions, and share and discuss their experiences with others in the training network.

Training principles

Adult learning principles and constructive alignment

This training is based on the six principles of adult learning. In this context, that means:

a. Trainees understand why it is important for them to know more about the Nelson Mandela Rules;

b. The training recognizes the experiences and competencies of prison staff but also challenges these;

c. Trainees can make choices in the learning process;

d. Trainees are motivated by the fact that the training can help them in their professional life;

e. Trainees are focused on the practical uses of the training; and

f. Trainees are intrinsically motivated to learn.

This training is also based on the concept of constructive alignment — the trainees construct their own learning from the activities on offer. The trainer ensures both that the learning environment supports the activities and that all components of the training are geared towards achieving the desired learning outcomes and are clearly aligned with each other. Each module has clearly specified goals with relevant learning activities. Trainees are also encouraged to give feedback on the efficacy of the course and, specifically, the alignment between the intended learning outcomes and the activities they engaged in.

Developing knowledge, skills, attitudes and behaviours

The purpose of this training course is not simply to impart knowledge about the Nelson Mandela Rules. Participants will also learn how to transfer this knowledge into appropriate behaviour and develop practical skills on how to promote and protect human rights, including developing 'soft skills' such as communications, empathy and tolerance.

The training will also help participants develop their attitudes towards imprisonment and improve the way they interact with people in prison. Participants will be encouraged to actively promote human rights in their daily lives and professional duties within different contexts, countries and prison settings.

The course will help participants understand that effective implementation of the Nelson Mandela Rules not only benefits people in prison but will also improve their own working conditions and professional standing, and can lead to a safer, more effective and efficient prison system overall.

Experience-based

This training is experience-based and learner-centred. Participants will have many years of experience working in prison systems and are likely to have encountered many of the issues raised in the training. They will have their own perspectives and ideas based on the scenarios they encounter on a daily basis and the practical challenges they face. These will be extremely valuable for the training.

The trainer will need to create a balance between adherence to the training curriculum and drawing upon participants' experiences. This will require some adaptation to the dynamics of the group. Participants should be encouraged to share their expertise and experience as much as possible, and they should feel comfortable to do so. At the same time, the trainer should ensure that any interventions remain relevant to the training and do not detract from the key messages, international standards and overall substance of the curriculum.

Interactive

The training course has been designed to be as interactive as possible, with a variety of role plays, case studies, small group discussions, problem-solving and brainstorming sessions. Active participation will support learning and better equip participants to transfer what they have learned into their work environments. Participatory training, or 'learning by doing', helps people to remember key messages, enables them to under-stand, reflect on and analyse their own behaviours and develop future strategies for action. These approaches also encourage peer learning.

Motivational

The training aims to motivate participants to improve the promotion and protection of human rights in their place of work and in the prison system of their country more generally. Participants need to recognize how a better understanding of human rights in prisons can benefit their own work and working environment. The presentations and practical exercises are designed with this in mind and aim to encourage professional pride in the work of prison officers. Participants should be given positive feedback to any useful comments and contributions they make.

The trainers

This training course is designed to be led by three trainers:

- At least one woman and one man
- At least one expert on human rights and penal reform
- A national expert with knowledge of the country's penitentiary system.

Ideally, the national expert will be from the prison service, but all trainers should have detailed knowledge of the Nelson Mandela Rules and other international standards related to detention.

If the training is regional, additional national experts may need to be involved. Where possible, trainers who have already completed the OSCE/PRI Training-of-Trainers course should be included.

The trainers should decide who will lead each session and who will facilitate, depending on their areas of expertise and ensuring a balanced workload. Switching between lead presenters is good for keeping participants focused and gives the trainers a break.

If three trainers are not available, consider involving the participants in the organization and delivery of some training sessions. This can empower participants, giving them confidence as advocates for reform and as potential future trainers.

The participants

This training course is primarily for frontline prison staff. This may include those in administrative and support roles. In some cases, it might also be beneficial to include those with supervisory functions. This course is designed for approximately 15 to 20 participants to ensure there is enough time to cover all subjects and to allow trainees the opportunity to participate fully.

We recommend that trainees include staff with a range of different experience levels, responsibilities and specializations, and from different facilities. For example, it would be useful to include staff from high-, medium- and low-security prisons and those working in women-only facilities. It is important that female staff have equal access to the training — the percentage of women attending the course should reflect, at a minimum, the percentage of female staff within the service.

Guiding notes

Take time to ensure that participants understand key concepts.

• Make participants feel comfortable. Avoid putting individuals on the spot.
• Be aware of the group dynamics, particularly if more senior officials/supervisors are in the room.
• Follow the structure and timing of the curriculum as closely as possible while allowing for some flexibility.
• Respect the views of all participants and allow them to lead discussions — the trainers should talk less than the participants.
• Keep the participants active. Many of the sessions are designed to get them moving and interacting with each other. It can also be useful to encourage people to change seats regularly during the training so that they sit next to different people. The trainer should also decide on some training 'energizers' to use when energy levels are low.
• Be aware of participants' energy and participation levels and take breaks when needed. The timing of breaks can be adjusted.

- The trainer should note that country-specific examples or videos will be used to illustrate a problem that may arise in a range of countries[5].

Notes on course content

COVID-19

Module 1 includes a discussion on the impact of COVID-19 on prisons and prison staff. This is an opportunity for participants to talk more generally about how the pandemic affected them and their work. It is important to recognize that some facilities will have been more severely impacted than others and, in some countries, there may be other crisis situations that participants wish to discuss, such as natural disasters or conflict. The trainer should facilitate these discussions where possible.

Pre-trial detainees

Module 3 contains a specific session on pre-trial detainees to highlight their particular situation and needs. The trainer should make it clear that the majority of the Nelson Mandela Rules are equally applicable to pre-trial as well as convicted people in prison.

Vulnerable groups/majority prison population

The training manual refers throughout to specific considerations for vulnerable groups such as women, older prisoners, LGBTI people, foreign nationals and people with disabilities. While it is important to highlight issues that these groups face, this should not detract from the situation of the majority prison population, often made up of younger men, who may live in worse conditions and face more problems than other groups. The manual addresses this, but the trainer should reiterate this point regularly throughout the training.

It is a good idea at the start of the training to choose focal points from among the participants for the different types of vulnerable groups identified in their country/ies (depending on the context). These individuals can collect points that come up during the training on these groups and give feedback at different times. Alternatively, trainers can make a note of points on each vulnerable group as they arise and display them on the wall.

Classification and individualization

Every person in prison has their own background and characteristics, and each prison population consists of a diverse group of people with distinct needs. This recognition is a key principle of effective prison management. Thus, while it is important to identify the needs of particular groups of prisoners, the manual also highlights, across the

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5   The training course seeks to include a variety of examples from different countries and regions; however, it does not aim to reference all 57 OSCE participating States. While a geographically representative approach is the aim, it is not always possible to achieve. The examples are illustrative rather than exhaustive, and their use intends to share information about challenges, measures and practices rather than single out any particular country.

different modules, the need for effective classification and individual sentence planning. The trainer should also reiterate this frequently. However, trainers should be aware that many countries do not have robust risk, needs assessment or sentence planning tools in place and should adapt their messaging accordingly.

Adapting the curriculum

The manual recognizes that, in practice, training requirements are different from one country to another, depending on participants' existing knowledge and experience and the group dynamics. The training needs and experiences of participants will also vary by cultural, historical, social and economic context. This also means that the length of different sessions may vary.

The schedule may need adapting to the working hours of the country (e.g., if the working day usually starts earlier), or to prayer times or other religious observance. Trainers should determine the best way to organize the training course in each location; for example, in some countries it may be easier to conduct the training one day a week over several weeks.

The training materials are designed to be flexible. There is more material and more exercises than can be covered in the allocated time. Some sections are marked as optional, depending on their relevance and the time available. To reflect potential differences in group dynamics, there are different options for group exercises/videos for some of the practical exercises. The trainers can choose what will work best in a particular training context.

While trainers are encouraged to use their judgement and discretion when adapting the curriculum to the local context and a particular training session, they should stick as closely as possible to the curriculum. Some sessions may need shortening or adapting, but trainers should not deviate from the main messages of each module. Trainers should ensure that they clearly highlight the relevant Rules and key principles for each section and return to the specific details of these Rules/key principles during discussions to ensure they remain on track.

Translation/interpretation

This training manual will be available in English and Russian. Where possible, the supporting materials are already available in multiple languages, but some will need translation ahead of the training session, or interpreter services will be required.

Materials

PowerPoint slides

There is a dedicated set of PowerPoint slides to accompany this training course, available in English and Russian, which can be translated as necessary. The trainer can use the slides as much or as little as they want, depending on the group dynamics. The manual shows where slides can be presented or where they can be used for a more dynamic group discussion. Trainers should have a remote control for the PowerPoint slides so that they can move freely around the room.

Display materials and handouts

Across the modules, there are materials for display (on the walls) or for handing out. For each module, there should be sufficient printouts, to be included in participants' training packs or for display in the training room. Any handouts should be clearly marked with the module and exercise number at the top of the page.

Video materials

The training course includes several videos. Trainers should make sure that audio-visual equipment is available and working correctly in advance to avoid any delays. Trainers should familiarize themselves with the videos before delivering the training.

Preparation

Training space

When choosing a space for the training, trainers should consider spaces that allow people to move around and where flip chart paper can easily be stuck to walls so that participants can walk around to review them. Where possible, multiple rooms should be available as break out rooms for small group exercises.

The seating layout should encourage participation, for example, by putting the desks in a semi-circle or U-shape. This should be considered when choosing the training room/s. All participants must be able to hear and see clearly. Rooms with natural light and windows that can be opened are preferable and will make a difference to the participants' mood, energy and attention levels.

Information on participants

Trainers should have the details about the participants before the course, including how many participants will be present. This can be collected via a questionnaire sent out as part of the pre-training assessment (see below). The information could include:

- Name
- Gender
- Title and rank, including details of any supervisory functions
- Name, type and location of the facility they work in
- Length of service
- Details of any specializations
- Previous training courses completed
- Subjects that they are interested in learning more about

Pre-training assessment

Before the course, the trainers should conduct a basic pre-training assessment. This will consist mainly of desk research and information from OSCE country offices and/or partner organizations. It should seek information on:

- The number of prison facilities in the country, broken down by type of facility (e.g., for women, children, pre-trial, security level etc.)
- Prison capacity and the total prison population, disaggregated where possible (by sex, age, ethnicity where relevant, nationals/foreigners, or other relevant category) and the statistics for each facility
- The ratio of prison staff to prisoners
- A copy of the prison law and other relevant laws and regulations
- The organizational structure of the prison service
- Basic prison conditions and the issues most likely to be raised as problem areas
- The main human rights concerns or other issues of concern related to the prison service

The pre-training assessment should also pull together information specific to each module, such as:

- Types of internal/external monitoring bodies in place, including those which form part of a National Preventive Mechanism (NPM) and other bodies
- The level of health provision in prison
- COVID measures taken in prisons and any associated human rights concerns
- Information on systems for handling prisoner requests/complaints and recent data
- Classification systems and documents (admission forms, risk and needs assessment forms, prisoner file templates)
- Types of weapons and restraints used in prison
- Types of disciplinary measures used in a given facility/country
- Visiting arrangements (recognizing that this may be different from one facility to another)

Trainers are not all expected to become experts in the prison system of a particular country: there should be local trainers already familiar with the prison system, and the focus must be on international standards, not local experiences. However, it will be useful for trainers to have some basic information available before the course starts so that they can anticipate and prepare for questions that might arise.

If the pre-training assessment or questionnaires throw up any significant issues, ODIHR and the trainers may decide to make some adjustments to the curriculum. However, at this stage there should not be significant changes. Some themes may be more relevant and require more time, but all modules should be covered. Participants should become familiar with all aspects of the Nelson Mandela Rules even if they are less relevant in their own facility.

Terminology

Where possible, trainers and interpreters should avoid using the word 'prisoner'. Instead, they can refer to 'people in prison'. When describing particular groups or individuals, it is better to talk about the people (e.g., women, young men, elderly people, people with mental health conditions etc.) without referring to their status as 'prisoners'. This will help participants think about the individual characteristics and needs of the people they work with.

Trainers should also be mindful that many people in prison have not yet been convicted of an offence. Therefore, unless referring specifically to convicted people, they could refer to 'accused people', 'suspected offenders' or 'pre-trial detainees'.

Responding to difficult questions and discussions

Areas where trainers might need further guidance are flagged throughout the curriculum. All additional guidance is clearly marked in purple font and an arrow, and should help trainers answer tricky questions. Participants may have their own good ideas and suggestions, but trainers should always refer back to international standards when answering questions or resolving discussions. If issues arise that the trainers do not feel able to answer on the spot, they can explain that they will need to review the guidance and revert with an answer the following day.

A flip chart should be available (or poster and post-it notes) to record any sticking points, protracted discussions or tricky questions. These points can be discussed later/during coffee breaks or, if time does not allow, they can be included in the training feedback report.

Trainers should intervene if discussions become heated or if there are inappropriate comments, trying not to single out particular people. In these situations, it is important to remind the group of the ground rules agreed at the beginning of the training course.

Recommended preparation for participants

At least two weeks before the training course, participants should receive a copy of the 4-day agenda (including the timing of each session) and links to relevant documents, as well as other practical information (e.g., venue/local travel information/maps). Participants should also familiarize themselves with the Nelson Mandela Rules and the Bangkok Rules in advance.

On the first day of training, participants will receive a package of materials, including copies of the Nelson Mandela Rules, the Bangkok Rules, training resources and other PRI and ODIHR publications.

This training complements the UNODC e-learning course on the Nelson Mandela Rules. Some of the UNODC learning modules are included in the course, but participants will also be encouraged to complete some or all of the UNODC e-learning course. If they have not done so already, they will be expected to complete the full UNODC e-learning course within 3 months of completing the training and will be asked to provide feedback.

Dress code

Participants should be advised in advance that they should wear civilian clothing for the training. The environment should be 'rank-neutral' and all participants should feel able to express their opinions.

Refreshments

Coffee/tea/soft drinks and other refreshments should be available on each day of the course, upon arrival and during breaks.

Feedback and evaluation

Participants will receive a pre-training questionnaire to record their expectations for the course and to identify areas of the Nelson Mandela Rules that they would most like to learn more about. This forms part of the pre-training assessment. Participants should keep a copy and bring it with them to the course, as they will refer to it on Day 1.

At the end of the course participants will complete feedback forms, to comment on the relevance, quality and delivery of the training, and on how it met their expectations. Both forms can be completed anonymously.

Six months after completing the training course, participants are expected to complete an evaluation form. This assesses the extent to which they have been able to apply what they have learned in the workplace, any challenges they have faced and positive outcomes.

The pre-training questionnaire and evaluation forms can be found in the Annexes.

How to use the manual

Each module follows a similar structure:

• List of materials for participants
• Introduction and learning objectives
• Content, including material for presentation, group and individual exercises (EXERCISES), information for trainers (marked with a purple arrow and in purple font) and optional materials (OPTIONAL)
• Further Resources

Each module is divided into sessions. Timings are given at the start of each session along with proposed timings for individual 'elements' in the left margin.

Relevant Rules from the Nelson Mandela Rules are marked in the margin. E.g., NMR 58–66. Rules from the Bangkok Rules are marked in the margin. E.g., BKK 26–28.

Optional/additional material or activities are clearly marked for use if time allows and if relevant in a particular context. All other material should be considered as 'core' material/activities.

FOUR-DAY AGENDA

The timings indicate how long each module, and each session within a module, should take in order to ensure the trainers cover all modules. The timetable below was developed from the (4-day) pilot training in Sweden, but timings will need tailoring to the realities of each course and may need adapting as the course progresses.

DAY 1	INTRODUCTORY SESSION
13:30–14:00	Registration
14:00–14:15	Introduction to the training workshop
14:15–14:45	Expectations for the course
14:45–15:15	Sharing experiences – COVID-19
15:15–15:35	Coffee break
MODULE 1	THE NELSON MANDELA RULES
15:35–15:45	Introduction and learning objectives
15:45–16:30	1.1 Background and introduction to the Nelson Mandela Rules
16:30–17:00	1.2 Nelson Mandela Rules – Basic Principles
17:00–17:15	Wrap-up/Feedback

DAY 2	
8:15–8:30	Welcome and recap
MODULE 1 CONT.	**THE NELSON MANDELA RULES**
8:30–9:00	1.3 Thematic areas covered by the Nelson Mandela Rules
9:00–9:30	1.4 The role of prison staff
9:30–10:10	1.5 Particular groups of people in prison
10:10–10:30	Coffee break
MODULE 2	**PRISONERS AND PRISON CONDITIONS**
10:30–10:40	Introduction and learning objectives
10:40–11:30	2.1 Who is in prison?
11:30–12:10	2.2 Separation of categories
12:10–13:10	Lunch
MODULE 2 CONT.	**PRISONERS AND PRISON CONDITIONS**
13:10–14:25	2.3 Prison conditions and basic services
14:25–15:10	Introduction to dynamic security
15:10–15:30	Coffee break
MODULE 3	**PRISON ORGANIZATION AND ADMINISTRATION**
15:30–15:40	Introduction and learning objectives
15:40–16:50	3.1 Admission processes, classification, risk and needs assessments
16:50–17:10	Wrap up/Feedback

DAY 3	
8:15-8:30	Welcome and recap
MODULE 3 CONT.	**PRISONER ORGANIZATION AND ADMINISTRATION**
8:30-9:10	3.2 Prisoner allocation and separation of categories
9:10-10:10	3.3 Prisoner transfers
10:10-10:30	Coffee break
10:30-11:10	3.4 Prisoner file management
11:10-11:40	3.5 Pre-trial detainees
11:40-12:40	Lunch
MODULE 4	**SAFEGUARDS**
12:40-12:50	Introduction and learning objectives
12:50-13:50	4.1 Access to information
13:50-15:20	4.2 Requests and complaints
15:20-15:50	Coffee break
15:50-16:30	4.3 Contact with the outside world
16:30-16:55	4.4 Inspections and monitoring
16:55-17:15	Wrap up/Feedback

DAY 4	
8:15–8:30	Welcome and recap
MODULE 4 CONT.	**SAFEGUARDS**
8:30–9:15	4.4 Inspections and monitoring (contd.)
MODULE 5	**INCIDENT PREVENTION AND RESPONSE**
9:15–9:25	Introduction and learning objectives
9:25–9:55	5.1 Physical, procedural and dynamic security
9:55–10:15	Coffee break
10:15–10:55	5.2 Conflict resolution
10:55–12:00	5.3 Searches
12:00–13:00	Lunch
13:10–14:10	5.4 Use of force and arms and instruments of restraint
14:10–14:20	5.5 Investigations
MODULE 6	**RESTRICTIONS, DISCIPLINE AND SANCTIONS**
14:20–14:40	Introduction and learning objectives
14:40–15:05	6.1 Disciplinary sanctions and procedures
15:05–15:25	Coffee break
15:25–16:05	6.1 (contd.) Disciplinary sanctions and procedures
16:05–16:50	6.2 Solitary confinement
16:50–17:10	Wrap up/feedback

DAY 5	
8:15–8:30	Welcome and recap
MODULE 7	HEALTH CARE
8:30-8:40	Introduction and learning objectives
8:40-9:40	7.1 Health care in prisons
9:40-10:25	7.2 Prisoner mental health
10:25-10:45	Coffee break
MODULE 8	PRISONER REHABILITATION AND PREPARATION FOR RELEASE
10:45-10:55	Introduction and learning objectives
10:55-11:30	8.1 Prisoner activities, training, education and work
11:30-12:00	8.2 Preparation for release and post-release support
12:00-12:45	Wrap up and conclusion

If time allows, it may be beneficial to organize a half-day, outdoor group excursion or at least one evening event for all participants.

At the start of each morning and afternoon session, participants should be asked to think of their favourite Rule from the previous session; one or two people should read out their favourite Rule and explain why.

Registration

Participants should arrive on time in order to register and collect their trainee packs.

INTRODUCTION TO THE TRAINING WORKSHOP

MATERIALS
- Training agenda
- Pen and notebook
- Ground rules
- Additional reading/resource list: COVID-19

15 MINUTES This is an opportunity for the trainers to introduce themselves, other support staff and interpreters. Welcome the participants and explain the background to the training and the role of ODIHR, PRI, SPPS and UNODC.

During this introduction, trainers should also provide practical information on the organization of the course. This should cover:

- Emergency evacuation procedures
- Location of toilets
- Access to water and other refreshments
- Location of lunch
- Interpretation facilities
- Any other relevant information

Trainers should explain the overall objectives of the course and summarize the key principles of the training methodology as set out above — to develop knowledge, skills, attitudes and behaviours, to be experience-based, interactive and motivational. Participants should be encouraged to participate actively from the outset and to ask questions if anything is unclear.

30 MINUTES **Expectations for the course**

Ground rules

The trainer can either introduce the ground rules for the course or ask participants for their suggestions for ground rules. It should be made clear that these apply to the trainers as well as the participants.

Ground rules should include:

- Be punctual
- Mobile phones on silent
- Everyone encouraged to participate
- Listen to and respect each other's points of view
- Do not interrupt
- Use polite language when addressing each other
- Respect each other's cultural and religious traditions, beliefs and values

Participants' expectations

Icebreaker

Ask each participant to note down anonymously three things they enjoy about their job, three things they find difficult and three things they would like to learn more about during the course (expectations). They could use something from their pre-training questionnaire or choose something different.

Tell participants that the trainer will collect the written list of expectations at the end of the exercise to help with course evaluation.

Ask participants to circulate round the room, stopping to introduce themselves to the others, giving their name, the facility they work in and their position. They should aim to meet everyone else in the room.

Every so often, clap. At this signal, participants should turn to the person/people nearest them. They should introduce themselves and share one of the following: something they like about their job, something they find difficult, or something they would like to learn more about.

This exercise is designed to share expectations for the course but is also a useful way for participants to get to know each other. They will already have had the opportunity to write down their expectations in the pre-training questionnaire.

This exercise could also be run to music, with participants asked to stop and share when the music stops. Trainers should also take part in this exercise so that participants can get to know them too.

Overall objectives of the course

Learning objectives

The course is an introduction to the Nelson Mandela Rules. Having completed the course, participants will:

- Understand why the Nelson Mandela Rules and other international standards governing the treatment of prisoners are important and why prison staff are key to successful implementation;
- Appreciate why adherence to the Rules is beneficial for prison staff, prison systems and broader society, as well as for people in prison and their families;
- Be familiar with all the thematic areas covered by the Rules, including in relation to particular groups of people in prison;

- Identify the ways in which prison systems in their own country, or in particular facilities, do not comply with the Nelson Mandela Rules and understand what needs to be done to rectify this;
- Adapt their own attitudes and behaviours to respond better to the human rights and needs of people in prison;
- Be sensitized and respond to the situations and needs of individual people in prison; and
- Be equipped with practical tools to implement the Rules in their facility and to encourage others to do so.

Taking part in this training course will help prison systems adhere to the Nelson Mandela Rules. In turn, this will:

- Help protect the rights and dignity of all people in prison;
- Minimize the differences between prison life and life at liberty;
- Create a safer, more positive working environment for prison staff and enable better staff-detainee relations;
- Facilitate the rehabilitation and reintegration of prisoners, protect society against crime and reduce recidivism;
- Increase public trust in the fairness and effectiveness of the prison system; and
- Improve public perceptions of prison systems, prison staff and people in prison; counteracting stereotypes.

EXERCISE
30 MINUTES

Sharing experiences – COVID-19

Divide participants into smaller groups of 4-5 people and ask them to discuss:

- The areas of their work most impacted by COVID-19
- How their work in prisons during COVID-19 has impacted them and their families
- The impact of COVID-19 on people held in their facility

After the discussion, ask each group to give brief feedback to the main forum.

This exercise allows prison staff to share their experiences of COVID-19 in prison and to get to know each other better. This is an opportunity for a more general discussion about how COVID-19 affected them and their work, and to help them understand why the promotion and protection of human rights is critical in times of crisis. The exercise also helps trainers to identify potential human rights concerns arising from the COVID-19 response in specific countries/facilities.

COVID-19 and prisons

Penal Reform International (PRI)

PRI Report: Coronavirus: Preventing harm and human rights violations in the criminal justice system (July 2020)

PRI Briefing note: Coronavirus: Healthcare and human rights of people in prison (March 2020)

PRI Report: Global Prison Trends 2021

PRI Report: Good Governance in times of crisis

World Health Organization (WHO)

Preparedness, prevention and control of COVID-19 in prisons and other places of detention: interim guidance (February 2021)

United Nations Office on Drugs and Crime (UNODC)

COVID-19 Guidance Note: Infection Prevention and Control Measures in Prisons (2021)

COVID-19 Guidance Note: Emergency Releases of Prisoners (2021)

COVID-19 prevention and control among people working in prison (April 2020)

MODULE 1
THE NELSON MANDELA
RULES

1 THE NELSON MANDELA RULES

MATERIALS
- Copy of the Nelson Mandela Rules
- PRI publication – Short guide to the Nelson Mandela Rules (NMR)
- Copy of the Bangkok Rules
- PRI publication – Short guide to the Bangkok Rules (BKK)
- Copy of the Havana Rules
- Copy of the Convention against Torture
- Print out of PowerPoint slides 5–15
- Coloured stickers/pens (2 colours)
- Two copies of the list of thematic areas covered by the Nelson Mandela Rules (see Section 1.3)
- List of Further Resources

INTRODUCTION

10 MINUTES

This module introduces course participants to the Nelson Mandela Rules, highlighting the fundamental principles that should apply in all areas of the treatment of people in prison and prison management. The module goes on to outline the main thematic areas covered by the Nelson Mandela Rules and then discusses special categories of prisoners. It also introduces other international standards, including those that apply to particular groups of people in prison, such as women and children.

LEARNING OBJECTIVES

After completing Module 1, participants will be able to:

- Explain the background and purpose of the Nelson Mandela Rules, including why they were updated and which other international standards are relevant;
- Understand the fundamental principles which underpin the Nelson Mandela Rules and the role of prison staff in ensuring these principles are applied in all aspects of prison management;
- Identify the main topics covered by the Nelson Mandela Rules – these topics will be covered in more detail in subsequent modules;
- Understand how the Nelson Mandela Rules apply to their particular role and identify gaps in implementation; and
- Discuss the different needs of special categories of people in prison and vulnerable groups.

After introducing the objectives, it will be good to have an active session. This introduces the fundamental principles of the Nelson Mandela Rules at the start of the course and helps to identify any problematic areas early on. Each of these basic and guiding principles (see below) should be printed and displayed in a prominent place in the training room.

EXERCISE   Ask individual participants to go to specific principles, introduce themselves (their name, country, position in the prison service) and read the principle aloud. Add more details about what the principles mean in practice if useful.

→ Participants may feel and point out during the training that the Nelson Mandela Rules contain points and principles which are 'obvious' or 'just common sense'. During discussions on each thematic area throughout the course, reiterate that, while the Rules do seem 'obvious', they are not always so straightforward to implement in practice.

12 Guiding Principles of the Nelson Mandela Rules

NMR: 1   **1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.**

What does this mean in practice?

- "All human beings are born free and equal in dignity and rights" (Article 1 – UDHR).
- People in prison are human beings, deserve no less respect, and have no less dignity and value than any other human being, regardless of any crime they might have committed.
- Equally, prison staff are human beings.
- Dignity is not something we earn throughout our lives. It is something we are all born with. By being human, we all deserve respect, regardless of our age, gender, class, 'race', religion, ability or any other factor other than being human.
- To protect the dignity of people in prison, authorities must ensure minimum conditions as set out in the Nelson Mandela Rules.

NMR: 1   **2. No prisoners shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment.**

What does this mean in practice?

- Torture and ill-treatment are always illegal and can never be justified.
- Prison authorities must do everything they can to prevent them and anyone who commits them must be punished.
- Torture is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for specific purposes. Conditions of detention can amount to torture or other ill-treatment.

NMR 1   **3. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.**

What does this mean in practice?

- Every aspect of prison management should have, as a priority, the safety and security of everyone in the facility.
- This includes ensuring the physical and mental health of all.
- Examples include consideration of escape risks, violence against staff and visitors, prisoner-on-prisoner violence, staff violence against prisoners, intimidation and coercion.

- It can also include infrastructure safety and, e.g., protection against fire, flood or other natural disasters.

NMR 2 (1)

4. 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.

What does this mean in practice?

- It is important for prison authorities to recognize differences between prisoners and to take into account their different individual requirements.
- However, there should be no discrimination against any prisoners based on these differences.
- Prison authorities have a duty to monitor and combat discrimination and reinforce principles of non-discrimination.

NMR: 2 (2)

5. Prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings.

What does this mean in practice?

- Each prisoner should be recognized as an individual and treated as such.
- Each prisoner should have an individual sentence plan and all programmes, activities and services should be delivered in line with individual treatment plans.
- Prison authorities have a positive obligation actively to cater for the special needs that certain categories of people in prison may have. These special measures should not be regarded as discriminatory.

NMR: 4

6. Imprisonment should be used to ensure reintegration of prisoners into society upon release so that they can lead a law abiding and self-supporting life. The purposes of a prison sentence are primarily to protect society against crime and reduce recidivism.

What does this mean in practice?

- The purposes of imprisonment are to protect society from crime and to prevent recidivism by equipping prisoners for a law-abiding and constructive life after release.
- This should be considered in all aspects of prison management.
- It includes ensuring that prison-based training and activities are designed to help prisoners cope after they are released from prison and providing them with the skills and capacity to find work and support themselves and their families after release.

Prison work is an important public service. The main objective is to protect the safety of society against crime whilst also promoting the well-being of people in prison and providing them with services and programmes to steer them away from crime in the future. Prison administrations should offer education, vocational training, work, and other forms of assistance in line with the individual treatment needs of prisoners.

NMR: 3   **7. The prison system shall not aggravate the suffering inherent in such a situation.**

What does this mean in practice?

- When people are sent to prison they forfeit certain rights, most obviously the right to liberty.
- That is a serious punishment in itself, and prisoners should not be subjected to additional punishments or be required to forfeit other rights, such as the right to safety or to an adequate standard of living.
- It is not the role of prison authorities to impose additional restrictions on prisoners.

NMR: 5(1)   **8. The prison regime should seek to minimize any differences between prison life and life at liberty.**

What does this mean in practice?

- Prison authorities should do everything possible to minimise these differences.
- This will make it much easier for people to resettle into society after serving their sentence.

NMR 5 (2)   **9. Prisoners with physical, mental or other disabilities should have full and effective access to prison life on an equitable basis.**

What does this mean in practice?

- People should be allocated to facilities most suited to their needs.
- Adjustments should be made so that they can access services and facilities on an equal basis to other prisoners.

NMR: 87   **10. Steps should be taken to ensure for prisoners a gradual return to life in society.**

What does this mean in practice?

- A prison sentence shall be designed to prepare people for eventual release.
- This should include practical considerations such as equipping them to find somewhere to live and ensuring they have the opportunity for employment and a secure social support network.
- It also includes physical and mental health considerations.
- To ensure this is possible, the prison administration should have close links with other public services agencies who will be involved in post-release support.

NMR: 88   **11. The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it.**

What does this mean in practice?

- It recognizes that prisons and prisoners are part of society, not separate from it.
- It is important for prisoners to feel that they are a continuing part of their community and this will aid their rehabilitation.
- Contact with outside world is integral to this.

12. The fulfilment of these principles requires individualization of treatment and a flexible system of classifying prisoners in groups. It is desirable to provide varying degrees of security according to the needs of different groups.

What does this mean in practice?

- One of the most important principles of successful prison management is the recognition that every individual in prison has their own story, distinct characteristics and needs.
- Correct classification is needed to ensure their needs are catered for.
- The way a prisoner is classified will determine much about their life in prison, can impact access to programmes, activities and services and can compromise rehabilitation efforts.
- Classification should be reviewed regularly to take into account changes in behaviour, etc.

1.1 BACKGROUND AND INTRODUCTION TO THE NELSON MANDELA RULES

45 MINUTES

Play one of the two videos below.

PRI's Animated Introduction to the Nelson Mandela Rules (2:22 minutes)

Currently available in English, Arabic, Spanish, Russian, Portuguese, Georgian and Armenian on PRI's website.

UNODC's animated video about the Nelson Mandela Rules (2:49 minutes)

English

If neither video is available in the training language, replace them with **Slides 6** and **7** below. If you watch one of the videos, go to **Slide 8**.

Present a summary of a selection of some of the standards below, noting that there are also other relevant standards (focusing less on **Slides 6** and **7** if a video has been shown).

SLIDE 6 **What are the Nelson Mandela Rules?**

- A short name for the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR).
- First adopted in 1955, but 60 years later they had become outdated and inconsistent in parts; they needed updating.
- Developed following a four-year inter-governmental revision process.
- 122 Rules in total, covering all aspects of prison management.
- Named to honour the legacy of Nelson Mandela, the late President of South Africa, who spent 27 years in prison and advocated for the rights of prisoners.

SLIDE 7 **What is their purpose in practice?**

- Outline the universally agreed minimum standards for the treatment of all prisoners — whether pre-trial or convicted.
- Set out the essential elements of what is generally accepted as being good principles and practices in the treatment of prisoners and prison management.
- Consolidate criminal justice and human rights standards — protecting the rights of prisoners and providing up-to-date guidance for prison staff and administrations.
- Not binding on States (known as soft law), but they are the key international standard governing the treatment of prisoners. Some parts of the Nelson Mandela Rules, such as the prohibition of torture, do reflect binding law.
- Provide an important framework for external oversight bodies involved in prison monitoring and inspections.

SLIDE 8 **Why are these Rules important?**

- If fully implemented, the Rules ensure that prisoners' human rights are respected and that they are treated with dignity.
- The Rules provide important safeguards against torture and other ill-treatment.
- Implementation will lead to safer environments for prison staff to carry out their duties effectively, and lead to a better overall working environment for prison staff.
- Full implementation also means that prison authorities can better achieve the primary purpose of imprisonment — protecting society against crime and reducing recidivism through the rehabilitation and safe reintegration of prisoners.
- This will benefit society as a whole and improve public and media understanding of and attitudes towards prisons and people in prison.

SLIDE 9 **How can the Rules be applied in different countries?**

- The Rules are not intended to describe a model system of prison which can be applied in all places and at all times.
- The Rules recognize that there are different legal, social, economic and geographic conditions in the world which have a direct impact on prison management.
- These are universally agreed minimum standards. They are not legally binding, and national law takes precedence. However, participating States cannot deviate from the binding principles in the Nelson Mandela Rules, such as the prohibition of torture.
- The Rules provide guidance for the implementation of minimum standards for the treatment of prisoners and represent the absolute basics of good prison management. They should not obstruct the implementation and development of higher standards.

Other relevant standards

The Havana Rules (protection of juveniles deprived of liberty)

- The Nelson Mandela Rules do not regulate the management of detention of children, so prison staff should also be aware of these and other Rules related to children in detention (including the Beijing Rules and the Riyadh Guidelines).
- They establish minimum standards for the protection of juveniles deprived of their liberty.
- Deprivation of liberty of a juvenile should be a last resort.
- The Rules also aim to counteract the detrimental impacts of detention on children.

The UN Convention against Torture

- Its purpose is to prevent, eradicate and ensure accountability for acts of torture and other ill-treatment; sets out the definition of torture.
- States must report on implementation every four years.
- The Optional Protocol (OPCAT) supplements the Convention against Torture. The fundamental principle of OPCAT is that a system of regular, independent visits to places of detention can serve as an important safeguard against abuse and prevent torture and other ill-treatment.

The Bangkok Rules (treatment of women prisoners)

- Fill the gap in international standards on gender-specific treatment of women offenders and prisoners — prison systems regularly overlook their specific needs.
- Many women and girls in prison have been victims of violence and only a small number have been convicted of violent offences. Globally the female prison population is growing at a faster rate that the male prison population.
- Also give guidance on children of imprisoned parents/caregivers and children living in prison with a parent/caregiver.
- Provide guidance on special categories of women in prison, including pre-trial detainees, girls, foreign nationals, minorities and indigenous peoples.

1.2   NELSON MANDELA RULES – BASIC PRINCIPLES

30 MINUTES

NMR:
BASIC PRINCIPLES 1-5

This session looks in more detail at the basic principles of the Nelson Mandela Rules introduced at the beginning of Module 1.

This exercise is useful for understanding which of the principles are not well applied in a particular country/jurisdiction and helps to inform discussions in subsequent modules.

In countries where it might be sensitive for staff to openly identify the points that are hard to implement (including if supervisors are present in the room), participants could write their answers on a piece of paper anonymously and put it in a basket.

Basic Principles

EXERCISE

Ask participants to take 10 minutes to read quietly again through Basic Principles 1-5 of the Nelson Mandela Rules and Guiding Principles 86-90 and reflect on how well these principles are applied in their country/jurisdiction.

Ask participants to revisit the principles displayed in the training room (Principles 1-12 which were used earlier) and to mark (can use different colour stickers) 5 principles (in one colour) which they think are hard to implement in their country/jurisdiction and 5 principles (in another colour) which they think are the easiest to implement.

OPTIONAL

If particular principles receive lots of 'votes' for being particularly easy/difficult in the country/region, and if it works for the particular group dynamic and there is time, this could be followed by a group discussion about why participants think the principle is particularly easy/difficult to implement.

1.3 THEMATIC AREAS COVERED BY THE NELSON MANDELA RULES

30 MINUTES

The Nelson Mandela Rules are divided into two parts:

Part I covers the general management of people in prison and is applicable to all categories, including those listed in Part II. It covers the following thematic areas of prison management, all of which will be covered in more depth during the training:

Prisoner file management (RULES 6-10)
Separation of categories (RULE 11)
Accommodation (RULES 12-17)
Personal hygiene (RULE 18)
Clothing and bedding (RULES 19-21)
Food (RULE 22)
Exercise and sport (RULE 23)
Healthcare services (RULES 24-35)
Restrictions, discipline and sanctions (RULES 36-46)
Instruments of restraint (RULES 47-49)
Searches of prisoners and cells (RULES 50-53)
Information to, and complaints by prisoners (RULES 54-57)
Contact with the outside world (RULES 58-63)
Books (RULE 64)
Religion (RULE 65)
Retention of prisoners' property (RULE 67)
Notifications (RULES 68-70)
Investigations (RULES 71-72)
Removal of prisoners (RULE SIDE 73)
Institutional personnel (RULES 74-82)
Internal and external inspections (RULES 83-85)

Ask participants to spend 10 minutes to think about which areas they are most interested in learning more about during the training. Ask them to mark them on both copies of the list provided in the Module 1 materials. One sheet should be given to the trainers (anonymously). The other is kept to refer to when evaluating the training.

Choose 4 or 5 of the Rules in advance and ask participants to find each of them in their copy of the Nelson Mandela Rules. Participants can read out each Rule. You could also read out an excerpt of text from some of the Rules and ask participants to find which Rule the text comes from. This will help participants familiarize themselves with the structure of the Nelson Mandela Rules and how to find the information they need.

OPTIONAL If time allows, ask participants why they like a given Rule, or why it resonates with them, or what it means in practice?

Part II contains Rules applicable to the special categories mentioned:

(A) Prisoners under sentence (RULES 86-108)

Whilst these Rules specify that they are applicable only to prisoners under sentence, they shall be equally applied to other categories providing they do not conflict with the Rules governing those categories and are for their benefit.

Prisoners under sentence are included as a separate category because some Rules that apply to them may not apply, for example, to people awaiting trial, primarily because they must still be presumed to be innocent.

(B) Prisoners with mental disabilities and/or health conditions (RULE 109)

The first part of Rule 109 deals with the criminal liability of people with severe mental disabilities and/or health conditions and goes beyond the remit of the prison authorities (this is the responsibility of judicial officials). Otherwise, the Rule deals with special provisions that should be in place for those with mental disabilities/health conditions.

(C) Prisoners under arrest or awaiting trial (RULES 111-120)

Rules that apply only to those under arrest or awaiting trial and particularly in relation to the presumption of innocence.

(D) Civil prisoners (RULE 121)
and (E) Persons arrested or detained without charge (RULE 122)

These Rules confirm that the relevant protections of the Nelson Mandela Rules must also apply to these categories of people in prison. As already seen in Module 1, this is also made clear in Preliminary Observation 3, which states that Part I of the Rules applies to all categories of prisoners.

Open the discussion for questions or comments.

1.4 THE ROLE OF PRISON STAFF

30 MINUTES

EXERCISE **The role of prison staff**

Divide participants into groups of three to four. This exercise could also work as a larger group brainstorming session. Ask participants as a group to write some short sentences describing:

- Their role as prison staff. What are their main responsibilities?
- The working conditions of prison staff and how this can impact prison management
- The most rewarding things about their job
- The most challenging things about their job
- What would help them to do their job better?

Someone from each group should then give feedback to the main forum using a flip chart if needed.

If it seems too sensitive to ask participants to identify the main challenges/problems with institutional culture (e.g., if supervisors are present in the room), then ask participants to focus on their main responsibilities and the most rewarding elements of their job.

You could revisit the answers later in the training and during the evaluation, particularly when looking at how the details of the Nelson Mandela Rules can help staff overcome challenges and help them do their job better.

Throughout the training, include discussions, where relevant, about the working conditions of prison staff, including considering how their working conditions can impact the conditions of prison staff.

OPTIONAL **Bullying among prison staff - video.**

If time and group dynamics allow, show this video from New Zealand about bullying amongst prison staff and institutional culture. Then ask the group to reflect on the video and discuss the negative and positive aspects of the institutional culture in their own facility/country and how it affects prison management more generally.

https://www.stuff.co.nz/national/119934358/bullying-in-prisons-is-so-bad-some-staff-have-become-suicidal (4:13 minutes)

1.5 PARTICULAR GROUPS OF PEOPLE IN PRISON/VULNERABLE GROUPS

40 MINUTES

This session introduces special categories/vulnerable groups of people in prison. Consideration for these groups is integrated throughout the curriculum, but it is useful to introduce them briefly here. Explain the difference between the particular groups of people/vulnerable groups identified here and the special categories in Part II of the Nelson Mandela Rules.

Reiterate the point that, while it is important to highlight issues facing particular groups, this should not detract from the situation of the majority prison population, often made up of younger men. Explain that everyone in prison has a unique background and individual needs and, while it is crucial to recognize the needs of vulnerable groups, these groups are not homogenous. There will also be many individuals in the main prisoner population who have specific needs based on their histories and circumstances in prison.

Focal points could be identified for the different types of vulnerable groups identified in their country/ies (depending on the context). Ask them to collect relevant points that come up throughout the training course on these groups and provide feedback at different points in the training. Alternatively, display a flip chart page for each group on the wall throughout the training and add relevant points as they come up.

Taking account of vulnerabilities

As we have already seen, the Nelson Mandela Rules call for prison administrations to "take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings". It is therefore important for prison staff to be aware of what these vulnerable categories might be, and to be able to identify potentially vulnerable individuals in prison. Prison staff should also be aware that there will be many vulnerable individuals who do not fall into a particular category.

Vulnerabilities

- All people in prison are vulnerable but some groups may be more vulnerable than others.
- Many factors can increase an individual's vulnerability and these can intersect with each other. They can also change over time.
- This is why individualized and ongoing risk and needs assessments are so important.
- Dynamic security approaches to prison management can help staff identify these vulnerabilities.

  Why is it important? In what areas of prison management do we need to bear these factors in mind?

- In all aspects of prison management (as we will see over the rest of the course) but notable areas include:
  - Health care
  - Accommodation
  - Contact with family and friends
  - Personal searches
  - Disciplinary procedures
  - Access to information
  - Rehabilitation

Risk factors

The Association for the Prevention of Torture (APT) classifies risk factors that reinforce vulnerability as either personal, environmental or social-cultural.

Personal factors

Including, for example:

- Gender
- Age
- Sexual orientation and gender identity/expression
- Level of education
- Nationality, ethnicity or 'race'
- Nature of the offence (e.g., crimes against children, crimes committed in the context of violence, political offences)
- Incarceration history and time spent in detention
- Physical and mental health
- Legal situation
- Socio-economic background
- Religion or culture
- Level of self-esteem and other behavioural/personality factors
- Links to the criminal justice system
- Past or present trauma (including torture, domestic and sexual violence)
- Other life experiences (including addiction/dependency, involvement in sex work)

Environmental factors

Including:

- The attitude of prison staff
- Prisoner/staff ratio
- Other prisoners' attitudes
- Presence of gangs/gang affiliations
- Access to, and competence of health care (including mental health care), legal and social services
- Informal systems of privileges used instead of official systems of privileges
- The prison layout (e.g., cellular or dormitory accommodation)
- Absence of family ties/contact with the outside world
- Prison overcrowding
- Composition of the prison population (diverse cultures and nationalities, etc.)

Socio-cultural factors

Including, for example:
- The attitude of society and the media towards people deprived of liberty
- Stigmatization and social exclusion
- Social invisibility
- Attitudes towards minorities
- Corruption

OPTIONAL   **COVID-19 and vulnerable people in prison**

EXERCISE   Ask the group to brainstorm on the types of people in prison particularly impacted by COVID-19 and why. They should consider both positive and negative impacts.

Ideas could include those below. These are just examples to stimulate discussion if needed. The participants will most likely have their own ideas, based on their own experiences.

Foreign nationals — fewer opportunities for families to visit, but increased emphasis on remote communications may have increased their chances to communicate with family; fewer opportunities to be transferred to their home country to serve sentence/upon release.

Older prisoners/those with underlying medical conditions — more likely to be isolated due to health risks; potential increase in mental health conditions; in some countries they may have been more likely to have been granted early release due to the risks of COVID.

Women — more likely to be affected by restrictions on family visits, particularly women with child-caring responsibilities.

People with mental health conditions — existing mental health concerns likely to have been exacerbated by the pandemic, including in relation to increased isolation/lack of family visits.

OPTIONAL   If time allows, recap Module 1. Ask participants to think about the individual needs of people in prison and to bear these in mind throughout the upcoming modules. The need to recognize vulnerable groups and to tailor sentence plans to individual needs will be revisited in Module 2, and throughout the course.

PRI/ODIHR

Guidance Document on the Nelson Mandela Rules: Implementing the United Nations Re-vised Standard Minimum Rules for the Treatment of Prisoners

UNODC

Handbook on Prisoners with Special Needs

ODIHR

Preventing and Addressing Sexual and Gender-based Violence in Places of Deprivation of Liberty: Standards, Approaches and Examples from the OSCE Regio

MODULE 2
PEOPLE IN PRISON
AND PRISON CONDITIONS

2 PEOPLE IN PRISON AND PRISON CONDITIONS

MATERIALS
- Print out of PowerPoint slides 16–21
- List of further resources
- Print out of 'Medical isolation and quarantine in the context of COVID-19 and other infectious diseases' (see pages 52–53)
- Print out of the five definitions of dynamic security (see pages 63–64)

10 MINUTES   **INTRODUCTION**

This module explores the different categories of people in prison and provides more details about specific groups that might have particular needs. The module also covers the minimum physical prison conditions and basic services that the State must provide to all people in prison, with an emphasis on individual needs and reasonable adjustments. These include adequate provision of accommodation, suitable lighting, heating and ventilation, hygienic conditions, clothing and bedding, food, drink and the opportunity to exercise.

LEARNING OBJECTIVES

After completing Module 2, participants will be able to:

- Identify the profile of the prison population in their facility/country and groups in need of particular attention;
- Discuss why it is important to separate certain groups of people in prison and how staff can facilitate appropriate prisoner placement;
- Explain basic standards for detention conditions/basic services and assess how well these standards are met in their facility/country and what needs to be improved;
- Discuss the consequences for prisoners, prison staff, prison administrations and the broader community when the State does not fulfill its duty of care on minimum detention standards, including the potential for inhumane detention conditions to cause incidents and impact safety and security in the institution;
- Understand how detention conditions can, under some circumstances, amount to ill-treatment or even torture;
- Determine what prison staff can do to ensure that basic physical standards are met in the facilities they work in, including specific considerations for particular groups of prisoners; and
- Understand their own, individual role in identifying individual risks and needs.

These two essential principles could be printed and prominently displayed in the training room throughout the session:

"The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking into account their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment" — RULE 11

"All accommodation provided for the use of prisoners and, in particular, all sleeping accommodation should 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 13

2.1 WHO IS IN PRISON?

50 MINUTES

The aim of this session is to encourage participants to think about the individual needs of prisoners/vulnerable groups early on in the training.

It will show how familiar participants already are with the basic principles of separation of prisoner categories and the need for individualized treatment. It will also help identify the main groups of special/vulnerable prisoners in the particular facility/country/jurisdiction, and how the situation might be different from one facility to another. This will help frame discussions over the coming days.

EXERCISE   Start the session with a small group brainstorm to identify the main categories of prisoner/special/vulnerable groups in their facility/country/jurisdiction. Participants should come up with a list and present them to the open forum. Ask them:

1. Which main groups of people in prison should be kept separate from each other according to the Nelson Mandela Rules?

2. Are there groups of people in prison in their facility/country/jurisdiction that need particular attention/that are more vulnerable to poorer treatment or violence (for example)?

Follow this with a 10-minute trainer-led discussion on groups that were not identified in the open group discussion. Introduce other groups that were not identified and discuss whether they are relevant in the context (e.g., in some jurisdictions foreign nationals might not be a consideration, in others there might be many older prisoners, etc.)

Groups which should be identified in the brainstorm are:

1. **Separation of categories** — Men/women; adults/children; pre-trial/convicted; and separation based on individualized needs and risks assessments.

2. **Groups which might require special attention** — be clear that these are groups which might require special attention (and separation might be needed in some situations), but that these are different from the groups in point 1, where separation is explicitly required by the Nelson Mandela Rules. Depending on the context and to stimulate discussion, potential groups should include but not be limited to:

   - foreign nationals
   - ethnic minority groups
   - indigenous peoples
   - sex workers
   - older people
   - young adults
   - people with disabilities
   - people identifying as or perceived as LGBTI
   - people with mental health conditions
   - people with specific health conditions
   - people from particular religious/cultural groups
   - high profile individuals
   - people accused or convicted of terrorism-related offences

OPTIONAL   **Vulnerability game**

Divide participants into smaller groups and stand in a circle. The facilitator gives one card to each participant, which they keep hidden from the others. Each card contains one or two specific characteristics about a person detained in prison. The facilitator throws a ball to one of the participants. The participant who catches the ball explains why they (the person on the card) face specific challenges during their detention and what their specific needs are, without mentioning the characteristics mentioned on the card. Other participants have to guess what these characteristics are. Once others have guessed, the participant throws the ball to someone else, and the game goes on, until each participant has played at least once.

It may be useful to introduce some COVID-19-related considerations into the discussion.

2.2   SEPARATION OF CATEGORIES

40 MINUTES

Introduce the Nelson Mandela Rules relating to separation of categories and explain why these are important.

25 MINUTES
NMR: 11 AND 93

Why is the separation of categories important?

- To cater better for the individual needs of people in prison, including their health, education and rehabilitation;
- To achieve the purposes of imprisonment most effectively in all cases; i.e., to protect society against crime and reduce recidivism with a focus on rehabilitation and reintegration.
- To protect the safety/security of staff, people in prison and visitors — different security levels prevent escape or threats to prison and public safety;
- To minimize the risks to, and potential bad influence of different groups of prisoners;
- To make it easier for prison management/staff to manage daily life in prison (including, for example, out-of-cell time, or recreational activities);
- To make it less expensive for prison administrations in terms of staff costs and security arrangements etc.; and
- Separation of different groups of people in prison must also apply during prisoner transfers.

The separation of categories set out in Rules 11 and 93 deal with broad groups, which need to be separated in accordance with the Nelson Mandela Rules, but questions may arise on whether other groups in need of special attention or particularly vulnerable groups should also be kept separately. If these questions arise, tips and extra resources are below.

If these questions do not arise, you may choose to introduce these subjects for discussion. If necessary, the issues can also be dealt with in more detail in other relevant sessions. Cover as many of these circumstances as time allows and according to which subjects are most relevant in the country, but the session should be limited to 25 minutes.

Are there other circumstances which might require the separation of other groups of prisoners? For example:

- **Should foreign nationals/those from particular ethnic minority or indigenous groups be kept separately from others?**
  The allocation of foreign nationals in prison should not be based on nationality alone. Placement of all people in prison should firstly depend on their sex, age, criminal record, the legal reason for their detention and the necessity of their treatment/social rehabilitation needs (RULES 11 and 93). Foreign nationals are not a homogenous group and should therefore be classified and allocated to an appropriate security level based on thorough, individual risk and needs assessments. However, consideration should also be given to the special needs of foreign nationals, including their equal access to information, prison services and rehabilitation opportunities.

If foreign nationals fulfil the criteria for being kept together, and if it is safe to do so, it can make logistical sense to hold foreign nationals or those from the same ethnic or indigenous groups together, especially if they share a language or have a similar cultural background or religious beliefs. It can also be useful to house foreign nationals with someone who can teach them some of the local language to facilitate communication with prison authorities and help them assimilate into prison life.

Consideration should also be given to allocating foreign nationals to prisons in the capital city to facilitate contact with consular representatives or, in the case of prisoners from neighbouring countries, if appropriate, it can make sense to locate them in prisons near the border to facilitate contact with families and communities.

- **Should elderly people in prison be kept separately?**
  As above, the primary separation must be in accordance with Rule 11 and based on individual risk and needs assessments as each elderly person will have specific needs. However, it may be practical to house elderly people in prison together if it is safe to do so, and particularly if they have similar physical or medical needs and require more frequent medical monitoring (e.g., mobility, dementia, loss of eye sight, hearing etc.). There are different models for accommodating the elderly, and this can depend on the percentage of elderly people in the overall prison population and the facilities/budget available. Some prisons having special wings designed specifically to cater for the needs of the elderly.

- **Should sick people in prison be kept separately from others? (This question may come up particularly in the context of COVID-19).**
  This is the responsibility of healthcare staff - Rule 30 (d) of the Nelson Mandela Rules makes it clear that healthcare professionals are responsible for providing for the clinical isolation and adequate treatment in cases where prisoners are suspected of having contagious diseases during the infectious period to prevent the risk of spreading infection. Those who require specialized treatment should be held in a prison health wing or transferred to a community healthcare facility. Those with terminal illness should be accommodated in a comfortable environment under the care of healthcare staff.

- **Should LGBTI people in prison be kept separately?**
  There are different models for accommodating LGBTI people in prison and this can also depend on resources/facilities, the legal/social status of LGBTI people within the country and the extent to which LGBTI people are comfortable to self-identify in the prison context. Some countries have entirely separate facilities or special wings of prisons for LGBTI people.

  LGBTI people in prison have individual circumstances and needs. Their own views and concerns should be taken into account when determining cell allocation and LGBTI people should be housed in whichever environment will best ensure their safety. It may be that those who have self-identified as LGBTI might prefer to be housed with other LGBTI people if they feel at risk of abuse. Others prefer not to disclose their sexual orientation or gender identity. When LGBTI people are sepa-

rated from the rest of the prison population, it is important that they do not receive discriminatory treatment/access to goods and services.

In some cases, there may be a need to place LGBTI people in protective segregation for their own safety. However, if isolation is deemed the only possible avenue, it should be used only for the time necessary and it should not amount to solitary confinement.

The allocation of transgender people in prison must be done in consultation with the prisoner and must be done on a case-by-case basis.

Yogyakarta Principles, Principle 9 (a and b):

States shall "[e]nsure that placement in detention avoids further marginalising persons on the basis of sexual orientation or gender identity or subjecting them to risk of violence, ill-treatment or physical, mental or sexual abuse; […]". States shall ensure "to the extent possible, that all prisoners participate in decisions regarding the place of detention appropriate to their sexual orientation and gender identity."

• **Should people in prison with mental health conditions be kept separately?**
People in prison with mental health conditions must be protected from abuse and violence by other prisoners and must be housed in an environment suitable for their specific needs which should be the least restrictive possible, and with consideration to the needs for medical supervision. Those who have severe mental health conditions should be transferred to specialised mental health facilities. Prolonged periods of isolation should be avoided.

Other potential questions on prisoner placement

• **What if there is simply not enough space to separate the categories (e.g., cells for children are full, but there are spaces in the adult facilities; pre-trial facilities are full, but there are spaces in the cells for convicted prisoners; high security cells are full, but there is space in low security cells etc.).**
The separation of categories according to Rule 11 remains the absolute priority in these situations. Authorities can instead consider what other measures can be put in place to alleviate temporary overcrowding and reduce the time people in prison spend in their cells. This may include extra out-of-cell time, extra access to recreation/vocational activities, changing rota schedules, improved use of communal spaces and regular review of needs/risk assessments.

• **What about girls? Can they be held in the same cells as adult women?**
Because there are so few girls in prisons, they are often held together with adult women, but the Nelson Mandela Rules are clear that girls should be kept separately from adult women. In some cases, there may only be one or just a few girls in a facility. In these cases it will be important for prison authorities to consider other ways to support the girls and provide them with social interaction. This might include additional family visits or support from local NGOs, home visits and extra access to rec-

reation and training programmes. In some cases, it might be appropriate to transfer girls to facilities where there are other girls, so that they have company, but this will need to be balanced with the need to house them near their home and family.

- **What is the recommended adequate personal space/minimum floor space per prisoner?**
  The Nelson Mandela Rules do not define these in numerical terms, but the ICRC recommends at least 5.4 sqm per person in single-cell accommodation, and 3.4 sqm per person in shared or dormitory accommodation as the minimum space needed for a prisoner to sleep undisturbed, store personal property and move around (not including toilet and shower space)[6]. Within the Council of Europe region, the European Committee for the Prevention of Torture's minimum standard for personal living space is 6 sqm for a single occupancy cell and 4 sqm per prisoner for those in multi-occupancy cells, both excluding the sanitary facility.[78]

This is important because it is very common for prison accommodation to be severely overcrowded. In some prisons people do not even have enough space to all lie down at the same time and they have to take turns to sleep. Adequate personal space is also extremely important for human dignity and maintaining good physical and mental health. At the same time, there are other factors to consider when determining adequate personal space, including the physical condition of the buildings, the amount of out-of-cell time each person is allowed, the amount of light and ventilation, and other activities that might have to take place inside the accommodation area (this sometimes includes cooking and laundry). Some people in prison, including those with disabilities, are also likely to need more personal space than others.

What practical steps can prison staff take in relation to prisoner placement/allocation?

- Systemize risk and needs assessments in the prisoner admission process;
- Ensure that regular reviews/reassessments are carried out to check that prisoners continue to be in the right location;
- Communicate regularly with all prisoners, and pay particular attention to vulnerable individuals, to gain a better understanding of any problems with cell placement;
- Discuss prison allocation with individual people in prison, including considering the proximity to an individual's home/place of social rehabilitation, and whether there is another location that might better support their rehabilitation;
- Consider the location of family or other contacts when discussing possible prisoner transfers with judicial officials and emphasize the importance of allocating people close to home;
- Keep accurate records and ensure good systems are in place to ensure smooth and timely transitions with prisoner placement (e.g., pre-trial to convict, shift of security levels); and

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6 International Committee of the Red Cross (2012): Water, Sanitation, Hygiene and Habitat in Prisons – Supplementary Guidance, chapter 3. Living Quarters and Capacity.

7 https://rm.coe.int/pc-cp-2018-1-e-rev-2-epr-2006-with-changes-and-commentary-22-may-2018/16808add21

8 Mursic v. Croatia App. No 7334/13 (20.10.2016).

- Bring issues of prisoner overcrowding and associated problems to the attention of prison management.

The mention of records is a good opportunity to highlight some best practices regarding privacy and record management, in accordance with Rule 9. Of particular importance for any electronic record management system — but also when paper-based — is the question of who has access and in what circumstances. It also covers procedures in place for prisoners to request data pertaining to them.

Children constitute a particularly vulnerable group and the management of data on children (whether deprived of liberty, staying with a parent or visiting) requires extra caution. Staff should be particularly mindful about what kind of information they are storing and whether it is really necessary to store it.

OPTIONAL EXCERCISE **Prison administrations and separation of categories — practical challenges**

If time allows, it would be useful to have some pragmatic discussions on the practical challenges facing prison administrations in relation to the separation of categories.

Either:

Pin the following scenarios to the wall and ask participants to walk around and attach post-it notes with ideas on how they would deal with the situation.

1. The facilities set aside for pre-trial detainees are full and a large group of pre-trial detainees are arriving soon.

2. The beds in the medical facility are full but more prisoners require medical attention.

3. There is no more space in the wing set aside for children in conflict with the law.

4. The cells that are specially equipped to house people with disabilities are all full, but there are two new people arriving who need the specially equipped cells.

Next, facilitate a discussion on what to do/not do in these situations; what the risks are; what safeguards can be put in place; and who should be responsible for making decisions in these cases. Where relevant, participants should draw on their own experiences.

Or:

Show the UNODC scenario on accommodation of prisoners to stimulate the discussion.

Medical isolation and quarantine in the context of COVID-19 and other infectious diseases.

In light of the COVID-19 pandemic, it is important to be clear on the differences between the terms 'quarantine' and 'medical isolation', and how these relate to solitary confinement. This explanation is also relevant to how these terms are used in the context of other infectious diseases.

'Quarantine' 'involves the restriction of movement, or separation from the rest of the population, of healthy people who may have been exposed to the virus [coronavirus], with the objective of monitoring their symptoms and ensuring early detection of cases.[9] In prisons, quarantine has mainly been used for new admissions to prison or for people who are returning from external activities.

'Medical isolation' is the term used for the isolation of people who have symptoms of infectious diseases or those with prior diagnosis of infectious diseases who are still symptomatic. As the WHO makes clear, decisions to place people in medical isolation should be based on medical necessity because of a clinical decision.[10] The Subcommittee for the Prevention of Torture (SPT) has urged States Parties to "[p]revent the use of medical isolation taking the form of disciplinary solitary confinement; medical isolation must be on the basis of an independent medical evaluation, proportionate, limited in time and subject to procedural safeguards".[11]

"Solitary confinement' is defined as the confinement of people in prison for 22 hours or more a day without meaningful human contact (RULE 44). Solitary confinement is to be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review. It is prohibited for certain categories of prisoners (RULE 45), including pregnant women, women with infants and breastfeeding mothers in prison (BANGKOK RULE 22). Prolonged solitary confinement" (solitary confinement for 15 days or more (RULE 44)) is prohibited outright (RULE 43).

If individuals are held in quarantine or medical isolation measures for 22 hours or more a day without meaningful human contact, this will result in de facto solitary confinement. Measures must be in place to ensure this does not happen. This can be achieved by adhering to the following measures:

- Any form of lockdown, isolation or quarantine should only be imposed as a last resort and based on independent medical assessments. Alternative means of preventing infections should be put in place first.
- Any form of lockdown, isolation or quarantine must adhere to international human rights standards and measures are to be put in place to mitigate negative impacts.
- Any such restriction should be imposed for the shortest time possible and be reviewed regularly by healthcare staff.

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9 Considerations for quarantine of individuals in the context of containment for coronavirus disease (COVID-19)", WHO, 19 March 2020.

10 https://www.euro.who.int/__data/assets/pdf_file/0020/438041/Covid19-PrisonsChecklist-eng.pdf.

11 Advice of the Subcommittee on Prevention of Torture to States Parties and National Prevent Mechanisms relating to the Coronavirus Pandemic, SPT, 25 March 2020.

- Any measure imposed due to infectious diseases (and the reasons for doing so) should be communicated in a transparent and clear manner to those affected.
- Any lockdown or form of separation must not constitute prolonged solitary confinement as defined and regulated by the Nelson Mandela Rules.
- Any decision to isolate someone based on medical grounds must adhere to medical ethics, the Nelson Mandela Rules and other international standards, and specifically adhere to the principles of legality, necessity and proportionality.
- Any separation, isolation or quarantine should be (i) used only as necessary based on medical grounds, (ii) imposed with conditions that are as close as possible to the regular regime and (iii) clearly distinct from those found in solitary confinement.
- An infected person must be housed in an appropriate medical facility; confinement in an individual cell is not appropriate health care.
- Proactive measures should be taken to mitigate and alleviate the negative impacts of lockdowns or separation of certain people on health grounds, including daily access to mental healthcare staff and the facilitation of meaningful human contact.
- Separated people should have free access to communication with their families, television, reading material, etc.
- Where restrictions on contact with the outside world are in place, they should be time-limited and regularly reviewed.
- Access to legal representatives for detained people must be guaranteed, if not in-person, through other means with no restrictions and with the required level of privacy to meet the principle of attorney-client privilege (confidentiality).
- Monitoring bodies should be given full and unimpeded access to places of detention, including people in isolation, with preventive measures in place to ensure the 'do no harm' principle is upheld.

2.3 PRISON CONDITIONS AND BASIC SERVICES

1 HOUR 15 MIN

NMR 12-23   When authorities deprive an individual of their liberty, they assume the responsibility to provide for their basic needs, and protect and promote their physical and mental health. In order to comply with its duty of care and its obligation to respect prisoners' human dignity, the State must meet the most fundamental requirements of humane prison conditions and the provision of basic goods and services. These aspects of prison life are often the most important to people in prison and can define their life in prison. This is borne out by the fact that many prisoner complaints relate to the quality of food, access to water, floor space, and cleanliness, etc.

Many aspects of detention conditions/service provision are determined by prison design/architecture and prison budget and are beyond the direct control of prison staff, e.g., cell sizes, levels of overcrowding, food quality, or access to fresh water. However, there are still many practical steps prison staff can take to alleviate these problems.

When thinking about the basics of prisoner accommodation, we need to consider the following:

This list can be put together as a group brainstorm.

- Cell type, size and minimum floor space per prisoner
- Lighting
- Heating & cooling
- Ventilation
- Toilet facilities
- Bathing and shower installations
- Cleanliness of facilities
- Personal hygiene
- Clothing
- Bedding
- Food
- Water
- Sport and exercise

All of these basic provisions can and should be adapted to the specific needs of individuals. There should also be an assessment of what should be provided based on what is normal within the community.

EXERCISE
15 MINUTES

What are the main issues (from the above) that people in prison complain about in your facilities and why? These can be formal or informal complaints. Do these issues correspond to the problems identified by prison staff? What are the security implications? Do they also affect successful prisoner rehabilitation? How do services and goods available in prison compare to those in the community?

If the group needs energizing or if people are not very comfortable with open group discussions, this exercise can also be done by writing this list on separate pieces of paper distributed around the room and asking participants to mark the issues that prisoners complain about.

- Participants should not limit their responses to official complaints but should consider the types of issues that people in prison complain about informally on a regular basis, or that they may have observed as being unsatisfactory/poor.
- Remember that staff living conditions, particularly those living on prison premises, may be similar to the living conditions of prisoners. For example, staff may eat the same food as prisoners and may have similar problems with heating, lighting, ventilation, etc. This should be incorporated into the discussions.
- Be aware also of the general living standards in the community and the climate. For example, the type of bed and bedding used varies from country to country, so the type of bedding provided should be similar to that available in the community.

What do the Rules say?

Ask participants to find and summarize relevant information in the Nelson Mandela Rules and the Bangkok Rules in relation to some of the following:

- Accommodation
- Windows
- Light
- Sanitary facilities
- Bathing and shower Installations
- Cleaning

- Personal Hygiene
- Clothing
- Bedding
- Food
- Drinking water
- Exercise and sport.

Ask participants to read out what they found in the Rules.

There will not be time to cover all of these areas, so select as many as you have time for. The exercise could be run as a competition to energise participants and see who can find the relevant Rule first. Those who find the Rule first could be given a 'prize'. The answers should include:

Accommodation – all accommodation, and in particular all sleeping accommodation, shall meet all health requirements.

Windows – should be large enough to enable people in prison to read or work by natural light and constructed to allow entrance of fresh air.

Light – artificial light to be provided sufficient for prisoners to read or work.

Sanitary facilities – adequate to enable every person in prison to comply with the needs of nature when necessary and in a clean and decent manner.

Bathing and shower installations – adequate facilities to be provided so that every person in prison can have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene.

Cleaning – all parts of a prison used by people in prison shall be properly maintained and kept clean at all times.

Personal hygiene – people in prison should be provided with water and toiletries to enable them to keep themselves clean and healthy; facilities should be provided for the proper care of hair and beards, and men should be able to shave regularly. The Bangkok Rules state that the accommodation of women prisoners shall have facilities and materials to meet women's specific hygiene needs, including free sanitary towels and a regular supply of water for the personal care of children and women, particularly those involved in cooking and those who are pregnant, breastfeeding or menstruating.

Clothing – all people in prison not allowed to wear their own clothing should be provided with an outfit of clothing suitable to the climate and adequate to keep them in good health. This clothing should in no manner be degrading or humiliating. All clothing should be kept clean and in proper condition. Underclothing should be changed and washed as often as necessary.

Bedding – every person in prison should be provided with a separate bed and with separate, sufficient and clean bedding, kept in good order and changed often enough to ensure cleanliness.

Food – every person in prison 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.

Drinking water – drinking water shall be available to every person in prison whenever they need it.

Exercise and sport – every person in prison 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.

Why are these important?

Prisoner health
Providing for the basic health needs of people in prison; protection from serious illness or even death and reducing health inequalities.

Dignity of prisoners
Conditions must not lessen the respect due to prisoners' dignity as human beings; protection from living conditions which amount to cruel, inhuman or degrading treatment.

Prisoner self-respect
Decent prison conditions and access to basic goods and services are essential for maintaining prisoners' self-respect and respect for each other.

Community health
If prisoners' health is not protected, they may also pose a threat to public health when released into the community.

Prison safety
Poor conditions of detention and problems with the provision of basic services can lead to prison unrest and poor prisoner-staff relations. Improved conditions lead to better, safer working conditions for staff.

Rehabilitation
Providing for the basic health and well-being of prisoners is an essential element of their eventual rehabilitation and reintegration.

Budget
Increased budget allocation to prison conditions and basic services in the short term can lead to longer-term budget savings linked to prisoner health, prison safety and security.

EXERCISE   **How basic prison conditions/provision of services can impact prisoner health:**

Ask about the following issues and the risks they pose.

- **Overcrowding and poor ventilation:** the spread of infectious diseases such as COVID-19 and tuberculosis
- **Lack of sanitary facilities, clean bedding and clothing:** spread of parasites and skin diseases
- **Cold climate/lack of bedding/clothing:** pneumonia/hypothermia. When there are a few people in a large cell block this could also mean it is very cold in the cell
- **Hot climate/lack of ventilation:** heat related illness/deaths
- **Deprivation of exercise/sunlight/fresh air:** loss of muscle tone and vitamin deficiencies
- **Deprivation of drinking water:** dehydration and serious damage to health
- **Poor conditions of detention/lack of access to services generally:** can lead to serious mental health conditions
- **Lack of (adequate or clean) sanitary items and access to water for women who are menstruating:** can lead to infections and other health impacts

COVID-19 and the provision of basic services/conditions of detention

During discussions on conditions of detention/provision of basic services, introduce some debate on how COVID-19 affected the ability of prison administrations/prison staff to deliver these basic needs. Get some feedback on how prisons were able to overcome the challenges presented by COVID-19 and lessons for the future.

Ideas for discussion could include:

- Sanitization of prisoner accommodation units
- Sanitization of common areas, including those used by staff
- Ventilation of indoor spaces, including prisoner transport vehicles
- Availability of soap, hand sanitizer and other hygiene items
- Access to water

Detention conditions that might amount to inhuman or degrading treatment or even torture

If the subject is raised, examples include:

- Solitary confinement, prolonged solitary confinement, in conjunction with poor material conditions (e.g., lack of ventilation, small cell, lack of privacy) could amount to ill-treatment or even torture
- Overcrowding combined with poor material conditions and/or inappropriate medical care
- Detention conditions that do not meet the needs of people with particular medical conditions (e.g., where they cannot easily go to the toilet or keep themselves clean)

Detention Conditions

Depending on which areas were identified earlier as problematic in the particular jurisdiction,

Either:

Play one or two of the relevant scenarios in the UNODC training (on accommodation of prisoners, hygiene and cleanliness, food and drinking water, clothing and bedding) UNODC e-learning course and discuss.

Or:

Split participants into groups and ask them to identify a real-life problem they have experienced related to one of the above areas, to discuss how they dealt with the situation and discuss with the whole group.

If the groups are struggling to find a real-life scenario, give them one of the scenarios below and ask them to identify steps that prison staff could take.

- **Food.** People in prison complain that they do not get enough nutritious food. Prison staff agree, but this is linked to the daily budget allocation for prisoners' food. Is there anything staff can do?
- **Cleaning.** Prisoners' accommodation and shared facilities are not clean enough. What can prison staff do to change the situation?
- **Light and ventilation.** The cell windows are too small to let in much light or air. What can staff do?
- **Clothing and bedding.** There are no laundry facilities in the prison and prisoners are not washing their own clothing frequently enough. What can prison staff do?

Specific solutions which might be raised/can be added to facilitate feedback and discussion

General
- Listen and talk to people in prison to fully understand their problems and discuss ideas on what could be improved (dynamic security approaches).
- Ensure they have received all information and understand their rights and obligations related to prison conditions and the provision of goods and services.
- Visit cells and other parts of the prison frequently to assess detention conditions such as air quality, light, heating, ventilation and cleanliness.
- Review official complaints data and recommendations by monitoring bodies regularly.
- Raise concerns with other staff and bring concerns to the attention of prison management.

Food
- Talk to the staff/prisoners responsible for preparing and distributing food to identify problems and possible solutions.
- Talk to prison health officials about food quality and options for more nutritious food.

- Raise the issue of food shortage with prison management and discuss if any budget real-
-location might be possible to ensure prisoners have adequate food.
- Talk to people in prison about food quality and hygiene; observe whether all people in pris-
on receive the same amount of food.
- Observe the eating habits of people in prison — is food wasted? Are they reliant on food
brought in from the outside?
- Discuss whether any changes can be made to meal spacing/meal rotas.
- Discuss with management if it is possible to produce more food on site and whether pris-
oners can get more involved in food growing/production/meal planning and cooking.
- Allow families/communities/NGOs to donate food to prisoners if authorities cannot pro-
vide for their basic needs; remove unnecessary obstacles to them doing so (including re-
quirements to pay).
- Address any corruption issues with the provision of food.

Cleaning

- Talk to people in prison about cleaning to understand why prison accommodation/shared
areas are not being kept clean/explain why cleanliness is important.
- Discuss whether particular parts of the facility may need a thorough deep clean to enable
the regular maintenance of cleanliness.
- Ensure that people in prison are aware of their responsibilities around maintaining clean-
liness of accommodation/other areas and that there is clarity around the division of staff/
prisoner responsibilities in this area.
- Ensure that those responsible for cleaning have the materials they need and that they have
received any necessary training.
- Consider establishing a cleaning rota and assign prisoners to specific tasks
- Discuss incentives to reward and encourage positive behaviour instead of punishments for
negative behaviour.
- Set a good example by keeping staff/shared areas clean.

Light and ventilation

- Spend time in prisoner accommodation to understand the problems faced by people in
prison in relation to light and ventilation.
- Ensure that people in prison have some control over lighting and ventilation in their cells.
Are light switches inside cells? Are they able to open and close their own windows and
shutters? (Note this can be a subject of disagreements between prisoners in shared ac-
commodation and prison staff may need to mediate).
- Ensure that prison healthcare staff are also involved in regular inspections of light and ven-
tilation levels and discussions of any problems with prison management.
- Consider if there are ways to improve the lighting and ventilation in cells, including by im-
proving natural light/ventilation or by installing artificial light and mechanical ventilation.

Clothing and bedding

- Check that all people in prison have clean and suitable bedding and clothing on first admis-
sion to the facility and that they are kept clean and in good condition.

- Talk to them to understand any specific problems they face in relation to clothing and bedding.
- If there is a laundry facility in the prison, understand prisoner's access to the facility to know if there any problems; if they wash their own clothing, find out when they are able to do so and if there are any problems related to time availability/access to washing facilities, water, etc.
- If there are significant problems, talk to prison management to see if laundry can be outsourced, or if there can be help from local community organizations.
- If there are not enough prison uniforms available for all prisoners to have clean clothing, discuss with colleagues and prison management whether people in prison can wear their own clothing and whether their families can provide clean clothing.

Special considerations — prison conditions and basic goods and services

Depending on the training dynamics, this could be delivered as a small group exercise with each group asked to think about special considerations for different groups and feeding back to the main forum.

When assessing the quality of prison conditions and basic services, prison staff should be aware that each person in prison, or particular groups of people in prison, may have specific needs in relation to overcrowding and access to basic goods and services, including the dietary requirements of particular groups of prisoners. For example:

Women and girls in prison – particular attention should be paid to the hygiene and nutritional needs of women and girls in prison and in particular to pregnant women and nursing mothers. Consideration also needs to be given to the health and sanitation needs of female prisoners who are menstruating and women going through menopause. This can include:

- Safe and regular access to hot water, or at least access to sufficient water to fulfil their hygiene needs
- More frequent access to toilet and shower facilities
- Access to hygiene items free of charge, including sanitary pads and safe disposal arrangements for used articles
- Supplementary nutrition for pregnant women, those who have just given birth and breastfeeding mothers
- Suitable regular exercise opportunities and a suitable environment for pregnant women and breastfeeding mothers. Safe opportunities for women to exercise, especially if they are accommodated in a wing/part of a male prison with shared facilities

Refer to the Bangkok Rules — in particular Rules 5 and 48.

Older people in prison or those with physical disabilities — it is important to ensure that older people in prison or those with physical disabilities are able to take regular, suitable exercise outside their cells and that they can access basic goods and services. If they are unable to participate in outdoor exercise due to disabilities or health

conditions, alternative recreational activities should be provided. Other considerations for these groups might include:

• Providing them with single tier beds (if it is hard for them to get up to the top bunk);
• Ensuring easy access to toilets and bathing facilities;
• Ensuring their accommodation is accessible (e.g., no stairs) and is close to prison health and other services;
• Providing additional light in case of eyesight problems;
• Making structural adjustments such as handrails, ramps etc.; and
• More frequent monitoring of cell/clothing/bedding cleanliness and support if needed (this could be affected by memory loss for example).

It is important to note that all people in prison are different. It should not be assumed that all older prisoners or those with physical disabilities have similar needs. Some will be as physically and mentally able as younger people in prison and might not have particular needs associated with their age.

Cultural/religious considerations — some prisons have people of many different nationalities and cultures. Some need special diets for religious or cultural reasons. These considerations may also extend to clothing and bedding requirements, personal hygiene and sanitation, including, for example, care of beards and the ability to shave regularly.

Prisoners with mental health conditions — it is important to be aware that the mental health conditions of people in prison vary greatly, and it should not be assumed that they will have similar needs. However, some prisoners with mental health conditions may be less able to care for themselves and their environment. Prison staff can therefore pay specific attention to:

• Whether prisoners with mental health conditions are given adequate food and are eating the food provided to them;
• More frequent monitoring of cell/bedding/clothing cleanliness and support if needed;
• Whether individuals with mental health conditions are able to access regular exercise outside their cells; and
• Whether they understand their rights and responsibilities in relation to basic goods and services.

Prisoners with physical health problems — particular attention should also be paid to the access to basic goods and services of those with physical health problems, including those housed in prison health facilities. They may have specific nutrition needs because of their condition. Heating and ventilation inside prison health facilities and the availability of outside exercise may need to be carefully managed for those with physical health problems.

Special considerations — what can prison staff do?

- Monitor closely a specific individual's/group's access to basic goods and services;
- Work with healthcare staff to have a plan in place and frequently review the regime; to in-clude consideration of food, access to medicines, etc.;
- Speak to colleagues who may know better what particular people in prison need (e.g., staff from minority groups, those who have received training in mental health care); and
- Encourage prisoner peer support groups and cooperate with community support groups that provide support on basic goods and services to particular groups (e.g., NGOs sup-porting pregnant women).

For more information on special considerations for people in prison with special needs, you can also refer to the UNODC Handbook on Prisoners with Special Needs.

Special considerations — relevant Rules, standards and recommen-dations

Female prisoners

RULE 5   "The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating."

RULE 48   "1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise op-portunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, un-less there are specific health reasons to do so.

3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes."

Older prisoners or those with physical disabilities

UN Convention on the Rights of Persons with Disabilities

ARTICLE 14 (2)   "States Parties shall ensure that if persons with disabilities are de-prived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Conven-tion, including by provision of reasonable accommodation."

Council of Europe, Committee of Ministers Recommendation No. R (98) 7, Concerning the Ethical and Organizational Aspects of Health Care in Prisons

"50. Prisoners with serious physical handicaps and those of advanced age should be accommodated in such a way as to allow as normal a life as possible and should not be segregated from the general prison population. Structural alterations should be effected to assist the wheelchair-bound and handicapped on lines similar to those in the outside environment."

Cultural/religious considerations

Committee on the Elimination of Racial Discrimination (CERD) General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system

"38. When persons belonging to the groups referred to in the last paragraph of the preamble are serving prison terms, the States parties should:

(a) Guarantee such persons the enjoyment of all the rights to which prisoners are entitled under the relevant international norms, in particular rights specially adapted to their situation: the right to respect for their religious and cultural practices, the right to respect for their customs as regards food, the right to relations with their families, the right to the assistance of an interpreter, the right to basic welfare benefits and, where appropriate, the right to consular assistance. The medical, psychological or social services offered to prisoners should take their cultural background into account;"

Provide a short recap of the material in Module 2. Ask participants to think about the particular groups of people in their prison who have specific needs and reflect on whether the prison is well equipped to cater for these needs. In particular, ask them to reflect on their own role in identifying and addressing individual needs.

5 MINUTES   ### Introduction to dynamic security

Before starting Module 3, introduce the concept of dynamic security — a concept that runs throughout the training course.

Be aware that some countries have different definitions of what dynamic security means.

What is dynamic security? Definitions.

Hand out the printouts of the five definitions from the module materials and randomly ask participants to stand up and read them out to the group and highlight the key **phrases**:

- alert staff who know the prisoners
- positive relationships with prisoners

- awareness of what is going on in the prison
- engaging with prisoners
- proactive and frequent interaction

1. European Prison Rules Rule 51 (2):

*"The security which is provided by physical barriers and other technical means shall be complemented by the dynamic security provided by an **alert staff who know the prisoners** who are under their control."*

2. Council Of Europe Committee Of Ministers Recommendation Rec(2003)23, 18. a.

*"The maintenance of control in prison should be based on the use of dynamic security, that is the development by staff of **positive relationships with prisoners** based on firmness and fairness, in combination with an understanding of their personal situation and any risk posed by individual prisoners."*

3. UNODC Handbook on Dynamic Security and Prison Intelligence (p.37)

*"Security also depends on an alert group of staff who interact with, and who know, their prisoners; staff developing positive staff-prisoner relationships; staff who have an **awareness of what is going on in the prison**; fair treatment and a sense of "well-being" among prisoners; and staff who make sure that prisoners are kept busy doing constructive and purposeful activities that contribute to their future reintegration into society."*

4. UNODC Handbook for Prison Leaders (p.106)

*"**Engaging with prisoners** and getting to know them can enable staff to anticipate and better prepare themselves to respond effectively to any incident that may threaten the security of the prison and the safety of staff and inmates."*

5. Penal Reform International and ODIHR - Guidance Document on the Nelson Mandela Rules (p.78)

*"Dynamic security approaches involve **proactive and frequent interaction** between prison staff and prisoners. This allows staff to observe prisoners and gather information. Such regular interaction provides warning signs about possible incidents and allows prison staff to anticipate and prevent problems before they arise".*

40 MINUTES   **Dynamic security: the personal qualities and skills of prison staff**

Split participants into small groups and ask them to brainstorm on the personal qualities and skills needed by prison staff to do their jobs effectively, including in relation to dynamic security approaches. They can note their thoughts on a flip chart. Ask one person from each group to give feedback to the main group. Add any significant qualities they fail to identify.

Read out RULE 74(1) demonstrates that the Nelson Mandela Rules recognize the challenging and important nature of prison work.

*"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."*

RULE 74 also notes that the work of prison staff is a **social service of great importance** and that the benefits and conditions of service shall be favourable in view of the **exacting nature of the work**.

RULE 76 (C) acknowledges the importance of dynamic security and states explicitly that it should be included in staff training.

OPTIONAL   Show one or more brief videos on the skills/qualities needed by prison staff:
https://www.youtube.com/watch?v=TRM4-aLKOdg (1:30 minutes)

FURTHER RESOURCES   UNODC, Handbook on Dynamic Security and Prison Intelligence

Penal Reform International, Global Prison Trends 2016, Special Focus. Prison Staff: Overworked and Underpaid?

Penal Reform International, Mental health in prison: A short guide for prison staff,

ICRC, Handbook on ageing and detention

MODULE 3
PRISON ORGANIZATION
AND ADMINISTRATION

3 PRISON ORGANIZATION AND ADMINISTRATION

MATERIALS
- Pen and notebook
- Print out of PowerPoint slides 22–32
- List of additional reading/resources
- Copy of mock prisoner file adapted to local circumstances as necessary (see page 71)
- Copy of imaginary scenario/cases (see page 73)
- List of risks during prisoner transport (see pages 76–77) handout only after exercise
- Updated mock prisoner file (see pages 81–82)

10 MINUTES ## INTRODUCTION

This module details the importance of prisoner classification and individualized risk and needs assessments. It underlines that sentence plans should be based on individual needs, capabilities and dispositions. In addition, the module covers the allocation of people in prison and the groups that must be separated from each other. The second half of the module covers the protections that need to be in place during prisoner transfers and the importance of good file management. The final section looks specifically at the situation of pre-trial detainees.

LEARNING OBJECTIVES

After completing Module 3, participants will be able to:

- Advocate for individualized risk and needs assessments and sentence planning;
- Identify problems in prisoner placement and advise on appropriate allocation;
- Articulate why allocation is so important in successful prisoner rehabilitation and reintegration;
- Demonstrate good understanding of the particular risks and negative impacts associated with prisoner transport;
- Explain why good prisoner file management is so important;
- Articulate the key principles related to pre-trial detention and particular considerations; and
- Understand their own role in overall prison organization and how this affects the treatment of people in detention.

3.1 ADMISSION PROCESSES, CLASSIFICATION, RISK AND NEEDS ASSESSMENTS

1 HOUR 10 MINUTES

NMR: 89, 93 AND 94

RULES 89, 93 and 94 are all in Part II(A) of the Nelson Mandela Rules (Rules applicable to prisoners under sentence). This is because the assessment and classification of pre-trial detainees is different: they must be presumed innocent and, even if they have already been convicted, they may not yet know the details or length of their prison sentence.

However, as Preliminary Observation 2 of the Rules makes clear, the Rules in Part II (A) are equally applicable to pre-trial detainees, provided they do not conflict with the Rules governing those categories and are for their benefit. There are more details on pre-trial detention later in this module, but some basic principles can be introduced here:

- Pre-trial detainees must also be subject to careful, ongoing risk and needs assessments and classifications.
- Pre-trial detainees should not be excluded from educational and vocational programmes but are not required to participate.
- Pre-trial detainees must not be held in worse conditions than convicted prisoners.

EXERCISE
20 MINUTES

Prison arrival

A prisoner, Ronja Gustafsson, has just arrived in prison. Ask one of the participants to take on the role of Ronja and another to take on the role of the official escorting her into prison. They leave the room. When they are out of the room, ask the group to brainstorm actions that should happen on admission to prison, or as soon as possible after admittance. Assign each of the identified actions to the other participants. As Ronja enters the room, she will meet different people and each will explain to her an action that will be taken as soon as possible after she enters the prison.

Adjust the details of the prisoner file and the identity of Ronja Gustafsson so that her name and nationality, etc., are more relevant to the local context.

The actions should include (but not necessarily be limited to) those below. If some points haven't been identified, introduce them:

- **Check the validity of the commitment orde**r — any commitment order lacking the required information as set out in RULE 7 should be considered invalid (RULE 7).
- **Ask for emergency contact details and next of kin** — the new arrival should be able to inform their family or other contact person about their imprisonment (Relates to RULES 68-69).
- **Admission is recorded in the prison registration system** (RULE 26).
- An **inventory of the individual's property** and anything they are not allowed to keep with them **to be placed in safe custody** (RULE 67).
- Every person being admitted to prison should be seen and **examined by the medical officer** as soon as possible after admission (RULE 30).
- **Prisoner search** (if deemed necessary) (Relates to RULES 50-52) which should be properly recorded RULE 51).

- All people in prison should be provided with **information on the Rules, regulations, procedures** and other information as soon as possible after admission.
- **Initial risk and needs assessment, and sentence plan** (to include rehabilitation plan) (RULES 89. 93, 94).
- **Appropriate classification and allocation** (RULE 89).
- **Individual prisoner file** created as soon as reasonably possible (RULE 26).
- Creation of an **individual medical file** (RULE 30).

Other actions might include

- Any request or concerns they might have
- Any problems with others in the facility
- Drug and alcohol testing

10 MINUTES   ### Risk and needs assessments

Risks

This should cover the risk to themselves, others and to the overall safety and security of the prison.

Elements to consider:

- Criminal history and crime imprisoned for (e.g., a history of sexual offences or violence against others)
- The risk of committing another offence
- History of suicide/self-harm
- Escape risk
- Attitudes towards other prisoners/staff members
- Lifestyle within the prison (e.g., social contacts, withdrawn behaviour)
- Personality (e.g., behaviour in the prison, aggression, history of violence/disruptive behaviour, ability to adapt to the prison environment and prison rules)
- Drug or alcohol dependency
- Gang membership/affiliation
- Affiliation/connection to violent extremist groups

Needs

Assessments should seek to identify and address an individual's specific needs and vulnerabilities, such as:

- Mental and physical health conditions
- Previous instances of victimization, including history of rape and sexual violence
- Protection from violence
- Suicide and self-harm prevention
- Substance use disorders
- Parental and other caretaking responsibilities
- Education and literacy levels

- Language support needs
- Help needed to understand prison procedures, rules and regulations

Important points for staff to be aware of in relation to needs and risk assessments:

The Bangkok Rules make it clear that prison administrations should "develop and implement classification methods which address the gender-specific needs and circumstances of women prisoners" (BKK RULE 40). In addition, these assessments and classifications should "take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners". (BKK RULE 41).

Other important points to be aware of include:

- Assessments should never be based solely on the offence committed or the sentence length.
- Assessment tools should be standardized and applied consistently.
- Particular care must be taken not to misinterpret an individual's needs as risk factors (e.g., mental health conditions).
- Assessments should be based on all available information about the person in prison, including from interviews with the individuals themselves.
- Risk assessments of potentially high-risk prisoners will necessarily be more in-depth and will take longer than the assessments of most other offenders.
- The depth of each assessment should be determined by the level of risk or needs.
- All risk and needs assessments must be repeated, reviewed and updated on a regular basis.
- They must done by appropriately trained staff and with the input of specialized professionals as necessary.
- Assessments must be based on objective findings — those doing the assessments must not be influenced by bias or stereotyping. The systems must therefore be subject to scrutiny and review.
- People in prison must be able to challenge their assessments and classifications.

There are different categories of risk relevant for classification:

- Harm to self, to other prisoners, or to people working in or visiting the prison (harm-related risk)
- Threat to good order in the prison (order-related risk)
- Likelihood of escape (security-related risk)
- Risk of committing another serious offence on prison leave or release (reoffending-related risk)
- Risk of instigating the commission of offences in the community in cooperation with associates in the outside world (crime-related risk)

Mock prisoner file

Divide participants into small groups and ask them to identify which important pieces of information are missing in the following mock prisoner file (copies in their participant packs).

The purpose of this exercise is for participants to identify the most important pieces of information that need to be included in the file. The trainer should explain that prisoner files and filing systems look different from one country to another and the example below doesn't represent a 'perfect file'. The trainer may want to adjust the details of the prisoner file and the identify of Ronja Gustafsson so that her name and nationality, etc., are more relevant to the local context.

The exercise also relates to initial information that should be included in the file — there will be a follow-up exercise later in the module to determine which types of information should be added to the file on an ongoing basis throughout the detention.

MOCK PRISONER FILE: NORWEGIAN WOMEN'S PRISON

Personal details
• Prisoner number: 716
• Name: Ronja Gustafsson
• Gender: Female
• Nationality: Swedish
• Occupation: Shopkeeper
• Prisoner number: 716
• Place of usual residence: Oslo women's shelter

Classification and placement
• Security category B

Family
• Family status – Married (husband deceased)

Crime and legal status
• Legal status: Convicted
• Crime convicted of: Murder of her husband
• Sentence length: 15 years
• Fine: 10,000 Euros

External contact
• Lawyer's contact details: Julia Berstrom, jberstromn@internet.com, + 8 8542765
• Dates of contact with consular representatives
• Inventory of personal property
• Any visible injuries or complaints about prior ill-treatment.

Important information that could be added to the file:

- Age/date of birth
- Main language spoken
- Date and time of admission
- Cell and block allocation
- Next of kin and emergency contact details
- Family contact details
- Children? Ages, location of children, custody or guardianship details and details of contacts
- Date, time and place of arrest and details of arresting authority
- Date of conviction
- Expected release date
- Previous criminal record
- Details of any appeal
- Consular representative name and contact details
- Contact with interpreter (if needed)

3.2 PRISONER ALLOCATION AND SEPARATION OF CATEGORIES

40 MINUTES

NMR: 11 AND 59   Briefly explain the concepts of equality and equity using the following illustrative image: https://interactioninstitute.org/illustrating-equality-vs-equity/

Decisions on prisoner allocation to specific facilities are usually not made by prison authorities. This decision is often made by judicial authorities, based on the prisoners' identity, legal status, security category, crime committed, rehabilitation needs or length of sentence. Sometimes people are sent to the prison closest to where they were arrested, or the prison closest to their home, but they are also sometimes simply sent to whichever prison has space for them at the time of arrest/sentencing. However, prison staff can still play a key role in advising other agencies on prisoner allocation, particularly in specific cases when considering possible prisoner transfers.

Allocation

Divide participants into small groups and give them the following scenario. Ask them to discuss which things should be taken into account when determining allocation of the people in prison, in cases A, B, C, D, and E. Use as many scenarios as time allows. Choose scenarios that are most relevant to the country context.

Country X is a small country with 51 prisons:

- One prison for each of its 44 local jurisdictions,
- Four prisons in the capital city (one for men, one for women, one for children and one for pre-trial detainees), and
- Three large prisons in rural areas that were designed for rehabilitation purposes for male and female prisoners nearing the end of their sentence.
- Apart from the facilities for men, women and children in the capital, there are no other separate facilities for women and children or pre-trial detainees, but there are separate buildings in all the local prisons for women and children, and pre-trial detainees.
- All the prisons in the country suffer from overcrowding.

Scenarios

A. A 20-year-old pregnant woman from a neighbouring country was arrested at the border attempting to smuggle small quantities of drugs into the country. She was sentenced to three years in prison and is being held in a low-security wing of the prison.

B. A 16-year-old boy from a rural province who was living and working in the capital city was arrested for stealing a mobile phone. He has not yet been charged and is in pre-trial detention.

C. A 60-year-old man from a distant country was arrested at the airport smuggling large quantities of class A drugs into the country. He was sentenced to 25 years in prison and has now served 15 years. He is being held in a high-security facility. He has asked to be transferred to a smaller local prison where there is another man from the same country. However, this prison does not have a high security wing.

D. A 35-year-old woman with three children is nearing the end of her 5-year sentence on charges of fraud. She is being held in a medium security wing.

E. A 15-year-old girl was arrested in her local village on suspicion of theft. She has been sentenced to one year in prison and has already served 6 months in the local prison. She is currently being held in a cell in a low-security wing with adult women.

Things to consider/questions to ask — there is not necessarily a right or wrong answer, but participants should come up with the following (and any others they think of):

In all scenarios, the authorities should consult the individuals about their homes or places for social rehabilitation in their initial allocation and in any subsequent decisions on transfer.

Scenario A.

- Should she be held in the prison closest to the border, closest to her hometown, or in the central prison for women?
- What are the medical facilities like in the local prison compared to the central prison?
- Are there other pregnant women or women living with their children in prison?
- What are the rules around allowing children to stay with their mother in prison?
- Does she speak the local language?
- Are there other people from her country in the local prison?
- What is her family situation? Does she have children?
- Is there an option to transfer her to her home country to serve her sentence there?

Scenario B.

- Should he be held in the prison closest to his home village or in a central prison in the capital for children in contravention of the law?
- If held in a prison in the capital, should he be held in the prison for children in contravention of the law, or the prison for pre-trial detainees?
- If found guilty, should he be moved to a different facility after conviction?
- What is his family situation?
- What type of recreational, educational and vocational training activities are available for children in the different facilities?
- What type of support services are available in the different facilities?

Scenario C.

- Should he be sent to the local prison or remain in the capital city?
- What are the risk factors? Can his security level be reduced to medium?
- What type of support does he receive from his country representatives?
- How is his health? What are the health facilities like in the different prisons?
- Does he speak the local language?
- Are there other people from his country/region in the main prison?

Scenario D.

- Should she be sent to the rehabilitation prison for women as she is nearing the end of her sentence?
- What is her family situation? Is she currently able to receive regular visits from her family, including her children?
- Would she be able to receive any family visits in the rehabilitation facility?
- What type of rehabilitation measures would be useful in her particular case?

Scenario E.

- Should she be held in the local prison, or sent to the central prison for children?
- Are there other girls in the local prison? How many other girls are there in the central prison?
- What opportunities and services are available for girls in both facilities?
- What is her family situation? Is she able to receive regular visits from family or friends?

Why is allocation to specific facilities so important in successful prisoner rehabilitation and reintegration?

• It is important to consider successful rehabilitation and reintegration from the very beginning of imprisonment and it should play a key role in determining prisoner allocation.

• Those who are allocated close to families, friends and communities have better reintegration prospects because they can maintain regular contact and will feel less isolated. It is also easier to manage longer visits and possibly home visits near to release.

• Rehabilitation is more likely to be successful if individuals are placed in a facility that can provide support services based on their individual needs (e.g., treatment for alcohol or other substance abuse disorders, appropriate physical and mental health care, an appropriate security level, suitable work and training programmes, suitability of facilities for those with physical disabilities).

• The focus of work and training programmes are also likely to be more relevant if a person is held in a place near to where they will live after their release. Training programmes may also lead to specific work opportunities after release.

• Allocation close to home also makes it easier for prison administrations to prepare people for release and for appropriate support services to be in place post-release.

• Those who receive support from local NGOs or community organizations whilst in prison may benefit from continued post-release support and services in their local area.

Women

RULE 4 of the Bangkok Rules:

"Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking into account their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services".

The appropriate allocation of women prisoners is particularly important because they are usually the main caretakers of children. Because of the small number of women's facilities in many countries, they are more likely to be located far from their families. RULE 4 of the Bangkok Rules gives prison authorities the responsibility to pay more attention to the allocation of women in prison.

What can staff do?

Even if prison staff are not responsible for initial prisoner allocation and subsequent transfers, there are other practical steps they can take related to appropriate allocation. These include involvement in discussions on possible transfers, ensuring that prison allocation is included in ongoing risks and needs assessments, and maintaining accurate, up-to-date prisoner files.

3.3 Prisoner transfers

1 HOUR

NMR:
1, 7, 26 (2),68, 73

Point out that, in addition to the specific Rules noted above, all the fundamental protections in the Nelson Mandela Rules apply to all people in prison at all times, including during transfer and transportation.

EXERCISE
15 MINUTES

Ask the group to brainstorm on all the reasons a person in prison may need to be transferred/transported.

Participants should identify the following:

- Transport to hospital/specialist health facility
- Transport to court hearing
- Transport for personal reasons (e.g., to attend a family event such as a funeral)
- Transfer to a different facility due to change in security classification
- Transfer to a different facility due to specific risks/needs/security reasons
- Emergency evacuation due to natural disasters or large-scale prison riots
- Transit to airport/border etc., in case of international prisoner transfers

Other things to point out:

- Prisoner transport may take place in many different types of vehicles depending on the distance to be travelled, type of journey and the purpose of travel (e.g., car, bus, van, train, boat, plane, helicopter).
- In some countries, transport between facilities might take days, not hours, depending on the distance, available transport and quality of the roads.
- In some countries, prisoner transport is run by other government agencies, or by private companies.
- Considerations for safety and security measures during prisoner transport should also include waiting times — e.g., waiting areas in court rooms, hospitals, airports.

EXERCISE
15 MINUTES

What are the particular risks and potential negative impacts associated with prisoner transport/transit and why?

Select two participants to write the ideas on flip charts: Risks and Reasons for risks

RISKS

- Torture/ill-treatment by staff, including sexual violence
- Prisoner disappearances
- Transfer used to punish individuals
- Abuse/violence by other prisoners
- Abuse from members of the public
- Danger to staff
- Risk of suicide/self-harm
- Impact on mental health
- Risks of escape/attacks on vehicles
- Road traffic accidents or other personal injury

- Health risks
- Smuggling of contraband
- Missed education/training opportunities
- Missed court hearings
- Lose contact with families/lawyers
- Corruption/bribery/extortion

REASONS FOR RISKS

- No/limited independent scrutiny
- No/limited contact with the outside world
- Prisoner/families/lawyer not notified in advance about the transfer
- Low staff/prisoner ratio and inadequate security precautions
- No chain of command
- No witnesses to any abuse/violence
- Lack of procedures/rules regulating prisoner transport
- Staff responsible for transport have been vetted/trained to the appropriate levels/are employed by a different government agency/private company
- No opportunity for individuals to make complaints about conditions of transfer/specific incidents
- Staff responsible for transport do not have relevant information about the person/s being transported
- Categories of prisoners are not adequately separated
- Stressful time for prisoners (e.g., upcoming court hearings, hospital appointment, being taken to unknown location, distance from family)
- Unsuitable, ill-equipped and dangerous vehicles
- Overcrowded vehicles

EXERCISE
20 MINUTES

Prisoner transportation role play

Ask participants to assume the role of the staff member in charge of the team who transport prisoners. Pin the six cases studies below to the wall. Ask participants to think about the measures they would prioritize if they were in charge or organizing the transfers. Participants are responsible for ensuring the safety, health, dignity and human rights of all people being transferred whilst also protecting the safety of staff and the community. Participants should write the measures on post-it notes and stick them to the flip chart paper on the wall.

1. A pregnant woman transferring to hospital to give birth
2. A prisoner transferring to a higher-security facility because he recently attacked a prison guard
3. A group of five men and women going to court for their appeal hearings
4. An emergency night-time evacuation of five dormitory cells (one holding children) due to flooding
5. An older woman with multiple healthcare needs moving to a prison nearer her family
6. A 20-year-old man transferring to a facility which can better cater for his rehabilitation needs

Measures for managing prisoner transport

This list should be handed out to participants after the exercise.

- Vetting and training of staff responsible for prisoner transport
- Prisoner receives advance notification of transfer, including when and to where
- Transport staff to be briefed on any specific security/health/other concerns
- Individual risk and needs assessments ahead of prisoner transport
- Full separation of categories as stipulated in Rule 11 of the Nelson Mandela Rules
- Prisoner file and medical files to be transferred securely and confidentially with prisoner
- Prisoner can notify family/ lawyer/other contacts about the transfer
- Everyone being transferred is given information in a language/format they understand
- Belongings are securely transferred with prisoner and protected from loss/damage
- Details of transfer to be added to the file, including the date and time of transfer
- Transfer takes place during daylight only. Night-time transfers to be avoided where possible (an exception might be emergency evacuations)
- Vehicles receive full, regular safety checks
- Vehicles are suitably equipped for transporting prisoners, including adequate ventilation, light and suitable temperatures
- Prisoners have sufficient and safe food and water
- During long journeys, prisoners have access to open air and physical exercise and are able to access sanitary items/facilities
- Transport is not overcrowded — prisoners have adequate personal space
- Women and girls are only supervised by female staff members
- Those in need of health care are accompanied by healthcare staff if necessary
- Prisoners are exposed to public view as little as possible, and safeguards are in place to protect prisoners from insult, curiosity and publicity
- Vehicles have a first aid kit and other necessary medical supplies
- Any medication is transferred safely with the prisoner
- Prisoners are never asked to pay for any transportation costs
- Adequate breaks in the journey, including toilet stops
- Vehicles to be suitably equipped for prisoners with special needs, e.g., wheelchair ramps for prisoners with disabilities
- Instruments of restraint are used only when deemed necessary as a precaution against escape
- Access to monitoring bodies — prisoner transportation is subject to scrutiny and review
- Proper record keeping of all prisoner journeys
- Prisoner transfer is never used to punish or discriminate against certain prisoners
- Prisoners are not kept in vehicles any longer than necessary
- Searches are carried out before/during/after transport as required
- Full procedures/rules are in place regarding prisoner transport and all staff and prisoners are aware of these rules
- Prisoners are able to make requests and complaints regarding prisoner transport

3.4 PRISONER FILE MANAGEMENT

40 MINUTES

NMR: 6–10   **Why is good prisoner file management so important?**

Use PowerPoint slides if desired

Safeguards for people in prison

Good prisoner file management can help protect people in prison against:

- Torture, disappearances, extrajudicial killings and unlawful detention
- Excessive pre-trial detention
- Detention beyond release date, or missing the opportunity to apply for sentence reductions or pardons
- Missing court hearings or other important dates
- Intrusion on privacy of information
- Being punished more than once for the same disciplinary offence

Effective prison management

Good prisoner file management can:

- Facilitate effective prison management and strategic planning
- Help prison authorities plan and assign resources based on the needs of the prisoner population, including budgetary and staff resources
- Help authorities regulate the use of disciplinary measures, force, arms and restraints
- Facilitate and streamline the work of prison officers
- Build trust in the prison system

Meeting individual needs

Good prisoner file management allows authorities to meet individual needs through:

- Proper classification/allocation of prisoners —creating a safer environment for all
- Individual sentence planning, rehabilitation, personal support, training programmes
- Facilitating contact with lawyers, families and other contacts

Oversight and Evaluation

Good prisoner file management also:

- Allows internal inspection and external monitoring bodies to do their work effectively; and
- Enables authorities to generate information about trends within the prison system more broadly and develop policies accordingly.

What are the key considerations for any prisoner file system?

Safeguards

- Filing systems can be electronic or paper, but the system must be standardized. Where possible, systems should be centralized to allow for better tracking of transfers of individuals.
- There should be procedures in place to ensure a secure audit trail.

- There should be safeguards in place to ensure information is accurate and that no relevant information is omitted or wrongly entered.
- There should be safeguards to protect against unauthorized changes to prisoner files.
- All files, whether manual or electronic, should be backed up in case they are lost, damaged or destroyed.

Access to files

- All prisoner files must be securely locked in a safe area and confidentiality must be ensured.
- Only authorized, trained staff should have access to the prisoner files — they should only be made available to those whose professional responsibilities require access.
- Staff entering information on, or otherwise using prisoner file systems should be properly trained on how to file information and store it securely and confidentially.
- Prisoners should have the right to access their files if they wish to do so and are entitled to receive a copy on their release.
- Monitoring bodies should have access to prisoner files but are required to respect the confidentiality of the information.

Content of files

- Information contained in prisoner files must be regularly reviewed and updated.
- The level of detail in the file will depend on how comprehensive individual assessment and classification reports are.

Special consideration for particular groups of prisoners:

Women

- The number and personal details of any children should be recorded, including their names, ages, location, and custody or guardianship status. All information should be kept confidential.
- Women may have reasons not to disclose information about their children and they should not be forced to do so.

LGBTI people in prison

- Information in the file should respect a person's self-identified gender (RULE 7A). This is to help inform the placement of transgender people in facilities of their choice and to ensure the special needs of transgender people are taken into consideration.
- Individuals should not be required to self-identify if they do not wish to do so.

Foreign national people in prison

- The file should contain information about their language/interpretation needs.
- The file should also contain information about contact with consular representatives and relevant contact details.

Group brainstorm

If time is short, participants could be asked to complete the exercise as homework.

We return to the Ronja Gustafsson file. She has now been in prison for five years. What type of information should have been added to her personal file during that time?

- Prisoner number: 716
- Name: Ronja Gustafsson
- Date of birth: 15/04/1970 Age: 50
- Gender: Female
- Nationality: Swedish
- Occupation: Shopkeeper
- Prisoner number: 716
- Place of usual residence: Oslo women's shelter
- Language spoken: Swedish

Classification and placement
- Date and time of admission: 11am, 24 January 2020
- Security category: B
- Cell and block allocation: Block C, Cell 7

Family
- Family status: Married (husband deceased)
- Next of kin: Sister Anna Gustaffson tel - 8 8765432
- Emergency contact: As above
- Children – 2 children, a girl [name] aged 5 and a boy [name] aged 7, currently living with the sister in Sweden

Crime and legal status
- Date, time and place of arrest: 5pm, August 24, 2019. At the family home (address)
- Arresting authority: Oslo central police
- Legal status: Convicted
- Crime convicted of: Murder of her husband
- Sentence length: 15 years
- Fine: 10,000 Euros
- Date of conviction: 14 November 2019
- Expected release date: August 23, 2034
- Previous criminal record: No previous convictions
- Details of any appeal: Sentenced not appealed

External contact
- Lawyer's contact details: Julia Berstrom, jberstromn@internet.com, + 8 8542765

Dates of contact with consular representatives
• Consular representative contact: +8 0090562
• Interpreter: +8 6514262

Inventory of personal property
• Any visible injuries or complaints about prior ill-treatment.

Suggested answers:

• Further information on the judicial process or length of stay in prison — any further court hearings, parole board hearings and early release applications
• Ongoing assessment and classification reports
• Information on behaviour and discipline, including any disciplinary sanctions
• Details of any transfers, including date and time
• Notable changes in behaviour
• Notable good behaviour
• Requests and complaints, including allegations of torture and ill-treatment
• Information on the circumstances and causes of any injury
• Appropriate records of searches, in particular strip and body cavity searches
• Instances of use of force, arms or instruments of restraint
• Changes to family circumstances/next of kin/emergency contact details
• Visits by legal representative
• Visits by consular officials
• Participation in education, training, or any other type of programmes
• Dietary requirements
• Other needs, including literacy and language needs

NB. With the exception of details of specific injuries, all medical information should be kept in a separate medical file (to be covered in Module 7).

This can also be a good opportunity to highlight security issues related to electronic file management:

• Who has access?
• Is it only the people who need access?
• What safeguards are in place to protect particularly sensitive data (e.g., medical data) and are they sufficient?

Now give participants the opportunity to ask questions or comment on prisoner file management.

3.5 PRE-TRIAL DETAINEES
30 MINUTES

Key principles

(display in a prominent place in the training room during this session)

- **Pre-trial detainees must be presumed innocent until proven guilty**

- **Pre-trial detention should be used as a last resort and only when properly justified**

Show one or both videos

Fair Trials International — <u>A Measure of Last Resort</u> — 5:15 minutes
OSJI <u>"Presumption of Guilt" Infographic</u> — 2:36 minutes

EXERCISE
15 MINUTES

True or False

Read out the following statements about pre-trial detainees. Ask participants to note down which they think are true and which are false. Then read out the answers and provides a brief explanation.

This serves as a recap of some of the fundamental principles learnt in previous modules. It also helps to assess participants' understanding of the course so far.

1. **"Pre-trial detainees should always be kept separate from convicted prisoners."**

   TRUE – This is a fundamental principle of the Nelson Mandela Rules (RULE 11 (B)). It is a measure that preserves the principle of presumption of innocence of untried people. It also enables prison authorities to manage most effectively the different prison regimes applying to pre-trial detainees and convicted prisoners.

2. **"Pre-trial detainees cannot be offered the opportunity to work or to participate in educational or vocational training programmes."**

   FALSE – Pre-trial detainees should be offered the opportunity to work and participate in education or training programmes, but they should not be required to do so. Because pre-trial detainees have not been found guilty, there should be no assumption that they need rehabilitation. However, exclusion from such programmes can exacerbate their situation in detention. It is particularly important for pre-trial detainees to be offered the opportunity to work or participate in programmes when they are being detained for long periods of time.

3. **"There is no point doing a detailed risk and needs assessment for pre-trial detainees."**

   FALSE – Pre-trial detainees must also be subject to careful, ongoing assessments and classifications. These assessments will be different to those given to convicted

prisoners because they must be presumed innocent, but individual needs and risks must still be recognized and dealt with appropriately.

4. "Pre-trial detainees should be able to wear their own clothes."

TRUE – RULE 115 states that an untried prisoner should be allowed to wear his or her own clothing if it is clean and suitable. If they wear prison clothes, these clothes should be different to those worn by convicted people. This is to distinguish them from convicted people. It can be particularly important for pre-trial detainees to be allowed to wear their own clothes at trial because a prison uniform can prejudice the judge or jury.

5. "Pre-trial detainees should have the same rights of contact with the outside world as sentenced prisoners."

TRUE – Pre-trial detainees should, in principle, have the same rights to contact with the outside world as sentenced people and this contact can be especially important in the early stages of detention. There may be exceptional circumstances where restrictions or supervision are needed to protect an ongoing criminal investigation (e.g., preventing them from influencing witnesses or otherwise obstructing justice), but any such restrictions must be based on a thorough individual assessment of the risks.

6. Pre-trial detainees cannot be separated according to security category because they have not been found guilty.

FALSE – It is true that security levels of un-convicted people should not be pre-determined because they have not yet been found guilty, but it does not make sense to hold those who are awaiting trial on minor crimes in the same cells as those who have been charged with very serious crimes. Cell allocation should be based on individualized risk assessments. Pre-trial detainees must also be separated according to their sex and age in the same way as convicted people.

7. Pre-trial detainees should receive the same type of information as convicted prisoners.

TRUE – Information should be given to all newly arrived prisoners regardless of their legal status.

8. Access to legal advice is only necessary for pre-trial detainees.

FALSE – While pre-trial detainees need legal advice before and during trial, convicted people may also need to be able to access legal advice for appeals or other post-trial matters, or in relation to civil proceedings.

To conclude this module, ask participants to reflect on the key elements of the dynamic security approaches identified at the beginning of the module:

- Alert staff who know the people in prison
- Positive relationships with people in prison
- Awareness of what is going on in the prison
- Engaging with people in prison
- Proactive and frequent interaction

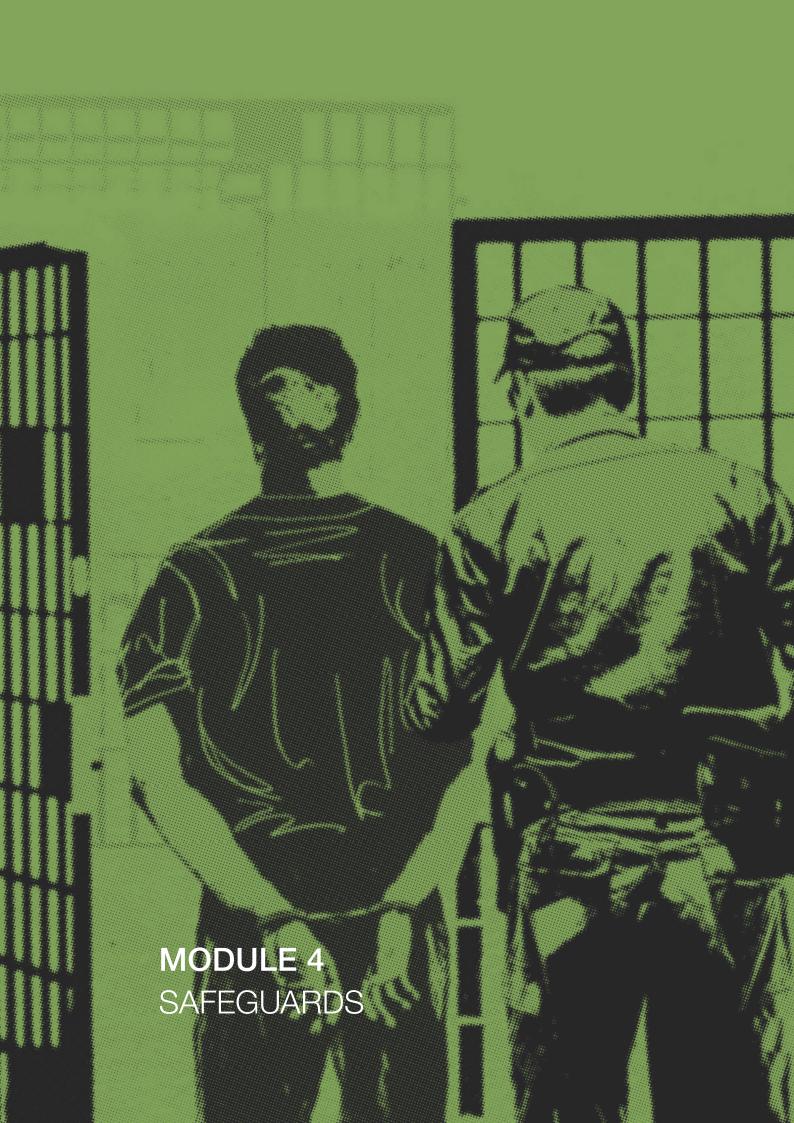Ask participants to consider how these methods can help prison staff in the areas of prison management discussed throughout this module (prisoner classification, assessments, allocation, prisoner file management and pre-trial detention).

FURTHER RESOURCES   **UNODC**

Handbook on the Classification of Prisoners

Handbook on the Management of High-Risk Prisoners

Handbook on Prisoner File Management

MODULE 4
SAFEGUARDS

4 SAFEGUARDS

MATERIALS
- Pen and notebook
- Print out of PowerPoint slides 33–42
- List of further resources
- Hand out on pre-trial detainees
- Graphic on different levels of complaints (see page 95)
- Case studies for contact with the outside world (see pages 106–109)
- Monitoring exercise print out (see pages 112)
- Graphic on monitoring (see page 110)

10 MINUTES   ## INTRODUCTION

This module introduces specific rights laid out in the Nelson Mandela Rules that are key elements of good prison management and which also provide specific safeguards for people in prison against torture, ill-treatment and other human rights violations. As with the other Rules, the effective implementation of these principles is best achieved using dynamic security approaches and by considering the individual circumstances of people in prison, paying particular attention to those who are less able to access these safeguards.

LEARNING OBJECTIVES

At the end of this module, participants will be able to:
- Explain why these safeguards are important tools of prison management, including in relation to staff safety and the security of the facility;
- Elaborate on how these tools also act as important safeguards against human rights violations and facilitate the rehabilitation of people in prison;
- Discuss how these safeguards can be implemented most effectively;
- Identify the reasons why some people in prison are less able or willing to access these safeguards and assess what can be done to ensure they are equally accessible to all;
- Identify the potential negative consequences when these safeguards are not well implemented;
- Determine what individual prison staff can do to facilitate the implementation of these safeguards for all;
- Understand their own role in the prevention of torture and other ill-treatment; and
- Explain the differences between internal and external inspections/monitoring, the purpose of inspection/monitoring visits and the role of prison staff vis-à-vis inspection/monitoring bodies.

4.1   ACCESS TO INFORMATION

Why is access to information so important?

Ask participants to discuss ideas on why access to information is so important.

Discussion should include, but not be limited to the following points. Introduce any which are not raised by participants.

- People in prison need to know what to expect from their life in prison at an early stage — this can help reduce feelings of powerlessness and allow them to be more engaged in prison life.
- Ensuring that all people in prison have access to prison rules and regulations and that these are very visible can also help to prevent informal prison rules/self-government by prisoners from developing.
- Prisoner knowledge, about prison rules etc., can also protect against rumours, allegations of discriminatory behaviour, inconsistent or non-application of rules, ad hoc decisions and corruption.
- Providing people in prison with the information they need can also reduce stress levels and help to prevent mental health problems, suicide and self-harm, particularly in the early stages of detention.
- People in prison are less likely to break prison rules and regulations if they are aware of the consequences of doing so, and if they know their obligations, their rights and how to exercise them.
- Timely access to relevant information can also prevent prison unrest, especially during times of change or uncertainty.
- Prisoners' access to information can make things better and easier for prison staff and prison management more generally.

Note here that, during the COVID-19 pandemic and in other crises, the prison rules and procedures may change and access to information may be more limited.

Reiterate that any changes in rules/other relevant information should be communicated promptly to all people in prison, and that other ways to communicate information be developed if necessary.

Encourage open discussion about how access to information changed during the COVID-19 pandemic.

Rules and Regulations

Give participants the number 1 or 2. All participants read NMR RULES 54 and 55, noting in particular RULE 54 (d).

The number 1s assume the point of view of someone who has recently been sent to prison. Ask them to write down the most important types of information they feel they would need to enable them to adapt to life in prison.

The number 2s are prison staff or managers. Ask them to write down the most important types of information they need to give to people in prison to ensure the smooth, safe functioning of the prison environment. The 1s and 2s then pair up. The prison managers tell the people in prison all the information they plan to give them, while the prisoners tell them anything left out.

At the end, the number 1s can tell the whole group any information the number 2s did not think of.

This exercise is designed to demonstrate that timely and accurate provision of information helps a prisoner adapt to life in prison. In parallel, it helps to ensure the smooth, safe functioning of the prison.

Participants should include (at least) the following information:

Information explicitly included in RULE 54

• The prison law, prison rules and procedures
• What happens if you break a rule — disciplinary sanctions
• How to seek information
• How to access legal advice
• Procedures for making requests or complaints

All other matters to enable them to adapt to life in prison:

• Daily prison schedules, including out-of-cell time
• Information about prison wing/immediate environment
• Mealtimes, information about special dietary requirements and access to drinking water
• Access to showers, laundry facilities and information on clothing
• How to access medical services (including dental care), including in case of medical emergencies. How to access medication
• Guidance on disease prevention, cleanliness, hygiene and self-care
• How to access mental health support services and suicide/self-harm prevention support (including telephone hotline). Awareness-raising information on mental health/suicide/self-harm
• Details of support services available (e.g., treatment for substance use disorders, support for victims of sexual violence)
• Information about available family support services
• Library opening times
• Prison visiting hours and procedures
• Available peer support groups, anti-bullying initiatives and other positive support initiatives
• Information on religious services and access to religious representatives
• Access to telephones/internet/other means of communication and how often they are allowed to contact their family/friends and by what means
• Accessing legal advice
• Information about education, training and work opportunities (including information about prisoner remuneration)

- Emergency procedures (e.g., fire evacuation, safety concerns, medical emergency) including location of emergency bells/alarms
- Information on how to request transfer to another facility
- Available recreation facilities and access times
- Information about access to religious observance and festivals and cultural activities
- Consular access for foreign nationals
- List of management and staff names and responsibilities
- Information on how to apply for pardons/early release etc.
- How a prisoner can access their file/medical file if they want
- What has happened to their personal belongings
- A list of prohibited items
- Information on any existing incentive/privilege schemes
- Information on the permitted use of cash/payment systems inside the facility
- Details of human rights organizations/detention monitoring bodies (hotline telephone numbers, confidential complaints boxes etc.) and access to public reports from monitoring groups
- Access to information about human rights, including what to do in cases of human rights violations, avenues and procedures for filing complaints
- People in prison should also receive regular news/updates about life in prison. This could take different forms (e.g., a regular newsletter/prison radio announcements) to include information about any changes to laws, rules, procedures or schedules, upcoming maintenance work and any changes to restrictions etc.)

SLIDE 34 **When and how should the information be communicated?**

- Relevant information should be provided to all newly arrived prisoners regardless of their legal status. As mentioned before, pre-trial detainees must receive the same information as convicted prisoners.
- Information should be given to people as soon as they arrive in prison. This may not always be practical, particularly if there are large groups of new prisoners.
- Arriving at prison is also a disorienting time and it can be difficult for people to take in lots of information. If it is not possible to provide information immediately upon admission, it should be done as soon as possible.
- Information should also be visible/accessible and regularly updated during the sentence/detention.
- People in prison must have the chance to ask questions if they are unclear about any of the information or if they require more information.
- Prison staff should be trained on the detail of the information and on how to explain this to people in prison most effectively.

SLIDE 35 **Different ways of communicating information**

This is a very interesting area for participants to share their ideas/experiences, particularly if they are from different countries. This PowerPoint slide can be replaced by a group discussion.

There are different ways of communicating information. Prison authorities can use all available means so that the information reaches all the people in prison. They should consider how they can provide regular reminders/updates rather than providing information only upon arrival. This could include:

- Information packs handed out on arrival. These will need updating when changes are made.
- People in prison may not need all the detail of laws and regulations, but a summary of the most relevant points. For those who want more detailed information, the full texts should be available in the library.
- Display key information prominently in different parts of the facility (e.g., emergency procedures, telephone help lines, details of support groups, rules and regulations).
- Pamphlets available in common spaces
- Posters and visuals as well as written materials
- Verbal, audio and video presentations for newly arrived groups
- Individual explanations and conversations with people in prison
- Making the information available on any online platforms available to people in prison
- Tannoy announcements — this could be particularly useful when information needs to be provided to all people in prison quickly
- Prison radio
- Regular prison newsletters distributed to all people in prison, available in common areas
- Peer-to-peer information, discussion groups and question and answer sessions
- Family members and other contacts should also be given necessary information (including about visiting times, rules and procedures, search procedures etc.) This will not only be useful for them, but also help them to explain the information to people in prison.

SLIDE 36 **Ensuring the information is available to all**

The Nelson Mandela Rules make it clear that all people in prison should receive the information in a language and format they understand. In practice, this means that:

- **Foreign nationals and others who do not speak the language** most commonly used in the facility should be given information in a language they can understand. Written materials should be translated into other languages. Authorities may need to use an interpreter (in-person or telephone interpretation). In some cases, it may be necessary to ask for assistance from a staff member or other prisoner who speaks their language. Embassy or consular representatives should also be able to help.

- There may be gaps in communication and understanding between prison staff and people in prison from **ethnic and racial minorities and indigenous peoples**, due to language or to different behavioural or cultural norms. Take care to explain information in language or concepts that bridge any cultural gaps. Authorities can consider peer support and the involvement of community organizations. Prison authorities should also try to hire people from different backgrounds, with different language skills etc.

- **Blind people or those with impaired vision** should get information verbally and written information should be in Braille.

- **People with hearing loss or those with impaired hearing** should get all information in writing or authorities should use sign language (they could consider training some staff in the use of sign language).

- **Illiterate people or those with low literacy rates** should be given information verbally or visuals can be considered. Peer-to-peer information provision could also be useful.

- **People with intellectual disabilities** may need the information in an accessible format, orally or with the use of visuals, including a summary of the most important information. Specialists may need to help with communication.

- Those with **mental health conditions** may struggle to understand prison rules and other information and may also need special assistance. This could involve specialists or peer support groups.

- **Children in prison** should get information in a child-friendly format and it is particularly important to ensure they have fully understood the information.

- **Older people** in prison may also need additional support in understanding information.

- Everyone in prison should receive information regularly along with updates. This includes **those who are undergoing disciplinary procedures and those held in segregation or medical isolation.**

OPTIONAL EXERCISE

What information might be particularly important for specific groups of people in prison?

Most of this information should be provided to all people in prison, but might be particularly relevant for certain groups. Write the three groups — Women, People with Disabilities, and Foreign Nationals — on posters on the wall and ask participants to write their ideas on each sheet. The answers may include the following:

Women
- Information on their rights and what to expect from body searches
- Information on their right to be examined by a female healthcare professional
- Support services for victims of domestic abuse, rape and other sexual violence, including information on how to seek recourse from judicial authorities
- Information on accessing gender-specific health care, including preventive healthcare measures
- Information and support on reproductive health, including sexually transmitted diseases
- Information and support on pregnancy and childcare
- Information on arrangements for visits involving children
- Access to women-only support services, including specialized treatment programmes for women
- (For those with children with them in prison — information about access to child health care, other services and programmes)

People with disabilities

- Information on the reasons for body searches and how they will be conducted
- Arrangements for physical assessments for suitability for prison work
- Information on available support groups for people with disabilities
- How to access support if a person with a disability is subject to bullying or violence
- Information on how the prison has been adapted to allow people with disabilities to access programmes and services on an equal basis
- How to make a request or complaint relating to the disability

Foreign nationals

- How to access assistance to understand the prison regime
- How to access interpretation/translation support
- Information about contact with embassies and access to consular assistance
- Communication with family in their home country
- Information on other specific services for foreign nationals
- Access to religious representatives (where the person's religion is different from that practiced by the majority)
- Access to external support (individual volunteers, local charities etc.)
- Information on what will happen after release (e.g., deportation)

EXERCISE   ## Module 4.1 Review

How can prison staff ensure that people in prison have received all the information they need?

- Staff should check that they understand all the information they need to provide for people in prison, including any changes/updates. Staff should receive training on how to give information, including to specific groups.
- Take time to explain the rules and relevant information to each prisoner individually and treat them with respect and dignity — they are more likely to listen and understand.
- Explain the information sensitively and clearly, and ensure they have understood all the points.
- Do NOT just read out the rules — explain why they are important and the consequences of not following them.
- Pay particular attention to those who may have difficulties understanding the information.
- Give people in prison the chance to ask questions about the information at any time.
- Discuss with people in prison if they need any other information, whether any information is incorrect, or if they think there are better ways that information can be provided.
- Check that materials are up-to-date and that the materials on display are not damaged/are still visible to all and are displayed across the facility.
- Check that supplies of different leaflets are well stocked.
- Check that everyone can access the information, including those in segregation or medical isolation, those receiving medical care, and those undergoing disciplinary procedures, including solitary confinement.

• Ensure particular groups have the specific information they need and that the information is presented in a format they can understand.
• Work with people in prison on providing peer-to-peer information and involve them in initiatives to develop new ways of communicating information.
• Ensure prison management are aware of any problems related to information provision.

4.2
1 HOUR 30 MINUTES
NMR:8 (D), 56 AND 57

4.2 REQUESTS AND COMPLAINTS

Give participants 15 minutes to read through the relevant rules before introducing the UNODC online scenario on prisoner complaints

EXERCISE
15 MINUTES

How do requests and complaints contribute to safe and effective prison management?

Ask the group to think about how requests and complaints contribute to safe and effective prison management and how this can help the work of prison staff.

The responses should include, but not be limited to the points below. Introduce any points not raised in the brainstorm

• People in prison must have access to safe ways of making requests and complaints — they may have no other way of dealing with the problems they face.
• They can combat feelings of powerlessness amongst people in prison and can make them feel that they can contribute towards improving life in prison.
• The mechanisms are an important safeguard against torture, ill-treatment and other human rights violations and act preventatively.
• They enable perpetrators of human rights violations to be deterred or otherwise to be identified and held to account, and prevent the recurrence of abuse.
• These systems allow prison authorities to identify problems within the facility that they might otherwise not know about. These could be relatively small, practical issues or broader, systemic failures.
• They can prevent small problems escalating into bigger issues (including prisoner unrest), saving time and resources in the long term.
• They can build trust between staff and people in prison, reduce tensions within the prison community and lead to safer conditions for all.
• They deter people in prison from taking matters into their own hands, leading to disruptive behaviour and the establishment of informal rules.
• Well-functioning systems can also protect staff from wrongful allegations.
• They can help prison management identify staff training needs, or problems with staff recruitment.
• They can also help build trust in prison systems among people in prison and the broader community.

Different levels of complaints

Complaints need to be handled differently, according to their severity. The Nelson Mandela Rules highlight different levels of requests and complaints mechanisms.

Complaints can be made:

- To the prison director/or representative
- To the prison inspector
- To the central prison administration
- To a judicial or other competent authority
- To an independent national body

In reality, many requests and complaints are made informally to staff. This can work well where people in prison have a good relationship with staff and feel comfortable approaching them with specific problems. Even then, it is also very important to have a formal system of requests/complaints, as not everything can be resolved informally.

Day-to-day requests and complaints	More serious complaints	Allegations of torture or other ill-treatment
Raised through informal complaints procedures	Require recourse to formal complaints mechanisms	Must be investigated even if there is no complaint
Can be tackled without recourse to formal procedures	Require formal investigation and response	Must be dealt with immediately and investigated promptly and impartially
If unresolved can be escalated into a formal request/complaint	If rejected or delayed it can be escalated to a judicial or other authority	Formal investigation and prosecution. Steps must be taken to protect the victim and any witnesses

Day to day requests and complaints

- These are likely to form the majority of requests/complaints in a facility and can affect many people in prison.
- Examples include, food quality, the smell of cigarettes, lost or stolen property, problems with telephones or noise levels.
- These issues may seem minor but they are likely to be extremely important to people in prison as they can have a major impact on their daily lives.
- These issues should be relatively easy for prison authorities to deal with quickly and with few resources.
- If resolved quickly and effectively, the response can have a positive impact on many people in prison, reduce levels of anger and stress and lead to a safer working environment for staff.
- These types of requests/complaints can usually be raised and dealt with 'in-house' and without recourse to formal procedures.
- They could be raised informally, during conversations with staff (if people in prison feel safe/comfortable to do so), via prisoner representatives or by using confidential complaints boxes.
- These issues can also be raised at other levels — e.g., to more senior officials, to prison inspectors, the Ombuds institution or other bodies.
- If unresolved, these requests/complaints can be escalated by using more formal procedures.

More serious complaints

- These are likely to be complaints that cannot be dealt with informally and may require external intervention.
- They could include complaints about specific staff members or about failures of prison management that require independent review/intervention.
- If prison authorities fail to respond to, or deal with day-to-day requests, they become more serious and can be escalated via procedures that are more formal.
- These types of complaints are likely to require more complex responses and resources.
- They are likely to include systemic failures or issues affecting individuals, which are not easily or safely dealt with 'in-house'.
- Such complaints include allegations of discriminatory treatment, unfair application of disciplinary procedures, excessive use of force or instances of bullying.
- People in prison can also use formal procedures for day-to-day requests/complaints especially if they do not feel safe/comfortable using less formal or 'in-house' procedures.

Allegations of torture and other ill-treatment

- The response to these allegations requires special procedures in line with the UN Convention against Torture and must be dealt with immediately.
- There must be an investigation whenever there are reasonable grounds to believe an act of torture or ill-treatment may have been committed.
- An investigation into possible acts of torture or ill-treatment must take place even if there has not been a complaint filed.
- Investigations must be prompt, impartial and independent.
- Immediate action must be taken to protect the victim, witnesses, and any other people potentially involved, from further harm and retaliation.

EXERCISE   **Barriers facing particular groups of people in prison in making requests/complaints.**

Ask participants for suggested barriers and mitigating actions for each group.

WOMEN

Barriers
- Women may have higher rates of illiteracy.
- Complaint boxes may be in male parts of the facility.
- Women may feel less empowered to make requests/complaints.
- They may have more reason to fear retribution, particularly in cases of alleged sexual violence.

Mitigating Actions
- Ensure that women have equal access to making requests/complaints as men.
- Allow women to report problems to female staff members if they are more comfortable doing so.
- Put special protective measures in place for those who allege sexual violence.
- Encourage dialogue amongst women in prison about requests/complaints processes.

YOUNG PEOPLE IN PRISON

Barriers
- There may be high rates of illiteracy amongst young people in prison.
- They may be less able to understand the requests/complaints procedures.
- Young people may be more afraid of the consequences of making complaints.
- Staff may be less likely to take their complaints seriously.

Mitigating Actions
- Communicate information about requests/complaints procedures and ensure any responses are in a child-friendly language/format.
- Allow others to make requests/complaints on their behalf.

FOREIGN NATIONALS

Barriers
- They may not understand the procedures and would need help with translation when making a complaint.
- As a minority group they may feel that their requests/complaints will not be properly considered.
- They may have quite different requests/complaints from others in prison..
- They are less likely to have family members close by who can make complaints on their behalf.

Mitigating Actions

- Ensure that information about the procedures is available in other languages or that they have been explained via translators.
- Make interpretation services available for complaints, hearings and responses.
- Allow Embassy or Consular representatives to assist with specific requests/complaints.

ILLITERATE PEOPLE OR THOSE WITH LOW LITERACY RATES

Barriers

- They may not understand the procedures and are unable to make written requests/complaints.
- They would also have problems understanding any written responses received.
- They may feel disempowered within the prison community.

Mitigating Actions

- Ensure that information about the procedures is explained verbally.
- Allow complaints to be recorded and for responses also to be delivered verbally.
- Consider prisoner representative associations to help people in prison who are less able to make requests/complaints.

PRISONERS WITH MENTAL HEALTH CONDITIONS OR INTELLECTUAL DISABILITIES

Barriers

- They may have trouble understanding complaints procedures.
- Their requests/complaints based on personal needs may be quite different from those of other people in prison.
- Staff may be less likely to take their complaints seriously.

Mitigating Actions

- Consider prisoner representative associations to help people in prison who are less able to make requests/complaints.
- Ensure information about the procedures is explained clearly and takes into account individual needs.

PRISONERS WITH DISABILITIES

Barriers

- It may be difficult for them to access the physical means to make complaints (e.g. complaints boxes).
- Their requests/complaints based on personal needs may be quite different from those of other people in prison.

Mitigating Actions

- Ensure that everyone in prison can physically access the means to make requests/complaints.
- Make procedures available in Braille for the blind or visually impaired and in sign language for the deaf or hard-of-hearing.

ETHNIC AND RACIAL MINORITIES AND INDIGENOUS PEOPLES

Barriers

- Language barriers may prevent them from making requests/complaints.
- Some groups may be unaccustomed to making individual requests/complaints.
- There may be bias against these groups in prison complaint adjudication.
- As a minority group they may already feel disempowered with the prison community.

Actions

- Each request/complaint must be considered on its merit.
- Ensure that information about the procedures is available in other languages or that they have been explained via translators.
- Allow collective or delegated requests or complaints.
- Systems should be set up to monitor any bias in responses to requests/complaints.

LGBTI PEOPLE IN PRISON

Barriers

- They may be particularly fearful of the consequences of making requests/complaints, particularly if it relates to their sexual orientation/gender identity.
- They may already feel disempowered within the prison community.

Mitigating Actions

- Ensure confidentiality of complaints mechanisms and allow complaints to be made anonymously.
- Put in place special protective measures for those who fear for their safety in relation to a requests/complaint.

Prisons and Probation Ombudsman video (10 minutes).

The video features three complaints. Pause the video after each complaint to allow the group to share their thoughts and reactions.

Complaints

Divide participants into two groups, A and B. Those in Group A assume the role of people in prison and Group B are prison managers. Everyone in Group A is given two pieces of paper. On one they write how they hope their request/complaint will be dealt with/resolved. This could be an example of a real complaint they have dealt with, or an imaginary situation.

Each person in Group B chooses one of the complaints and is paired with the person who submitted it. The manager explains to the person in prison how they would deal with the complaint. The pair then discusses if they agree on how the complaint is dealt with.

and/or

Write the quotes below on flipcharts and ask participants to write their thoughts/suggestions on what prison administrations can do.

Some context is given after each quote to help stimulate discussion if needed. Depending on the group dynamics and available time, you could ask what prison administrations could do about each situation. After each quote, summarize the main points that should have been raised.

Note: In some locations, people in prison have no possibility to make requests or complaints, or the systems are just very ineffective.

This exercise can also be delivered as PowerPoint slides.

Why don't prisoners make requests or complaints and what can prison administrations do to mitigate against these barriers?

1. Fear of reprisals/other consequences

"I am extremely fearful because you daren't open your mouth about anything"

"I have done putting in complaints because I know the consequences of complaints"

It is common for people in prison to fear retaliation or reprisals or fear that they will be punished for making a complaint. These reprisals might come from other people in prison or prison staff. People in prison might be labelled, singled out as troublemakers and ostracized, and staff might treat them differently, remove their privileges or find other ways to punish them because they have complained.

People in prison might also be worried that there will be other negative consequences arising from their complaints (e.g., they could be transferred to another facility for their own protection, but this could entail worse conditions of detention, or being sent further away from their families).

What can prison administrations do to mitigate against this?

- Ensure that people can make complaints in full confidentiality.
- Ensure that people in prison know how to access independent complaints mechanisms.
- Allow complaints to be made anonymously.
- If complaints have been made publicly, follow up with the individual concerned and any witnesses to check there have been no negative consequences.
- Allow third parties to make complaints on behalf of the person in prison.
- Provide whistle-blower protection to staff who make complaints.
- Provide immediate protection for people who have reported abuse. Special procedures should be in place for complaints about alleged misconduct by individual staff members.
- Ensure that staff have received appropriate training on complaint handling.
- Provide people in prison with full information about the requests/complaints process, including measures that are taken to ensure confidentiality.

2. Lack of trust in requests/complaints procedures

"The officers and other users, other people have access to it, edit the complaints, change whatever they want to, and some of the complaints don't even get sent"

"They just wrote back saying, "Your complaint's been logged. We'll get back to you", and they didn't get back to me"

People in prison may feel that making a request or complaint is a waste of time and may lack trust in the way the procedures are handled, particularly if they or people they know have made complaints in the past that were not dealt with well, nor adequately resolved.

Those who wish to make requests/complaints may also be reluctant to do so because they do not trust the confidentiality of the process. This can be particularly problematic if the complaint is about another prisoner or individual staff member, or if the individual feels ashamed or embarrassed about their request/complaint.

What can prison administrations do to mitigate against this?

- Allow people in prison input into how requests/complaints mechanisms are designed and implemented and to give feedback on their previous experiences of making requests/complaints.
- Ensure transparency around the procedures for requests/complaints and that all people in prison are given information about how the procedures should work, including information on timeframes for resolving requests/complaints.
- Make sure that requests/complaints are only accessed by the people to whom they are addressed.
- Ensure procedures are in place to prevent complaints going missing, being tampered with or ignored — this could include ensuring that complaints are in sealed envelopes and ensuring that the complaints boxes are fully secure.
- Keep the person in prison informed of the progress and timing of their request/complaint.

- Ensure that staff are fully trained on handling requests and complaints and that there are oversight mechanisms in place to ensure requests/complaints are being handled correctly.
- Ensure that people in prison have access to independent complaints mechanisms if the matter is not dealt with/resolved internally.
- Identify trends in complaints and take action accordingly.

3. Feeling that problems in prison are inevitable

"There's no point in complaining about just every little thing, just handle it bro, because you're in jail. You're not going to come expecting flowers"

"You're not supposed to get anything… Any complaints, deal with it, you're in jail"

Some people in prison may feel that the problems they face in prison are inevitable, that is just part of life in prison and that they should not expect to be able to make requests or complaints. In some prison sub-cultures there may be a perception amongst prisoners that making requests/complaints is a sign of weakness or of not being able to handle prison life.

What can prison administrations do to mitigate against this?

- Ensure that people in prison have received information about their rights and responsibilities.
- Encourage peer group discussions/peer support groups for people in prison to discuss their rights as prisoners, including their right to make requests/complaints.
- Make clear the type of behaviour they should expect from prison staff and other prisoners, including the types of behaviour that are unacceptable.
- Talk to individuals about their problems (if they are happy to do so) and encourage them to make informal requests and complaints, or use formal complaints if the matter cannot be resolved without resorting to formal procedures.
- Encourage initiatives that empower people in prison, make them feel part of a community and enable them to play their part in improving the way the prison is run.
- Make it clear that the resolution of specific requests/complaint can benefit everyone in the facility, not just the individual concerned.

4. Bureaucratic procedures and slow response times

"Do you know why I never put a complaint on the sheet? Because by the time it probably would have been seen to, I'd have had a duvet cover by then"

"I think that's what a lot of it is, it's about time, and when you're going to get heard…You know, it's just like another thing to wait for"

The slow, bureaucratic nature of the requests/complaints processes and slow response times can be a major disincentive for many people in prison, especially for problems that require immediate attention. This may be even more of an issue during times of crisis such as the COVID-19 pandemic.

Many problems faced by people in prison will have blown over or been resolved by the time a complaint has been handled. This is why people often take matters into their

own hands or turn to other prisoners for intervention. Significant delays in the complaints procedures may also put an individual in danger.

For some, making a request or complaint may feel like simply another bureaucratic process they have to deal with, another form to fill in. The lack of response, delay in response or unsatisfactory resolution can feel disempowering to people in prison.

What can prison administrations do to mitigate against this?

• Set out a clear timeframe for the process, including response times. If a complaint absolutely cannot be dealt with in a timely manner, send an interim reply to explain why and set out a new time frame.
• Ensure that the timeframe for responding to requests/complaints allows issues to be dealt with in a meaningful way.
• Prioritize urgent complaints, especially when an individual may be in danger. Urgent complaints should still be considered on weekends and public holidays.
• Provide people in prison with confirmation that their request/complaint has been received and is being processed, and update them about the progress and timing of response.
• Ensure that complaint boxes and other platforms to receive requests/complaints are checked on a daily basis.

5. Inaccessibility of complaints/requests procedures

"Do you not realise, a lot of people who come to prison weren't academic at all. They can't write out complaints, can't do things, they can't read probably"

Some people in prison do not make requests/complaints simply because they lack the information about the complaints process, including how to complain, whom to complain to, what you can complain about and what to do if the complaint is not dealt with.

Requests and complaints procedures may also be inaccessible to some people in prison, either because they are physically unable to access the means to make requests/complaints, or because they lack the ability to formulate the request/complaint, due to language barriers, cultural differences, levels of education or literacy, or physical or mental health conditions.

What can prison administrations do to mitigate against this?

• Ensure that all people in prison know how to make complaints and have access to the means to do so (e.g., access to pen and paper, postage stamps, computers).
• Avoid jargon, acronyms and overly technical language.
• Ensure that complaint boxes are accessible to all people in prison, installed at suitable locations and properly locked.
• Design the procedures to be simple and accessible and explain them to people in prison in a clear way.
• Pay particular attention to groups of prisoners who may have difficulty understanding or accessing requests/complaints procedures and support them as necessary.
• Ensure that responses use language that is easy to understand and check that people in prison understand what it means.

6. 'Them against us'

"But the fact is that when you complain about another officer, because the complaint goes to another officer, they defend each other"

"It's your word against theirs… we're still criminals isn't it, obviously that's why we're here…they just see us as bad"

In many places of detention, there is a lack of confidence in the objectivity of staff; a perception that staff will always stick together and defend each other against the word of people in prison. A culture of 'them versus us'. Where this type of culture exists — or when people in prison perceive it to be the case — trust in the complaints procedure is likely to be low and use of the procedures limited.

What can prison administrations do to mitigate against this?

- Make it clear to both staff and prisoners that effective complaints procedures can benefit everyone in the facility, including by making a safer work environment for staff.
- Ensure that all complaints received and responses are properly recorded.
- Use a problem-solving approach to dealing with requests and complaints – deal with the underlying causes as well as the actual issue raised.
- Have clear disciplinary procedures in place for staff who are found to have tampered with or ignored requests/complaints.
- Ensure a system of independent monitoring of the mechanisms, including the quality of responses received.
- Provide people in prison with the opportunity to appeal if they feel their request/complaint has not been dealt with satisfactorily.

OPTIONAL **Review what makes a good request/complaints system:**

- Give people in prison a chance to give their side of the story.
- Treat people with respect and take their issues seriously.
- Ensure that everyone has equal access to the procedures.
- Be clear and transparent about the process.
- Ask for feedback to improve the process.
- Ensure that decision-making is timely, fair and unbiased.
- Address the actual problem being raised and consider underlying causes.
- Allow for opportunities to discuss outcomes and appeal decisions.
- Allow people to make requests/complaints to independent bodies.
- Put systems in place to monitor and ensure consistency of decisions.

4.3   CONTACT WITH THE OUTSIDE WORLD

40 MINUTES

NMR: 58–66, 68–70, 119 (2), 120

This section deals with contact with family and friends, access to alegal representative and notifications.

Why is contact with the outside world so important?

- Important for successful rehabilitation and reintegration of people in prison – helps them prepare practically and psychologically for life after release.
- Contact with family or others can reduce stress levels. Contact with family is particularly important for parents and other caregivers in prison, including helping to reduce anxiety about what has happened to their children.
- Contact with family contributes to a healthier and safer prison, and improves the work environment for staff.
- Initial contact with family and significant others after arrival in prison is particularly important in reducing stress.
- Provides an important safeguard against torture, other ill-treatment, incommunicado detention and other human rights violations, including by providing an avenue for people to report abuse.
- Can motivate people to behave better in prison, leading to a safer environment for all.
- Helps people in prison feel part of their family and of broader society and reminds them that they have responsibilities outside of prison.
- Reduces feelings of isolation and boredom which can lead to improved psychological wellbeing and reduces the risk of self-harm and suicide — visitors might be able to recognize early symptoms of depression or other warning signs.
- Provides an avenue for people in prison to express their problems, fears and frustrations, reducing the potential for unrest in prison.
- Reduces the risk of family breakdown resulting from detention and is important for the families, in particular the wellbeing of the children of incarcerated prisoners.
- For some people in prison, visits from family or friends are an important source of food, drinks, sanitary items and medicine.
- Access to lawyers is a basic component of the right to a fair trial and ensuring equality before the law. Those who have access to legal advice are more likely to benefit from the possibility of alternatives to pre-trial detention or other non-custodial measures.
- Access to media (newspapers, radio, TV etc.) allows people in prison to connect with what is happening in the community, and to feel part of that community. Access to media is especially important during times of crisis (e.g., COVID-19).

EXERCISE
20 MINUTES

Case studies

Divide the participants into smaller groups and give each group a case study. Ask the groups to discuss:

- Which of the Nelson Mandela Rules and Bangkok Rules, related specifically to contact with the outside world, are particularly relevant to this situation?

- What can prison staff do to support these individuals?

If time allows, the group can also feedback to the main forum, but if time is short this can be skipped.

Ideas for some of the answers that the groups could identify are included underneath each scenario.

1. A 50-year-old, foreign national woman convicted of drug trafficking has no contact with her family, does not speak the local language and follows a different religion. She has been diagnosed with depression.

RULES - NMR 58: Contact with family and friends, 61(2): Access to interpretation, 62: Communication with diplomatic and consular representatives, 65: Access to religious representatives; BKK 27: Contact with family, 25: Mental health care

Key principle – Foreign nationals should be provided with additional support in contacting their families.

What can staff do to facilitate contact?

• Ensure that they are able to communicate with the person to understand their family situation.
• Assist them in communicating with their diplomatic, consular representatives or other authority.
• Consider whether it will be possible for the woman to contact her family/friends via telephone, video conferencing or other forms of remote communication.
• Allow access to a qualified representative of her religion.

Other measures to consider

• Establish whether there is an option for the woman to be transferred to her home country, or if there is another facility where contact with family/friends/consular representative would be easier.
• Establish whether there are staff members or other people in prison who share a common language with the woman to facilitate communication.
• Find out if there are local community organizations that may be able to visit the woman in prison or support her in other ways.
• Ensure that she receives appropriate treatment and support for her mental health.

2. A 19-year-old, currently held in pre-trial detention on charges of theft, does not have any immediate family to visit him and has no legal representation. He has a low level of literacy.

RULES – NMR 119 and 120: Access to legal advice for pre-trial detainees, 61: Access to legal advice, 58: Contact with friends, 68: Notification of any other contact person about imprisonment

Key principle: The definition of family and friends should be applied broadly, so that even individuals without immediate family are allowed visitors. All prisoners should have 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.

What can staff do to facilitate contact?

- Establish whether he has any non-immediate family members, friends or other people with whom he could be in contact and help him to establish contact if so. This could include any individual he wants to see.
- Identify any community groups who may be able to visit and otherwise support him.
- Ensure that he has information about, and understands how to access legal aid and is able to do so.

Other measure to consider

- Ensure that he is able to access and understand other information about life in prison.
- Establish whether there are support groups within the facility that can support him.
- Ensure that contact with a legal representative can take place in full confidentiality.

3. **A woman serving a six-month sentence for drug use has three young children who are able to visit her every week with their grandmother. She has requested physical contact with them during visits. The grandmother appears to be struggling with health problems and has said she doesn't know if she can keep bringing the children in every week.**

   RULES – NMR 58: Contact with family, BKK 26 and 43: Contact with family, BKK 28: Visits involving children, BKK 45: Options such as home leave etc, and 46: Pre-release integration plans.

   Key principle – Women's contact with their children should be encouraged and facilitated as much as possible.

   What can staff do to facilitate contact?

   - Consider whether contact visits could be possible. In this case, there are unlikely to be any security concerns around contact visits. Private visits might also be possible.
   - Also, consider whether extended visits might be possible, especially if the visits might become less frequent due to the grandmother's health.

   Other measures to consider

   - Ensure there is a positive visiting environment for children, including play areas, and that staff display a positive attitude towards visiting children.
   - Consider whether other options, such as home leave might be possible for the woman to spend time with her family, especially as she is on a short sentence.
   - Find out if there are any local community organizations that might be able to help with transporting the grandmother and children to the prison, so that they can continue regular visits.

4. A 40-year-old man is serving a 15-year sentence. His wife and children are only able to visit once a year because they live far away. Staff are aware that this man has recently been bullied by other prisoners and seems afraid but he has not spoken to anyone about this.

RULES – NMR 58: Contact with family, 59: Allocation close to home, 56: Complaints mechanisms

Key principle – Prisoners should be located as close to their family as possible.

What can staff do to facilitate contact?

- Establish whether there is any possibility for the man to be transferred to a facility closer to his family.
- Find out if there are any financial means for authorities or community organizations to support the family with their transport and accommodation, so that they can visit more frequently.
- Allow the family to have extended time together when they are able to visit.
- Allow him more frequent access to phone calls and other remote ways of talking to his children.

Other measures to consider

- Speak to the man about how he is, particularly in light of the recent suspicions of bullying.
- Consider what other measures might need to be in place to support him.

5. A 22-year-old woman, recently arrived in prison, with a young baby and two-year-old child at home has not yet contacted her family or any legal representative. She seems distressed, and staff think she may have been the victim of domestic abuse.

RULES - NMR 119 and 120: Access to legal advice for pre-trial detainees, 61; Access to legal advice, 58: Contact with family and friends; BKK 26 and 43: Contact with families and legal representatives, BKK 44: Who is allowed to visit.

Key principle – Initial assessment of an individual's situation is crucial to determining their needs, including in relation to family visits. All prisoners should have 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.

What can staff do to facilitate contact?

- Talk to the woman to understand her family situation, the location of her children and any concerns she might have about her own safety or the safety of her children.
- Ensure she is involved in any decisions around the guardianship of her children, including whether the children should be with her in prison.
- Consult with her on who should be allowed to visit her in light of the concerns about domestic abuse.
- Ensure that she knows how to access legal advice and is able to do so.
- Ensure she can have an initial call with her trusted family members as soon as possible.

Other measures to consider

- Ensure that she is able to see a female healthcare professional as soon as possible.
- Make her aware of her rights to take action in relation to any domestic abuse.
- Put her in touch with internal support groups and NGOs that can provide support in relation to possible domestic abuse.
- Ensure that contact with a legal representative can take place in full confidentiality.

6. A 30-year-old man serving a 25-year sentence who is being held in a high-security facility has requested a visit from his family, including his two children. His brother was recently caught smuggling drugs into the prison to him during a family visit.

RULES – NMR 58: Contact with family, 60: Searches of visitors, 43 (3): Discipline and family contact

Key principle – Disciplinary sanctions should not include the prohibition of family contact — if family contact needs to be restricted, it should only be for a limited time and only if necessary for maintaining law and order.

What can staff do to facilitate contact?

- Conduct a risk assessment for the specific visit to determine if there are any reasons why additional supervision may be required during the visit and what type of visit will be possible.
- Ensure that child-friendly procedures and a child-friendly environment are in place.

Other measures to consider

- Ensure that any restrictions on family visits linked to the drug smuggling are limited to restrictions on the particular individuals concerned.
- If the man's visitors need searching, then this needs to be done with sensitivity, particularly with visiting children.

REVIEW - Key points: What can staff do?

- Help people in prison understand the value of connections with people outside prison.
- Ensure that all people in prison are able to inform their family or other contact person about their imprisonment or any transfer.
- Allow them to inform their families about any illnesses or injury. The family should also be able to inform the person in prison about serious illness or death of a family member or significant other.
- Seek to understand individual circumstances and learn if people are encountering any difficulties establishing external contacts.
- Ensure that information about visits and visits themselves are equally accessible to all.
- Be vigilant to times when people in prison might benefit from additional contact with the outside world and try to notice mood or behavioural changes after family visits.
- Facilitate contact with the outside world by all means possible and ensure that visits are allowed with sufficient regularity and are of reasonable length.
- Pay particular attention to people in prison who may face problems establishing and maintaining such contact.

- Ensure that people in prison have adequate time and facilities to communicate with their families, friends, legal representatives and other individuals/groups.
- Help make prison visiting a positive experience for all, including for visits involving children. The way staff behave towards and communicate with visitors is an important element in this.
- Allow some flexibility in the prison visiting rules to account for individual circumstances.
- Ensure that any restrictions and monitoring during visits are informed by individual risk assessments and that they are proportionate to any security concerns.
- Ensure that contact with a legal representative can be carried out in full confidentiality.
- Ensure that people in prison have access to media (newspapers, TV, radio etc.).

4.4   INSPECTIONS AND MONITORING (INTERNAL AND EXTERNAL)

1 HOUR 10 MINUTES–OVER 2 DAYS

NMR: 83, 84 AND 85

Internal inspections and external monitoring

Begin this session with the UNODC training material scenario on external inspections (scenario on prison unrest and the announcement of a monitoring visit).

COMMON OBJECTIVES

- To ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures.
- To detect systematic problems and recommend measures to prevent repetition.
- To protect the rights of people in prison.
- Internal inspections and external monitoring should complement each other. Both are necessary for professional prison management. Their mandates may overlap.

COMMON METHODOLOGIES

- Both bodies must have access to all relevant information about the prison, including the numbers of prisoners and places of detention.
- Both must be able to freely choose which prisons they want to visit and which people in prison they want to interview.
- Both must be able to conduct private and fully confidential interviews.
- Both must be permitted to make unannounced visits.

INTERNAL INSPECTIONS

- Inspections conducted by central prison administrations to monitor compliance with laws and regulations
- Can cover a wide range of topics, including administration processes, security, finance or staff training
- More likely to focus on technical aspects of prison management
- Findings are not usually made public

EXTERNAL MONITORING

- Must be independent from the prison administration
- Tailored to assessing human rights compliance and the prevention of torture or other ill-treatment
- Focus on the implentation of national and international human rights standards
- Findings are often made public

External monitoring bodies can be part of National Preventive Mechanisms (NPMs) set up under the Optional Protocol for the Prevention of Torture (OPCAT). This can include national, regional or international bodies (such as the UN Subcommittee on the Prevention of Torture). These bodies focus on the prevention of torture and other ill-treatment.

However, monitoring is also carried out by bodies that are not part of NPMs, including in countries that have not signed up to OPCAT. This might include inspections by judicial bodies, National Human Rights Institutions (NHRIs), Ombuds institutions, parliamentary committees, health inspection bodies and NGOs.

Other regional or international bodies also carry out detention monitoring, including UN Special Procedures, the Council of Europe's Committee for the Prevention of Torture (CPT) and the International Committee of the Red Cross (ICRC).

It is important to note that the obligation to allow external monitoring applies irrespective of whether a state has ratified OPCAT or not.

Monitoring bodies often carry out specialized monitoring visits, focusing on particular groups of people in prison or on particular thematic areas.

Prison monitoring

Divide participants into smaller groups and ask them to assume the role of independent prison monitors tasked with monitoring different aspects of life in one prison.

Group A - Focus on prisoner accommodation

Group B - Focus on prisoner transfers

Group C - Focus on requests and complaints

Group D - Focus on access to food, water and sanitation

Group E - Focus on contact with the outside world

Ask the five groups to answer the following questions:

• What are the main Nelson Mandela Rules and Bangkok Rules relevant for the monitors?
• To whom would you speak and what types of questions would you ask?
• What else could you do to understand the particular issue fully?
• Are there any particular groups of people that you would focus on?

Ask a representative from each group to present their ideas on a flip chart.

Suggested (but not exhaustive) answers are given in the information below.

GROUP A - Prisoner accommodation

- **What are the main Nelson Mandela Rules and Bangkok Rules relevant for the monitors?**
  NMR 12-17, BKK 5

- **To whom would you speak and what types of questions would you ask?**
  Speak to people in prison about the space in their cell, levels of overcrowding, air quality, lighting, heat, ventilation and sanitary facilities.

- **What else could you do to understand the particular issue fully?**
  Visit cells in each wing, measure the cell dimensions and establish the average number of occupants.
  Make sure to inspect the toilets and shower areas.
  Visit other spaces used by people in prison, such as training rooms, workspaces and health-care facilities.
  Ask prison staff if they receive many complaints about prisoner accommodation.
  Note the cleanliness of each area.
  Note if people in prison can regulate the temperature, light and ventilation for themselves.

- **Are there any particular groups of people that you would focus on?**
  People with disabilities, pregnant women and those with children living with them in prison, those under disciplinary measures/those held in isolation, pre-trial detainees.

GROUP B - Prisoner transfers

- **What are the main Nelson Mandela Rules and Bangkok Rules relevant for the monitors?**
  NMR 26 (2), 68 AND 73

- **To whom would you speak and what types of questions would you ask?**
  People in prison who have recently been transferred/transported to court, hospital etc., about their experiences of transfer/transit, including the physical conditions;
  staff responsible for prisoner transport.

- **What else could you do to understand the particular issue fully?**
  Inspect vehicles used for prisoner transport.
  Note if there is CCTV installed in prison vehicles.
  Check prisoner files to see if transfers have been properly recorded.
  Monitor a prisoner transfer if possible.

- **Are there any particular groups of people that you would focus on?**
  Women, LGBTI people in prison, young people, people with disabilities.

GROUP C - Requests and complaints

- **What are the main Nelson Mandela Rules and Bangkok Rules relevant for the monitors?**
  NMR 56 AND 57, BKK 25

- **Who would you speak to and what types of questions would you ask?**
  People in prison to establish their experience of complaints mechanisms; family members and other visitors to find out if they have filed complaints on behalf of people in prison; staff to establish the most frequent types of complaints they receive informally.

- **What else could you do to fully understand the particular issue?**
  Review records of requests/complaints received and responses.
  Review prisoner files to see if their requests/complaints have been entered into their file.
  Look at the information provided to people in prison on how to make requests/complaints. Is it accessible to all?
  How are complaints collected? For example, if there are complaints boxes, are they accessible to all?

- **Are there any particular groups of people that you would focus on?**
  People who are illiterate or have low literacy rates, those with mental health conditions, young people in prison, foreign nationals.

GROUP D - Access to food, water and sanitation

- **What are the main Nelson Mandela Rules and Bangkok Rules relevant for the monitors?**
  NMR 20 AND 21, BKK 5

- **To whom would you speak and what types of questions would you ask?**
  People in prison to get their opinions on food, water and sanitation; staff or people in prison involved in catering; healthcare professionals to establish their view on the quality and safety of food, water and levels of sanitation.

- **What else could you do to understand fully the particular issue?**
  Observe food preparation.
  Inspect the kitchen and dining areas.
  Sample the food offered to people in prison.
  Be aware of levels of cleanliness in all areas of the facility.

- **Are there any particular groups of people that you would focus on?**
  Women, including pregnant women and breastfeeding mothers, those with medical problems, young people in prison, people with special dietary requirements for religious, cultural or ethical reasons.

GROUP E - Contact with the outside world

- **What are the main Nelson Mandela Rules and Bangkok Rules relevant for the monitors?**
  NMR 58-66 AND 68-70, BKK 26-28

- **To whom would you speak and what types of questions would you ask?**
  People in prison to establish their experiences of prison visits; visitors, including family members, community organizations and legal representatives; staff responsible for supervising prison visits.

- **What else could you do to understand the particular issue fully?**
  Observe some prison visits (ones that are not private).
  Observe the way staff interact with prison visitors.
  Assess visiting areas and other communication areas (e.g., are telephones in working order?)
  Study the information provided to people in prison and their visitors about prison visits.

Check if prisoner files contain contact details for family/friends, including emergency contacts.

What are the rules for conjugal/intimate visits? Do they allow equal access to such visits to unmarried intimate partners or same sex partners?

- **Are there any particular groups of people that you would focus on?**
  Women, and in particular those with visiting children, people with mental healthcare needs, foreign nationals, national minorities and those who come from a different part of the country.

OPTIONAL **Monitoring with a focus on LGBTI people in prison**

Show the following video.

Maria Clara De Sena, Local Preventive Mechanism of Pernambuco, Brazil (transgender NPM member): https://vimeo.com/130965803 (4:35 minutes)

REVIEW - Key points: What can staff do?

- Help people in prison understand the value of connections with people outside prison.
- Ensure that all people in prison are able to inform their family or other contact person about their imprisonment or any transfer.
- Allow them to inform their families about any illnesses or injury. The family should also be able to inform the person in prison about serious illness or death of a family member or significant other.
- Seek to understand individual circumstances and learn if people are encountering any difficulties establishing external contacts.
- Ensure that information about visits and visits themselves are equally accessible to all.
- Be vigilant to times when people in prison might benefit from additional contact with the outside world, and try to notice mood or behavioural changes after family visits.
- Facilitate contact with the outside world by all means possible, and ensure that visits are allowed with sufficient regularity and are of reasonable length.
- Pay particular attention to people in prison who may face problems establishing and maintaining such contact.
- Ensure that people in prison have adequate time and facilities to communicate with their families, friends, legal representatives and other individuals/groups.
- Help make prison visiting a positive experience for all, including for visits involving children. The way staff behave towards and communicate with visitors is an important element in this.
- Allow some flexibility in the prison visiting rules to account for individual circumstances.
- Ensure that any restrictions and monitoring during visits are informed by individual risk assessments and that they are proportionate to any security concerns.
- Ensure that contact with a legal representative can be carried out in full confidentiality.
- Ensure that people in prison have access to media (newspapers, TV, radio etc.).
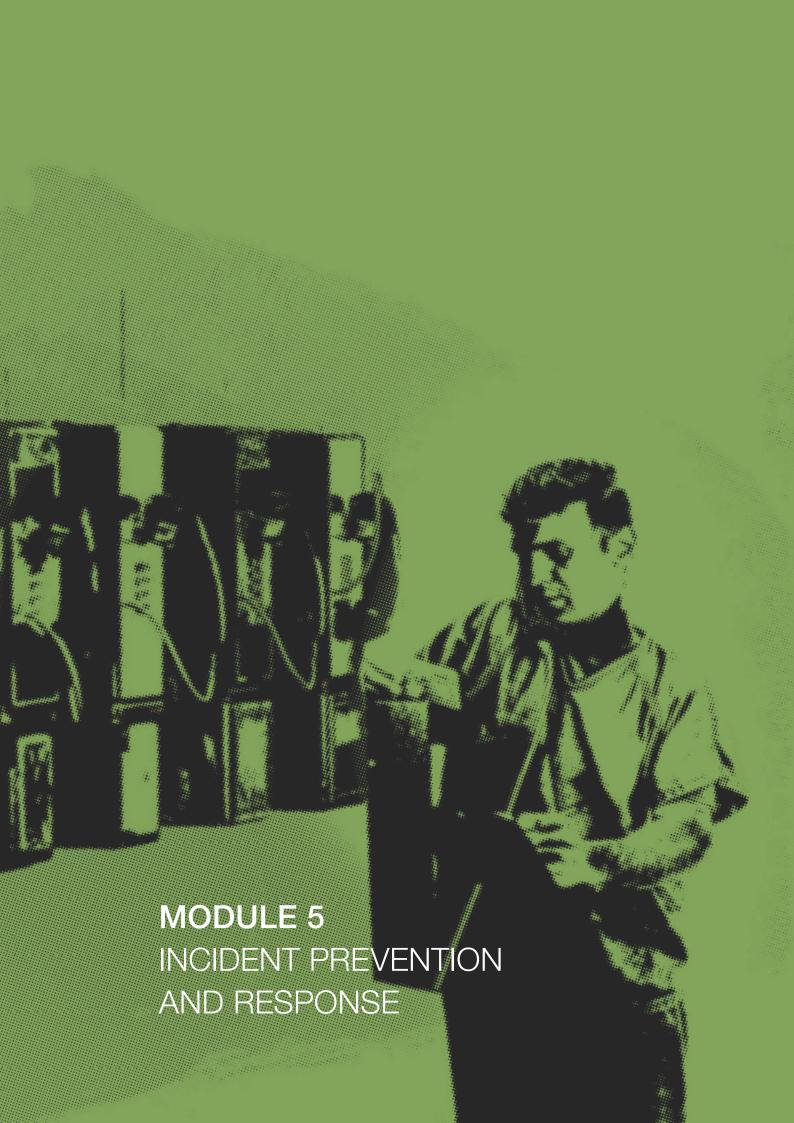
Monitoring Review

What can prison staff do to facilitate the work of prison inspectors and monitors?

- Facilitate their access to all parts of the facility.
- Allow them to interview any prisoners they request to meet and ensure they can do so privately and in full confidentiality.
- Allow them to have private and fully confidential interviews with prison staff.
- Allow them to access any documents or other information requested.
- Answer any questions truthfully.
- Treat all inspectors and monitors politely and with respect — staff should expect inspectors/monitors to treat them also with respect.
- Help people in prison to understand the purpose and importance of inspections/monitoring and encourage them to cooperate with inspectors/monitors.
- Read the reports and recommendations made, and work with prison management to implement recommendations.

Recap on the content of the module. Ask participants to reflect on the type of safeguards in place in their facility and to consider how these safeguards benefit staff and the overall prison environment as well as people in prison.

FURTHER RESOURCES   PRI/APT - Detention monitoring – Tools and resources

MODULE 5
INCIDENT PREVENTION
AND RESPONSE

5 INCIDENT PREVENTION AND RESPONSE

MATERIALS
- Pen and notebook
- Definitions of dynamic security (display in room)
- Print out of PowerPoint slides 43–56
- List of additional reading/resources
- Print out of definitions of dynamic security (see page 63–64)
- Conflict resolution graphic (see page 123)
- Use of force continuum graphic (see page 132)
- Fill the gap exercise (see page 125–126)
- Scenario printouts for group exercises (see pages 130–132)

10 MINUTES   ## INTRODUCTION

This module discusses ways to maintain safety and security in prisons, deal with disciplinary offences and manage unrest in a fair and humane way, maintaining a well-ordered prison environment that is safe for all — including prison staff — whilst respecting prisoners' human rights and assisting in their rehabilitation. This includes dynamic security approaches that can prevent conflict or resolve problems before they escalate, and the application of conflict prevention, mediation and other alternative dispute resolution mechanisms. The module also covers the safeguards that need to be in place when authorities need to resort to other methods of control, such as the use of restraints, force and arms.

LEARNING OBJECTIVES

After completing this module, participants will be able to:

- Describe how prison administrations can ensure safety and security in the facility while adhering to the facility principles of fairness, justice and humanity;
- Demonstrate that effective security and human rights are compatible and are both achievable in a well-managed facility;
- Explain the differences between physical, procedural and dynamic security, the importance of both and the ways in which they complement each other;
- Discuss the practical application of dynamic security approaches and how this can contribute to a positive prison environment;
- Describe different methods of conflict resolution and when they should be applied;
- Clarify when body and cell searches are necessary and the safeguards that need to be in place to protect the privacy and dignity of the individuals concerned;
- Be clear on when instruments of restraint, force and arms can be used and situations in which they are prohibited;
- Identify safeguards that need to be in place to protect the rights of people in prison when instruments of restraint, force or arms are used;

- Understand the obligations of States to investigate deaths, serious injuries and disappearances that occur in prison and the role of prison administrations in such cases; and
- Understand their own role in ensuring human rights compliance in incident prevention and response.

5.1   PHYSICAL, PROCEDURAL AND DYNAMIC SECURITY
30 MINUTES

NMR: 76 (C)   **Physical security and procedural security**

Physical security is the prison building itself: the layout, the architecture and internal design and the security systems. This is the static security system of the facility. Physical security elements are designed to prevent escape, other breaches of security and prisoner unrest.

Ask participants to identify the elements of physical security in the facility they work in.

Answers will depend upon the level of security of the prison that participants work in. Answers might include (but not necessarily be limited to): perimeter walls and fences, doors, bars on windows, watchtowers, locks, security cameras, security lighting, alarm systems, x-ray machines, metal detectors, radio and other communication systems, handcuffs and other restraints, weaponry.

Procedural security is the systems and procedures that are in place to complement the physical security of the building. These procedures are in place to assess and deal with security risks and prevent escapes. Procedural security should be closely linked to prisoner risk assessments and proper record-keeping and should ensure consistent, fair processes. Procedural security should combine physical security with dynamic security approaches.

Ask participants to identify the elements of procedural security in the facility they work in.

Answers might include (but not necessarily be limited to) procedures which govern: Searches (of prisoners, visitors and cells), policies, regulations, standard operating procedures, standing orders, monitoring CCTV, staff checklists, the handling of complaints, procedures for the use of force and restraints, emergency procedures, incident reporting and procedures for prisoner discipline.

Dynamic security

"Dynamic security speaks specifically to the relationships that exist between all staff members and the prisoners with whom they work. Every interaction that occurs between these two groups of people has a cumulative effect on the overall culture of the service. Every interaction has the potential to enhance a positive institutional culture or to undo the collective efforts of many others to improve it." [12]

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12 Report of the Task Force on Security, Correctional Service Canada, point 5.

Dynamic security relies on good physical and procedural security, but it relies equally on the integrity and professionalism of prison staff. An important aspect of dynamic security is intelligence gathering: positive relationships and understanding what is going on with individuals in prison enables staff to gather information about potential security risks at an early stage.

EXERCISE **Using dynamic security approaches to resolve conflicts**

This exercise seeks to demonstrate the different reasons people in prison might act in the way they do. Divide participants into smaller groups and give each group one of the scenarios below. For each scenario ask the groups to:

• Identify what could have been done to prevent the problem;
• Identify potential reasons why the problem might have occurred;
• Decide what the outcome needs to be;
• Identify what can be done to prevent the problem from recurring; and
• What prison staff could do to de-escalate the problem.

Scenarios

1. **A stash of Class A drugs has been found in the cell of a 25-year-old man who is serving a two-year sentence for drug use. He claims that other prisoners forced him to conceal the drugs by threatening to beat him if he did not comply. He did not name the other people involved.**

There are no right or wrong answers. This exercise is to encourage participants to understand that there are many different approaches to resolving conflict behaviours.

Answers include (but are not limited to):

• If his story is true, is there any risk to his safety from the other prisoners due to the drug find?
• Is the man potentially drug-dependent? Are there indications that he has been using drugs recently?
• Is he receiving any rehabilitative treatment for drug use?
• Have there been any recent changes to his behaviour or noticeable changes to his relations with other people in prison?
• Is there a history of bullying by other people in prison?
• What is his background/personality? Some people in prison are more prone to bullying.
• Has he recently received any visits from family/friends?
• Are there any mental health concerns?
• Is there a gang culture within the prison?

2. In a cell holding five men, two were recently in a fight with each other, apparently about the sleeping arrangements in their room. One was seriously hurt.

Answers include (but are not limited to):

• What are the conditions in their cell? How much space does each have for sleeping?
• What needs to be done to improve the sleeping arrangements in future?
• Do either of them have a history of aggression in the prison? Have there been any incidents between the two men before?
• What are the usual dynamics between the five men in the cell?
• Are all five men at the same security level?
• Did any issues of concern come up in the men's most recent needs and risk assessments?
• Is there any indication that drugs or alcohol may have been involved?
• Are there any mental health concerns for either of the men?

3. A 60-year-old woman recently tried to attack a member of staff who was inspecting her cell. She has since refused to leave her cell and is not eating.

Answers include (but are not limited to):

• Are there any concerns about the way in which the staff conducted the inspection of her cell. Was there a specific reason for the inspection?
• Is there any reason to believe she might be concealing contraband items in her cell?
• Does the woman have any history of self-harm or history of depression?
• Are there any other mental health concerns?
• Have there been any recent notable changes in behaviour?
• Has the woman recently received visits from her family or legal representative?
• Might there have been some changes to her personal or legal situation that could have prompted the attack?
• Does the woman usually have positive interactions with other people in prison? Does she have any particularly close friends?
• What is her relationship with staff usually like?

4. A fight recently broke out in the dining area of the facility involving several male prisoners, escalating into a mini riot. None of those involved has told staff the reason for the outbreak.

Answers include (but are not limited to):

• How many staff were present in the dining room at the time of the violence? Why were staff unable to stop the violence escalating?
• Were staff in danger?
• What are the main complaints received from prisoners recently? Could any of these have been a factor in the outbreak?
• What was the profile of the people involved in the violence? Could it have been gang--related?
• Why might those involved be reluctant to tell staff the reason for the outbreak?
• Has there been any marked changes in the behaviour of particular individuals since the violence?

5. A 22-year old woman who has recently arrived at the prison is threatening to commit suicide.

Answers include (but are not limited to):

- Has she had contact with friends/family since she arrived at the facility?
- Does she have children?
- What is her overall behaviour like? Has she been withdrawn or displayed erratic behaviour?
- Is there a history of drug or alcohol use? Could she be suffering withdrawal symptoms?
- Is there a history of mental health conditions?
- Has she received all the information she needs about the prison, including how to access help and support?
- Has she had positive engagements with staff/other people in prison?
- Has she had an opportunity to participate in any activities in prison since her arrival?

EXERCISE   **Dynamic security approaches - What can staff do?**

Ask the group to brainstorm ideas on dynamic security approaches. Participants should come to the front to write their ideas on a flip chart.

Answers should include (but are not limited to):

- Establish positive relationships with people in prison;
- Treat every person the way you would want yourself/your child/close family relative to be treated if they were in prison;
- Listen to what they have to say and do not interrupt or contradict them;
- Set a good example through your own behaviour and your interactions with other staff;
- Maintain a professional approach. Staff should be friendly, but you should not become friends with people in prison;
- Motivate people in prison to participate in activities and engage with others;
- Treat people in prison fairly but remain firm. Do not allow yourself to be manipulated;
- Check on the welfare of individual prisoners regularly by talking to them;
- Observe and assess individuals' regular behaviour and daily routines. This will make it easier to detect any changes in behaviour that might indicate a problem. Be alert to these changes;
- Conduct regular walk throughs in the parts of the facility you are responsible for;
- Ensure that people in prison have access to meaningful activities;
- Follow up on requests in good time, keep your word and adopt a problem-solving approach;
- Address people in prison politely, greet them individually and use appropriate language;
- Remember that eye contact, gestures, tone of voice and body language are also important; and
- Share dynamic security-related information with senior colleagues and others as necessary.

This can also be done as a Do's and Don'ts brainstorm activity

If so,
Answers could include but should not be limited to:

Dos

- Maintain a calm appearance

- Think about your own safety as well as the safety of others

- Be clear and concise

- Be confident and assertive

- Remain alert

- Use neutral body language

- Maintain good eye contact

- Keep the confrontation in perspective

- Keep the overall goal in sight

- Actively listen to those involved in the conflict and pay attention to their feelings

- Be approachable

- Manage your own stress levels and control your own emotions/behaviour

- React in constructive ways

- Read and interpret verbal and nonverbal communication
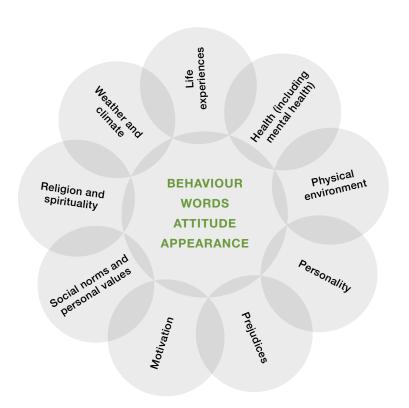
- Be aware and respectful of differences

Don't

- Panic

- Display any aggressive behaviour

- Put yourself in any danger

- Ignore those involved in the conflict

- Threaten or frighten others

- Use restraint or force unnecessarily

- Use disrespectful words or actions

- Allow your own bias or prejudices to play a part

- Confuse matters by introducing other elements

- Display any negativity towards the individuals

- Allow yourself to become distracted

- Allow yourself to be manipulated

5.2 CONFLICT RESOLUTION
40 MINUTES

NMR:38   Begin this session with the <u>UNODC training scenario</u> on conflict resolution (argument between two prisoners) (safety and security module) (15mins)

The graphic below gives some idea of the different factors that can influence our behaviour, our words, attitude and appearance. The graphic is not exhaustive — there can be many other unseen factors behind people's behaviour. This could be presented to participants to give them some ideas for the exercise. Can participants think of other factors to add to the graphic? The exercise should demonstrate how useful it can be for prison staff to consider the potential underlying causes of behaviour.

- It is important to try to understand why a conflict has occurred in order to resolve it most effectively.
- Staff can also learn how to recognize early warning signs.
- Conflicts can be approached and resolved in many different ways.
- Restraint and force will be needed in some cases, but should remain a measure of last resort.
- Formal disciplinary procedures will also be applicable to some situations but, for minor conflicts, staff should be able to give informal warnings.
- Complex problems can be broken down into manageable parts.
- Prison staff can employ a combination of problem-solving, negotiation skills and mediation skills in resolving conflict.
- It is important for prison staff to know how to diffuse rather than escalate situations.
- Conflict resolution skills must be included in the training for all prison staff.

The principles of proportionality, legality, necessity and non-discrimination

Point out here that, in the upcoming sessions on searches, the use of force and arms and instruments of restraint, disciplinary sanctions and procedures, and solitary confinement, there are some key overarching principles that need to be prioritized up front in every scenario: the principles of proportionality, legality, necessity and non-discrimination.

Proportionality

The principle of proportionality means that the measures taken must be a proportionate means of achieving a legitimate aim. Proportionality is often most clearly explained through the expression "don't use a sledgehammer to crack a nut".

It is likely that similar expressions are used in different countries. It is good to find the local expression for this. Ask participants to help.

Considerations when deciding when an action is proportionate:

- Why is the action being considered? / What is the problem that needs to be addressed?
- Will the action lead to a reduction in the problem?
- Does that action involve a blanket policy or does it allow for different cases to be treated differently?
- Does a less restrictive alternative exist?
- Has sufficient consideration been given to the rights and interests of those affected?
- Do safeguards exist?

Legality

In relation to searches, the use of force and arms and instruments of restraint, disciplinary sanctions and procedures, and solitary confinement, legality means that these measures must be founded on domestic legislation or procedures and should serve a legitimate objective as defined by the law. These laws and procedures must be in line with international human rights standards.

Necessity

The principle of necessity has three components:

Qualitative: Is the action at all necessary, or would it be possible to achieve the legitimate objective another way?

Quantitative: How much of the action (force, arms, restraints, restrictions, discipline etc.) is needed to achieve the objective? The level of action used should be the minimum that can still be considered effective.

Temporary: The action must stop once the objective has been achieved or is no longer achievable.

Non-discrimination

Authorities have a duty not to discriminate in any of these actions taken. Domestic legislation and policies should affirm that the use of these actions should must be carried out without any discriminatory bias, e.g., on the grounds of 'race', ethnicity, religion, gender identity or political affiliation. Regulations and safeguards need to be in place to ensure against their discriminatory use.

5.3   SEARCHES

1 HOUR 5 MINUTES

NMR: 50-53, 60
BKK: 19-21

Display these three principles prominently in the room during this session and introduce them at the beginning of the session:

- *The need to uphold safety and security must be balanced with principles of fairness, justice and humanity.*
- *Searches of prisoners and cells must be carried out in a way that ensures the good order of the facility whilst respecting the dignity and privacy of the individuals concerned.*
- *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.*

EXERCISE
15 MINUTES

Fill the gaps with the 20 words below from the NMR and BKK (without looking at the text of the Rules)

If time is tight, it may be necessary to split up this exercise so that each participant has a list of sentences with just 10 gaps to fill.

- Searches should be conducted in a manner that is respectful of the inherent human dignity and _____ of the individual being searched, as well as the principles of proportionality, _____ and necessity.
- Searches should not be used to harass, _____ or unnecessarily intrude upon a prisoner's privacy.
- The prison administration shall keep appropriate _____ of the searches, in particular strip and body cavity searches and searches of cells as well as the reasons for the searches, the _____ of those who conducted them and any reasons for the searches.
- Intrusive searches, including strip and body cavity searches, should only be undertaken if absolutely _____.
- Prison administrations shall be encouraged to develop and use appropriate _____ to intrusive searches.
- Intrusive searches shall be conducted in private and by trained staff of the _____ as the prisoner.
- Body cavity searches shall be conducted only by qualified _____ professionals other than that primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of _____, health and safety.

- Effective measures shall be taken to ensure that women prisoners' dignity and respect are _____ during personal searches, which shall only be carried out by _____ staff who have been properly trained in appropriate searching methods and in accordance with established procedures.
- Alternative screening methods, such as scans, shall be developed to _____ strip searches and invasive body searches, in order to avoid the harmful _____and possible physical impact of invasive body searches.
- Prison staff shall demonstrate competence, professionalism and _____ and shall preserve respect and dignity when searching both children in prison with their mother and children _____ prisoners.
- Admission of visitors to the prison facility is contingent on the visitor's _____ to being searched. The visitor may withdraw his or her consent at any time, in which case the prison administration may refuse _____.
- Search and entry procedures for visitors shall not be _____ 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 _____.

degrading, sensitivity, health care, necessary, children, replace, same sex, legality, consent, women, records, visiting, privacy, access, alternatives, identity, intimidate, psychological, hygiene, protected

This next part of the session may be presented as a PowerPoint presentation or as an EXERCISE — an interactive session where participants provide the answers as well as taking part in discussing the questions. The group dynamics should determine which option you choose.

Question to participants – Looking at the reasons for searches, what methods could be used instead of, or in addition to searches?

Answers could include:
- Dynamic security approaches
- Giving the individual a chance to hand over any contraband items before the search commences
- Understanding the root causes of smuggling contraband
- Drug rehabilitation programmes
- Access to meaningful activities
- Thorough risk and needs assessments
- Ensure people in prison know the consequences of smuggling contraband/illicit trade/theft/other security breaches

SLIDE 49   **Why is it important to regulate the use and conduct of searches?**

- Body searches can be intimidating and degrading (especially intrusive searches)
- They are a high-risk situation for abuse
- They can also be misused to harass, intimidate or punish individuals or particular groups
- To prevent discriminatory searches

- To maintain good relations between staff, people in prison and visitors
- To ensure that searches are used consistently and without discrimination
- Searches can be particularly difficult for particular groups of people in prison (more details later in the session)
- Searches, in particular body cavity searches, can also be difficult for prison staff to carry out
- Cell searches are an invasion of personal space and privacy, and items may be damaged
- Avoid unnecessary duplication of searches

Question to participants – Body searches and cell searches are among the most difficult interactions between staff, people in prison and prison visitors, and among the most potentially traumatic prison experiences for prisoners. Apart from ensuring they are well regulated, what more can staff do to improve experiences of searches?

Answers could include:
- Ensure that people know what to expect about the procedures in advance
- Explain the purpose of the search clearly
- Consider the verbal communication and body language used
- Make efforts to minimize embarrassment

SLIDE 50 **What type of safeguards need to be in place?**

- Searches should be suitable to achieve the purpose of the search and the method should be the least invasive for achieving this purpose.
- Staff of the same sex and who have been appropriately trained should conduct searches.
- A female guard must accompany male guards performing cells searches of women's cells.
- Authorities should keep appropriate records of searches, to include the reasons for the searches, the identities of those who conducted them and any results.
- Those being searched should have the opportunity to provide feedback or make complaints about the way their search was handled.
- Randomized searches can prevent discrimination.
- Regular, independent monitoring of the use of search procedures should ensure the rules are being applied fairly and consistently.

SLIDE 51 **Strip and body cavity searches**

- Strip and body cavity searches should only be carried out only when necessary and as a last resort (when there is a real risk of the person carrying a prohibited item). There needs to be a genuine justification and searches should be proportionate to any threat posed.
- If an object is hidden in a body cavity but does not pose any imminent threat to the person, it may suffice to keep the prisoner under close surveillance and wait for the illicit object to be expelled naturally.
- Strip and cavity searches should be carried out in private, out of sight of other prisoners and staff members, but not in an isolated area (as this can heighten the risk of abuse).
- Strip and body cavity searches should be based on individual risk assessments.
- People should not be required to remove all their clothing at once (two-step search).

- Body cavity searches must be carried out by personnel who have the medical skills necessary to perform the search safely.
- Health professionals should examine prisoners after body cavity searches, paying attention to both the potential physical and psychological consequences.
- Staff should be alert to the potential for mental health conditions, self-harm and suicide after invasive search procedures.

Additional question to participants

Ask the group to brainstorm ideas about which individuals or groups of prisoners or visitors that might need specific safeguards in relation to body searches.

Answers could include, but should not be limited to:
- Women (including pregnant women)
- Children in conflict with the law
- Babies and young children in prison with a parent/carer
- Those from particular religions/cultures
- Those with mental health conditions
- Those known to have previously experienced sexual and gender-based violence (SGBV).
- Those with physical disabilities
- LGBTI people
- Older people in prison

Women and girls

The **Corston report**[13] summarized surveys with women prisoners who stated that strip searching made them feel "embarrassed, invaded, degraded, uncomfortable, vulnerable, humiliated, ashamed, violated and dirty."

- Women in prison are at particular risk of abuse during searches and searches may also be more humiliating for them, particularly if they are menstruating at the time of the search.
- There should be total prohibition of male staff involvement in any personal searches of women and girls.
- Pregnant women and girls should never be subjected to vaginal searches.
- Male staff should not be present in the room even if the search is carried out by a female staff member.
- If a male staff member is searching a female's cell, he should be accompanied by a female staff member.
- Particular sensitivity should apply to women and girls who have previously been victims of SGBV.
- Women and girls may be particularly prone to mental health conditions and self-harm following invasive body searches.

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13 The Corston Report is a review of vulnerable women in the British criminal justice system carried out in 2006 by Baroness Jean Corston. https://webarchive.nationalarchives.gov.uk/ukgwa/20130128112038/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf

- Staff training on search procedures should include awareness about women and girl's particular sensitivities and vulnerabilities during searches, and there should be specific gender-sensitive guidelines for personal searches of women and girls.
- Alternative methods of screening should be employed whenever possible. Strip searches and body cavity searches should be used as a measure of last resort.

LGBTI people in prison

Show the three SPS videos on transgender searches (approx 15:00 minutes)

There is an introductory video, followed by two scenario videos – if there is time can show all three but otherwise just show the first video.

Religious and culturally appropriate searches

- Guidelines should include specific provisions on religious and cultural arrangements for searching people in prison.
- This should include guidelines on searching religious or cultural headwear, veils, face coverings or other type of religious/cultural clothing.
- It should also include guidelines on how to search special religious or cultural items.
- Guidelines for searches with dogs should also include religious and cultural considerations.
- Consideration should be given to the use of culturally and religiously appropriate verbal and body language.
- Staff should receive training on conducting religious and culturally appropriate searches.
- Alternative methods should be used wherever possible. Strip searches and body cavity searches should be used as a measure of last resort.

People with injuries or physical disabilities

- Search procedures should include guidelines on searching people with physical disabilities.
- Staff should approach these searches with particular sensitivity.
- Staff need to know how to adapt the normal search procedure to the particular injury/disability of the person.
- Staff could consider taking advice from a healthcare professional if they are unsure if/how to conduct the search.
- Staff should check if a person is experiencing any pain during the search. A search should not be conducted if it is likely to cause excessive pain or injury.
- Staff should receive training on conducting religious and culturally appropriate searches.
- Alternative methods should be used wherever possible. Strip searches and body cavity searches should be used as a measure of last resort.

EXERCISE   **Prison regulation on searches**

Ask groups to draft a prison regulation on body searches and cell searches. Ensure they include guidance on when, how and by whom such searches can be conducted.

They may use for reference:

• RULES 19 and 20 of the Bangkok Rules
• RULES 50-53; RULE 60(2) of the Nelson Mandela Rules

Ask the groups to present their regulation and allow the others to critique it.

OPTIONAL   Ask participants to discuss in small groups what they would do in the following scenarios.

Facilitators should circulate to ensure the discussions are on track.
Suggested answers that the group might discuss are given in purple below each scenario.

Scenario 1 - A young male prisoner refuses to undergo a body cavity search

Staff could:

• Make efforts to understand why the man is refusing the body cavity search.
• Determine whether there is a real risk that the man is concealing contraband items or whether he has other reasons for refusing the search. The man's behaviour should help in making this determination.
• Review the man's file, looking in particular at previous infractions, risk assessments and other relevant information, including any mental health concerns, suicide/self-harm risk.
• Clearly explain the purpose of the search and allow him to ask any questions and express any concerns he might have.
• Explain any disciplinary actions that he will face if he is concealing items.
• Give him the opportunity to admit to concealing items before the search begins – he could hand over any contraband items instead of undergoing the search.
• Give him time to consider his decision and negotiate with him.
• Keep him under close surveillance and wait for any illicit object to be expelled naturally.
• If he agrees to a search, ensure it is conducted in total privacy by a qualified healthcare professional or appropriately trained staff member.
• Pay special attention to the man after the search in case of any physical or psychological impact.

Scenario 2 - There are no female staff members available to conduct a strip search of a female prisoner who has just returned from a medical appointment outside the prison premises.

• Consider the need for a strip search. Is it really necessary based on the woman's risk assessment?
• Was she accompanied by a staff member during her transportation to the medical appointment? Is there a real risk that she could be concealing contraband items?

- Consider the success of strip searching women in the facility. How often are illicit items found using this method?
- Consider what other search methods can be used. Explain to the woman that if she is concealing any items, she can choose to declare them and explain what the disciplinary consequences of her actions would be.
- If it is determined that the search is necessary, then staff should consider how soon a female member of staff could be available.
- If there is no female member of staff available within a reasonable timeframe, then the search cannot go ahead.
- Authorities need to review staffing levels to ensure sufficient female staff members are always available.

Scenario 3 - A visitor refuses to undergo a search

- Ensure that all visitors have access to information about search procedures, prohibited items and information about the sanctions and restrictions they will face if they attempt to smuggle in prohibited items.
- Talk to the visitor about their reasons for refusing the search. Have they had previous negative experiences of searches at the facility?
- Consider the necessity of the search.
- Consider your attitude towards the visitor and your verbal and body language. Visitors are more likely to agree to be searched if they have positive interactions with prison staff.
- Remain calm; clearly explain the reasons for the search and how it will be conducted.
- Explain that visitors cannot be forced to undergo searches, but that authorities have the right to refuse entry if they continue to refuse to be searched.
- Give them time to consider their decision and give them the option to handover prohibited items before being searched. Explain what the consequences of their action would be.
- Consider the impact on the person in prison if the visit is refused.
- Consider whether the visiting arrangements can be amended so that a search is not necessary (e.g., non-contact visits instead of contact visits).
- If it is determined that the search is necessary to ensure the safety of the facility and the visiting arrangements cannot be amended, then authorities can refuse entry to the visitor.
- If the visitor agrees to be searched, ensure the search is carried out in a manner that respects their dignity and privacy.
- If the visit was refused, staff should pay particular attention to the welfare of the prisoner in the following days.

Scenario 4 - Authorities suspect that a male prisoner is using his children (aged 7 and 9) to smuggle drugs into the facility during contact visits.

- Determine how real the risk is, based on the prisoners' risk assessment.
- Explain clearly to the prisoner that visits with his children might be restricted or denied if he is found to be using his children to smuggle drugs into the facility.
- Consider how the visiting arrangements can be modified to allow the visit to take place without having to search the children – e.g., non-contact visits, visual supervision of visits.

- Search the prisoner after the visit, instead of searching the children before.
- Do not conduct a strip or body cavity search. In this situation a pat down search, followed by a search of the prisoner should suffice.
- Clearly explain the reason of the search to both the children and the parent/legal guardian and ensure the parent/legal guardian is present during the search.
- Give them the opportunity to hand over any prohibited items before the search.
- Searches must be conducted by a staff member of the same sex as the child.

Scenario 5 – A staff member refuses to remove his facemask for prison staff during a routine entry search. The wearing of facemasks has facilitated drug smuggling into some facilities.

- Seek to understand why they have refused to remove the facemask. If it is for concerns over COVID safety, put other protective measures in place (the staff conducting the search wear masks, maintain physical distancing etc.).
- Report concerns to a more senior member of staff.
- Refer to written protocols on searching staff.
- Remind the staff member of the rules on searching and the consequences of refusing a search.

5.4 USE OF FORCE AND ARMS AND INSTRUMENTS OF RESTRAINT
1 HOUR

NMR: 47, 48, 82
BKK: 24

Use of force continuum

Reiterate the principles of proportionality, necessity and legality and explain that situations are often handled with an unnecessary amount of force. The use of force continuum is a helpful resource. It shows how the first approach relates to staff presence and communication, to verbal commands, to soft techniques before moving on to hard techniques and before the use of armed force as a last resort.

5	**DEADLY FORCE**	Firearms and strike to vital areas
4	**HARD TECHNIQUES**	"Intermediate weapons" (i.e., batons, Tasers and pepper spray), strikes & takedowns
3	**SOFT TECHNIQUES**	Come along and wrist locks
2	**VERBAL COMMANDS**	Clear and deliberate
1	**OFFICER PRESENCE**	Physical appearance, professional bearing

15 MINUTES   **Instruments of restraint**

Ask participants to find the relevant Nelson Mandela Rules and Bangkok Rules in their copies.

Instruments of restraint are defined as:

"external mechanical devices designed to restrict or immobilize the movement of a person's body, in whole or in part"

Why is it important to regulate the use of force, arms and restraints in places of detention?

Restraints

- The use of restraints is necessary in some situations but needs to respect the safety and dignity of the individuals concerned.
- There is a high risk of humiliation, pain, torture, other ill-treatment and potential health consequences associated with the use of restraints.
- Prison staff need guidance on when and how to use restraints. People in prison also need to understand when and under what circumstances restraints can be used.
- If restraints are used regularly, this can create tension and distrust between staff and people in prison. Regulations on their use can help to create a more positive prison environment.
- The regulation of the use of restraints can protect staff against allegations of abuse.
- Regulations are also important because there are many different types of instruments; new ones are being developed all the time and new medical research continues to emerge on the potential risks of different types of restraint.

Force and arms

- The use of force and arms is necessary in some situations but needs to be balanced with the obligation to respect the safety and dignity of the individuals concerned.
- Their use presents a high risk of injury and may result in fatalities; they can cause pain and humiliation.
- There is an associated risk of torture and ill-treatment – they are sometimes used to deliberately abuse or intimidate people in prison.
- Their use can also endanger staff, so regulations are also important for their safety.
- If force and arms are used regularly, this can create fear and distrust between staff and people in prison. Regulations on their use can help to create a more positive prison environment.
- The use of force and arms can sometimes escalate an already tense and violent situation.
- There is a particular risk to people with specific health conditions and mental health conditions.
- Prison staff need guidance on when and how to use force and arms. People in prison also need to understand when and under what circumstances they can be used.
- The regulation of the use of force and arms can protect staff against allegations of their misuse.
- Regulations help to protect against the discriminatory use of force and arms.

Safeguards

Use a flip chart to list the safeguards for the use of restraints. Ask participants to volunteer in turn to write one item under one of the titles, based on the text of the Rules.

The answers should include:

- Restraints must be removed when a prisoner appears before a judicial or administrative authority
- Least intrusive method necessary should be used
- Use of restraints should be based on the level and nature of the risks posed. It should be proportionate, necessary and justifiable
- Imposed only for the time period required
- Restraints to be removed as soon as possible after the risks are no longer present
- Staff to receive training in the use of control techniques
- The individual should be supervised when in restraints
- A qualified medical professional should be alerted immediately to the use of restraints

To finish this session, reiterate the prohibition of the use of restraints on women during labour, childbirth and immediately after childbirth, noting that this is both dangerous and humiliating for both mother and child. The use of restraints during any other stage of pregnancy must be a measure of absolute last resort.

OPTIONAL   Show the USA video on pregnancy/childbirth and restraints here (6:33 mins)

The use of force and arms

Reiterate the principles of legality, necessity and proportionality and explain:

As with the use of restraints, particular care needs to be taken when using force and arms against particular individuals or groups of people in prison, particularly pregnant women and children, elderly people in prison and those with specific health conditions or injuries, physical disabilities or mental health conditions.

This section focuses specifically on people with mental health conditions and the use of force/arms. Explain this to participants. Most of the issues raised here around mental health also apply to the use of restraints.

EXERCISE   Brainstorm why it is important to specifically consider issues around the use of force for people with mental health conditions in prison.

Answers could include, but should not be limited to the following:

- People with mental health conditions may be less likely to understand and follow prison rules or understand the consequences of breaking them.
- Their condition may lead them to demonstrate disruptive behaviour, aggression and violence.
- Staff may also misinterpret other symptoms of mental health conditions as deliberate provocation or deliberate rule-breaking.
- People with mental health conditions may be less likely to respond to attempts to de-esca-

late a situation via mediation and other conflict resolution.

- For these reasons, they are more likely to be subject to the use of force and other disciplinary procedures.
- Staff may not be trained in dealing with people with mental health conditions, or in understanding certain conditions, and may feel that resorting to the use of force is their only option.
- People with mental health conditions may not understand why force is being used against them and might be more likely to resist or fight back.
- They may also have difficulties communicating their needs during the use of force, leading to potential injuries or other health complications.
- There are many associations between mental health and drug use, which might lead to situations where prison staff need to use force.
- The use of force can exacerbate mental health conditions and may increase the risk of suicide and self-harm.
- People with mental health conditions may also be less likely to complain about the use of force or arms against them.

Advise participants that the next video depicts graphic scenes of the use of restraints and force against people in prison in the USA who have mental health conditions.

HRW video on the use of force against people with mental health conditions (5:35 mins)

When is the use of force and arms prohibited?

- Their use is prohibited when used solely for the purpose of inflicting pain, torture and other ill-treatment.
- Particular types of arms should never be used. These include automatic firearms, spiked batons, truncheons made of iron, whips with multiple lashes and implements with metal spikes.
- The carrying and use of weapons by personnel should be prohibited in facilities where juveniles are detained (HAVANA RULES, 65)

Under what circumstances can their use be authorized?

- As a measure of last resort
- In accordance with the principles of legality, necessity and proportionality
- When other means of control have been tried but found to be ineffective
- In exceptional circumstances, when strictly necessary for the maintenance of security and order, or when personal safety is threatened (e.g., in self-defence or in cases of attempted escape)
- The use of firearms may only be used when unavoidable to protect life

What safeguards need to be in place?

- Use no more force than is strictly necessary – it should be based on the level and nature of the risks posed
- Used for the shortest time necessary
- Applied with a view to reducing the risk of injuries
- The use of force and arms must cease as soon as there is no longer an immediate danger
- Staff to receive full training on the use of force and arms, including physical training for staff to enable them to deal with aggressive prisoners
- Only staff trained in the use of force and arms may be authorized to use them
- Healthcare professionals must be alerted to the use of force and arms
- The use of force and arms must be strictly regulated and any laws, procedures must be available to all people in prison
- The use of CCTV or body cameras
- Consequences for staff who violate the regulations on the use of restraints
- Special care should be taken when using force/arms on sick or injured people in prison, older people in prison, those with particular physical and mental health conditions, pregnant women, and children in prison.

Review of the sections on the use of force, arms and instruments of restraint

- Any use of force, arms and restraint must be in accordance with the principles of legality, necessity and proportionality.
- They should be used as a measure of last resort when other methods have failed.
- Wherever possible, authorities should use de-escalation, mediation and alternative dispute resolution instead of the use of force, arms and restraint.
- Dynamic security approaches should help to reduce significantly the number of situations in which staff need to use force, arms or restraints because staff will be better placed to detect risks at an early stage and use other means of intervention.

5.5 INVESTIGATIONS
10 MINUTES

NMR: 8 (F), 71

This section of the training is about investigations related specifically to deaths, serious injuries, disappearances and suspicion of torture or other ill-treatment that occur in the context of detention.

The Nelson Mandela Rules do not deal with the details of how the investigations should be carried out, because investigations need to be led by internal inquiries and independent bodies, not by prison management and staff.

Instead, the Nelson Mandela Rules provide guidance on the obligations of prison administrations and prison staff if a death, disappearance or serious injury occurs or if a suspicion of torture arises in their facility.

What are the responsibilities of prison administrations and prison staff in the event of death, serious injury or disappearance?

• Such incidents must be reported immediately to a judicial or other competent authority that is independent of the prison administration and is mandated to conduct investigations in the circumstances and causes of such cases.

• Prison administrations and staff must collect and preserve any evidence, including CCTV footage (the storage of such footage should be secure and properly regulated, notably regarding how long it is kept and who has access).

• They must also ensure there is no interference in the investigation.

• It is also the responsibility of authorities to protect the alleged victim and any witnesses.

• Authorities should cooperate with and support the investigative body, giving them access to any information they request.

• Suspend any staff member potentially implicated in torture or other ill-treatment or, at a minimum, remove them from any responsibilities involving direct contact with people in prison.

• Separate or transfer people in prison (alleged victims or witnesses) if necessary for their own protection.

• Information about injuries and death (including the destination of the remains) must be entered into the individual prisoner file.

Which cases need to be reported and investigated?

• This should include injuries sustained before being admitted to prison, including during arrest and in police custody.

• It should also include any act of torture or other cruel, inhuman or degrading treatment or punishment, including injuries caused by SGBV.

• Injuries reported should include those caused by the use of force and firearms.

• It should include all deaths, not only those deemed suspicious, but also those thought to have been due to natural causes or suicide.

• It should also include serious injury caused by suicide attempts or self-harm.

• The death, serious injury or disappearance of any staff member in the course of their duty, prison visitor or service provider should also be reported and investigated.

EXERCISE **Recap of module 5**

Ask participants to reflect on their own experience of preventing/responding to incidents and how they might have responded differently. Ask them to reflect on what longer term dynamic security approaches or other prison reform initiatives might have helped to prevent the situation occurring in the first place.
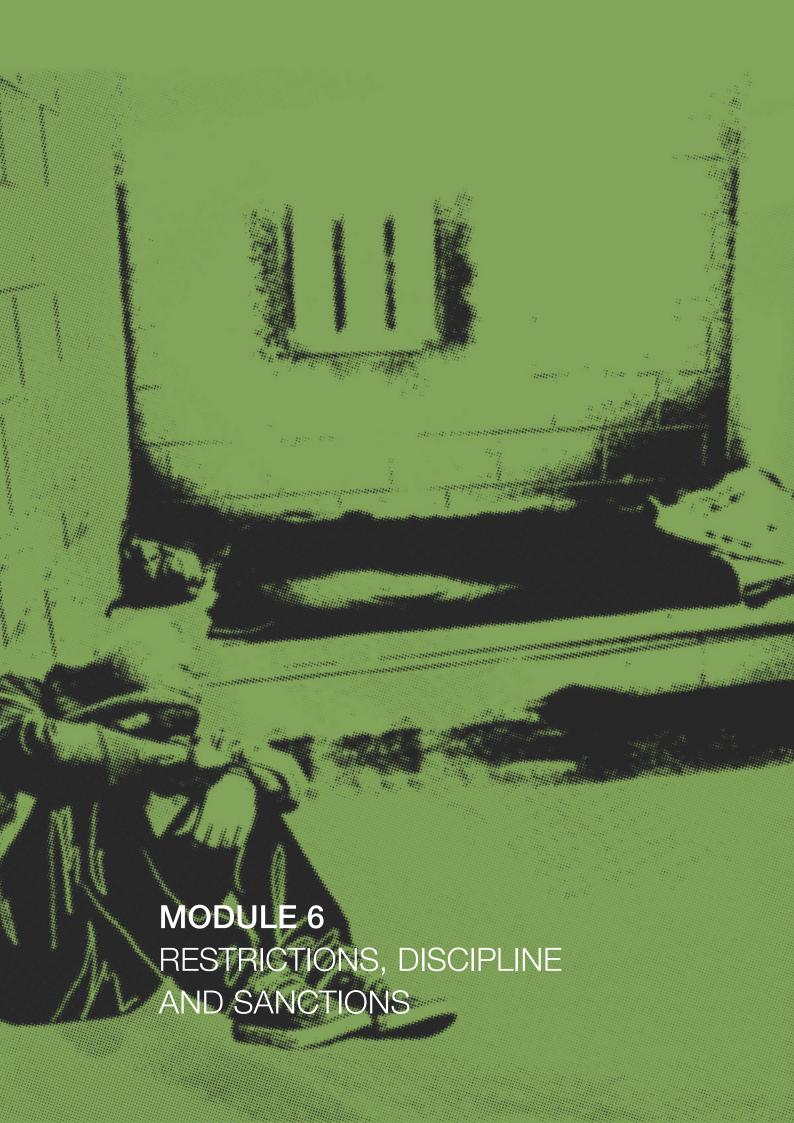
UNODC

Handbook on Dynamic Security and Prison Intelligence

OMEGA Research Foundation resources

OMEGA, Lowering the risk - Curtailing the use of chemical irritants during the COVID-19 Pandemic and specifically in places of detention

UN Code of Conduct for Law Enforcement Officials

UN Basic Principle on the Use of Force and Firearms

MODULE 6
RESTRICTIONS, DISCIPLINE AND SANCTIONS

6 RESTRICTIONS, DISCIPLINE AND SANCTIONS

MATERIALS
- Pen and notebook
- Print out of PowerPoint slides 57–61
- List of additional reading/resources
- Scenario cards (see page 143–145)

10 MINUTES   **INTRODUCTION**

This module covers the use of restrictions, disciplinary measures and sanctions in prisons, with a focus on how they can be applied in a fair, consistent and transparent manner, in accordance with international human rights standards. The module explores how overly punitive measures can be detrimental to the overall safety of a facility and looks into the type of safeguards that need to be in place when there is no option but to impose restrictions, disciplinary measures or sanctions. The module also looks in detail at the provisions of the Nelson Mandela Rules that deal specifically with solitary confinement.

LEARNING OBJECTIVES

At the end of this module, participants will be able to:

- Explain how discipline and order can be maintained in a facility with no more restriction than is necessary to ensure safe custody of prisoners, the security operation of the prison and a well-ordered community life;
- Elaborate on the potential impact of different types of restrictions, discipline and sanctions, including the impact on potentially vulnerable groups or individuals;
- Clarify which measures need to be subject to authorization by law or regulations;
- Consider the use of alternative dispute resolution techniques;
- Determine when the use of restrictions, discipline and sanctions is necessary;
- Identify which measures should never be imposed as a disciplinary sanction and to understand why;
- Discuss the procedures and safeguards that need to be in place when disciplinary sanctions and restrictive measures are used;
- Explain the limitations and prohibitions on solitary confinement and the specific safeguards that need to be in place for when solitary confinement is used; and
- Understand their own role in applying restrictions, discipline and sanctions in a human rights-complaint manner.

6.1 DISCIPLINARY SANCTIONS AND PROCEDURES

1 HOUR 5 MINUTES

15 MINUTES
NMR: 36-43,
BKK: 22-23

Start this session with the UNODC online scenario on disciplinary proceedings (proceedings against prisoner charged with assault)

➤ Before the training it will be important familiarize yourself with the types of disciplinary measures used in the facility/jurisdiction/country of the training participants.

EXERCISE
10 MINUTES

Why is it important to regulate the use of disciplinary sanctions?

Ask participants to move around the room and discuss (in pairs) the different reasons why it is important to regulate the use of disciplinary sanctions. Ask participants to reflect on the discussions in previous sessions (e.g., the regulation of the use of restraints, force and arms) to identify the reasons why it is so important to regulate the use of disciplinary sanctions.

➤ Disciplinary sanctions are clearly necessary in some situations to ensure a secure, safe and well-ordered prison environment. Different types/level of sanctions are available depending on the nature of the infraction. Disciplinary measures need to be strictly regulated, as there is potential for these to be misused.

➤ **Answers along the lines of the following points:**

- There is an associated risk of torture and other ill-treatment.
- They can be harmful to both physical and mental health.
- Without regulation they could be used to deliberately target particular individuals.
- Firm management needs to be balanced with the need to respect the dignity of the person.
- Regulation helps prevent their unnecessary, arbitrary, inconsistent or discriminatory use.
- Regulation helps to protect staff against wrongful allegations of misuse of sanctions.
- The frequent use of harsh sanctions can create fear and distrust between people in prison and staff and lead to a tense prison environment.
- Regulation is important to prevent the development of informal systems of punishment administered by staff or people in prison.
- Regulation of disciplinary sanctions allows for proper record-keeping about the sanctions imposed.

What safeguards need to be in place?

- Disciplinary sanctions must be used in accordance with the principles of necessity and proportionality.
- Only sanctions provided for by law and regulation can be imposed.
- Decisions on sanctions should be decided on a case-by-case basis, taking into account individual risk and needs assessments and the circumstances of the infraction.
- People in prison should be given full information, accessible to all, about actions that are considered disciplinary offences, associated sanctions, as well as full information about the rules and procedures governing the use of disciplinary measures.

- Prison staff must have full, updated guidance on the use of disciplinary sanctions and receive full training in the imposition of such measures.
- Staff should also receive training on preventive and diffusing techniques.
- People in prison must be informed of any allegations against them immediately and in a format they can understand.
- People in prison should be given adequate time and facilities to prepare their defence and they should have the right to seek judicial review of any disciplinary decision. This might involve legal assistance in cases of serious disciplinary charges.
- Those undergoing disciplinary measures must be supervised, including by medical professionals.
- All disciplinary sanctions should be recorded in the prisoner file.
- Prisoners should never be punished twice for the same infraction.
- The use of disciplinary sanctions should be carefully monitored to detect any discriminatory or excessive use of sanctions.
- Monitoring bodies mustbe given full access to information about the imposition of disciplinary sanctions.

EXERCISE   Divide participants into groups of three. One assumes the role of a person in prison, another assumes the role of a prison guard and the third assumes the role of the prison director. Each group gets two cards – one for the 'person in prison' and one for the 'prison guard'. Both have the same disciplinary offence written on their card. The 'prison director' is not aware of the disciplinary offence and the 'person in prison' and the 'prison guard' have to explain to them what happened.

This exercise is designed to get participants to think about the different reasons why people act in the way they do. If the group is particularly dynamic, there may be no need to give the suggestions on the card. The participants may be able to think of the potential reasons themselves.

Ask the 'person in prison' to think about how to defend their actions to the prison director; they can think of any scenario they want which they feel might justify their action but can also use any of the suggestions written on their card. Participants should reflect on what they have learnt during the course about why prisoners sometimes act the way they do.

The 'prison guard' is trying to deal with the disciplinary offence. They have information from the prisoners' risk assessment that suggests that the person in prison has a history of similar behaviour and that there is no reasonable justification for the way they acted. They should explain this to the prison director and can use any of the suggestions written on the card, or think of their own reasons.

The parties should discuss the situation presented to them. They are not expected to come to a resolution, just to demonstrate different points of view.

Multiple pairs can be given the same disciplinary offence depending on the number of participants.

1. Verbal abuse towards a member of staff

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)
- I swore at the member of staff because he has been bullying me.
- Other prisoners dared me to do it and I was too scared to say no.
- I didn't realize that what I was saying was offensive.
- I have mental health problems and I cannot always control what I say.
- I was feeling particularly stressed that day because my family hasn't visited recently.

Card 2 (prison guard) – Information from risk assessment (participants can think of others)
- The person in prison is known to be a racist and the member of staff concerned is a foreigner.
- The individual concerned has physically attacked staff members in the past.
- Since the incident, the individual concerned has continued to make threatening remarks about the staff member.

2. Smuggled mobile phone found in cell

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)
- I needed to speak to my family more frequently as my mother is ill.
- I haven't seen the 'phone before. I think other prisoners or staff members planted it.
- Another prisoner asked me to hide it for them and threatened me if I didn't agree.
- A staff member sold it to me. I thought this meant that phones were allowed.
- It is just one phone. This is the first thing I have smuggled. I planned to sell it to someone else because I need the money to pay off debts to other prisoners.

Card 2 (staff member) – Information from risk assessment (participants can think of others)
- There are reasonable grounds to believe that the person is involved in large scale smuggling activities as they have also been seen exchanging cash with other people in prison recently.
- The person concerned is known to be closely associated with a prison gang previously involved in smuggling contraband.
- The individual's recent behaviour has been of concern to prison staff and there are reasons to believe that they may be planning an escape attempt.

3. Hitting another prisoner

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)
- I acted in self-defence.
- The other prisoner has been bullying me for a long time. I lashed out because I cannot take it anymore.
- I have suffered mental health conditions from being in prison. Sometimes I cannot control my anger – I think I need support.
- Other prisoners told me to do it and I was scared to say no.

Card 2 (staff member) – Information from risk assessment (participants can think of others)

- The individual has a history of violent behaviour in the prison.
- There has been clear tension between the two prisoners for some time.
- The other person has an intellectual disability and been the regular subject of bullying by others.

4. Evidence of drug use in urine sample testing

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)

- I am addicted to drugs. I don't know how to stop.
- Everyone takes drugs. It's the norm here. I was just trying to fit in.
- It's the only way I know how to cope with prison life.

Card 2 (staff member) – Information from risk assessment (participants can think of others)

- There are indications that the individual has been involved in large-scale drug smuggling into the facility.
- The individual has previously been caught trying to sell drugs to others.

5. Stealing food and cigarettes from cellmate

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)

- The items were mine. My cellmate had previously stolen them from me.
- The kitchen staff have not been giving me enough food. I was just so hungry and I needed cigarettes to manage my stress.
- My cellmate gave me the food and cigarettes. Then accused me of stealing them. I don't understand.

Card 2 (staff member) – Information from risk assessment (participants can think of others)

- The individual concerned has previously been in altercations with cellmates about stealing property.
- The other prisoner has mental health conditions and has frequently been the subject of bullying.
- There is a trade in stolen goods within the facility and the individual concerned is known to have been involved in the past.

6. Refusing to follow a verbal order from prison staff

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)

- I didn't understand what the prison guard was telling me because I don't understand the language they speak.
- The staff member was being rude to me. They were being really disrespectful and I reacted against that.
- I have difficulty understanding the rules - the staff member did not explain things clearly to me.

Card 2 (staff member) – Information from risk assessment (participants can think of others)

• The individual concerned has a history of being uncooperative with staff members.
• The individual frequently displays aggressive behaviour and language towards staff.
• Other prisoners have recently made complaints about their disruptive behaviour.

7. Found to be in an unauthorized part of the facility

Card 1 (person in prison) – Potential reasons for behaviour (participants can think of others)

• I wasn't aware that I'm not allowed in this part of the facility. I didn't see anything in the rules about it.
• I got lost. I didn't know where I was and I can't read the signs on the wall.
• I was looking for someone. The guards told me I could come here.

Card 2 (staff member) – Information from risk assessment (participants can think of others)

• The individual concerned has previously been involved in an escape attempt. There are reasonable grounds to believe they may be preparing another attempt.
• There are notices on the walls in different languages making it clear that the area is out of bounds to prisoners. The individual concerned is fully literate.
• The individual has a history of disruptive behaviour.

Prohibited sanctions and restrictions

NMR: 43,
BKK: 22, 23

Before the presentation, ask the participants to find and read the relevant Rules in the Nelson Mandela Rules and Bangkok Rules which mention prohibited sanctions and restrictions.

Prohibited sanctions and restrictions are:

Restrictions and disciplinary sanctions which amount to torture or other cruel, inhuman or degrading treatment or punishment; this could include a combination of measures which, if used together, or in close succession, may amount to torture or ill treatment

• Indefinite solitary confinement
• Prolonged solitary confinement
• Placement of prisoner in a dark or constantly lit cell
• Corporal punishment or the reduction of a prisoner's diet or drinking water
• Collective punishment
• The use of instruments of restraint as a sanction for disciplinary offences
• The prohibition of family contact, especially with children (the sanction of limited family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order)
• Close confinement or disciplinary segregation for pregnant women, women with infants and breastfeeding mothers in prison

6.2 SOLITARY CONFINEMENT

45 MINUTES

NMR: 38, 44-46

The term '*solitary confinement*' is often used interchangeably with the terms '*isolation*' and '*segregation*'. Different terms are used in different countries.

Introduce the definition of solitary confinement and prolonged solitary confinement and then display in a prominent position in the room throughout this session:

'Solitary confinement' is defined as:

> "*The confinement of prisoners for 22 hours or more a day without meaningful human contact*"

Prolonged solitary confinement is defined as:

> "*Solitary confinement for a time period in excess of 15 consecutive days*"

Also introduce the Essex definition of "meaningful human contact" at the outset of this session:

'Meaningful human contact'

The term is used to describe the amount and quality of social interaction and psychological stimulation that human beings require for their mental health and well-being. Such interaction requires the human contact to be face-to-face and direct (without physical barriers) and be more than fleeting or incidental, enabling empathetic interpersonal communication. Contact must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity.

EXERCISE
15 MINUTES

Potential physical and psychological implications of solitary confinement

Pass a box around the room, containing folded pieces of paper each describing one potential physical or psychological impact of solitary confinement as identified by the World Health Organization. Ask each participant to pick a piece of paper, read it out and then stick it on the correct board at the front of the room. The following are included:

Physiological

- gastro-intestinal and genito-urinary problems
- sweating
- insomnia
- deterioration of eyesight
- lethargy, weakness or profound fatigue
- feeling cold
- heart palpitations
- migraine headaches
- back and other joint pains
- poor appetite, weight loss, diarrhoea
- shakiness
- aggravation of pre-existing medical problems.

Psychological

- anxiety, ranging from feelings of tension to full-blown panic attacks
- depression, varying from low mood to clinical depression
- anger, ranging from irritability to rage
- cognitive disturbances, ranging from lack of concentration to confused states
- perceptual distortions, ranging from hypersensitivity to hallucinations
- paranoia and psychosis, ranging from obsessional thoughts to full-blown psychosis
- self-harm and suicide

This list is not exhaustive. Ask participants if there are other implications they are aware of. Encourage them to share any examples from their own experiences.

Point out that the impact of solitary confinement can be long-lasting. Introduce the concept of 'isolation syndrome' which can include anxiety, depression, anger, cognitive disturbances, perceptual distortions, paranoia, self-harm and suicide, and which can destroy a person's personality. Note also that, in some circumstances, solitary confinement can amount to cruel, inhuman or degrading treatment or punishment, or even torture.

Safeguards and mitigation

Safeguards are important due to the detrimental effects of isolation on human beings, and to guard against the misuse of isolation. The safeguards need to be in place whatever the reason for the isolation (e.g., if used as a disciplinary punishment, if used to isolate people in prison during ongoing criminal investigations, as an administrative tool to manage specific groups of prisoners, or as a judicial sentence)

- A prisoner may only be separated from the general population if and when permissible by law. The laws and regulations should clearly lay out the prohibitions and limitations on the use of solitary confinement.
- There should be consideration of the potential impact on the individual, based on a risk and needs assessments before isolation is imposed.
- It should be used in exceptional circumstances, as a last resort, when other methods have been tried and failed.
- It should be used for as short a time as possible, and subject to independent review.
- Healthcare professionals should pay particular attention to the health of people held under any form of involuntary separation, including by visiting them on a daily basis and providing prompt medical assistance and treatment at their request or at the request of prison staff.
- When people are placed in solitary confinement, authorities should put measures in place to alleviate the potential detrimental effects.
- Solitary confinement should never be imposed as part of a prisoner's sentence.
- People in prison should have the right to seek independent review of a decision to impose solitary confinement.
- People in prison should have the right to defend themselves against the imposition of solitary confinement through legal assistance.

- Monitoring bodies should have full access to isolation facilities and those held in them. They should also have access to relevant documentation related to solitary confinement.
- The use of solitary confinement should be documented in the individual's prisoner file.

EXERCISE **How to 'alleviate the potential detrimental impact of confinement'**

RULE 38 (2) of the NELSON MANDELA RULES states, "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."

Ask the group to brainstorm, standing up and in pairs, ideas on how to do this, including by identifying groups or individuals who might be particularly adversely affected by isolation (e.g., those with mental health conditions, the elderly, young prisoners, women, people with disabilities, LGBTI people)

The ideas could include, but should not be limited to:

- Providing social contact
- Enabling individuals to participate in other aspects of prison life (e.g., work, education)
- Increased contact with the outside world
- Providing them with activities they can do by themselves (e.g., arts and crafts, reading materials, music, puzzles)
- Allowing them access to physical activities
- Staff having conversations with the individuals and regular check-ins

If time allows finish this session with the National Geographic video "Stories of life in Solitary Confinement" (from the USA) (5:26 minutes)

And the Rick Rameish (Colorado) video (2:15 minutes)

At the end of this module, ask participants to reflect on the impact of disciplinary sanctions and solitary confinement on individuals, and how these measures can also impact on the relationship between people in prison and staff.

FURTHER RESOURCES   The Istanbul Statement on the use and effects of solitary confinement (the Istanbul Statement)

MODULE 7
HEALTH CARE

7 HEALTH CARE

MATERIALS
- Pen and notebook
- Print out of PowerPoint slides 62–64
- List of additional reading/resources
- List of fundamental principles (see pages 151–153)

10 MINUTES **INTRODUCTION**

This module covers the fundamental principles of healthcare provision in prison, including how health care should be organized. This section summarizes the specific duties and responsibilities of healthcare staff, but the main focus is on the role of non-medical prison staff in the provision of health care, including for groups of people in prison who might have particular healthcare needs. The module also looks specifically at what prison staff can do to protect the mental well-being of people in prison, as well as their role in documenting and reporting signs of torture. There is also a focus on how the health of prison staff can be impacted by their work and what can be done to protect their own health and well-being.

LEARNING OBJECTIVES

At the end of this module, participants will be able to:

- Explain the fundamental principles of health care in prison;
- Describe how non-medical prison staff can help ensure these principles are adhered to;
- Clarify the role of healthcare staff and the role of non-medical prison staff in the provision of health care;
- Elaborate on how non-medical prison staff relate to healthcare professionals in the course of their work;
- Discuss the importance of providing good quality, independent health care in prisons and understand how this can be achieved;
- Describe how prison staff can most effectively help people in prison with specific healthcare needs, including those with mental health conditions;
- Clarify the role of prison staff in documenting and reporting signs of torture; and
- Explain the impact of prison work on the physical and mental health of prison staff and what can be done to support them.

7.1 HEALTH CARE
1 HOUR

EXERCISE
20 MINUTES

NMR: 24–35

Fundamental principles of health care provision in prisons.

Ensure the principles below (in bold) are written on pieces of papers stuck to the wall. Ask participants to find the part/s of the Nelson Mandela Rules provisions that relate to the given area. They should refer to their copies of the Rules, note down the Rule num-

ber on a sticky note and take it to the front. Point out that there may be more than one relevant Rule for each case.

- **Responsibility for health care in prisons**
- **Continuity of care**
- **Confidentiality**
- **Independence**
- **Equivalence of care**
- **Informed consent**
- **Non-discrimination**

At the end of the session, ask volunteers to read out the relevant part of the Rule/s. Then add some additional context to each point (detailed in the box below).

If time allows, ask participants why they like this Rule, why it resonates with them, or what it means in practice'?

Responsibility for health care in prisons

(RULE 24) – "The provision of health care for prisoners is a State responsibility."

When a state deprives a person of their liberty it takes on the responsibility to look after their health, including in relation to their conditions of detention and the prevention and treatment of any ill-health. They have a 'duty of care' to prisoners. The majority of prisoners have no alternative but to rely on prison authorities to promote and protect their health.

Continuity of care

(RULE 24 (2) – "Healthcare services to be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care."

This is important on admission to prison, on transfer to another facility and also on release. It includes the requirement to properly manage and transfer a prisoner's medical files.

Confidentiality

(RULE 26 (1)) –"The health-care service shall prepare and maintain accurate, up-to-date and confidential individual medical files on all prisoners."

(RULE 31) – "All medical examinations shall be undertaken in full confidentiality."

(RULE 32 (C)) – [ethical and professional standards] "The confidentiality of medical information, unless maintaining such confidentiality would result in a real or imminent threat to the patient or others."

RULE 26 [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."

People in prison must be able to access healthcare services in full safety and confidentiality as in the community. This also means that prisoners should not have to go via a member of the prison staff to access a doctor or disclose their reasons for seeking medical care. Prison staff should not be present during medical consultations unless this is required for security reasons (in these exceptional circumstances) they should not be within earshot.

It includes the requirement for medical consultations to be held in full privacy and confidentiality and for medical files to be kept fully confidential and separate from the main prisoner file. Only healthcare professionals and the patient should have access to the file.

Independence

RULE 25 (2) – "The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence."

Healthcare professionals must be able to act in full clinical independence. They have the same level of independence as healthcare staff working in the community. Their first duty is the health of their patients. Clinical decisions should be taken on medical grounds only and prison staff should not be able to interfere or ignore the decisions of the medical staff. Healthcare staff cannot play any part in disciplinary sanctions.

Equivalence of care

(RULE 24 (1)) – "Prisoners should enjoy the same standards of health care that are available in the community."

The health care available in prison should be of at least the same standard to that available in the community. This means that prison medical staff should be qualified to the same level as medical staff in the community.

Informed consent

(RULE 32 (B)) – [ethical and professional standards] "Adherence to prisoners' autonomy with regard to their own health and informed consent in the doctor-patient relationship."

RULE 32 (2) – "Prisoners may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trial and other health research…"

The principle of free and informed consent to treatment and medication must equally apply in detention.

Non-discrimination

(RULE 24 (1)) – Prisoners "should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status."

(RULE 2) is also applicable to health care – "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."

This does not mean that all people in prison should receive the same treatment. It means that they should receive appropriate care based on their needs. There should be no charge for health care.

When a state deprives a person of their liberty it takes on the responsibility to look after their health, including in relation to their conditions of detention and the prevention and treatment of any ill-health. They have a 'duty of care' to prisoners. The majority of prisoners have no alternative but to rely on prison authorities to promote and protect their health.

Why is health care in prison so important?

• People entering prison typically have a poorer health profile compared to the general community, including a higher prevalence of serious disease and mental health conditions (including suicidal/self-harm tendencies).
• Many have pre-existing or untreated health conditions because they have not previously had access to appropriate health care.
• People in prison often come from poor and marginalized backgrounds – because of this, they may have experienced greater exposure to transmissible diseases and inadequate nutrition.
• Many people entering prison have a history of high-risk behaviour (drug use, self-tattooing, unprotected sex) and substance abuse/addiction/dependency.
• Many people entering prison also have a history of abuse, including a history of sexual and violence and domestic abuse, particularly amongst women in prison.
• Detention is likely to exacerbate pre-existing physical or mental health conditions.
• The prison environment, including overcrowding, is particularly conducive to the spread of infectious diseases – early diagnosis reduces this risk.
• Failure to protect people deprived of liberty from a serious disease because of a lack of precaution or due diligence may amount to ill-treatment or even torture.
• Detention can also cause health problems in people who were healthy before they arrived. This could be for many reasons, including lack of sufficiently nutritious food, safe drinking water, poor sanitary conditions, lack of sunlight, fresh air, heating or ventilation or inadequate opportunities for physical exercise.
• Health problems that are left untreated or inadequately treated will hamper an individual's chances of successful rehabilitation. Conversely, the provision of good health care will assist in a person's rehabilitation and reintegration.
• Healthcare professionals play a key role in detecting any signs of torture or other ill-treatment in prisons.

- Healthcare professionals also play a key role in identifying early indications of suicide/self-harm tendencies.
- Left untreated, the health of people in prison will affect the community when they are released.
- The provision of effective health care in prisons ultimately saves money and staff resources.

The role of healthcare staff

- To provide medical examinations as soon as possible on admission to prison;
- To identify any health concerns, including mental health concerns and the risk of suicide/self-harm and take all necessary measures for treatment, including access to sufficient and appropriate medication;
- To contribute to an individual's risk and need assessment, including in relation to drug and alcohol dependency;
- To identify any specific healthcare needs related to detention, including accessibility issues related to physical, mental, intellectual or sensory disabilities;
- To determine the fitness of prisoners to work, to exercise and to participate in other activities;
- To identify and report any torture and other ill-treatment that may have occurred prior to a person's admission to prison or during their detention;
- To provide continuous access to healthcare services to all people in prison throughout their detention;
- To have daily access to all sick prisoners, all those who complain of physical or mental health conditions or injury and any prisoner to whom their attention is specifically directed;
- To pay particular attention to the health of any prisoners under any form of involuntary separation, or those who have been subject to the use of force, arms or restraints, and report to the prison director any adverse effects of disciplinary sanctions or other restrictive measures;
- To recommend changes to the conditions in which prisoners are held, including solitary confinement, if they observe any negative impact on prisoners' health;
- To maintain accurate, up-to-date and confidential medical files on all people in prison;
- To refer individuals to specialist or emergency care as necessary; and
- To inspect and advise the prison director on the quantity and quality, preparation and service of food; the hygiene and cleanliness of the institution and the prisoners; the sanitation, temperature, lighting and ventilation of the prison; the suitability and cleanliness of prisoners' clothing and bedding, and the observance of rules concerning physical education and sport.

Supporting the work of healthcare professionals

While prison staff are not directly responsible for the provision of health care (see responsibilities of healthcare staff above), there are many things they can do to support the work of healthcare professionals.

To help participants understand their role vis-à-vis health care, ask each participant to read the statements below and tick the ones that they believe apply to their role. Once all participants have completed the sheet, point out the ones that should not apply and explain why.

1. Immediately inform healthcare staff in case of medical emergencies.

2. Report to the healthcare staff if you have specific concerns about a person's physical or mental health.

3. Check a prisoner's medical file if you are worried they might be suicidal.

4. Support the decisions made by healthcare professionals on health-related issues.

5. Ask a healthcare professional if they think it would be safe to place an individual in isolation.

6. Facilitate access of medical professionals to all people in prison who are sick.

7. Ask healthcare staff to check in on a prisoner who is being restrained as a precaution against escape.

8. Do not intervene in an emergency health situation. Call for the healthcare staff and wait for them to arrive.

9. Advise healthcare staff if you are concerned about the quality and safety of the prison food.

10. Provide input into a prisoner's fitness to work.

11. Immediately isolate a prisoner from a communal cell if you suspect that they have a contagious disease.

The statements below should not apply:

3. Prison staff should not have access to prisoners' medical files. Only healthcare staff and the individual concerned should have access to the files. Prison management should consider medical files as "sensitive personal data" and make sure it is stored in a secured way.

5. Healthcare staff should play no role in the imposition of disciplinary sanctions or other restrictive measures.

8. Staff should be trained in using first aid for situations where healthcare staff are not available, including in emergency situations where necessary.

12. Decisions on clinically isolating individuals should be the responsibility of healthcare staff.

Healthcare needs of specific groups

Note that prison staff, as well as medical professionals, should pay particular attention to the physical and mental health situation of prisoners with particular healthcare needs. These groups can include:

• Pregnant women and breast feeding mothers
• Children in prison with their parent/carer
• Children in conflict with the law
• Older persons in prison
• Those with specific physical conditions
• Those with mental health conditions
• Those with intellectual disabilities
• Prisoners with disabilities
• Terminally ill people in prison
• Foreign nationals

EXERCISE
10 MINUTES

NMR: 28,29
BKK: 5–18, 38, 39, 48

Gender- and child-specific healthcare services.

Ask participants to find Rules that are relevant to the health care of women, children and girls in prison in their copies of the Nelson Mandela Rules and the BKK Rules. Ask them to summarize the most important information.

Show the PRI Kenya video here on healthcare of women (2:24 minutes)

➤ There are five videos in the series – number 3 is dedicated to health care

7.2
45 MINUTES

7.2 PRISONER MENTAL HEALTH

EXERCISE
10 MINUTES

The role of non-medical staff

This exercise is run in 'world café' style, with eight flip chart stations and 4 groups going around writing their thoughts on each flip chart in answer to each of the following questions (in bold). Participants should consider dynamic security techniques and what they have learnt in previous modules when considering their answers.

➤ If time is short, use fewer questions.

1. What should prison staff do if they suspect a prisoner has a serious mental health condition that requires immediate attention? What should they NOT do?

➤ • Inform the prison healthcare staff and their managers.
• Communicate the necessary information to other relevant staff members.
• Take urgent protective action if there a danger to the individual or to others.
• Speak with the individual to try to understand their situation.
• Do not use force or restraints unless absolutely necessary.
• Do not place the individual in isolation.

2. What can prison staff do to support people in prison who are experiencing problems related to substance withdrawal?

- Suggest that they speak to healthcare professionals and mental healthcare professionals (if available) about any symptoms they are experiencing.
- Check in on them on a regular basis and have conversations about how they are feeling; if they do not wish to speak to you, find out if there is someone else they would like to talk to.
- Ensure they have been provided with clear information about drug use and the treatments available (where relevant).
- If a care plan has in place, talk to them about their identified needs and recovery goals.

3. What should a staff member do immediately if they suspect that a prisoner is at risk of suicide or self-harm? What should they NOT do?

- Secure the area and provide any necessary first aid.
- Remove any items that could be used for suicide or self-harm.
- Inform healthcare professionals and managers immediately.
- Ensure the individual is supervised.
- Provide them with human contact.
- Inform other staff members of the situation.
- Do not place the individual in isolation.

4. What factors might lead to deterioration in a person's mental health condition? (include personal factors and criminal justice factors)

- Illness or death of family members/friends
- Marital or other family breakdown
- Significant family events
- Major public or religious holidays.
- Financial worries/debts
- Violence and bullying in prison
- Substance withdrawal
- Sentencing decision
- Outcome of parole hearings
- Decisions on transfer
- The period leading up to release

5. Which groups might be more at risk of mental health conditions in prison?

- Women
- Children/young people
- Foreign nationals
- LGBTI people
- Older people
- Prisoners with physical disabilities
- Those with uncertain or indeterminate sentences

- Pre-trial detainees
- Those who are isolated from others

6. What can staff do to offset the negative psychological impact of imprisonment and ward off common reactions, such as depression and anxiety?

- Build rapport with people in prison
- Engage them in meaningful conversations
- Listen to their problems and concerns
- Use positive verbal and body language
- Ensure they have access to meaningful activities
- Promote physical health
- Keep them informed with the information and support they need
- Facilitate their contact with their families

7. What can staff do to understand the causes and consequences of mental health conditions?

- Talk to prison healthcare staff and mental health professionals
- Read available information about prisoner mental health
- Talk to the individuals concerned
- Request training on mental health

8. What aspects of the prison regime/situations might pose particular risks for mental health?

- Physical conditions of detention
- Isolation
- Lack of contact with family/friends
- Bullying harassment and violence
- Discrimination and stigma
- Search procedures
- Disciplinary measures, including solitary confinement
- The use of restraints and force

15 MINUTES **Review**

As a review of the learning in this module so far, and to end this session, the trainer can now show a scenario from UNODC online training on health.

There are 5 UNODC scenarios on health care in their training course (examinations on admission, supervision of examinations, access to health care, clinical decisions, mental healthcare needs). Choose whichever seems the most useful based on how the training has gone/which area might benefit from more focus. If time allows, show more than one scenario.

FURTHER RESOURCES   Istanbul Protocol, Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition)

PRI short guide: Mental health in prison

PRI Women and prison – Mental health and well-being: A guide for prison staff

WHO Europe – Prisons and health

MODULE 8
PRISONER REHABILITATION
AND PREPARATION FOR RELEASE

8 PRISONER REHABILITATION AND PREPARATION FOR RELEASE

MATERIALS
- Pen and notebook
- Print out of PowerPoint slides 65–70
- List of additional reading/resources
- Step Forward/Step Back case studies (see pages 165–166)

10 MINUTES

INTRODUCTION

The module reviews the way in which prison staff can support the rehabilitation and re-integration of people in prison – how they can protect society against crime and reduce recidivism, the primary purpose of imprisonment.

The rehabilitative function of prisons has been raised as an important factor in the previous thematic modules, as all aspects of prison life can contribute to successful rehabilitation, but this module focuses specifically on the education, vocational training and work programmes, and other forms of practical assistance, that authorities can deliver to aid rehabilitation. The module also considers what prison authorities, and individual staff members, can do to equip people in prison for life after their release.

LEARNING OBJECTIVES

At the end of this module, participants will be able to:

- Describe how different aspects of prison life can increase (or adversely affect) an individual's chance of successful rehabilitation;
- Explain the specific role of prison staff in aiding successful rehabilitation and reintegration;
- Recognize the importance of classification and individualization when determining appropriate rehabilitation programmes;
- Discuss the different types of training, work and education programs that can be provided;
- Identify what other types of support can assist in successful rehabilitation in line with individual needs; and
- Identify what measures prison administrations and staff can take to prepare people for their release and enable them to lead safe, law abiding, self-supporting lives after their release.

8.1
35 MINUTES

8.1 PRISONER ACTIVITIES, TRAINING, EDUCATION AND WORK

NMR: 91, 92, 95–105
BKK: 45-47

VIDEO – UNODC has many videos of country/case studies related to rehabilitation – show one of these at the beginning of the session and one at the end.

Why are rehabilitation and social reintegration programmes so important?

This can be done either as a presentation, or as a group exercise with groups considering one question each, followed by a short presentation to the whole group.

- Giving people in prison the opportunity to build new skills and develop work experience helps them stay away from crime when they are released. This contributes to safer communities.
- If prisoners are kept occupied in prison this reduces their dependency on authorities and helps them to lead self-supporting and independent lives when they are released.
- People in prison who are engaged in constructive activities can have a positive impact on the wider prison environment and lead to a reduction in security incidents.
- Providing people in prison with constructive activities reduces the difference between life inside prison and life in the community. This reduces feelings of isolation, helplessness and the risk of mental health conditions.
- The provision of education, vocational training and work programmes in prisons can also help make prisons safer, more orderly places, because those engaged in constructive activities are less likely to display disruptive or violent behaviour.
- Work can also generate financial and other resources for individuals and prison systems.

What specific activities could be included in a prisoner rehabilitation programme?

Prisoner rehabilitation should include a broad range of programmes, including:

- Physical and mental health care
- Substance abuse programmes
- Physical activities
- Counselling, including relationship counselling
- Psychosocial support
- Programmes to address attitudes and behaviours (e.g., violence reduction programmes)
- Education
- Vocational training courses
- Creative activities
- Cultural activities
- Work opportunities
- Employment counselling
- Access to a well-stocked library
- Language programmes

Principles for successful rehabilitation programmes

- Meet the full range of needs amongst individuals held in the facility
- Based on individual assessments
- Accessible to all people in prison
- Gender responsive
- Well financed and resourced
- Relevant for the local context taking into account the needs of the local community
- Based on consultations with people in prison and those who have been released
- Include peer education programmes
- Supported by staff and managers

- Motivates people in prison to learn
- Includes therapeutic and holistic approaches
- Sustainable and evidence-based

EXERCISE   ### Barriers to rehabilitation for particular groups of people in prison

Some people in prison may face more barriers to their successful rehabilitation than others. This might be because of their personal background or individual circumstances. It could also be related to their conditions of detention or their experiences within prison facilities. For some, it may be that specific programmes are inaccessible to them for a variety of reasons. Many people in prison also face barriers to their rehabilitation on their release. Ask participants to suggest which groups or individuals may face additional barriers and why.

Ask participants to discuss each of the groups from the perspective of their own experience.

This could also be a good opportunity for an open discussion on how COVID-19 and the prison response to it may have affected prisoner rehabilitation.

Groups or individuals who may face additional barriers include

Young prisoners (particularly girls)

Reasons could include: lack of experience of formal education, illiteracy or poor literacy, bullying, history of family violence, breakdown and abuse, shortage of programmes suited for younger prisoners.

Young men

Reasons could include: lack of or bad experiences of formal education, lack of post-release support, peer pressure, macho prison sub-culture, bullying in prison.

Pregnant women and women with children in prison

Reasons could include: excluded from rehabilitation programmes, lack of time to participate in specific programmes due to lack of childcare arrangements, mental health conditions, lack of programmes suitable for pregnant women, lack of family support).

Foreign national prisoners

Reasons could include: language barriers, lack of contact with family and friends, uncertainty of situation upon release, mental health conditions, lack of relevant activities.

Ethnic and racial minorities and indigenous people in prison

Reasons could include: language barriers, social and economic marginalization, relevance of existing rehabilitation programmes, bullying in the prison, discrimination.

Those with mental health conditions

Reasons could include: accessibility and relevance of rehabilitation programmes, lack of appropriate mental health care, bullying, discrimination, stigmatization.

Those with physical disabilities

Reasons could include: physical accessibility and suitability of specific rehabilitation programmes, mental health conditions, bullying, discrimination.

LGBTI people in prison

Reasons could include: bullying, discrimination, violence and abuse, mental health conditions, lack of contact with families.

If time, ask participants to reflect on their learning in previous modules to brainstorm practical steps that prison staff could take to help overcome some of these barriers to rehabilitation.

8.2
30 MINUTES

NMR: 106–108
BKK: 45–47

PREPARATION FOR RELEASE AND POST-RELEASE SUPPORT

- Preparation for release should begin right at the start of the prisoner's time in prison.
- Preparation for release is important for all prisoners, including those serving very short sentences and those serving very long sentences.
- It is important to recognize that the type of preparation and support needed will depend on individual circumstances.
- There should be programmes in place that recognize the different needs and additional support requirements of women prisoners.
- Different strategies will be needed for foreign nationals, depending on whether they will be deported/remain in country/are awaiting immigration decisions.
- Preparation for release involves close coordination with outside agencies – this could include social workers, probation workers, NGOs, religious organizations and others that might be involved in aftercare.
- Preparation for release includes psychological and emotional preparation (improving self-confidence and self-esteem, independence, communication skills, relationship skills) as well as practical support and knowledge (transport upon release, job-finding and interview skills, accessing housing support etc.)
- People in prison should be given clear, accessible information about what they should expect on release, and practical information about the support they can receive.
- This should include contact details of relevant support agencies and advice on post-release social welfare, health, housing, employment and legal support.
- It might involve the opportunity for people in prison to leave prison for short periods before their release date to spend time with their families, attend training courses, search for employment etc.
- People in prison should be given the opportunity to discuss how they feel about their release, including their fears, expectations and the particular support they will need.

- Families of people in prison might also need support, particularly for families that have been separated for a long time.

Concerns upon release:

- Reoffending
- Returning to an unsafe environment/danger of violence (particularly of ostracism from family/community)
- Poverty
- Lost contact with families
- Homelessness
- Unemployment
- Mental health conditions
- No access to education/vocational training
- Access to medical care and continuity of care
- Substance misuse in the period after release

EXERCISE
20 MINUTES

Training review

This exercise is designed to review the learning from the whole programme on how prison staff can contribute to the successful rehabilitation of people in prison throughout their time in prison. From the full group, assign two or three people to take the role of a person in prison. Specific events/scenarios that happen during the course of imprisonment are written on pieces of paper and then folded and place in a box. Some of these are positive and allow the person in prison to take a step forward towards successful rehabilitation; others are negative and force the person in prison to take a step back. Mark a start and finish line in the training room and see which person reaches the finish/rehabilitation line first. The remaining participants choose the folded pieces of paper at random and read them out in turn.

Ideas for the 'step forward' cards and the 'step backward cards' are given below (can add more step forward cards if needed if the exercise is taking too long).

Step forward	Step back
• The prison authorities allowed an extended, private visit with my children.	• My cell has become badly overcrowded and we have difficulty sleeping at night.
• I passed a language exam.	• I made a complaint about the quality of the food a long time ago, but I still haven't received a response.
• I was moved to a lower security facility due to good behaviour.	• Visits with family are only 10 minutes long.
• I was moved to a facility closer to my family.	• The prison staff shouted at me when I complained about the noise at night.

Step forward	Step back
• My complaint about the cleanliness of the facility was taken seriously and resolved.	• I haven't been able to speak to anyone about my mental health.
• I was moved to a cell with people of my own age who share the same interests.	• I am in a cell with someone who committed a much more serious crime than mine.
• I had a peer group discussion about our concerns about life after release.	• I am not able to participate in any training activities because I have to look after my child.
• The food in the facility has improved.	• My family cannot afford to visit me.
• I was granted one day of home leave to spend time with my family.	• I don't know how I will get home when I am released.
• I have been using the prison library frequently.	• I don't have any information about the prison rules.
• Prison authorities gave me information about how to apply for legal aid.	• I was beaten up by my cellmate but the prison staff have not taken any action.
• I have started exercising more regularly.	• The prison staff never have a conversation with me.
• The NPM organized a survey – I was able to express my concerns confidentially.	• I have been told there are no work opportunities for me.
• The healthcare staff are visiting regularly to check in on our health and wellbeing.	• I was held in solitary confinement for 10 days and had no contact with my family during that time.
• I have started helping out in the prison kitchen.	• I am not allowed to see my prisoner file.
• We are allowed to phone our families more often.	• I haven't received my medication this week.
• The prison staff are interested in my family and they talk to me about my plans after release.	• I don't have any information about support services that I can access after my release.
• Authorities have set-up an anti-bullying initiative in the prison.	
• I was visited by my consular representative today.	

As an end of module wrap up, this could be followed by a summary discussion about what a prison officer can do to help facilitate or prevent these scenarios.

UNODC – Roadmap for the development of prison-based rehabilitation programmes

45 MINUTES ## Wrap up and conclusion

To finish, show this uplifting/motivational video about the role of prison staff

https://www.marketing-interactive.com/the-singapore-prison-service-spotlights-the-importance-of-prison-officers (2:29 mins)

Final remarks

Certificates should be handed out now if they are to be delivered in person.

Feedback session

This can be done as a world café style exercise with four flipcharts, each with one of the headings below. Ask participants to put comments on each flipchart.

- main strengths
- main weaknesses
- has the training changed how you perceive your role as prison staff
- will you change any of your work as a result of this training?

ANNEXE 1

Useful information for pre-training assessment

- The number of prison facilities in country, broken down by type of facility (e.g., for women, children, pre-trial, security level etc.)
- The total prison population in the country, disaggregated where possible and the statistics for each facility.
- The ratio of prison staff to people in prison.
- A copy of the prison law and other relevant laws, regulations.
- The organizational structure of the prison service.
- Knowledge of basic prison conditions in the country and the issues most likely to be raised as problem areas.
- Main human rights concerns or other issues related to the prison service.
- In countries where complaints statistics are available (e.g., via the prison service, Ombuds office or other monitoring body) try to obtain a copy ahead of the training.
- Information on classification in the country (i.e., based on what kind of risks/needs assessment).
- The types of weapons and restraints used in prison in country.
- The types of disciplinary measures used in the particular facility/country.
- The types of visiting arrangements allowed in the country of the training (recognizing that this may be different from one facility to another)
- The types of internal/external monitoring bodies that are in place in the country, including those that form part of an NPM and other bodies.
- The level of health provision in prisons.
- COVID measures taken in prisons, and any associated human rights concerns.

ANNEXE 2

Pre-training questionnaire to send out to participants

1. Name:

2. Gender: Female/Male/Other/Prefer not to say

3. Title and rank (including details of any supervisory functions):

4. The name, type and location of the facility you work in (low, medium, high security for example). If you do not work in a facility, where do you work primarily?

5. How long have you worked in the prison service?

6. What kind of experience do you have working inside prisons? Do you have an area of specialization in the prison service?

7. Have you attended a human rights or related training course in the past? If yes, what did it cover?

8. Which thematic areas of the Nelson Mandela Rules would you like to learn more about? (Choose at least 3)
   • Prisoner file management (RULES 6-10)
   • Separation of categories (RULE 11)
   • Accommodation (RULES 12-17)
   • Personal hygiene (RULE 18)
   • Clothing and bedding (RULES 19-21)
   • Food (RULE 22)
   • Exercise and sport (RULE 23)
   • Healthcare services (RULES 24-35)
   • Restrictions, discipline and sanctions (RULES 36-46)
   • Instruments of restraint (RULE 47-49)
   • Searches of prisoners and cells (RULES 50-53)
   • Information to and complaints by prisoners (RULES 54-57)
   • Contact with the outside world (RULES 58-63)
   • Books (RULE 64)
   • Religion (RULE 65)
   • Retention of prisoners' property (RULE 67)
   • Notifications (RULES 68-70)
   • Investigations (RULES 71-72)
   • Removal of prisoners (RULE 73)
   • Institutional personnel (RULES 74-82)
   • Internal and external inspections (RULES 83-85)

9. Please note down three things you enjoy about your job.

10. Please note down three things you find challenging in your job.

11. What do you see as some of the new or developing issues in your country with regard to the implementation of the Nelson Mandela Rules?

ANNEXE 3

Post-training evaluation questionnaire

1. Name (optional):

2. Gender: Female/Male/Other/Prefer not to say

3. Position (optional):

4. Were the objectives for the training:
a. Clear: ☐ yes   ☐ no   ☐ not sure
b. Achieved: ☐ yes   ☐ no   ☐ not sure

5. Tick the box that best represents your knowledge and skills before and after the training:

Before Training					RATING SCALE:	After Training				
1	2	3	4	5	1 = LOW; 3 = MEDIUM; 5 = HIGH	1	2	3	4	5
					Module 1: The Nelson Mandela Rules					
					Module 2: Prisoners and prison conditions					
					Module 3: Prison organization and administration					
					Module 4: Safeguards					
					Module 5: Incident prevention and response					
					Module 6: Restrictions, discipline and sanctions					
					Module 7: Health care					
					Module 8: Prisoner rehabilitation and preparation for release					

6. Which thematic areas of the Nelson Mandela Rules did you find most useful to learn more about? (Please tick the 3 most useful)
   - Prisoner file management (RULES 6-10)
   - Separation of categories (RULE 11)
   - Accommodation (RULES 12-17)
   - Personal hygiene (RULE 18)
   - Clothing and bedding (RULES 19-21)
   - Food (RULE 22)
   - Exercise and sport (RULE 23)
   - Health-care services (RULES 24-35)
   - Restrictions, discipline and sanctions (RULES 36-46)
   - Instruments of restraint (RULE 47-49)
   - Searches of prisoners and cells (RULES 50-53)
   - Information to and complaints by prisoners (RULES 54-57)
   - Contact with the outside world (RULES 58-63)
   - Books (RULE 64)
   - Religion (RULE 65)

- Retention of prisoners' property (RULE 67)
- Notifications (RULES 68-70)
- Investigations (RULES 71-72)
- Removal of prisoners (RULE 73)
- Institutional personnel (RULES 74-82)
- Internal and external inspections (RULES 83-85)

7. Has the training influenced the way you perceive your role as prison staff?
   Yes/in some ways/no/not sure
   Please explain

8. Are you planning to change any aspect of your work as a result of the training?
   Yes/yes but not possible/no need to change/not sure
   Please explain

9. Please rate the following (5 being highest):

1	2	3	4	5	
					Training methods
					Training duration
					Composition of the group
					Logistics and organization

10. In your view, what were the main strengths of the training?

11. In your view, what were the main weaknesses of the training?

12. What further support or training would help you be able to do your job better?