

HUMAN RIGHTS AND PRISONS

**Trainer's Guide on Human Rights Training
for Prison Officials**

H u m a n R i g h t s



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NOTE

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NOTE TO USERS OF THE TRAINER'S GUIDE

This Trainer's Guide is one component of the four-part publication ***Human Rights and Prisons*** — a human rights training package for prison officials. The four components are designed to complement each other and, taken together, provide all necessary elements for the conduct of human rights training programmes for prison officials, under the training approach developed by the Office of the United Nations High Commissioner for Human Rights.

The **Manual** (component one of the package) provides in-depth information on sources, systems and standards for human rights relating to the work of prison officials, practical recommendations, topics for discussion, case studies and checklists.

The **Compilation** (component two of the package) includes excerpts from and full texts of selected international human rights instruments concerning the administration of justice.

This **Trainer's Guide** (component three of the package) provides instructions and tips for trainers to be used together with the Manual in conducting training courses for prison officials.

The **Pocketbook** of international human rights standards (component four of the package) is designed to be a readily accessible and portable reference for prison officials, containing a comprehensive collection of point-form standards organized according to prison officials' duties and functions, and topics, and referenced with detailed footnotes.

Copies of the Manual, the Compilation, the Pocketbook and this Trainer's Guide may be obtained from:

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EXPLANATION OF SYMBOLS

OBJECTIVE

This section highlights the main learning objective/s of the chapter.



ESSENTIAL PRINCIPLES

This section sets out the main international standards relating to the subject covered by the chapter by summarizing the relevant provisions of the international instruments.



BASIS IN INTERNATIONAL INSTRUMENTS

This section reproduces selected provisions of international instruments relevant to the subject covered by the chapter.



IMPLICATIONS

This section highlights the implications of the international standards covered by the chapter in terms of action required by prison officials and management.



PRACTICAL RECOMMENDATIONS

This section proposes practical courses of action to assist prison officials and management in applying the international standards dealt with in the chapter.



TOPICS FOR DISCUSSION

This section suggests topics drawn from the issues addressed in the chapter which could be discussed with and among trainees in full classroom sessions or small working groups.



CASE STUDY/STUDIES

This section suggests practical situations which could be discussed in small working groups to enable trainees to "put into practice" the knowledge they have acquired on the international standards.

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INTRODUCTION TO THE TRAINER'S GUIDE

This Trainer's Guide has been prepared to assist trainers in their presentation of *Human Rights and Prisons — A Manual on Human Rights Training for Prison Officials*. The Manual, this Trainer's Guide and the training's methodological approach contained herein are intended:

- To provide information on international human rights standards relevant to the work of prison officials;
- To encourage the development of skills necessary to transform that information into practical behaviour;
- To sensitize prison officials to their particular role in promoting and protecting human rights, and to their own potential for affecting human rights in their daily work;
- To reinforce prison officials' respect for, and faith in, human dignity and fundamental human rights;
- To encourage and reinforce an ethos of legality, and of compliance with international human rights standards, within prisons;
- To equip trainers of prison officials to provide effective human rights education and training.

The Trainer's Guide, which encourages trainers to involve students in practical tasks and to use the international instruments as a point of reference, consists of three parts.

Part One of the Guide provides an introduction to the human rights training of prison officials, including the methodological approach suggested by the Office of the United Nations High Commissioner for Human Rights (OHCHR), information on effective training techniques and other relevant advice for organizers of courses offered under the approach contained in this training package.

Part Two of the Guide follows the structure of the accompanying Manual; each chapter is organized under the same headings as in the Manual, for ease of use, and contains suggestions on methods of presentation and relevant material for the practical exercises. The use of such material, in whole or in part, is for the trainer to determine. In particular, each chapter contains an exercise referring to the Compilation of Instruments, in order to establish the basis for each principle; this exercise is optional but it will familiarize the trainees with the source documents in a way that simply reading them from the Compilation will not. If this exercise is to be used, it is recommended that the trainees do not have the corresponding chapter of the Manual open until the exercise is completed.

Part Three of the Guide contains specific training tools such as pre-course and post-course questionnaires and a model course outline; it concludes with blank pages for notes, in which trainers could add any information or techniques that have been found useful in particular training situations, in order to enrich the material contained in OHCHR's training package. In this regard, OHCHR would appreciate receiving any comments or suggestions from trainers who have used the training package with a view to improving its usefulness.

PART ONE

INTRODUCTION

1. HUMAN RIGHTS TRAINING METHODOLOGY

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has been involved for many years in training people working in various professions in areas of human rights which touch on their particular field of competence. **Human Rights and Prisons** – a human rights training package for prison officials is based on the methodological approach which has been developed as a result of this experience, and which comprises the following fundamental elements:

A. Collegial presentations

2. For the selection of resource persons, OHCHR advises drawing from a list of experts which is practical in orientation. Rather than assembling panels composed entirely of teachers and theorists, it is better to opt for practitioners in the relevant field. In the experience of OHCHR, much more can be accomplished through a collegial approach, in which development professionals, police or judges, for example, discuss issues with each other, than by a teacher-student model of training. This approach allows the trainer to access the distinctive professional culture which surrounds each particular audience. At the same time, practitioners/trainers should be accompanied and supported by experts in human rights, thus ensuring that the substance of international human rights standards is fully and consistently reflected in course content.

B. Training the trainers

3. Participants in human rights training courses should be selected on the understanding that their responsibilities will continue after completion of the training exercise. Each will be charged with conducting training and dissemination efforts after returning to his or her duty station. In this way, the impact of training courses is multiplied as the information imparted is disseminated throughout the institutions concerned. Accordingly, in addition to substantive content, courses should include training methodology and capacity-building components, such as lessons and materials designed to impart training skills to participants.

C. Interactive pedagogical techniques

4. The courses developed by OHCHR and described in this training package include a section designed to introduce a variety of effective techniques for training adults. In particular, suggestions are made for the use of creative, interactive teaching methods, which offer the best hope for securing the active involvement of the programme participants. OHCHR has identified the following techniques as especially appropriate and effective in human rights training for adults: presentation and discussion, panel discussion, working groups, case studies, problem-solving/brainstorming, simulation/role-playing, field trips, practical exercises (including drafting), round-table

discussions and visual aids. Pointers on the use of such techniques are provided in section 2 of this Introduction, below.

D. Audience specificity

5. OHCHR has learned that the mere recitation of vague principles of general applicability offers little hope of affecting the actual behaviour of a given audience. To be effective – indeed, to be at all worthwhile – training and education efforts must be directly targeted and appropriately addressed to a particular audience, be they prison officials, police, health-care workers, lawyers, students or development professionals. Accordingly, the content of OHCHR teaching materials focuses more on the standards directly relevant to the daily work of the professional trainees and less on the history and structure of United Nations machinery.

E. A practical approach

6. OHCHR training begins with the recognition that professional groups in the real world want to know not just what the human rights rules are, but also how to do their job effectively within the confines of those rules. Without bowing to instrumentalist approaches to human rights, trainers must recognize that professionals will also want to know “what is in it for them?” – i.e. what value can a better understanding of human rights bring to their work? Training efforts which ignore either of these areas are likely to be neither credible nor effective. Accordingly, trainers and course designers must include practical information on proven techniques for performance of the actual duties of participating professionals, as derived from the recommendations of experts and literature on current best practice for the profession in question.¹

F. Comprehensive presentation of standards

7. Training courses should be thorough in their presentation of the relevant international standards. To this end, relevant instruments and simplified learning tools should be translated and distributed to participants. In every case, one or more persons specialized in human rights should be involved, to control the substantive content of the courses and workshops, and to supplement course presentations as required.

G. Teaching to sensitize

8. In addition to imparting standards and practical skills, OHCHR courses should also include exercises designed to sensitize trainees to their own potential for contributing to violent behaviour, however unwitting. For example, well-developed exercises (including role-playing) which can make trainees aware of gender or racial bias in their

¹ While practical recommendations are a key component of courses offered under this approach, it would not be possible to provide detailed training on technical professional skills in a human rights course. Instead, the existence of such techniques should be highlighted and targeted for further training as a follow-up to human rights training, and conceptual linkages should be made between the two sets of skills.

own attitudes or behaviour can be valuable. Similarly, the special import of particular standards as they apply to women, for example, is not always obvious. Trainees should be made to understand that, for example, the term “degrading treatment”, as found in various international instruments, may imply different activities and thresholds when applied to women as compared to men, or to one cultural group as opposed to another.

H. Flexibility of design and application

9. To be universally useful, training courses must be designed in such a way as to facilitate their flexible use, without imposing a single rigid focus or approach on trainers. Courses must be adaptable to the particular cultural, educational, regional and experiential needs and realities of a diverse range of potential audiences within the target group. Accordingly, course materials should not be intended to be read verbatim to trainees. Trainers should create their own targeted presentation notes and materials, based on the content of prepared materials and the particular realities on the ground. Training should be constructed in self-contained modules, allowing appropriate selection and tailoring according to particular needs and objectives.

I. Competence-based

10. Training courses should result in improved competence in the relevant field. Unlike briefings and seminars, training courses should be designed around learning objectives, and all trainees should be required to demonstrate competence throughout the course in assigned exercises, and to undergo testing (in the form of a written examination) both before, and upon completion of, the course. Comparison of pre- and post-course test results, together with careful attention during course presentations by participants, provides a concrete measure for evaluating improved competence.

J. Evaluation tools

11. Training courses must include pre- and post-training evaluative exercises, such as testing questionnaires, which serve three crucial purposes. Pre-course questionnaires, when properly utilized, allow a trainer to tailor his or her course to the particular educational needs of the audience. Post-course questionnaires and evaluation sessions will both allow trainees to gauge what they have learned and assist trainers in the continuous (crucial) modification and improvement of courses and materials.

K. The role of self-esteem

12. The importance of appropriate regard for the self-esteem of adult trainees cannot be overemphasized. Professionals will bring to the classroom their own professional expertise and practical experience, which should be acknowledged and can be tapped for the benefit of the course. The extent to which the trainer does so will largely determine the trainee’s reaction to the training exercise. Obviously, participants will not respond well to instruction which is seen as “spoonfeeding”; nor will a “schoolteacher”

approach or a “military” approach be well received. Instead, trainers should seek to create a collegial atmosphere in which the exchange of expertise and experience is facilitated, the professional knowledge of trainees recognized and professional pride encouraged. The goal is to send the message that knowledge of human rights is a key element of professionalism in the work of the target group and that, accordingly, trainees have much to gain and also much to contribute in this area.

L. Linkage to organizational policy

13. If training is to produce the desired impact on behaviour and professional performance, it must be clearly supported by, and linked to, corresponding rules in the trainees’ institutions. Institutional policy must reflect the human rights imperatives taught in the classroom, and management must be trained in and committed to ensuring its application.

M. Planned follow-up

14. Traditional human rights training initiatives have often been composed of “a lecture and a wave”. Meaningful, competence-based and objective-oriented training, on the other hand, requires a degree of sustained commitment and planned follow-up if improved capacity is to be achieved. This means that the training programme should include structured follow-up plans from the formulation stage. This may include periodic return visits by specialists for quality control, review and reinforcement purposes, or a system of review and reporting to be carried out by the local trainers themselves. The newly trained trainers should be charged with implementing fully developed training programmes in their own right, following from the pilot or initial programme. Of course, periodic and final evaluation is essential.

2. EFFECTIVE TRAINING TECHNIQUES

A. Learning objectives

15. Human rights training should be based on clearly articulated objectives. The objectives of the trainer should facilitate satisfaction of the needs of the trainee. Three basic learning objectives should form the foundation of such programmes and mirror the following needs of the trainees:

- **To receive information and knowledge** on what human rights and humanitarian standards are and what they mean for the work of the trainees in their professions;
- **To acquire or reinforce skills**, so that the functions and duties of the professional group can be fulfilled effectively with due respect for human rights. Simple knowledge of standards is not enough to enable trainees to transfer these rules into appropriate professional behaviour. The acquisition of skills should be viewed as a process whereby skills are fine-tuned through practice and application. This process may need to be continued, in the light of training needs identified in specific areas of the trainees' work, including through appropriately tailored follow-up programmes;
- **To become sensitized, i.e. to change negative attitudes or reinforce positive attitudes and behaviour**, so that the trainees accept, or continue to accept, the need to promote and protect human rights through their work, and actually do so in the course of their duties. The question at issue is the **values** of the trainee. This, too, is a long-term process, to be reinforced by further, more technical, training.

16. Thus, to be effective, training should be aimed at improving knowledge, skills and attitudes in order to contribute to appropriate professional behaviour.

B. Tailoring courses

17. When arranging training programmes, the principles of audience specificity and relevance require that organizers follow a few basic rules:

(a) Courses and programmes should be preceded by and based on a consultative needs assessment involving the target institution or group to be trained;

(b) Whenever possible, separate training programmes should be arranged for different categories within the profession, according to the particular function and context of that subgroup's daily work. This allows training to focus on:

- Strategy and policy-making aspects for managerial personnel;
- Pedagogical aspects for trainers;
- Operational aspects for others;
- Aspects of particular relevance to professionals with specific functions, such as regional specialists, "technicians", etc.;

- Basic training in only the most fundamental areas and key concepts for support staff;

(c) The largely practical and pragmatic orientation of adult trainees who are professionals should be reflected in the education and training methods adopted. This means:

- Creating the opportunity to translate ideas and concepts into practice;
- Enabling participants to focus on real problems of their profession;
- Responding to issues of immediate concern to participants raised by them during the programme.

C. The participatory method

18. For maximum effect, a few basic principles should be kept in mind in applying the participatory training method described below. Recall the 13 elements of the OHCHR approach to training, detailed in section 1 of this Introduction, “Human Rights Training Methodology”, above:

- Collegial presentations;
- Training the trainers;
- Interactive pedagogical techniques;
- Audience specificity;
- A practical approach;
- Comprehensive presentation of standards;
- Teaching to sensitize;
- Flexibility of design and application;
- Competence-based;
- Evaluation tools;
- The role of self-esteem;
- Linkage to organizational policy;
- Planned follow-up.

19. This method requires an approach which is interactive, flexible, relevant and varied, as described below:

Interactive – This programme implies the use of a participatory, interactive training methodology. Adult trainees most readily absorb human rights course material when they are not “spoonfed” the information. Rather, for effective training, they should be fully involved in the process. As practitioners, the trainees will bring to the course a rich pool of experience, which must be actively drawn on to make an interesting and effective course.

Flexible – Contrary to certain myths associated with adult training, it is not advisable to adopt a “military” approach, in an attempt to force trainees to

participate. The result of such techniques is, more often than not, resentment among trainees and, consequently, the closing of effective avenues of communication between trainer and trainees. While a certain level of control must be maintained by the trainer, the first rule should be flexibility. Questions – even challenges – from the audience should be welcomed, and should be addressed by trainers in a positive and forthright manner. Similarly, excessively rigid timekeeping can leave participants feeling frustrated and resentful and should be avoided.

Relevant – The unspoken question of the trainee throughout the course will be: “What does this have to do with my daily work?” The extent to which the trainer continuously answers this question will be an important measure of his or her success. Every effort must therefore be made to ensure that all material presented is relevant to the work of the audience, and that such relevance is made clear where it is not self-evident. This task may be easier when operational themes are being addressed. It may require more careful preparation, however, with respect to more topical themes, such as the protection of especially vulnerable groups.

Varied – To secure and retain the active commitment of participants, it is best to vary the teaching techniques used throughout the course. Most adults are not accustomed to long classroom sessions, and a tedious and monotonous routine will leave them more conscious of the classroom than of the subject matter. A varied selection of techniques should be used, alternating discussion with role-playing and case studies with brainstorming, as appropriate to the subject matter.

20. Broadly speaking, this means that the following methods and approaches should be adopted:

Presentation of standards: A short presentation on the human rights standards relevant to a given aspect of the work of the profession, and on how such standards can be effectively applied by the audience;

Application of participatory techniques: Enables participants to use their knowledge and experience to translate into practice the ideas and concepts referred to in the presentation; and also enables them to consider the practical implications of human rights standards for their day-to-day work;

Focus and flexibility: Enables participants to focus on matters of real and current concern; and enables educators and trainers to adapt to participants’ needs as the course progresses.

D. Participatory techniques

21. Selected participatory techniques are outlined below.

Presentation and discussion

22. Following a presentation (as described above), an informal discussion is useful to clarify points and facilitate the process of translating ideas into practice. Such discussions are conducted by the presenter, who should try to involve all participants. It is useful for presenters to have a prepared series of questions available to initiate the discussion.

23. At the conclusion of the presentation and discussion, the presenter should provide an overview or summary. Presentations should be supplemented with pre-prepared visual aids or study materials distributed in advance to all participants.

Panel discussion

24. The formation of a panel of presenters or experts, possibly following a presentation by one or more of them, has frequently been shown to be a useful training device. Such an approach is particularly effective when presenters have expertise in different aspects of a topic, because of their professional backgrounds or countries of origin. Ideally, human rights experts should be included on the panel, together with experts in the relevant professional field.

25. One presenter should act as facilitator, to enable the widest possible participation, to ensure that participants' needs are met and to provide an overview or summary at the conclusion of the discussion. This method should include direct exchanges between panel members themselves, and between the panel and the audience.

Working groups

26. These are created by dividing a course into a number of small groups of a maximum of five or six participants. Each group is given a topic to discuss, a problem to solve or something concrete to produce, within a short time period – up to 50 minutes. A facilitator may, where necessary, be assigned to each group. The course is then reconvened and the results of the deliberations of each group are presented to the full class by a spokesperson for the group. The course participants can then discuss the topics and the response of each group.

Case studies

27. In addition to dealing with discussion topics, working groups can consider case studies. These should be based on credible and realistic scenarios which are not too complex and which focus on two or three main issues. Case studies should require participants to exercise their professional skills when responding to them and to apply human rights standards.

28. The scenario for a case study can be presented to participants for consideration by them in its entirety, or be "fed" to them sequentially as a developing situation to which they have to respond.

Problem-solving/brainstorming

29. These sessions can be conducted as intensive exercises to seek solutions to both theoretical and practical problems. They require a problem to be analysed and then solutions to be developed. Brainstorming encourages and requires a high degree of participation and stimulates those involved to maximum creativity.

30. Following presentation of the problem, all ideas in response to it are recorded on a board or flip chart. No explanations are required and no interventions are judged or rejected at this stage. The presenter then categorizes and analyses the responses – at which stage some are combined, adapted or rejected. Finally, the group makes recommendations and takes decisions on the problem. The learning or sensitization process occurs as a result of the group discussion around each suggestion.

Simulation/role-playing

31. These exercises require participants to perform a task or tasks in a realistic situation simulating “real life”. Simulation or role-playing exercises may be used to practise a skill or to enable participants to experience hitherto unfamiliar situations.

32. A written factual situation is distributed in advance and each participant is allocated a particular role (the prison officer, the victim, the witness, the prison director, etc.). During the exercise, no one is allowed to leave his or her assigned role for any reason. This technique is particularly valuable for sensitizing participants to the feelings and perspectives of other groups and to the importance of certain issues.

Field trips

33. Group visits to relevant institutions or sites can provide valuable perspectives. The purpose of the visit should be explained in advance and participants should be instructed to pay critical attention and to record their observations for a subsequent discussion.

Practical exercises

34. These involve the assignment of trainees to apply and demonstrate particular professional skills in a supervised exercise. For example, in a train-the-trainers course, the trainees might be assigned to draft a lesson plan or to deliver a session of the course itself.

Round-table discussions

35. Round-table discussions, like panel discussions, require a diverse group of resource persons, representing a variety of perspectives on the subject to be addressed. An animated discussion is the goal, and for this it is crucial to have a strong and dynamic moderator skilled both in the subject matter and in the techniques of “devil’s advocate”, and the use of hypothetical situations. The moderator should be intentionally provocative, stimulating debate between and among the various panellists and the audience, and should control the direction of the discussion.

Visual aids

36. Adult learning can be enhanced by the use of blackboards, overhead transparencies, posters, displayed objects, flip charts, photographs, slides and videos/films. As a general rule, information produced on transparencies and charts should be concise and in outline or list form. If more text is required, printed handouts should be circulated.

E. Locations for training courses

37. Ideally, the following conditions should be met in respect of the location for a training course:

(a) Courses should be held at a location away from the normal place of work of the participants;

(b) The room used for a course should be of sufficient size for the number of people present;

(c) There should be a sufficient number of small ancillary rooms available for working groups, so that participants may focus without interruption on their assigned topics;

(d) Seating should be comfortable and flexible, allowing chairs, desks and tables to be moved around to accommodate various training techniques.

F. Planning for participants' needs

38. The level of physical comfort of course participants will have a direct impact on the outcome of the learning exercise. For planning purposes, keep in mind the following basic factors:

(a) It should be possible to regulate the temperature and ventilation of the room;

(b) Classrooms should never be filled beyond a comfortable capacity;

(c) Restrooms should be easily accessible;

(d) The daily programme should include a 15-minute coffee/rest break at midmorning, a lunch break of at least one hour, and a 15-minute coffee/rest break at midafternoon;

(e) Allow participants occasionally to stand and stretch between scheduled breaks. A two- or three-minute break is sufficient for this, at appropriate intervals, perhaps twice a day;

(f) Where possible, provide for water, coffee or juice to be available in the classroom;

(g) Lunch breaks should be scheduled within the period to which participants are accustomed. This will vary from region to region, and from workplace to workplace.

3. TRAINERS

A. Selection of trainers

39. The selection of trainers and resource persons should be based on the following criteria:

- Expertise in the subject matter;
- Ability to apply the interactive methodology of the programme;
- Professional credibility and appropriate reputation among other practitioners.

Ideally, a panel of trainers should be primarily composed of practitioners from the relevant profession, accompanied by at least two experts in the field of human rights.

B. Briefing trainers

40. It is important that trainers are adequately briefed on the following matters:

- If the training is country-based: basic historical, geographical, demographic, political, economic, cultural and social information on the country where the programme is to be introduced; basic information on the constitutional and legal arrangements of that country; human rights and humanitarian law treaties to which the State is a party; current or planned human rights projects;

- Organizational aspects of the professional group to be trained;
- Categories and numbers of trainees participating in the programme;
- Particular issues of current concern in relation to the professional audience to be trained.

C. Instructions for trainers

41. Whatever their previous experience or level of expertise, course trainers should be carefully prepared for the particular assignment. As a measure of quality control, OHCHR recommends written instructions, in addition to pre-course oral briefings. The instructions should cover the points outlined below:

What are the objectives of the course?

- To provide information on international human rights sources, systems, standards and issues relevant to the work of the target profession;
- To encourage the development of skills, and the formulation and application of policies, necessary to transform that information into practical professional behaviour;
- To sensitize participants to their particular role in protecting and promoting human rights and their own potential for affecting human rights in their daily work;

What is the course methodology?

– A typical course session consists of a brief presentation by two team members, followed by the application of a participatory training method. Plenary discussions are open to all and are led by the resource person delivering the session. All members of the training team are expected to contribute to all session discussions, as necessary;

What is expected of the trainer with regard to the course?

- Before the course:
 - Study the material sent to you in advance, giving particular attention to the sessions to which you are formally assigned;
 - Prepare very brief lecture notes, keeping in mind the time limitations set out in the course programme;
 - Think about what practical recommendations you might make to the trainees, based on your professional experience, to assist them in implementing the relevant human rights standards in their daily work;
 - Attend a pre-course briefing to be held on the day prior to the opening of the course;
- During the course:
 - Participate in daily pre- and post-course briefings with the rest of the training team;
 - Attend and participate in all course sessions;
 - Meet with your session co-presenter the day before each scheduled presentation to prepare your presentations jointly;
 - Deliver brief presentations, adhering to specified time limits, based on the training materials, for the topics assigned to you as a session presenter;
 - Make practical recommendations, based on your professional experience, during discussion periods and in working groups, including during sessions for which you are not the session presenter;
 - Use concrete examples. Save newspaper clippings, project evaluations and excerpts from reports to provide actual cases to illustrate your points. You can also select a hypothetical exercise from the materials or develop one of your own for each session you are to present or for use in working groups;
 - Use visual aids (overhead projector and blackboard/whiteboard/flip chart) whenever possible;
 - Ensure that any comments or recommendations made are consistent with the international standards set out in the training materials;

- Encourage active group participation and discussion;
 - Provide advice and comments on the training materials;
 - Attend all opening and closing ceremonies and ancillary events of the programme;
- After the course:
- Participate in a final debriefing session with the rest of the training team;
 - Review and revise your materials, on the basis of this experience.

D. Tips for making presentations

42. A few basic pointers are to be kept in mind:

(a) Make eye contact with participants;

(b) Encourage questions and discussion;

(c) Do not read from your notes – be conversational and natural, speaking in a forceful and animated voice. No matter how interesting the material, a monotone presentation, or one which cannot be heard, will dash any hopes of engaging the audience's attention;

(d) Watch the time – time your presentation beforehand and keep a clock or watch in view while you are making it;

(e) Move around – do not present from your chair. When responding to a question, approach the person who asked it. If someone seems inattentive, approach and speak directly to him or her;

(f) Use visual aids. Transparencies and charts should be simple, in point form, and should not contain too much information. If you must provide detailed information to reinforce presentations, do so in a handout and review the basic points contained in the handout with the trainees. Provide participants with copies of visual aids for later study and review. Finally, speak to the participants, not to the board or chart;

(g) Do not criticize – correct, explain and encourage;

(h) Have participants use the written materials provided – for example, make them look up standards in the source materials and then read them out to the class (this teaches them how to find the human rights “rules” by themselves when the course is finished and they have returned to their duty stations). Materials which are not opened during the course are likely never to be opened. By the end of a course, each participant's copy of *Human Rights and Prisons: A Compilation of International Human Rights Instruments concerning the Administration of Justice* should show clear signs of wear, with folded pages and marked text;

(i) Be honest;

(j) Facilitate the participation of individuals who tend not to speak up. Draw them out with direct questions and then acknowledge the value of their comments. Pay particular attention to ensuring equal participation by women and members of minority groups, who may be accustomed to discrimination within their professional setting. A discussion dominated by males, or by the dominant group in the society or professional group, will be less satisfactory for women and members of minority groups, and cannot succeed in convincing other participants in the course (by example) of the importance of non-discrimination in their own work;

(k) Do not let discriminatory, intolerant, racist or sexist remarks pass without comment. Address them as you would address any other issue encountered during discussions, i.e. calmly, tactfully, directly and substantively. Point out the relevant standards and explain why they are important for the effective, legal and humane performance of the work of both the United Nations and the relevant profession, and the role they play in fostering professionalism within those groups. Be prepared in advance to counter myths and stereotypes with facts. Remember that the goals of the trainer include the improvement of knowledge, skills and attitudes, and that the latter goal, albeit the most difficult to achieve, is often the most important;

(l) Structure your presentation. The old basics are best in this regard: every presentation should have an introduction, a body, a conclusion and a summary of major points;

(m) If you are confronted with a question which you are not prepared to respond to, refer to one of the other presenters, or to the audience, or to the materials (having participants look it up), or offer to provide the answer later (and be sure to follow up as promised);

(n) Use repetition – people forget;

(o) Appearance counts. A trainer must project a professional image. Obviously, it is not appropriate for the trainer to present in a T-shirt while the course participants are in uniform. The dress standards of the trainer should not fall below those of the participants and should respect their cultural and social rules;

(p) Prepare in advance – know your subject. Follow these basic steps in preparing your session:

- Refer to the training materials provided and to the programme;
- Note the time available for the session;
- Prioritize the subject matter – be sure to cover the most important (“must know”) points;
- Prepare your lesson plan;
- Draft your speaking points (introduction, body, conclusion, summary of major points);
- Select the exercise and questions to be used;
- Select or prepare your visual aids (handouts, overhead transparencies, etc.);
- Practise your presentation until you can deliver it naturally and confidently and within the time limit.

E. Key terminology

Briefing: A brief, cursory and introductory overview of a single topic. The purpose is to introduce the audience to some basic concepts with respect to a given subject.

Seminar: An organized exchange of views, ideas and knowledge on a particular topic or set of related topics. The purpose is to bring together various persons, usually (relatively) equal in their degree of expertise, each of whom is to contribute to an examination of the subject from his or her own professional, ideological, academic or official position.

Workshop: A training exercise in which participants work together to study a particular subject and, in the process, create a “product”, such as a declaration, joint paper, plan of action, set of rules, written policy or code of conduct. The purpose is thus twofold: learning and the development of a “product”.

Training course: An organized training exercise, designed to allow “trainers” to impart knowledge and skills and to influence the attitudes of “trainees” or “participants”. It may either be interactive (as in the OHCHR approach described above) or follow a “teacher-student” lecture model, or it may be a combination of both. Whichever model they follow, training courses are a highly intensive method of learning.

F. Adapting courses to challenging field conditions

43. OHCHR has conducted training under widely varying field conditions, in countries across Africa, Asia, the Middle East, Latin America and Europe. Available facilities have varied in terms of physical conditions, infrastructure and technology, such that one course may have been conducted in a state-of-the-art, climate-controlled and electronically equipped modern conference centre, another on the roof of a supply building and still another in an open field.

44. Persons organizing training under the approach set out in this Trainer’s Guide must therefore take into account the setting in which the training will be offered when selecting appropriate methodology and materials, determining numbers of trainees and drafting programmes. For example, the duration of sessions will be affected by temperature and weather for outdoor courses, or courses where fans, heaters or other climate-control devices are not available. Where temperature is a factor, the timing of courses will also be affected. Similarly, flip charts and handouts must be used where electricity is not available for overhead transparency or slide projection.

45. If interpretation is required, the lack of facilities for simultaneous interpretation will necessitate the use of consecutive interpretation, which will cut the productive time of course sessions by half. The lack of desks or tables will mean that more printed materials will be required for distribution, as note-taking may be impractical. Finally, if the training has to be conducted in the workplace of the target audience, owing to a

lack of alternative facilities, organizers should plan for additional time, as conflicting duties will almost invariably be imposed on some of the participants.

46. These are only a few of the eventualities to be taken into consideration during the planning of courses held in the field. Such courses will rarely be conducted in ideal training conditions and it is the duty of course organizers to plan in advance for all factors that may have an impact on the objectives of the course. Course organizers already in the field will have an advantage in this regard, as they will be able to visit possible training sites in order to select the most appropriate. Where this is not possible, advance contact with people in the field is imperative and should continue throughout the planning process. In summary, effective planning requires answers not only to such questions as "Who are the audience?" and "What are their training needs?", but also "When is the rainy season?", "What is the security situation?" and, inevitably, "Where are the bathrooms?"

PART TWO

TRAINING SESSIONS

SECTION 1

INTRODUCTION

COURSE OBJECTIVES AND METHODOLOGY

47. The first introductory session of the course should include presentations of the participants and training team, and of the course objectives and methodology. When trainers are introduced, reference should be made to their experience and the qualifications that particularly fit them for the task; throughout the course, they will have to demonstrate that they understand the realities and pressures faced by the participants in their daily work.

Course objectives

48. The objectives of the training course, in line with the Manual, this Trainer's Guide and the training's methodological approach contained herein, are:

- To provide information on international human rights standards relevant to the work of prison officials;
- To encourage the development of skills necessary to transform that information into practical behaviour;
- To sensitize prison officials to their particular role in promoting and protecting human rights, and to their own potential for affecting human rights in their daily work;
- To reinforce prison officials' respect for, and faith in, human dignity and fundamental human rights;
- To encourage and reinforce an ethos of legality, and of compliance with international human rights standards, within prisons;
- To equip trainers of prison officials to provide effective human rights education and training.

These objectives can be presented on a flip chart or a transparency.

Course methodology

49. The course methodology should be briefly illustrated by summarizing the basic elements for effective training, as detailed in Part One of this Trainer's Guide. In particular, it should be highlighted that:

- The training offered on the basis of the Manual is relevant and helpful to prison officials' daily work; the Manual is not a theoretical textbook, but is intended to help prison staff as they go about their regular duties;
- The training process is designed to be interesting and informative; in particular, active participation is encouraged and interactive training techniques will be used;
- Trainees' knowledge, expertise and practical experience provide an added value to the course and will be drawn on during the course.

NB: Introduce the Manual and other training materials.

CHAPTER 1. HUMAN RIGHTS AND PRISONS

Exercise:

Organize a discussion on the content of chapter 1 of the Manual, in particular the role of prison officials in human rights protection.

CHAPTER 2. SOURCES, SYSTEMS AND STANDARDS FOR HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE

OBJECTIVES

To introduce course participants to the overall existing United Nations framework for the protection of human rights in the administration of justice.

To provide an overview of the principal instruments, monitoring mechanisms and authoritative United Nations bodies relevant to the work of prison officials.

To highlight selected categories of potential human rights violations which prison officials should be careful to avoid.



ESSENTIAL PRINCIPLES

International human rights law is binding on all States and their agents, including prison officials.

Human rights are a legitimate subject for international law, and for international scrutiny.

Prison officials are obliged to know, and to apply, international standards on human rights.

A. Relevance of international standards

50. It should be stressed that this session is an introduction. It is not expected that all the information will be remembered. It is expected that after this session all trainees will be aware of the United Nations framework and of the Manual as the resource for information.

B. The basic sources

51. The basic sources which are detailed in chapter 2 of the Manual could be highlighted through consecutive brainstorming sessions (answers are to be noted on a flip chart) around the following topics:

1. *Some examples of human rights*

52. Human rights and fundamental freedoms are enumerated in the Universal Declaration of Human Rights and in various treaties (also called “covenants” and “conventions”), declarations, guidelines and bodies of principles elaborated by the United Nations and by regional organizations. They include a broad range of guarantees, addressing virtually every aspect of human life and human interaction. Among the rights guaranteed to all human beings are:

- The right to life;
- Freedom from torture and cruel, inhuman or degrading treatment or punishment;

- Freedom from arbitrary arrest or detention;
- The right to a fair trial;
- Freedom from discrimination;
- The right to equal protection of the law;
- Freedom from arbitrary interference with privacy, family, home or correspondence;
- Freedom of association, expression, assembly and movement;
- The right to seek and enjoy asylum;
- The right to a nationality;
- Freedom of thought, conscience and religion;
- The right to vote and take part in government;
- The right to just and favourable work conditions;
- The right to adequate food, shelter, clothing and social security;
- The right to health;
- The right to education;
- The right to property;
- The right to participate in cultural life;
- The right to development.

2. *What is meant by "human rights"?*

53. Human rights are universal legal guarantees protecting individuals and groups against actions which interfere with fundamental freedoms and human dignity. Human rights law obliges Governments to do some things and prevents them from doing others. Some of the most important characteristics of human rights are the following:

- They are internationally guaranteed;
- They are legally protected at the international or domestic level;
- They focus on the dignity of the human being;
- They protect individuals and groups;
- They obligate States and State actors;
- They cannot be waived or taken away;
- They are equal and interdependent.
- They are universal.

54. International cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, as outlined in Article 1 of its Charter. Thus, since the founding of the Organization in 1945, human rights have been the business of every Member State, every constituent body, every programme and agency, and every staff member of the United Nations.

3. *Where do human rights "rules" come from?*

55. Human rights norms and standards are derived from two principal international sources, namely "treaty law" and "customary international law".

(a) Treaty law

56. Treaty law includes the law of human rights as set out in many international agreements (treaties, covenants, conventions) collectively (either bilaterally or multilaterally) developed, signed and ratified by States.

57. Some of these treaties cover whole sets of rights, such as:

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights.

58. Other treaties focus on particular types of violations, such as:

- Convention on the Prevention and Punishment of the Crime of Genocide;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

59. Still other treaties focus on particular groups to be protected, such as:

- Convention on the Rights of the Child;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention (and Protocol) relating to the Status of Refugees.

60. Another type of treaty focuses on particular situations, such as armed conflict, including:

- The four Geneva Conventions of 1949;
- The two Additional Protocols of 1977 to those Conventions.

61. All these instruments are legally binding on the States which are parties to them.

(b) Customary international law

62. Customary international law (or, simply, "custom") is international law which develops through a general and consistent practice of States, followed because of a sense of legal obligation. In other words, if over a period of time States perform in a certain way because they all believe that they are required to do so, that behaviour comes to be recognized as a principle of international law, binding on States, even if not written in a particular agreement. Thus, for example, while the Universal Declaration of Human Rights is not, in itself, a binding instrument, certain provisions of the Declaration are considered to have the character of customary international law.

63. Human rights standards are also enshrined in other types of instrument: declarations, recommendations, bodies of principles, codes of conduct and guidelines (such as the Declaration on the Right to Development; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Basic Principles on the Independence of the Judiciary; the Code of Conduct for Law Enforcement Officials; and the Guidelines on the Role of Prosecutors).

64. These instruments are not themselves legally binding on States. Nevertheless, they have moral force and provide practical guidance to States in their conduct. The value of such instruments rests on their recognition and acceptance by a large number of States and, even without binding legal effect, they may be seen as declaratory of principles that are broadly accepted by the international community. What is more, some of their provisions are declaratory of elements of customary international law and are thus binding.

65. The Declaration on the Right to Development, adopted by the United Nations General Assembly in 1986, is an important example of such a declaration. In the Declaration (second preambular paragraph), development is recognized as:

... a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom

The Declaration confirms that development is a right which belongs to every human person and identifies as its key elements: permanent sovereignty over natural resources; self-determination; popular participation; equality of opportunity; and the achievement of adequate conditions for the enjoyment of other civil, cultural, economic, political and social rights.

4. *Who makes these rules?*

66. The international legal system, as outlined in the Charter of the United Nations, is built around a community of States. The law which governs that system, therefore, is principally law for, by and about States. As such, it is the States themselves who make the rules, through the development of custom, the development of treaties and the development of declarations, bodies of principles and other similar instruments. States agree on the content of these sources and agree to be bound by them. In the case of human rights law, while it is individuals and groups which are protected, it is the conduct of States (and State actors) which is regulated.

5. *Where are the rules made?*

67. Human rights standards are developed and codified in various international organizations, through a process in which representatives of States members of those organizations meet, usually repeatedly over a period of years, to work out the form and content of international human rights instruments, article by article and line by line.

68. In United Nations bodies, all States are invited to attend and participate in the drafting so as to ensure that the final document reflects the views and experience of all regions of the world and all major legal systems. Whether for a binding treaty or for an authoritative declaration, every proposal is closely scrutinized and debated, until a final text is at length agreed on. Even then, in the case of treaties, a State is not bound by the instrument until it has signed and ratified (or acceded to) it.

69. Instruments of universal application are elaborated in United Nations human rights bodies (such as the Commission on Human Rights), for submission to the General Assembly for adoption. Additionally, expert studies on various human rights problems which may lead to the development of new human rights standards are undertaken each year by the Sub-Commission on the Promotion and Protection of Human Rights.

70. Specialized instruments of universal application are also elaborated and adopted by United Nations specialized agencies, such as the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

71. Lastly, a number of important regional human rights instruments have been developed by the major regional organizations, including the Council of Europe, the Organization of American States and the Organization of African Unity.

6. *Who monitors human rights?*

72. Of course, merely establishing a set of rules is not enough to ensure their application. The implementation of human rights standards is closely watched at several levels. National institutions and organizations monitoring human rights include:

- Concerned government agencies and services;
- National human rights institutions, such as an independent human rights commission or an ombudsman (these are extrajudicial institutions established following the guidelines known as “The Paris Principles”);²
- Human rights groups and other non-governmental organizations (NGOs);
- Community-based organizations;
- The courts;
- Parliament;
- The media;
- Professional associations (such as lawyers’ or doctors’ associations);
- Trade unions;
- Religious organizations;
- Academic institutions.

²Adopted by General Assembly resolution 48/134 of 20 December 1993.

73. At a second level, regional organizations have developed mechanisms to monitor compliance with human rights standards by countries in their respective regions. Such mechanisms include the Inter-American Commission on Human Rights and Court of Human Rights, the African Commission and Court on Human and Peoples' Rights, the European Court of Human Rights and the Committee of Ministers of the Council of Europe.

74. At the international (global) level, human rights are monitored by a number of international NGOs and by the United Nations. Within the United Nations, several types of monitoring are carried out.

75. The first is "conventional" (or treaty-based) monitoring. Some human rights treaties establish a committee of experts (a "treaty body", such as the Human Rights Committee or the Committee on the Elimination of Discrimination against Women) whose main task is to monitor the implementation by States parties of the relevant treaty, mainly through the analysis of periodic reports submitted by those States. Five treaty bodies also have competence to examine individual complaints of human rights violations, under optional complaints procedures (the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families).

76. The second type of monitoring is "extraconventional" (or Charter-based) monitoring. It is based on procedures and mechanisms established by the Commission on Human Rights or the Economic and Social Council, including a confidential procedure (known as the "1503 procedure") for dealing with communications relating to consistent patterns of gross violations of human rights, and special public procedures which examine, monitor and report on human rights situations either in specific countries and territories ("country mechanisms or mandates") or concerning a specific human rights problem ("thematic mechanisms or mandates"). They are entrusted to working groups composed of experts acting in their individual capacity (such as the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention), to individuals designated as special rapporteurs, representatives or independent experts (such as the Special Rapporteur on the independence of judges and lawyers, the Special Representative of the Secretary-General on the situation of human rights in Cambodia, and the independent expert on the situation of human rights in Haiti) or directly to the Secretary-General (as is the case for the question of human rights and mass exoduses).

77. Fourteen thematic mandates are able to deal with urgent action appeals in response to individual allegations that a serious human rights violation is about to be committed. Such situations include imminent extrajudicial execution, fear that a detained individual may be subjected to torture, or a threat to the life of a human rights defender. In these cases, the particular special rapporteur or chairperson of a working group may address a message to the Minister for Foreign Affairs of the State concerned by telefax, requesting the Government to clarify the particular case and to take the necessary steps to guarantee the rights of the alleged victim. The thematic mandates that deal with urgent action include, among others, the Special Rapporteurs on torture;

on violence against women, its causes and consequences; and on extrajudicial, summary or arbitrary executions; the Special Representative of the Secretary-General on human rights defenders; and the Working Groups on enforced or involuntary disappearances and on arbitrary detention.

78. The third type of monitoring is through peacekeeping and human rights field operations. Recently, the inclusion of human rights aspects in the mandates of United Nations peacekeeping operations has increased dramatically. The assignment of various human rights functions to the international personnel involved in their implementation has included monitoring the human rights situation and reporting on it. Extensive human rights mandates were assigned to the United Nations Observer Mission in El Salvador, the United Nations Transitional Authority in Cambodia, the United Nations Mission for the Verification of Human Rights in Guatemala, the International Civilian Mission in Haiti, the United Nations Mission in Bosnia and Herzegovina, the United Nations Transitional Administration in East Timor, the United Nations Interim Administration Mission in Kosovo and other such operations.

79. In addition, the United Nations High Commissioner for Human Rights has established human rights field presences with monitoring mandates in several countries, among them Colombia and the Democratic Republic of the Congo. The field presence in the Democratic Republic of the Congo is mandated to, among other things, monitor the human rights situation throughout the country, give advice to governmental and non-governmental organizations on international human rights standards and provide information on individual cases of human rights violations that may require urgent action by the country special rapporteur and/or the thematic mechanisms. Furthermore, requests for technical cooperation programmes aimed at establishing or strengthening national human rights capacities or national human rights infrastructures are becoming a dynamic part of OHCHR's work in the field.

7. How are human rights enforced?

80. International human rights law obliges States to take all necessary measures to give force to the standards contained in treaties and customary principles. This means, inter alia, ensuring redress for victims, prosecuting offenders, preventing abuses and combating impunity. Thus, in the first instance, it is individual States themselves which must act to enforce the standards, principally through their domestic legal systems. Where they cannot or do not act, or will not prosecute, States may be compelled, in certain circumstances, to extradite, transfer or surrender an alleged offender for prosecution elsewhere. Some treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, expressly require States parties to try or extradite offenders.

81. At the international level, in the 1990s, in the wake of genocide and crimes against humanity in Rwanda and the former Yugoslavia, ad hoc tribunals were established by the United Nations Security Council to bring to justice persons responsible for serious abuses in those countries. Subsequently, as the decade and the

millennium drew to a close, the international community advanced the cause of enforcement significantly with the adoption, in Rome on 17 July 1998, of the Statute of the International Criminal Court, which entered into force on 1 July 2002, creating a permanent international tribunal to give effect to the half-century-old affirmation in the Universal Declaration of Human Rights (third preambular paragraph) that:

... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law

Exercise:

Trainees will become aware of the issues through participation and discovery. The final objective is to be achieved through a group activity:

- The trainees should be asked to draw on their own knowledge and experience to answer the question: “What human rights violations might occur during the use of imprisonment as a method of law enforcement?”;
- The contributions from the trainees should be recorded on a flip chart or a transparency. The trainer should prompt if the list is sparse (the list of possible violations might include: torture, murder, corporal punishment, racial discrimination, gender discrimination, the imprisonment of children, misuse of power by prison officials, etc.);
- In small groups, the trainees should then be asked to discover, by looking at the Compilation of Instruments, which United Nations instruments refer to one or more of these practices and what their ruling is;
- Each group should then be asked to report back;
- This short exercise will start the process of familiarization with the wide body of knowledge contained in the Manual.

SECTION 2

**RIGHT TO PHYSICAL AND
MORAL INTEGRITY**

OBJECTIVE

The objective of this section is to underline the principle that individuals who are detained or who are in prison retain all their rights as human beings except those that have been lost as a specific consequence of deprivation of liberty. A universal prohibition on torture and ill-treatment stems from the inherent dignity of all people. Prisoners and detainees should be treated at all times in a humane and dignified manner.

This requirement begins at the point of admission and continues until the moment of release.



ESSENTIAL PRINCIPLES

All human beings are born free and equal in dignity and rights.

Human rights derive from the inherent dignity of the human person.

All persons deprived of their liberty shall be treated at all times with humanity and with respect for the inherent dignity of the human person.

These principles should be presented visually, on a transparency or on paper, and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs to discover the basis for each of these principles. A brief reporting back session will ensure that all trainees have discovered the information and are able to use the instruments.

CHAPTER 3. PROHIBITION OF TORTURE AND ILL-TREATMENT



OBJECTIVE

The objective of this chapter is to underline that torture or any other form of inhuman or degrading treatment or punishment is absolutely prohibited and can never be condoned in any circumstances. The prohibition of torture forms part of customary international law, which means that it is binding, regardless of whether a State has ratified international treaties expressly prohibiting torture.



ESSENTIAL PRINCIPLES

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. There are no exceptions.

Torture is defined as any act by which severe physical or mental pain or suffering is intentionally inflicted on a person, other than that which is inherent in or incidental to lawful sanctions.

Ill-treatment is defined as other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.

Any act of torture committed as part of a widespread or systematic attack directed against the civilian population with knowledge of the attack is a crime against humanity.

No prisoner shall be subjected, even with his or her consent, to any medical or scientific experimentation which may be detrimental to health.

Like torture and ill-treatment, enforced disappearances and summary executions are completely prohibited.

All law enforcement officials shall be fully informed and educated about the prohibition of torture and ill-treatment.

Any statement made as a result of torture shall not be invoked as evidence in any proceedings, except as evidence to bring the perpetrators to justice.

Orders from a superior officer may not be invoked as a justification for torture.

Law enforcement officials may use force only when it is strictly necessary.

Any individual who alleges that he or she has been subjected to torture has the right to complain and to have his or her case promptly and impartially examined by competent authorities.

All deaths in custody, incidents of torture and ill-treatment, and disappearances of prisoners shall be properly investigated.

All interrogation rules, instructions, methods and practices pertaining to detained and imprisoned persons shall be kept under systematic review with a view to preventing torture.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Trainees should also be encouraged to discover the foundations in regional instruments.

Ask for the information to be reported back to the group.



IMPLICATIONS

The information contained here is directly relevant to the work of prison staff. In some jurisdictions these practices may not be seen to be abhorrent; in others they will be. It is likely that this session will generate energetic discussion. Allow time for comment and question but ensure that you always return to the imperative of the instruments.



PRACTICAL RECOMMENDATIONS

The practical recommendations in the corresponding chapter of the Manual should be presented to the trainees.



TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into groups of four or five and be given specific topics to discuss.

A number of topics require the trainees to discuss the arrangements in their own jurisdictions. Facilitators should encourage a comparison of practices, as described, with the requirements of the instruments. Constant reference to the presentations during the session should be encouraged.

Points to be highlighted/suggested areas for discussion:

- If prison staff behave in a reasonable and predictable manner prisoners are likely to feel safer and will be more willing to comply with the requirements of the regime;
- Prison staff must ensure that all the rules and regulations applying to prisoners are on display so that prisoners can be aware of what is expected of them and what is likely to happen if they do not comply;
- Weapons should not be on display because they create a culture of fear;
- Weapons may be used in certain circumstances but only as a last resort and when there is danger of serious injury or death if a situation is not dealt with swiftly;
- Prison staff should take pride in being able to deal with difficult situations by using their skills rather than by resorting to violence;
- The method available to a prisoner of registering a complaint against a member of staff must be confidential. The complaint must also be dealt with by someone other than the person being complained about;

- It is important that prison staff do not feel threatened by the existence of a formal system of complaint. On the contrary, they should see it as an essential element in an open and professional service and one that protects the good member of staff from any taint by the actions of a less professional colleague;
- An inspector of a prison must pay particular attention to any segregation areas where prisoners who have broken prison rules might be held;
- Particular attention should also be given to the medical facilities and the recording of any injuries and how they occurred;
- Human rights cannot be forfeited, even when serving a sentence of detention for criminal behaviour. Nobody, not even a higher authority, has the right to order another to violate these rights;
- Prison officials frequently have the most difficult task of working in conditions that fall short of basic standards;
- In these circumstances, they should bring the information to the attention of the prison director. It is expected that the director will take the problem to a higher authority;
- If this action is not successful it is correct for prison staff to pursue the matter again;
- A death in custody must be investigated by a judicial or other authority and an inquiry held. The results of the inquiry should be made available to the family of the deceased.



CASE STUDIES

Methodology:

In order to maximize participation and dissemination of information for the whole group, an exercise in discussion and decision-making may now take place.

Volunteers from among the trainees are invited to take turns to sit around a table at the front of the room and discuss each case study.

It may be helpful to have a facilitator as part of the group to start the process if trainees are a little reluctant initially.

The discussion and eventual decision-making are observed by all the trainees, who have the opportunity to make their own comments at the end.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The everyday work of prison staff puts them in very trying and difficult situations;
- It is the responsibility of the senior staff to show the way in maintaining a disciplined approach at all times, despite provocation;
- Punishments amounting to violent acts against the person can never be justified;
- What is the job of a prison official? What do the international instruments say?;
- Would staff "punish" the prisoner if they thought their colleagues would report them?

CASE STUDY 2

- It is not permissible to justify the use of violence to obtain information in order to prevent violence;
- If violence is an option, is it likely to be seen as the first option?;
- The head of the prison must investigate the intelligence according to his strategic plans; that is what they are for. This might include evacuation of certain areas, particularly those used by staff;
- If there were no suspects, what would the head of the prison do?;
- A thorough security review is also called for to establish the source of explosive material;
- It is always important that senior prison officials behave in accordance with the international code; they set the standard for all the staff.

CASE STUDY 3

- What implications does observance of the international inspection committee's rulings have for the culture of the prison?;
- Does observance mean that the prison administrators will have to do their jobs differently? How? Is it likely that the prison will be better run?;
- Prison staff will accept a new way of working with prisoners if the senior officials set an example;
- It is possible for notions of "justice" and "human rights" to evolve, and thereby change, over time. Should the prison administration endorse the international instruments over established national practices?

CHAPTER 4. ADMISSION AND RELEASE

OBJECTIVE

The objective of this chapter is to show that the requirement to treat prisoners and other people deprived of their liberty in a humane and dignified manner begins at the moment of admission to custody and continues until the moment of release.



ESSENTIAL PRINCIPLES

Persons deprived of their liberty should be held in places which are officially recognized as places of custody.

A detailed register shall be kept of every person deprived of liberty.

All prisoners shall be provided promptly with written information about the regulations which apply to their treatment and about their rights and obligations.

The families, legal representatives and, if appropriate, diplomatic missions of prisoners are to receive full information about the fact of their detention and where they are held.

All prisoners shall be offered a proper medical examination and treatment as soon as possible after admission.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

The information should be reported back to the group.



IMPLICATIONS

The essential point is that people held in detention are, and remain, individuals with the same human rights as if they were free. Their detention must be declared legal and their movements through the system recorded.



PRACTICAL RECOMMENDATIONS

These provide the information needed for trainees to take back with them to their workplace. They should be read through with the trainees.



TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

Divide the trainees into small groups and give each group the task of discussing the four topics.

They are being asked to talk about their own work experience so try to ensure that they do not become too anecdotal in their approach.

Reporting back not necessary.



CASE STUDIES

Methodology:

This brief exercise is best conducted at the front of the group by volunteers from among the trainees plus a facilitator.

The personnel should change for the second case study.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Could the time of day have an influence on the decisions of prison staff? Should it?;
- Is the word of a man in an official uniform sufficient to deprive someone of his liberty?;
- Is it the responsibility of a prison official to assist another law enforcement officer who has clearly failed to fulfil his own duties adequately?;
- Does the existence of the international instruments protect prison officials as well as prisoners?

CASE STUDY 2

- It is frequently the case that prison staff have to deal with difficult situations presented to them by the judicial authorities;
- Does the woman prisoner have some choice about who is to be informed and in what order?;
- Should it be assumed that this woman knows her rights, or should someone be available to assist her?;
- Is the likely mental and emotional state of prisoners to be taken into account by receiving officers?

SECTION 3

**RIGHT TO AN ADEQUATE
STANDARD OF LIVING**

 **OBJECTIVE**

The objective of this section is to underline the principle that prisoners and detained individuals have the right to an adequate standard of living. These rights include accommodation, food, drinking water, clothing and bedding.



ESSENTIAL PRINCIPLE

All persons deprived of their liberty have the right to an adequate standard of living, including adequate food, drinking water, accommodation, clothing and bedding.

This principle should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for this principle.



IMPLICATIONS

Before presenting these to the trainees, ask them to give their views on the importance of maintaining adequate living conditions within places of detention.

Encourage them to think for themselves and to consider the likely results of poor living conditions for detainees, prison staff and the wider community.

CHAPTER 5. ACCOMMODATION

OBJECTIVE

Prisoners are usually required to remain in a particular location. In many instances they will have to spend extended periods in a particular building or part of a building. The objective of this chapter is to show that this accommodation must meet certain basic standards. The international rules make it clear that prisoners should have enough space to live in, with access to enough air and light to remain healthy.



ESSENTIAL PRINCIPLES

Accommodation for prisoners shall provide adequate cubic content of air, floor space, lighting, heating and ventilation.

Prisoners required to share sleeping accommodation shall be carefully selected and supervised at night.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Ask for the information to be reported back to the group.



IMPLICATIONS

The trainees are being asked to consider the very serious effects of overcrowding. It is important that the full force of these effects is understood; the effects can extend to the staff and their own families.

In addition, the effects of inadequate heat and ventilation are stressed.

It is important to understand that inadequate accommodation can contribute to violations of article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



PRACTICAL RECOMMENDATIONS

Draw attention to the need to retain and use this information in the workplace.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups. Each group should be given the four topics to discuss.

The substance for the discussions has been presented during the session. Trainees should be reminded where to look for information, i.e. in the Compilation of Instruments and around the walls of the training area.

Facilitators should be on hand to ensure that the discussions are relevant and therefore helpful.

Reporting back is not necessary.

Points to be highlighted/suggested areas for discussion:

- The need for accurate and current registration of prisoners when they arrive at the prison;
- The information, apart from the basic requirement, which would be useful for prison staff to record when a prisoner arrives and the use to which it could be put;
- Imaginative use of the time and space available;
- Health issues, e.g. the ease with which infectious diseases can spread and the need for preventive action;
- The need to protect the weak and the vulnerable from physical, including sexual, attack;
- The existence of international standards for holding prisoners means that Governments must abide by them.



CASE STUDIES

Methodology:

A round-table discussion at the front of the room is suggested, with volunteers from among the trainees, together with a facilitator.

The discussion and eventual decision-making are observed by all the trainees, who have the opportunity to make their own comments at the end.

This format would be repeated with a different group of trainees for subsequent case studies.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Staff rotas should be organized so that the exercise space that is available can be in use throughout the daylight hours;
- There may be other areas of the prison within the security perimeter – therefore not requiring extra staffing commitments – that could be used for prisoner activities, e.g. corridors or courtyards;
- Basic prison tasks should be allocated to prisoners where at all possible;
- Simple work tasks might be provided by business people in the local community for prisoners to do during the day;
- Interest or education classes could be encouraged, with skilled or accomplished prisoners acting as tutors if qualified tutors cannot be provided;

- Simple exercise routines, adapted to the space and facilities available, could be provided for prisoners by imaginative staff, who could be rewarded for their ingenuity;
- Prison staff generally could be encouraged to devise ways and means to improve the regime.

CASE STUDY 2

- In the first instance, the prison director should bring the situation to the attention of the central prison administration;
- Investigating, prosecuting and judicial agencies responsible for sending individuals to prison should also be made aware of the situation;
- The director should be in touch with other individuals and organizations who might be in a position to support the attempt to comply with humanitarian principles;
- The director might be able to refuse to receive prisoners above a quota;
- Accommodation might be found within the prison by adapting other areas to the purpose.

CHAPTER 6. RIGHT TO ADEQUATE FOOD AND DRINKING WATER



OBJECTIVE

The objective of this chapter is to underline that prisoners must be provided with wholesome food which is adequate to safeguard their health and strength. They must also have regular access to drinking water.



ESSENTIAL PRINCIPLES

Adequate food and drinking water are human rights.

All prisoners have the right to wholesome and adequate food at the usual hours, with drinking water available whenever needed.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Ask for the information to be reported back to the group.

Quote from your own text, in order to reinforce the information.



IMPLICATIONS

Pose the problem of not providing adequate food and drinking water for detainees. Ask the trainees to consider it. After a period of discussion, present the statements.



PRACTICAL RECOMMENDATIONS

Present these to the trainees as ways of dealing with some of the problems posed and important considerations for prison staff in the discharge of their duties.



TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups. Each group should be given one of the topics to discuss.

Each group will be asked to report back, so a spokesperson should be appointed.

Points to be highlighted/suggested areas for discussion:

- When searching food, prison staff should not:
 - Use their hands to pull food apart;
 - Let the food fall on the floor;

- Allow any foreign bodies to come into contact with the food;
- Different cultures will have very different foodstuffs, so the methods employed to maintain security will vary. It will be of interest to the trainees to hear how their colleagues cope with the problem;
- In order to ensure that food is not stolen or distributed unfairly by kitchen workers, prison staff must:
 - Vet kitchen workers before assigning them to the job;
 - Give the job of working in the kitchen a high status;
 - Impose instant dismissal as the penalty for stealing food;
 - Search all prisoners before they leave their workplace;
 - Maintain strict control over the victualling store;
 - Devise a system whereby kitchen workers who are being bullied into stealing or distributing food unfairly by other prisoners may report this fact to the authorities without being identified;
 - Ensure that staff and not prisoners control the portions;
- When there are prisoners suffering from tuberculosis who need special nourishment, it is in the interests of everyone to fight the spread of disease. This may be done by providing a decent diet as much as by providing medicines to treat sick people;
- Where possible, special rations or menus for sick prisoners could be identified before main distribution takes place;
- The medical staff could order particular rations for seriously ill prisoners;
- Charitable agencies could be requested to assist in finding extra supplies for the sick and weak among the prison population;
- Family members, where possible, may be allowed to bring extra supplies to prisoners;
- Self-sufficiency or surplus in food production might be encouraged by:
 - Investigating the availability of fertile land within the prison perimeter, or in some circumstances outside it;
 - Gaining access to seed and the tools of cultivation;
 - The presence of the necessary knowledge among the staff or the ability to recruit specialists from the local community;
 - Agreement from the prison administration for the development of a quasi-commercial relationship with the local community.



CASE STUDIES

Methodology:

It is suggested that these should be conducted as a role-play discussion at the front of the room.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The people involved in making a decision on this matter would include: the prison director, security staff, the local community, an agriculturalist, medical

staff, the prison administration, possibly prisoner representation and perhaps others;

- They would have to discuss all the likely problems that could arise from taking on this new venture and whether they would be worth tackling in order to ensure a more plentiful supply of food. The timescale would be a relevant factor
 - the crops have to be planted according to the seasons and they need time to grow. Is the climate right and what crops should be chosen? How would the crop be harvested and how would the harvest be processed into food? If the venture proved successful how would any surplus be stored, given away or sold?;
- If there are any trainees with particular or specialist knowledge, they should be encouraged to take part.

CASE STUDY 2

- For this study, a different group of trainees should be invited to take part;
- It would be helpful if they included representatives of different cultures and religions. Members of the training staff could take part in order to assist with specialist information;
- Discussion will centre around the human rights issue of respecting differences in people's beliefs and practices. Knowing about them is the first priority, followed by making contact with similar groups in the local community in order to get information and help. Prison routines would need to be adapted to accommodate both practices and dietary requirements;
- There will be difficulties. In some jurisdictions these will be greater than in others, but adherence to the human rights directive is paramount.

CHAPTER 7. RIGHT TO CLOTHING AND BEDDING

OBJECTIVE

The objective of this chapter is to emphasize how important it is both for the general health of everyone in prison and for the self-respect of the individual that prisoners should have clean and adequate clothing and bedding.

ESSENTIAL PRINCIPLES

Clothing, as a component of the right to an adequate standard of living, is a human right.

All prisoners not allowed to wear their own clothing shall be provided with suitable clothing.

There shall be facilities for keeping clothing clean and in proper condition.

All prisoners shall be provided with a separate bed and clean bedding, with facilities for keeping bedding clean.

There must be facilities to wash and dry clothing and bedding regularly.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Ask for the information to be reported back to the group, ensuring that different pairings of trainees are asked each time.

IMPLICATIONS

The trainees should be asked what the implications are of clothing and bedding provisions that are below the required standards.

The differing circumstances that exist across the many jurisdictions do not alter the imperative of the essential principles.

The statements should be presented and further comment encouraged.

PRACTICAL RECOMMENDATIONS

These should be presented for the trainees' consideration, and comment welcomed on the particular relevance to their own jurisdictions.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

Divide the trainees into small groups. Give each group the two topics to discuss.

Time should be allowed for a brief reporting back session so each group should appoint a spokesperson.

The reports should cover the points listed below and perhaps others drawn from the experience of the trainees.

Record the main ideas on a flip chart or a transparency.

Make sure you hear from every group.

Points to be highlighted/suggested areas for discussion:

The first topic involves the wearing of prison and personal clothing:

- Wearing prison clothing may be associated with security matters; for example, prisoners are easy to spot, therefore escape attempts are likely to be more difficult;
- Prison clothing is easier to administer; it can be collected, cleaned and reissued to anyone;
- Prison clothing squashes the spirit; everyone looks the same; there is less scope for individuality. Against this can be seen the significance of personal clothing for maintaining human rights;
- Are there situations when the wearing of personal clothing might be particularly important to prisoners?;
- Prison authorities must balance the need for security with the need to protect human rights. Are there circumstances when the demonstration of a willingness to observe human dignity can promote good order and discipline?

The second topic deals with the practical issue of cleaning personal clothing:

- This will have been dealt with to some extent already;
- Many prisons have good central laundering facilities; others may be able to allow prisoners to wash their own clothes; still others may have few facilities of any kind;
- Prisons may need to look outside their walls for help: the families of prisoners may be able to collect and exchange clothing; charitable and other agencies may be able to offer a similar service to those prisoners who have no family members locally.



CASE STUDY

Methodology:

This exercise aims to make the trainees think about the importance for prison staff of finding ways to combine matters of security with the maintenance of human rights.

A role-play discussion is suggested, with members of the training team in the roles of senior prison staff faced with this problem, and human rights workers.

The trainees will hear the problems and the possible solutions and be able to make their own comments at the end.

NB: It is always likely that comments from the trainees will be anecdotal. This is to be expected and even welcomed, but anecdotes of failed efforts must never be allowed to be the last word on any matter. The message must be that, however difficult – and we know that it can be very difficult – a way must always be found. The trainees should feel a sense of pride in finding a possible solution.

SECTION 4

**HEALTH RIGHTS
OF PRISONERS**



OBJECTIVE

The objective of this section is to emphasize that proper health care is a basic right which applies to all human beings and that the conditions of health care in prisons affect public health.



ESSENTIAL PRINCIPLE

The enjoyment of the highest attainable standard of physical and mental health is a human right.

This principle should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for this principle. Check on their work by asking for reports from several of the pairs.



IMPLICATIONS

Before presenting these to the trainees, ask them to give their views on the importance of maintaining high health standards within places of detention.

Encourage them to think for themselves and to consider the likely results of poor health standards for detainees, prison staff and the wider community.

CHAPTER 8. HEALTH SCREENING FOR ALL NEW PRISONERS

OBJECTIVE

The objective of this chapter is to stress that a prisoner's right to proper health care begins at the point of admission to custody.

ESSENTIAL PRINCIPLES

It is a basic requirement that all prisoners should be given a medical examination as soon as they have been admitted to a prison or place of detention.

Any necessary medical treatment should then be provided free of charge.

Prisoners should generally have the right to request a second medical opinion.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles. Check on their work by asking for reports from several of the pairs.

IMPLICATIONS

The important message is that on matters of health the prisoner is a human being first and a detainee second. An illness or disease, whether contracted before or during a sentence of detention, must be treated to ensure the welfare of the individual. It must never be conditional on anything.

Diagnosis is an area of concern. It can be as damaging to an individual's welfare to be diagnosed as ill, especially mentally ill, when he or she is not as it is to remain undiagnosed when actually ill.

This subject area is likely to bring forth anecdotal examples from the trainees' own experience. If these include many examples of apparent misuse of medical resources by detainees, ensure that you do not allow this to detract from the point being made. No number of misuses can alter the principle.

PRACTICAL RECOMMENDATIONS

When presenting these, be prepared to offer advice to trainees should they highlight difficulties at their own place of work or within their jurisdiction.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

Divide the trainees into small groups. Try to achieve a mix of backgrounds and experience in the groups. Give each group one of the topics to discuss. The group leaders are to report back after a suitable period for discussion.

Facilitators are particularly important if there are no, or only a few, health-care staff among the trainees.

Points to be highlighted/suggested areas for discussion:

- The display, on the walls of the reception area, of statements of purpose for medical staff in prisons stressing the primary role of care;
- The writing of these statements in the everyday language of the region;
- The translation of these statements into other languages commonly in use among those held in detention in the prison;
- A discussion on the importance of the holding environment; is there an area for private discussion?;
- The importance of an assurance, during the first interview, of confidential and continuing care throughout the period of detention;
- The importance of seeing mental health problems as illnesses;
- The need for all staff to be trained to deal with the problems that can arise when mentally unstable people are held in detention;
- The importance of treating all prisoners with respect, as laid down in the instruments;
- The need to treat the prisoner as a patient; this means treating the illness;
- The need to develop strategies to contain the risk of infectious diseases;
- Recognition that different jurisdictions will tackle this in different ways.



CASE STUDY

Methodology:

A panel made up of volunteer trainees and a member of the training team should discuss this practical problem.

Points to be highlighted/suggested areas for discussion:

- Engaging the help of a trained counsellor to help the prisoner through this very stressful period;
- Ensuring that he is not placed in a cell on his own;
- Arranging for constant observation;
- Explaining the procedures for the following day in order to alleviate the worry of not knowing.

CHAPTER 9. THE RIGHT OF PRISONERS TO HAVE ACCESS TO HEALTH CARE

OBJECTIVE

International instruments protect everyone, including prisoners, against gross violations of their health and the integrity of their person. The objective of this chapter is to underline that, because people who are in custody are particularly vulnerable, there are specific international standards which protect their right to health care.

ESSENTIAL PRINCIPLES

All prisoners and detained persons have the right to the highest attainable standard of physical and mental health.

Prisoners should have free access to the health services available in the country.

Decisions about a prisoner's health should be taken only on medical grounds by medically qualified people.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles. The exercise should be followed by a brief reporting back session.

IMPLICATIONS

In presenting this section, it is important to get across the message that the State has a special responsibility to those whom it deprives of liberty. This may be difficult for some to accept. The trainees must understand that it is not for them to judge whether a detainee "deserves" good health care, particularly when health-care provision in the community is not of a very high quality. They should concentrate their energies on understanding what the international instruments require of them in their daily work.

PRACTICAL RECOMMENDATIONS

These should be presented one at a time with an opportunity for discussion.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups and be given the two topics to discuss.

Time should be allowed for a brief reporting back session.

This is a useful exercise because it allows prison staff to consider the difficulties faced by some of their specialist colleagues.

It is important to have health-care specialists on the facilitating team to answer specific questions.

Points to be highlighted/suggested areas for discussion:

- The care in the prison should be similar to that available in the community;
- The same checks can be imposed on the prison facilities if the two services are linked;
- A link also allows for movement of staff between the two, ensuring that a similar standard of personnel is maintained;
- The importance of controlling infectious diseases can be emphasized if the prison population is seen as part of the general community;
- Prison health-care staff can be included in training programmes arranged for their professional colleagues in the community.



CASE STUDY

Methodology:

This should be discussed by a panel and may be organized as a role-play, with trainees joining specialist members of the training team to discuss the problem from every angle.

Others would speak for the prison director and the local community.

Points to be highlighted/suggested areas for discussion:

- In the absence of the necessary facilities in the immediate community, the prison director is likely to have to look elsewhere and perhaps to non-governmental organizations;
- The issue may then arise as to why prisoners should receive better health care than the law-abiding community;
- Reference to the international instruments should be encouraged during the discussion.

CHAPTER 10. HEALTHY CONDITIONS IN CUSTODY

OBJECTIVE

All prisoners are entitled to be held in conditions which are decent and humane. The objective of this chapter is to underline that one test of whether prison conditions are decent and humane is that they meet proper health requirements.



ESSENTIAL PRINCIPLE

The medical officer has an important responsibility to ensure that proper health standards are met. He or she can do this by regularly inspecting and advising the director of the prison upon the suitability of food, water, hygiene, cleanliness, sanitation, heating, lighting, ventilation, clothing, bedding and opportunities for exercise.

This principle should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for this principle, completing the exercise with a reporting back session.



IMPLICATIONS

When presenting this section, it may become apparent that the basic medical knowledge of the trainees falls short of that which is both desirable and necessary to fulfil the requirements of the instruments.

With this in mind, it is advisable to have medically competent members on the training team.



PRACTICAL RECOMMENDATIONS

There are likely to be different conditions and practices in different jurisdictions and communities. While it is important to allow trainees to express any difficulties they might encounter in their own work, the discussion provoked by the presentation of these practical measures must be concentrated on how they might be implemented and who or what might be available to assist in this.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups and be given the two topics to discuss.

It will be important to have a reporting back session because health matters may need to be clarified by a specialist member of the training team.

Points to be highlighted/suggested areas for discussion:

- The control of infectious diseases is of particular significance in many jurisdictions and has to be given high priority;
- It is clear from the instruments that the doctor has responsibility for caring for prisoners and for advising the prison director on a range of matters, but what actual steps should be taken when conditions fall below the required standard?;
- It is useful for the trainees to consider the practical difficulties from a position of some experience of the prison environment;
- It is important that the often serious problem of limited resources is never allowed to be a reason for doing nothing.



CASE STUDY

Methodology:

This would be most effectively presented as a role-play.

Trainees should be invited to take part in the roles of the prison director and the doctor, with others taking the roles of reception officers or nurses working in the prison.

Points to be highlighted/suggested areas for discussion:

- The imperative for the doctor is to safeguard health. This means that prisoners must not be put at risk as a result of being in prison. Is inoculation going to be effective?;
- The practical difficulties that exist for the prison director;
- The discussion is likely to be lively, but the outcome must be assured;
- Reference to the international instruments should be encouraged throughout the exercise.

CHAPTER 11. SPECIALIST HEALTH CARE

OBJECTIVE

The objective of this chapter is to emphasize that prisoners should have access to a full range of health-care facilities and that there should be a strong link between health-care services in prisons and those in the community or nation.



ESSENTIAL PRINCIPLES

Every prison should have proper health facilities and medical staff to provide for a range of health needs, including dental and psychiatric care. Sick prisoners who cannot be treated in the prison, such as prisoners with mental illnesses, should be transferred to a civil hospital or specialist prison hospital.

All prisoners shall have access to a qualified dental practitioner.

Services for psychiatric diagnosis and, if appropriate, treatment shall be available at every prison.

Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals.

Prisoners who are insane shall not be detained in prisons, but transferred as soon as possible to mental institutions.

Prisoners suffering from other mental diseases shall be treated in specialized institutions under medical management, or treated and supervised by prison medical services as appropriate.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

The information should be reported back after a suitable period has been allowed for research.

IMPLICATIONS

The message is that specialist care facilities are not a privilege but a right for detainees, in the way that they are for any patient.

It must be acknowledged that, although the mentally ill should not be held in prison, the reality is that many are. It falls to the prison staff to take care of these individuals. This is a considerable strain on them and every effort should be made to prevent this happening.



PRACTICAL RECOMMENDATIONS

It should be pointed out to the trainees that the information they receive on this training programme is intended to be taken back to the workplace and implemented.

The best way of ensuring that this will happen is to make certain that the trainees understand the principles involved and the reasoning behind them. This is particularly true in the case of medical matters.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion.

These are two interesting topics which affect all prison workers. In order to maximize participation, each group should be given one topic to discuss and be asked to prepare to report back to the full group.

At this session, comments from the floor should be encouraged.

Points to be highlighted/suggested areas for discussion:

- Prison staff often have to deal with people everyone else has given up on; they are also often criticized if they appear to fail;
- A purely rational approach is not always appropriate because the prisoner may be impaired by persistent addictive substance abuse;
- Prison staff might wonder if prison is the right place for such people; they are likely to feel particularly frustrated if they see the same people coming back to prison again and again;
- What agencies exist in the community to deal with addicts? Could they be involved as part of a programme after release?;
- How much training do non-specialist prison staff need on the nature of the HIV virus, how it is transmitted and what precautions need to be taken? Why do they need this training?;
- If the training is comprehensive, the remaining questions are easy to answer;
- The HIV virus cannot be transmitted through ordinary day-to-day contact, so HIV-positive prisoners who are not actually ill can be located normally;
- The important point is that prison staff will not be aware of the health status of all prisoners;
- These matters are confidential between the prisoner and the doctor. The only safe way to proceed is to assume that everyone may have the infection and to apply the highest possible standards of hygiene in all aspects of prison life;
- This advice is just as valid outside prison.



CASE STUDIES

Methodology:

The two case studies can best be discussed by a panel which would include recognized experts in the medical and psychiatric fields.

The trainees should be encouraged to ask questions when appropriate in order to ensure that their understanding of the medical and psychiatric conditions is as complete as possible for a lay person, and that the requirements of the instruments, in this area, are sufficiently clear for them to take the knowledge back to their workplace with confidence.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The panel will expand on the need for the medical officer to take charge of arrangements for the mentally disordered prisoner until he can be removed to a specialist hospital.

CASE STUDY 2

- The panel will concentrate on explaining that the major concern is fear;
- HIV is a very frightening illness because the one thing everyone knows about it is that it has no cure;
- This is sometimes the only thing people know about it;
- It is very important that everyone be better informed for their peace of mind as well as their own personal safety;
- For prison staff, this knowledge is an essential element of their training;
- The medical officer must embark on a training programme for all staff immediately;
- The real risks must be managed by strict adherence to protocols;
- The imaginary risks must be discredited;
- Prison staff must realize that they may come into contact with HIV-positive people every day without ever knowing it;
- The only safe way to proceed is to apply strict hygiene measures at all times and in all circumstances.

CHAPTER 12. RESPONSIBILITIES AND DUTIES OF HEALTH-CARE PERSONNEL

OBJECTIVE

The objective of this chapter is to underscore that the primary responsibility of doctors, nurses and all other health-care personnel working in prisons and other places of detention is to look after the health care of the prisoners.



ESSENTIAL PRINCIPLES

It is important that health care for prisoners be provided by at least one qualified medical officer.

Medical personnel have a duty to provide prisoners and detainees with health care equal to that which is afforded to those who are not imprisoned or detained.

The primary responsibility of all health-care personnel is to look after the health of all prisoners.

Health personnel shall not commit or give their permission for any acts which may adversely affect the health of prisoners.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Make certain that all the relevant material is discovered. It is an important part of the training that trainees know where to look for rulings.



IMPLICATIONS

The essential point is the relationship between doctor and patient. The fact that this is taking place within a place of detention must make no difference.

The fact that the doctor might sometimes be at odds with the prison director is the second point which might take some time to be grasped.

Allow time when presenting this section to ensure that all the trainees have understood, and been able to accept, the significance of what you are saying.



PRACTICAL RECOMMENDATIONS

These should be presented one at a time, possibly visually, and discussion encouraged about the applicability to the trainees' own workplace.

Comments and questions should be encouraged and dealt with throughout. It is likely that there will be considerable anecdotal material. This is acceptable but must be under the control of the trainer.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

Divide the trainees into small groups and give each group one of the topics to discuss.

A reporting back session is important so that all the trainees hear the points raised under both topics.

Where possible, facilitators should move around the groups.

Points to be highlighted/suggested areas for discussion:

- The relationship between the medical officer and the prison director is crucial to the smooth and safe running of the prison;
- Tensions are likely to occur because the doctor has considerable independence, unlike other members of the prison staff;
- The medical officer has a responsibility to ensure a good standard of health for all prisoners; this might cause difficulty when resources are limited;
- The medical officer has a relationship of doctor to patient with prisoners, which means confidentiality, even from the director of the prison;
- The medical officer has a duty to advise the director on certain matters; this advice must be taken;
- Are there circumstances in which the role of the medical officer can be compromised by prison management procedures? What should be done?

CASE STUDIES

Methodology:

Trainees should be asked to volunteer to join training team members in panel discussions on the three case studies provided.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Situations like this pose very difficult problems for prison staff. Clearly, the prisoner is behaving unreasonably and the staff are having great difficulty in dealing with him. The doctor is seen as a member of staff and is called on to help resolve the situation. All this seems very reasonable;
- The doctor can act only within the confines of his or her professional brief;
- The doctor is not allowed to take part in any punishment or forced treatment of prisoners;
- The doctor's decision must be based on the well-being of the prisoner as a patient;
- What responsibility does the doctor have for the safety of the prison staff?



CASE STUDY 2

- The doctor is bound by medical ethics not to be involved in any activity which may contribute to acts of abuse or torture;
- The doctor is bound by the international instruments not to be involved in any activity which may contribute to acts of abuse or torture;
- Doing nothing to prevent such acts is a form of participation;
- Should the doctor take into account the prisoner's fear of reprisal?;
- Should the doctor report the matter to the prison director or deal with it himself?

CASE STUDY 3

- A doctor's first duty is to preserve life;
- The prison doctor's duty is to take care of the patient;
- The prison doctor is prohibited from administering any forced or degrading treatment to prisoners on hunger strike;
- Does the prison doctor have to decide whether the prison director's request is to do with prison management or humanity?

CHAPTER 13. HYGIENE

OBJECTIVE

The objective of this chapter is to underline the need for adequate sanitary installations and washing and bathing facilities in prisons and other places of detention.

ESSENTIAL PRINCIPLE

All prisoners shall be provided with facilities to meet the needs of nature in a clean and decent manner and to maintain adequately their own cleanliness and good appearance.

This principle should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for this principle.

Ask for the information to be reported back to the group.

IMPLICATIONS

Trainees should be asked what they consider to be the implications of facilities below the standard set, both for prisoners and prison staff. The statements in the Manual should then be presented.

It is likely that the second statement, which refers to the health of staff in prisons, will engender comment. Use this interest to emphasize that human rights issues always apply to everyone.

PRACTICAL RECOMMENDATIONS

Present these to the trainees.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups to discuss the two topics. Where possible, facilitators should visit the groups, providing help and advice where necessary.

It is likely that much of what is discussed will be anecdotal, but it might be helpful to share experiences.

It is important to ensure that the topic related to religious practices is seen within the context of the observance of another human right and not dismissed as insignificant.



CASE STUDIES

Methodology:

If the facilities allow, these should be presented as panel discussions at the front of the training room so that all trainees can watch and hear the process of deliberation, which in the normal course of their work in the prison they would not be party to.

Representatives of religious groups should be invited to join other members of the presentation team, who will represent the prison authorities, in order to discuss the difficulties associated with providing facilities for prisoners who wish to continue practising their religion.

Members of local non-governmental organizations and/or voluntary groups could join the panel to discuss the second case study.

Once again, the added benefit for the trainees is that they are witnessing discussions that they would normally be excluded from. The experience of hearing the many views and opinions can only be enlightening and a countermeasure to prejudice.

If gathering such a panel is impossible, a role-play by the team of presenters, with volunteers from among the trainees, is an alternative.

Points to be highlighted/suggested areas for discussion:

- The need for individual regimes to be flexible and prepared to accommodate the human rights needs of those detained;
- The genuine difficulties that this might lead to for a prison director;
- The relationship of the prison with the local community;
- The role of the prison staff in integrating the institution and the community;
- Identifying areas where assistance from outside would be acceptable and obtainable;
- The existence of prejudice in prisons, e.g. against religious groups, especially if they are a minority;
- The need to accept the imperative of human rights over personal opinion, experience or prejudice.

CHAPTER 14. EXERCISE

OBJECTIVE

The objective of this chapter is to stress that people's health should not suffer as a direct consequence of being deprived of their liberty. Many prisoners spend the majority of their days in conditions of relatively close confinement, usually indoors. In these circumstances, it is essential that they be given an adequate amount of time each day in the open air and be allowed to walk about or to take other exercise.



ESSENTIAL PRINCIPLE

All prisoners shall have at least one hour's daily exercise in the open air if the weather permits.

This principle should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for this principle.

Ask for the information to be reported back to the group.



IMPLICATIONS

Before presenting this section, ask the trainees to consider the importance of exercise in their own lives and then to consider the likely outcomes if detainees are deprived of it for any period. Are there particular individuals or groups for whom exercise is particularly important?

Conditions are likely to be very different across different jurisdictions; it will be useful for trainees to share their experiences.



PRACTICAL RECOMMENDATIONS

Present these to the trainees, allowing sufficient time for comment and discussion.



TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups and be given the two topics to discuss. It would be helpful if facilitators could pass around the groups, ensuring that the discussions are relevant.

Reporting back is not necessary.

Points to be highlighted/suggested areas for discussion:

- Exercise is frequently associated with fresh air, but it is possible for quite strenuous cardiovascular exercise to be taken in a small, enclosed area;
- The essential element is the enthusiasm of staff to create a fitness programme;
- The prison management should provide training for staff given this task, to ensure safety and also to allow the exercise periods to be included in the daily timetable;
- Equipment can often be home-made, but organizations in the community and non-governmental organizations might be willing to donate items for use in the prisoners' exercise class;
- Security measures should never be more than is necessary. A new audit might show that some areas considered unsafe could, in fact, be used by a number of prisoners without compromising security;
- When this is not the case, it might be possible to provide limited access for higher-security prisoners with extra staff on duty.



CASE STUDIES

Methodology:

The trainees should remain in groups. Each group should be given one case study to work on. It will be necessary to report back to the assembled group, so a spokesperson should be appointed.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- This task requires some imagination. Paper and coloured pencils should be issued in order that the presentation might be both enlightening and entertaining;
- The exercise yard is to be seen as a space which could be divided into activity areas;
- A range of exercise equipment could be placed strategically for use by prisoners;
- Arrangements will need to be made for safe use of any equipment;
- Exercise plans can be made that require very little specialist equipment, if providing it is a problem;
- This is also a timetabling exercise: in order for all prisoners to receive at least the amount of exercise they are entitled to every day, and young prisoners a more exacting programme, it is necessary to keep the one available space working all day;
- Prison staff shift patterns might need to be altered in order to achieve this;
- The imperative is to achieve the international standard, hence the need to think creatively.

CASE STUDY 2

- The senior prison administrator must, as always, balance the needs of the prisoners against the needs of security;
- It is important to examine the positive side of such an offer;
- The students are likely to be young, fit and energetic, so they would be able to engage in very active exercise programmes with young prisoners in particular;
- This would relieve the pressure on prison staff. The service is likely to be free of charge. On the other hand, the presence of young civilians in the prison is likely to compromise security measures to some degree;
- The students would need to be supervised by prison staff at all times;
- Such a joint activity with the local community is likely to improve the standing of the prison and have beneficial results in the long term;
- Prison administrators should seize every opportunity to take a lead in complying with the international instruments.

SECTION 5

**MAKING PRISONS
SAFE PLACES**

OBJECTIVE

The objective of this section is to demonstrate that there are three main elements in ensuring that prisons are safe places.

The three elements are:

- SECURITY
- GOOD ORDER AND CONTROL
- DISCIPLINE AND PUNISHMENT

The description given in the Manual of what each involves should be presented visually.

Importance of regulating security and punishment and preserving good order

This is an introduction to the following chapters and should be presented as the coercive aspect of imprisonment, requiring regulatory principles and standards.

CHAPTER 15. SECURITY

OBJECTIVE

The judicial authorities should send to prison only those men and women who have committed such serious offences that imprisonment is the only reasonable punishment or those from whom the public must be protected. The objective of this chapter is to show that, within that context, prison staff have a clear responsibility to protect the public by ensuring that prisoners do not escape from lawful custody.



ESSENTIAL PRINCIPLES

Use of force, including use of firearms, to prevent escape should be employed only when less extreme means are insufficient to prevent the escape.

Restraints may be used as a precaution against escape during transfer for no longer than strictly necessary, provided that they are removed when the prisoner appears before a judge or administrative authority, or on medical grounds.

Instruments of restraint shall never be applied as a punishment.

Chains and irons shall not be used as restraints.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

They should be asked to report back.

IMPLICATIONS

The important elements are the different levels of security and the concept of “dynamic security”.

When presenting this section, it is necessary to encourage comment and questions from the trainees in order to assure yourself that the ideas have been thoroughly aired, understood and accepted.

It may be that this is a very different way of doing things for some prison staff and they may be resistant to, or even threatened by, the ideas.



PRACTICAL RECOMMENDATIONS

These practical suggestions simplify the task that must be done to ensure recognition and implementation of the instruments. Encourage comment and understanding.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two topics.

A reporting back session should be scheduled at the end of the allotted time. It would be helpful if facilitators could move around the groups, ensuring the quality and relevance of the discussions.

Points to be highlighted/suggested areas for discussion:

- Not all prisoners present the same level of risk of escape or of danger to the public should they escape;
- Security is not just high walls and bars;
- Security is everyone's job;
- Daily engagement with prisoners is the best method of security;
- Prison staff must be trained and supported to work with prisoners in this way;
- It is easy to fall into bad habits when working with prisoners because they can be extremely difficult to deal with;
- Constant referral to the instruments is recommended to ensure correct handling of prisoners, especially the more difficult;
- How important is it to have external, independent scrutiny of prisons?;
- Prisons are rarely newsworthy unless something extreme happens. Prison staff should take every opportunity to present the work of the prison service in a professional light, i.e. as an organization run according to rules and regulations and by trained staff;
- The public are more likely to accept the explanations and advice of such an organization when it talks about security needs;
- Senior prison staff must take responsibility for ensuring the correct implementation of the international instruments, e.g. as regards the use of restraints.

CASE STUDIES

Methodology:

Round-table discussions using expert practitioners from the training team together with volunteer trainees are recommended.

After each case study has been successfully dealt with, in the judgement of the trainer, different trainees should be invited to take part.

The trainer must control the amount of time spent on this exercise to ensure that all the cases are discussed.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The international instruments ask us to consider three criteria when assessing levels of security for individual prisoners:
- The threat to the public should they escape;
- The likelihood of escape;
- The resources available to assist in an escape;
- The first prisoner's problem is probably alcohol abuse. Without a previous record and with no known contact with the criminal underworld, he is unlikely to prove a serious security risk;
- The second prisoner is a long-term drug addict; he is likely to be prepared to do anything to obtain the drugs he wants. He is likely to be a nuisance, possibly a danger to the public, but unlikely to have access to resources. Drug dependence treatment would be an example of dynamic security;
- The third prisoner is unlikely to be a danger to the public but he is likely to want to escape and to have the contacts that could assist in this.

CASE STUDY 2

- The authorities must listen to the information from the junior member of staff;
- They must consider the risk according to the instruments and take the security measures required;
- They have to consider dealing with an attempted exchange of prisoners on the approaching day of release, escape equipment coming in during the visit, plans being discussed during the visit, and the possibility that this is a smokescreen for an attempted escape elsewhere;
- They must take account of intelligence coming in from other members of staff working daily with prisoners.

CASE STUDY 3

- Dynamic security is the best preventive measure to avoid dangerous prisoners escaping;
- Junior staff should be trained to mix with prisoners, getting to know them and assessing any possible risk of escape;
- Keep prisoners busy in useful activities;
- Staff in daily contact with prisoners may be rotated and appropriately coached by senior staff.

CHAPTER 16. GOOD ORDER AND CONTROL

OBJECTIVE

Prison authorities have a responsibility to ensure the physical safety of prisoners, staff and visitors. This means that prisons should be places where there is good order. The objective of this chapter is to underline that good order involves much more than control and is best achieved by positive means.



ESSENTIAL PRINCIPLES

Prisons should be safe environments for all who live and work in them, i.e. for prisoners, for staff and for visitors.

No one in a prison should fear for his or her physical safety.

Chains and irons shall not be used as restraints.

Discipline and order shall be maintained with firmness but with no more restriction than is necessary for safe custody and well-ordered community life.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Ask for the information to be reported back to the group.



IMPLICATIONS

The important element is that prisons are run better, i.e. with good order and control, if a reasonable approach is adopted by prison staff. This has the practical effect of eliciting a reasonable approach from the detainees.



PRACTICAL RECOMMENDATIONS

These should be presented one at a time, visually, with discussion being encouraged at each stage.

Trainees may be willing to offer some of their own experience. If this casts a negative light on the point being discussed, it is important to probe to find what other factors may have been influencing the outcome.

? TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two topics and should prepare a brief report to the whole group at the end of the session.

Prison staff are required to deal with some of the most difficult people in any society on a daily basis. The topics in this section deal with strategies for dealing with such people in a safe, efficient and humane manner.

Points to be highlighted/suggested areas for discussion:

- Consistency in the application of rules suggests fairness;
- The behaviour of prisoners, as with all individuals, does not always conform exactly to the rules as laid down;
- Staff need training and guidance, which should involve discussion, in the application of the rules, to allow them to deal with this fact;
- Being a prison officer is difficult and there are no short cuts to doing the job properly; it is not acceptable to allow prisoners to do whatever they wish as long as they are quiet and there appears to be order. That is not an example of staff being in control;
- Prison staff must be very visible and involved in prison activity and be careful not to show preference or to engage in collusion or gossip;
- There should be publicly displayed policies on bullying that apply to everyone in the prison, making it clear what a victim of, or a witness to, bullying should do;
- Bullying should be discussed openly and openly labelled as cowardly;
- Proven bullies should be dealt with by removing or isolating them, not their victims;
- The best tool of a teacher is example; experienced staff can demonstrate best practice by consistently showing their new recruits how to do the job;
- Prison staff must acquire self-confidence in order to do their job properly, particularly in the face of provocation from prisoners;
- Some prisoners may be well qualified and able to make a contribution to enhance the regime in particular areas. Under no circumstances must they be given, or be allowed to acquire, control over other prisoners; control is the prerogative of the staff.



CASE STUDIES

Methodology:

These may be conducted either as a role-play or as a round-table discussion by members of the training team who have practical experience in these issues.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- It is important not to undermine the performance of the staff member who ran the unit before. Rather, the task should be handled as the next stage in the development of the unit;

- The staff should be made aware of policy on security issues and of the need for them to develop their own training and careers;
- Dynamic security should be explained as a strategy, a tool for the job;
- The benefits for the staff should also be explained, e.g. the effects on the personality of working in an unremittingly oppressive regime;
- The role of prison staff in taking prisoners forward in their sentence towards eventual release should be emphasized.

CASE STUDY 2

- Awkward prisoners will always test any regime;
- Prison staff must feel confident in their style of working and in their ability to deal with intransigence; it is the task of senior staff to achieve this through training and good management;
- Prisoners who consistently refuse to obey reasonable orders should be disciplined;
- This discipline should be confined to that which is necessary to restore good order, no more;
- Prisoners who bully other prisoners should be removed and relocated.

CASE STUDY 3

- The international instruments are very clear on the issue of the use of restraints;
- In an extreme case such as this it is essential that the prisoner should see the medical officer or a counsellor as soon as possible in order to discover what the problem is;
- It may be necessary to restrain the prisoner to achieve this, but any further time spent under restraint must be monitored and strictly limited to what is necessary;
- This is an extremely difficult aspect of the prison officer's job;
- It is particularly difficult for junior staff, who are generally young and therefore relatively inexperienced;
- It is also possibly the most important part of the job when working with high-security prisoners;
- For prison staff to succeed, it is important that they continue to see prisoners as people, not monsters or demons with special powers; it is important that prisoners understand this as well;
- Familiarity is the best way to achieve this, but a familiarity based on good training and a framework that provides constant supervision of the staff involved, for their own protection;
- It is also important to rotate duty assignments regularly, but not predictably.

CHAPTER 17. DISCIPLINE AND PUNISHMENT



OBJECTIVE

From time to time some prisoners will refuse to observe the legitimate rules of the prison. When this happens there has to be a formal disciplinary procedure to establish guilt and impose appropriate punishment. The objective of this chapter is to stress that this procedure should observe the principles of natural justice.



ESSENTIAL PRINCIPLES

All disciplinary offences and punishments must be specified by law or by published legal regulations.

No prisoner shall be punished before being informed of the alleged offence and before being given the opportunity to present a proper defence.

No prisoner shall be employed in any disciplinary capacity.

All cruel, inhuman or degrading punishments are completely prohibited, including corporal punishment or placing the prisoner in a dark cell.

Punishment by close confinement or reduction of diet shall never be inflicted unless the prisoner is certified by the medical officer as medically fit to sustain it.

Instruments of restraint, such as handcuffs, chains, irons and straitjackets, shall never be applied as a punishment.

Prisoners who are subject to disciplinary action should have the right of appeal to a higher authority.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

There is a considerable amount of material to be discovered here. A short reporting back period is advisable to encourage use of the primary sources.



IMPLICATIONS

While it is probably the case that nobody welcomes punishment, this is unlikely to be true for discipline.

The important message is that, if the disciplinary code is publicized and adhered to, it is unlikely that there will be opposition to its implementation.

The role of the medical officer within a prison may generate discussion; it is important that the message of the international instruments is the one the trainees take away with them.



PRACTICAL RECOMMENDATIONS

These should be presented visually and one at a time, and the trainees should have the opportunity to ask questions and make comments after every point.

② TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given the two topics to discuss and be asked to make a brief report at the end.

Points to be highlighted/suggested areas for discussion:

- The rules and procedures must be published and available to all prisoners and staff so that it is fully understood what will happen if there are infringements;
- It might be necessary to provide this information in a number of languages and to provide for prisoners who are not literate in any language;
- If a prisoner charged with an infringement refuses to participate in the disciplinary hearing, it is possible for the director of the prison to appoint someone to speak for the accused in his absence or to delay the proceedings until the prisoner can be persuaded to attend.



CASE STUDY

Methodology:

This may be best conducted as a role-play.

The roles of the adjudicating officer, the prisoner, the charging officer, the legal representative and witnesses are to be taken by trainees. If they are very new recruits it might be helpful to have one role played by a member of the training team.

Points to be highlighted/suggested areas for discussion:

- The case must be heard according to the regulations laid down;
- The case must be judged according to the evidence presented; this means that, whatever the director might think or want to happen, he or she must abide by the instruments;
- The prisoner is allowed legal representation, which is likely to be skilful;
- Witnesses may be called by both sides;
- If there were drugs that are not in evidence now, where are they?;
- If they have been swallowed by the accused prisoner, are they retrievable?;
- Will their presence show up in a urine test?;
- Is the medical officer's help needed? What do the instruments say about the role of the doctor?;
- Can the prisoner be kept confined until the presence or otherwise of the drugs can be confirmed?;

- The person playing the adjudicating officer must make a ruling at the end of the hearing;
- It is important that the ruling is in line with the international instruments;
- If time allows it may be possible to run the role-play again with slight variations, for example with different witnesses;
- The trainees should be asked how important it is to see that justice is done, even when dealing with convicted prisoners;
- Ask them to consider what authority any of their future actions would have if they failed to operate justly?

SECTION 6

**MAKING THE BEST
USE OF PRISONS**

OBJECTIVE

Deprivation of liberty is a punishment in itself. The objective of this section is to underline that it is not the task of the prison administration to inflict further punishment on the prisoner. On the contrary, prisoners should be encouraged to use their time in prison to learn new skills, to improve their education, to reform themselves and to prepare for eventual release.

ESSENTIAL PRINCIPLES

The main aim of the prison authorities in their treatment of prisoners should be to encourage personal reformation and social rehabilitation.

The purpose of the prison regime should be to help prisoners to lead law-abiding and self-supporting lives after their release.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

This should be followed by a short reporting back session.

IMPLICATIONS

These directives apply to both prison staff and detainees.

These are the main points to be made in the presentation of this section.

PRACTICAL RECOMMENDATIONS

Take sufficient time to discuss with the trainees the recommendation by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning long-term prisoners.

CHAPTER 18. WORK



OBJECTIVE

The objective of this chapter is to emphasize the requirement for prisoners to be involved in a range of work activities which are useful and which will equip them with skills which they can use after their release.



ESSENTIAL PRINCIPLES

All sentenced prisoners who are medically fit shall be required to work. As far as possible, this work should give them skills so that they can earn an honest living after their release.

National legislation regarding health and safety at work shall apply in prisons in the same way as it does in the community.

Vocational training shall be provided, especially for young prisoners.

Prisoners should be remunerated for the work they do.

Prisoners should be allowed to spend at least part of their earnings, to send a part to their families and to save a part.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

There are a considerable number of references to be discovered, so the exercise is likely to take a while.

When the trainees are asked to report back to the group, it is the trainer's task to ensure that all the references listed are included.



IMPLICATIONS

The important point is that work serves the same purposes in prisons as it does in the community; its absence has the same effects.



PRACTICAL RECOMMENDATIONS

The points made in the Manual are intended to cover the different circumstances across jurisdictions.

It is important, after introducing each point, to encourage both questions and comments drawn from trainees' own experience.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion.

Facilitators from the training team should move around the groups, prompting discussion where necessary.

If time allows, a reporting back session should be arranged.

Points to be highlighted/suggested areas for discussion:

- Consider the relationship between unemployment and imprisonment;
- Prisoners are largely outside any society. Learning skills that are in demand in society is a way of regaining one's entry;
- The right to work is emphasized as a way of gaining self-respect, especially if the proceeds of that work may be used to the advantage of the prisoner and/or his family;
- Possible exploitation is the issue as regards the private company;
- The company should not be allowed to pay very low wages to prisoners in order to increase its profits;
- The company should not be allowed to operate with lower health and safety standards and poorer general working conditions because its workforce is comprised of prisoners;
- It would be difficult to make a case for giving prisoners an advantage over law-abiding people;
- The case must be made for giving prisoners forms of employment that are not popular in the local community, lower paid or short-term or erratic in nature;
- In some communities, prisoners may be able to do voluntary work, receiving payment only from the prison authorities;
- The instruments stress the importance of prisoners being active in constructive and useful activity during the working week;
- Prisoners should be treated in all respects in the same way as employed people in the community, having access to their earned income in similar, though controlled, ways.



CASE STUDIES

Methodology:

These may be conducted in groups or as a round-table discussion, with volunteers from among the trainees taking part in each discussion.

If the second option is chosen, the main group of trainees should be allowed to make their observations and comments at the end of the period allowed for discussion.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The scope for providing meaningful activity safely within the perimeter of the prison is very large;
- The availability of staff expertise to oversee the various projects may be a difficulty;
- Staffing levels to provide adequate security may also be an issue;
- Imaginative responses to any apparent difficulties should always be sought;
- The opportunity exists to work closely with the community and any non-governmental organizations that might be able to offer expertise.

CASE STUDY 2

- Why has the prison been targeted with what might be an excellent opportunity to provide work for prisoners or an excellent way for a local businessman to make an easy profit?;
- What is the employment situation in the community?;
- What payment, by way of wages for the prisoners, is being considered?;
- How will the working environment in the prison compare with that in a similar workshop in the community producing the same goods?;
- Will it be possible to comply with all health and safety regulations?;
- Does a 40-hour week compare with the working week in the community?;
- Can the prison director guarantee that all prisoners will work on the project? It might be quite inappropriate for some prisoners to do that particular kind of work.

CHAPTER 19. EDUCATION AND CULTURAL ACTIVITIES

OBJECTIVE

The objective of this chapter is to underline that all prisoners have the right to take part in education and cultural activities aimed at the full development of the human personality.



ESSENTIAL PRINCIPLES

Education and cultural activities shall be provided and encouraged, including access to an adequate library.

Education in prisons should be aimed at developing the whole person, taking account of prisoners' social, economic and cultural background.

Education shall be compulsory for young prisoners and illiterate prisoners. The prison authorities should give this aspect of education a high priority.

The outside community should be involved as much as possible in educational and cultural activities in prisons.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Ask for the information to be reported back to the group.



IMPLICATIONS

Statistics show that many of the people who are sent to prison have a very poor level of education.

For this reason, and to encourage a return to a law-abiding life in the community, access to education, in the broadest sense, is necessary.

Resources allocated to prisoners can be a contentious issue, especially if they are in short supply in the community; the trainees may well have strong feelings on the subject.

The answer is generally to divert the discussion from the emotional to the rational.

The issue of insufficient resources within the community should certainly be tackled, but not necessarily in a discussion on the correct way to treat people deprived of their liberty.



PRACTICAL RECOMMENDATIONS

It is likely that many trainees will have opinions on the issues raised in this chapter. It is important, therefore, that each recommendation is presented with confidence but with a willingness to listen to the points raised.

Comments are to be encouraged, but any signs of personal prejudice on the part of the trainees should be deflected into problem-solving exercises where the trainees are invited to use their skills to find ways of delivering the regime that is recommended.

② TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given one or two topics, with time allowed for a brief reporting back session.

It is helpful if members of the training team can move around the groups in order to encourage discussion.

Points to be highlighted/suggested areas for discussion:

- This is a situation where jurisdictions with fewer resources may have a slight advantage: where television sets are available in prisons, they tend to be used to the exclusion of more creative activities;
- Undertaking projects for the less fortunate, especially children, can frequently prompt a willingness on the part of prisoners to demonstrate previously unknown talents;
- Appointing able and enthusiastic members of staff to develop creative projects in the prison demonstrates both an interest by the prison director and a commitment to see the process through;
- In some jurisdictions, contact between prisons and the education system will be organized nationally; in others it will be left to individual prison directors to make the necessary local contacts;
- Educational institutions can be invited to view the prison as an extension of their campus and to provide a programme of study, sending teaching staff into the prison on a regular basis; if money is not available, a volunteer system should be explored;
- It is often the case that areas of expertise among prisoners come to light and they can be encouraged and supported to take part in the teaching process;
- Contact between members of the community, such as teachers, and serving prisoners is likely to halt the process of total social exclusion;
- The transfer of prisoners often causes difficulties; these can be very trying for the prison staff involved;
- If a course requires specific materials or equipment or the involvement of someone with precise knowledge, it is possible that the local education service may be able to help. It is essential that a good working relationship be

developed. It is also quite likely that the prison will have some expertise or facilities that may be useful to the education service in the community, for example sporting facilities, so the relationship may prove to be mutually beneficial;

- In the longer term, it is in the interest of all prisons within a jurisdiction to establish some sort of policy on the education of prisoners, the facilities required and transfer arrangements;
- The various ethnic or cultural groups within a prison may feel disadvantaged, so it is generally good policy to recognize their particular needs by setting up consultation groups with the local community. Demonstration of a genuine willingness to act on the recommendations of these groups could be shown by inviting them into the prison on a regular basis;
- Local cultural groups should be encouraged to see liaison with the prison as part of their remit if any of their members are held there;
- An extension of this role could then be encouraged by way of involvement in the educational programme for all prisoners.

CASE STUDIES

Methodology:

It is suggested that a round-table discussion should take place with volunteer trainees joining with one or two members of the training team in order to discuss the issues that arise. Different trainees should participate for each case study.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- There is always a potential security problem when prisoners have some authority or are working unsupervised; staff will feel this and be wary;
- If the prisoners are known to be well educated, the prison staff are likely to feel inferior and uncomfortable;
- It remains, however, a good idea and the only chance of providing the educational activity that prisoners are entitled to;
- Choosing the right staff to supervise the prisoner “teachers” is essential;
- It is equally important for these staff to work alongside the prisoner “teachers” so that it is seen as a prison staff initiative and one that is being supervised.

CASE STUDY 2

- This type of initiative is always popular both inside and outside prison;
- The response will vary according to the type of prison and the composition of the community group;
- If the security concerns can be dealt with, this offer should be taken up; it provides contact with the community, educational exposure and cultural diversity for the prisoners.

CHAPTER 20. RELIGION

OBJECTIVE

The objective of this chapter is to underline that prisoners have the right to freedom of religious belief and to observe the requirements of their religion. This chapter should be cross-referenced with chapter 29 of the Manual, dealing with the principle of non-discrimination.

ESSENTIAL PRINCIPLES

All prisoners have the right to observe the tenets of their religion and to have access to a minister of that religion.

Prisoners shall be allowed access to qualified representatives of any religion.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

The information should be reported back to the group.

IMPLICATIONS

The point being made is that religion is a personal matter and pursuit of it should be neither restricted nor enforced inside a prison. This is a subject which may arouse strong feeling.

It must be stressed that the international instruments apply to all prisons in all countries. They are not intended as a comment on any cultural practices, only on the human rights which apply to all people.

PRACTICAL RECOMMENDATIONS

Situations across different jurisdictions and different cultures will vary considerably, but the requirements of the instruments are the same.

These points should be made one at a time, allowing the opportunity for discussion and comment.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given one topic and time should be allowed for a reporting back session.

It would be helpful if there were members of religious groups on the training team to facilitate discussion and answer questions.

It must be acknowledged that this can be a difficult area for prison staff to manage, partly because of the scarcity of resources and partly because of a measure of scepticism, which may be justified.

Points to be highlighted/suggested areas for discussion:

- Prison authorities must be well informed on the rites and practices of the religions likely to be practised by inmates;
- The instruments require that all prisoners be allowed to practise religious observance, so strategies for incorporating all the elements into the regime need to be developed;
- The prison kitchen, the laundry and the staff rota are all likely to be affected;
- To ensure compliance, it is advisable that close contact be maintained with practitioners of the religion in the community;
- Prisoners sometimes discover an interest in religion while in prison, even if they have shown little interest previously;
- The reasons for this might be sincere or they might not; it is not for prison authorities to determine motives;
- If the “new” religion is seen to carry advantages, e.g. extra food or extra time outside the cell, it might be gaining a following;
- It is usually the case that it will also carry disadvantages at some point during the year, for example fasting. It is important that prison authorities observe these as well;
- The minister of religion, who no longer has a following, should ensure that the newly converted are fully aware of the obligations placed on them by bringing the relevant minister into the prison for educational purposes;
- In the end, religious practice is a matter for each individual.

CASE STUDIES



Methodology:

A round-table discussion is recommended for these studies, with volunteer trainees sitting alongside specialist members of the training team.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- A main task of the prison director is to maintain security and good order in the prison;
- It is important that the requirements of the religion are known, understood and practised reliably in the prison. Beyond that, the director has the right to question what is going on;

- The prison minister should be required to investigate the described turn of events and report to the director;
- It is possible that the visiting minister has seriously overstepped the brief and should be reported to the superior religious body; an alternative minister may be requested to carry out the duties in the prison;
- It may be that the religion requires its ministers to behave in this way. This is unlikely, but it would be very difficult to manage within a prison. In the end, the prisoners would be likely to suffer because their intransigence would inevitably mean restrictions on activity;
- The prison director may have to intervene personally with the religious authorities in order to achieve cooperation.

CASE STUDY 2

- Hard information about the religious requirements of this group of prisoners must be found before any action can be taken;
- Where possible, contact with a group in the community should be sought for advice;
- If the religious requirements are binding, the prison director has the options of providing food within the prison in an acceptable way, receiving food which has been prepared in the community according to the religious rulings or arranging to have the prisoners moved to another prison where the requirements can be met.

CHAPTER 21. PREPARATION FOR RELEASE



OBJECTIVE

The objective of this chapter is to stress that prisoners should be prepared for reintegration into society and provided with adequate social support when they are released.



ESSENTIAL PRINCIPLES

From the beginning of a prisoner's sentence, consideration shall be given to his or her future after release and prisoners shall be assisted in ensuring their future reintegration into society.

All agencies and services responsible for the reintegration of prisoners into society shall ensure that all prisoners have the means and available resources to maintain themselves in the period immediately following their release.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

The information should be reported back to the group and be reinforced from your own text.



IMPLICATIONS

It must be stressed that the time spent in prison is not a vacuum. All prisoners are affected by the experience and therefore need to prepare for the life they must return to in the community.



PRACTICAL RECOMMENDATIONS

These should be presented one at a time, allowing time for questions and comment after each one.

Two important points are being made: prison staff need training in order to provide the pre-release programme necessary; it is not an easy task for the staff to take on. Also, support must be sought from the community.



TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should spend a few minutes considering each topic.

It is not necessary to report back, but it would be helpful to have facilitators from the training team move around the groups during the discussions to ensure the topics are adequately covered.

Points to be highlighted/suggested areas for discussion:

- The important immediate issues would include: somewhere to live or to stay; a job or a source of income; making contact with family;
- Serving a sentence of more than two years is likely to mean loss of job and home and probably reduced contact with family; a pre-release programme would need to cover re-establishing these key areas in one's life;
- Such a period in prison is likely to have involved exposure to substance abuse, so this issue will also need to be dealt with before release;
- Health care, substance abuse (narcotics and alcohol), training and employment, and family support agencies which exist in the community can be asked to come into the prison as part of the pre-release programme;
- An advantage of community involvement, before a prisoner is released, is likely to be that some of the groundwork will be covered. At its best, some practical preparation will be achieved, e.g. housing and employment plans. At the very least, it will prepare people for the return and avoid sudden confrontation;
- A possible disadvantage of such involvement might be the reminder to the community of the damage or pain caused by the offence. It might be preferred, by some, to return quietly to the community in the hope that memories will not be revived;
- If return to the community is not possible, the released prisoner will need help in finding a new area in which to settle, assistance in finding a means of self-support and introduction to community help agencies. In many communities, there are agencies specifically for ex-prisoners.



CASE STUDIES

Methodology:

A round-table discussion is recommended, involving members of the training team and volunteer trainees discussing all the relevant issues in the two case studies provided. The trainees should be replaced for the second study.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Pre-release training should start as soon as the sentence starts; this is particularly important for short-sentence prisoners;
- It is frequently the short-term prisoners who return time and again with the pattern of no pre-release training being repeated on each occasion for the same reason;

- The key is to break the pattern of prison being a way of life; they should not be allowed to settle back into a routine that has become comfortable with familiarity;
- The repeated behaviour should be challenged and alternatives presented in a very practical way;
- Contacts with community agencies should be made while the prisoner is still in prison;
- The possible existence of individual difficulties that might be contributing to the pattern of offending must be investigated and dealt with.

CASE STUDY 2

- The community may have genuine fears about the possibility of the offence being committed again. Depending on the nature of the offence, the social service agency may be able to give some assurance about the likelihood of this. It might be that the prisoner has attended rehabilitative programmes or undertaken therapy while in prison. The fears and anxieties must be discussed fully and openly if trust is to have a chance of returning;
- The community may be concerned about the safety of a victim or prosecution witness;
- If the ex-prisoner is to make a successful and therefore safe return to the community, some form of employment will be necessary. This means that someone in the community must be prepared to provide it;
- The best formula for preventing reoffending is assimilation back into the community.

SECTION 7

**PRISONERS' CONTACT
WITH THE
OUTSIDE WORLD**

OBJECTIVE

The objective of this section is to emphasize that, despite being deprived of liberty, prisoners retain a right to have contact with their family and friends and the outside world. The principles described in this section should be cross-referenced with those in chapter 4 of the Manual which refer to the right of family, legal representatives and consular officials to be informed of a prisoner's admission to custody or subsequent transfer.



ESSENTIAL PRINCIPLES

No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence.

All prisoners shall have the right to communicate with the outside world, especially with their families.

Foreign prisoners shall be allowed to communicate with their diplomatic representatives.

A prisoner's request to be held in a prison near his or her home shall be granted as far as possible.

Prisoners shall be kept informed of important items of news.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs to discover the basis for each of these principles. The link with chapter 4 of the Manual should be further highlighted.



IMPLICATIONS

The points to be emphasized are:

- Family ties should not be the casualty of any sentence of detention;
- The resettlement difficulties of prisoners released into the community are significantly reduced if the network of family and friends remains intact;
- Prison authorities reduce the difficulties they face if they can keep prisoners close to their homes.

CHAPTER 22. LETTERS

The most practical, and the cheapest, way of maintaining contact when people are apart is usually through the writing and receiving of letters.



PRACTICAL RECOMMENDATIONS

These should be presented to the trainees, allowing sufficient time for comment and question after each one.

Conditions may vary from one jurisdiction to another. Discussions on how the principle can be honoured, despite differing circumstances, may prove very interesting for the trainees.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given the three topics to discuss. There is no need to report back.

Points to be highlighted/suggested areas for discussion:

- The smuggling of items into prisons remains a problem for staff to deal with across all jurisdictions and it is unlikely that even the most draconian measures can assure total success in prevention;
- In respect of a small number of high-security prisoners, there may be reason to suspect that attempts may be made through correspondence to:
 - Arrange escape attempts;
 - Cause disorder in the prison;
 - Pervert the course of justice;
- Requiring prisoners to open mail in front of staff can act as a deterrent to abuse and can also uncover any attempt to smuggle items into the prison;
- Prisoners who are unable to read and write may have their mail dealt with by sympathetic staff or prisoners, but there is scope here for humiliation and exploitation, so the situation should be monitored;
- The need to communicate with family and loved ones is often the spur for illiterate prisoners to learn to read and write while in prison; full advantage should be taken of this situation.



CASE STUDIES

Methodology:

A round-table discussion is recommended, with different groups of trainees discussing each case.

A member of the training team should join each group to ensure that the discussion is relevant. Comments can be invited from the observing trainees at the end of each discussion.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Reference to the instruments indicates that the censoring of prisoners' mail without proper cause is an infringement of rights;
- In the circumstances, it would not appear necessary to censor all the mail of this prisoner, but it might be appropriate to censor correspondence with the suspected individual;
- The prison director would need to consider whether he had an active role to play in the detection of a crime allegedly being planned by someone not under his care and control.

CASE STUDY 2

- It is necessary to make a risk assessment in this case;
- Clearly, the prisoner is entitled to communicate with her family. If there is a strong possibility that security will be infringed, it is possible for staff to require that all mail be opened in front of them;
- It is likely that a community service agency will be able to provide a fluent speaker in the foreign language. This contact will be beneficial to the prisoner as well as to the authorities.

CASE STUDY 3

- This is a difficult and sensitive area for prison staff to have to manage;
- it is unlikely that the prison director will be willing to interfere with the right of a prisoner to write to members of her family;
- The director will not wish to cause any further distress to the family members, but if the letters are not obscene or threatening in nature it is unlikely that the prison will take any direct action;
- A private meeting could be arranged where the prisoner and her family could discuss the difficulty;
- If there is no resolution through discussion, the family have the option of not opening, or of returning unopened, any mail which is obviously from the prison.

CHAPTER 23. VISITS

Another important method of maintaining contact between prisoners and the outside world, especially with their families, is through regular visits.

The international instruments make it clear that contact with a family is a right, not a privilege to be earned.



PRACTICAL RECOMMENDATIONS

This is an emotional area for prison staff as well as for prisoners. This session must be handled with that in mind.

Discussion is to be encouraged, but anecdotal content must be kept under control by the trainer.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given the three topics to discuss.

There is no need for a reporting back session, but it would be helpful to have facilitators from the training team move around the groups to ensure maximum benefit from the discussions.

The trainees should be encouraged to draw on the practical recommendations and the international instruments during their discussions.

Points to be highlighted/suggested areas for discussion:

- Taking account of security needs, visits should take place in as relaxed an atmosphere as possible;
- Ideally, families should be allowed to hold visits in private, out of the hearing and sight of staff;
- If this is not possible, there should be as much privacy as possible. For example, by having them within sight of staff, but out of earshot;
- Provision might be made for volunteers or trained childminders to take care of children while parents have private discussions;
- The intimacy of conjugal visits can be seen as the most likely way to keep a family together during the imprisonment of one of the parties;
- Such visits may also be the cause of a great deal of stress because of the circumstances in which they take place;

- Health issues would need to be considered for all parties engaging in sexual activity;
- Conjugal or partner visits might result in unwanted pregnancies and children that cannot be afforded by women already struggling to survive without their partners to provide for them and any existing children;
- The authorities might find it difficult to decide who is eligible, and who is not, to have such visits. For example, would it be only married couples, or all people who said they were couples, including homosexuals?;
- There would always be the risk of institutional prostitution if the system were abused;
- If the prison director had to make the decision, it could lead to complaints and unrest and possibly security difficulties;
- There would always be security considerations because of the unsupervised nature of these visits;
- If conjugal or partner visits are allowed, they must be organized so that privacy is assured and there is no possibility of exploitation by anyone. The environment must be clean, suitable and dignified;
- Women prisoners would need to have access to contraception and medical advice to ensure that unwanted pregnancies did not occur;
- The prison authorities would need to consider how they might cope with pregnant prisoners and the children of serving prisoners;
- Visiting arrangements are an important area of work for prison staff; it is not always easy to make the environment right and prisoners do not always cooperate;
- A prisoner who seems worse after a visit with a particular individual may be being abused in some way;
- Without the prisoner's cooperation or a definite security problem, it is difficult for prison staff to intervene;
- It might be appropriate for a member of the prison medical or welfare team to ask to speak to the visitor with a view to finding out if there is a problem;
- It might be possible to persuade the prisoner to talk to a member of the medical team about the staff concerns;
- If the medical staff are concerned, it might be appropriate for any correspondence between the two to be monitored.



CASE STUDIES

Methodology:

A round-table discussion is suggested, with members of the training team taking part for the first study.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Prison staff have to deal with this type of situation quite regularly;
- It would be reasonable to allow a special visit once the staff had decided that the situation was genuine;
- It would also be reasonable to provide a private area for the mother to deliver the news as sensitively as possible;
- A risk assessment would be needed to decide whether any special conditions were necessary;
- Some prisons have a chaplain or social worker on duty who would be alerted to provide counselling or support once the visit was over.

CASE STUDY 2

- This study requires a report to be written outlining recommendations for the Government regarding the precise nature of conjugal or partner visits to be introduced into the prison system;
- Trainees may work on their own or in small groups of no more than three in order to compile their report;
- It is good practice to learn from other jurisdictions before introducing a new system;
- The international instruments should be referred to in order to ensure that human dignity is maintained at all times;
- Discuss with the trainees the scope of the principle of non-discrimination and its application to unmarried long-term partners, as well as to long-term same-sex partners;
- A day and a night are more appropriate than a few hours;
- If a couple have children, their presence will make the situation more realistic;
- From this perspective, apartments are preferable to small rooms;
- The availability of good medical care is essential;
- The eligibility for conjugal or partner visits must be clear and unambiguous; it is likely to be different across the jurisdictions.

CHAPTER 24. TELEPHONES

The telephone provides a useful means of maintaining contact with the outside world, particularly when matters must be dealt with urgently.

Introduce this chapter drawing attention to the quotation in the Manual from the Standard Minimum Rules for the Treatment of Prisoners.



PRACTICAL RECOMMENDATIONS

These deal with the obvious usefulness of this means of communication and the possible security considerations that might arise.



TOPIC FOR DISCUSSION

One overall topic is provided in the Manual.

Methodology:

A brainstorming session is suggested for the trainees to deal with the topic.

The issue is whether access to telephones is beneficial to prisoners, or not.

It would be helpful if the main points in the trainees' comments could be recorded on paper at the front of the class.



CASE STUDY

Methodology:

This should be conducted in a round-table discussion, with trainees volunteering to take part.

It is important for the trainer to be aware of those trainees who do not readily volunteer for these tasks, in order to ensure that everyone becomes involved at some point in the training programme.

Points to be highlighted/suggested areas for discussion:

- Prison staff may wish to encourage the foreign prisoner to develop further contact with his family; it would be helpful if the reason for the lack of contact could be discovered;
- It must be considered as a possibility that the prisoner may prefer not to inform his family about his imprisonment and current location;
- A prisoner has a right to contact if he wishes, so it is important that he be allowed the same allocation as local prisoners. If this is insufficient, it is appropriate that the prison authorities make up the difference to fund a monthly call to the family;
- Depending on the regulations within the jurisdiction, the prison director may have the discretion to allow a further contact to be paid for by the prisoner himself; two telephone calls a month are barely adequate to maintain meaningful contact;
- It is important that foreign prisoners are helped to learn the language of the country in which they are held. Without this facility, all human rights issues are at risk.

CHAPTER 25. HOME LEAVE AND TEMPORARY CONDITIONAL RELEASE

Almost all prisoners will be released back into the community at the end of their sentences. Home leave and arrangements for temporary release on parole offer ways in which prisoners may begin to get used to the outside world again and start rebuilding their personal and work relationships. Such procedures also provide a way of testing a prisoner's response to life in society before final release is granted.

PRACTICAL RECOMMENDATIONS

It would be helpful to the trainees if these were presented visually and then discussed. Ensure there is ample time for comment and questions after each one.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

Divide the trainees into small groups for discussion. Each group should be given two of the topics to discuss.

A brief reporting back session should be programmed.

Points to be highlighted/suggested areas for discussion:

- Home leave and temporary release are generally short periods and often designed for a particular purpose;
- It would be useful for prisoners to have a prepared programme of things to see or do in order to have a structure to adhere to;
- Prison staff must be realistic about the likelihood of celebrations taking place during the period of temporary release and prepare released prisoners for the difficulties they might incur;
- A list of possible contacts on the outside would be useful for prisoners;
- Risk assessment procedures can be developed to improve the success rate;
- Prisoners facing the opportunity of release can be spoken to about the responsibilities they carry on behalf of themselves, their families and their fellow prisoners;
- A support network in the community can be set up where released prisoners may seek help;
- Family members and friends can be prepared for the temptations which might exist for the released prisoner;
- Prisoners who commit offences while on leave have failed again; they have let themselves down as well as all the people associated with them. This has to be acknowledged. Each jurisdiction will have a scale of punishments for the offences;

- More work is necessary before their final release date;
- A prison director will wish to have a successful relationship with local community employers in order to maximize work opportunities for prisoners;
- Good communications must be established, with potential employers being invited into the prison at every opportunity so that they are familiar with the prisoners, their abilities and their needs;
- Deciding which prisoners may work outside involves a risk assessment in each case;
- The risk of drug trafficking is a major consideration, as is the risk of violence or escape;
- Prisoners may respond particularly well to this initiative if they are paid a decent wage for their work and allowed some discretion in disposing of the income.



CASE STUDIES

Methodology:

Different groups of trainees should take part in round-table discussions on the two case studies.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

It has to be decided here whether the needs of the prisoner's family should take precedence over the need to maintain good discipline in the prison;

- If the decision were made to allow her to go home, the reason would be compassion for the child needing his mother;
- It may be the opportunity for the prisoner to see the prison authorities in a different light and for her to consider her own role in her fate.

CASE STUDY 2

- One of the most difficult problems for prisons is that they are shut away from the community; the work that goes on in them is largely unseen;
- It is the task of the director to open up the prison to the community as often and as much as possible in order for it, and its inhabitants, to be seen as part of the community;
- With some of the secrecy removed it might be possible to encourage certain members of the community to employ particular, well-screened prisoners outside the perimeter;
- The prison staff will need to make the community feel safe by being highly visible and encouraging, especially in the early stages of the project;
- It should also be possible for prison staff to educate the community on the need to prepare prisoners for their eventual return to the community;
- The message should be that the more prepared prisoners are, the less of a risk they will be to the community.

CHAPTER 26. BOOKS, NEWSPAPERS, BROADCAST MEDIA AND THE WORLD WIDE WEB

Books, newspapers, the broadcast media and the World Wide Web are important means through which prisoners can keep in touch with the outside world.



PRACTICAL RECOMMENDATIONS

There is likely to be considerable variance in the availability of funds. Trainees should be reminded that, if detainees are paid for the work they do, in line with the instruments, they would all have access to some money of their own.

? TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given the three topics to discuss.

Facilitators should move around the groups to aid discussion. Allow time for a brief reporting back session.

Points to be highlighted/suggested areas for discussion:

- Paperback books are generally available because they tend to be willingly donated by libraries when no longer required;
- Magazines that are given away with newspapers may be donated in the same way;
- Schools and colleges may have old books to donate;
- Non-governmental organizations may be able to coordinate the collections;
- It is difficult for prison staff to maintain fair and equitable regimes when some prisoners have access to far more resources than others;
- One way of preventing imbalance is to restrict the amount of money any prisoner may have access to;
- It may be possible in some jurisdictions and in some circumstances for prisoners to pool their prison earnings or their private cash and to purchase a required item. It would probably be necessary for ownership to be transferred to the prison;
- In extreme cases, the prison may make arrangements to supply these items to prisoners who are genuinely needy;
- The instruments require that prisoners be kept informed of developments in the community and beyond during their period of imprisonment;
- It would not be reasonable to restrict access to publications available in the community for reasons other than cost or some other specific concern;
- It might be considered reasonable to prevent access to violent, sexist or racist material even though it was available in the community;

- The reason for taking this line might be so as not to offend other prisoners or the prison staff as much as to prevent prisoners being exposed to material likely to inhibit any rehabilitation programmes.



CASE STUDIES

Methodology:

A round-table discussion is recommended, with a member of the training team taking part.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- If the items are to be paid for by the prisoners, it will be necessary for the administration to have a procedure whereby an order is placed only if the prisoner has sufficient funds;
- Guidelines relating to any restrictions on the material purchased will have to be agreed;
- Collection procedures will be required that allow for security checks in order to prevent the smuggling into the prison of prohibited items.

CASE STUDY 2

- It might be sensible for the prisoner to seek advice from his lawyer on this matter;
- The prisoner will be anxious not to have his name sullied further, especially if he is hoping to return to the community after release;
- The prison director will not wish to start a war of words with the local newspaper. An alternative might be for the newspaper editor to be invited into the prison to interview the prisoner himself;
- The action taken will depend considerably on the jurisdiction, but it is likely that the prisoner will be seen as having a right to defend himself.

SECTION 8

**COMPLAINTS AND
INSPECTION
PROCEDURES**

CHAPTER 27. THE GENERAL RIGHT TO MAKE COMPLAINTS



OBJECTIVE

The objective of this chapter is to underline that complaints procedures must be drawn up in such a way that they can be understood and accepted both by prisoners and by those responsible for the administration of prisons.



ESSENTIAL PRINCIPLES

Anyone whose rights or freedoms have been violated has the right to an effective remedy, determined by a competent court.

Every prisoner shall have the right to make a complaint regarding his or her treatment and, unless the complaint is evidently frivolous, to have it dealt with promptly and, if requested, confidentially. If necessary, the complaint may be lodged on behalf of the prisoner by his or her legal representative or family.

Every prisoner on admission shall be provided with written information on rules and on complaints and disciplinary procedures in a language which he or she understands. If necessary, these regulations should be explained orally.

If a complaint is rejected or not responded to in a timely manner, the complainant shall be entitled to bring it before a judicial or other authority.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

They should be asked to report back their findings.



IMPLICATIONS

There is a considerable amount of material to be assimilated. It would undoubtedly be helpful if sections of it were presented visually.

The information covers the theory of why there should be a general right to make complaints, the formulation of such a procedure and the possible grounds for a complaint. In the presentation, it might be helpful to the trainees to divide the session in the same way.



PRACTICAL RECOMMENDATIONS

Present these to the trainees, allowing sufficient time for comment and questions after each one.

② TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Facilitators from the training team should be available to move around the groups to help with the discussions.

Points to be highlighted/suggested areas for discussion:

Prison staff are always open to criticism by prisoners, who may, quite wrongly, blame them for their imprisonment. Nevertheless, it is sometimes the case that the power of a prison official is misused. It is for the protection of conscientious staff as much as for that of prisoners that effective procedures must be put in place and strenuously upheld;

- Prisoners should have as much access as possible to senior members of staff and senior staff should be accessible to junior staff. This will help to create an environment where no one feels cut off from the decision-making process or free from supervision;
- Senior managers should keep in touch with what is going on by walking around all parts of the prison frequently and at irregular intervals, rather than by means of scheduled and predictable inspections;
- A policy of always investigating complaints made by prisoners is likely to deter any harassment of prisoners;
- The instruments state that requests and complaints should be resolved as close as possible to the point where the problem occurred;
- While it is necessary for prisoners to have, and to feel that they have, access to senior management to complain if treated unfairly, first-line prison staff must be trained and encouraged to explain rules and procedures fully before implementation. This is likely to reduce the number of complaints dramatically;
- It is the responsibility of the prison director to ensure that all staff adhere to the rules of the prison;
- Complaints from a large number of prisoners on the same subject suggest a problem. It might be that the staff are trying to implement a fair policy and that this is not being well received by a group of prisoners or it might be that the fair rules are not being implemented;
- If the rules on the allocation of labour are not being implemented, the director should review his own checking procedures, which have clearly failed.

③ CASE STUDIES

Methodology:

A round-table discussion is recommended, with the trainees being assisted by a member of the training team.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- Prisoners should normally follow the complaints procedure in the prison;
- If the prisoner is not satisfied with the outcome, that is to say with how the procedure was conducted, he or she should have access to an independent body;
- The prison director would want to prevent incidents like this occurring because of the damage it can do to staff morale, as well as to the running of the prison, but it is always difficult for a body to investigate itself. On these grounds, and to protect the integrity of the staff, an independent inquiry is likely to be beneficial.

CASE STUDY 2

- The instruments require that all complaints be comprehensively recorded;
- There would need to be details of the complainant, the incident, the place and time, the perpetrator and any witnesses – staff or prisoner;
- It would be useful to include all information at this stage, not just what could be confirmed by witnesses.

CASE STUDY 3

- The prison staff should listen to what the prisoner might wish to say;
- The prison staff should follow established procedures about medical checks for all new prisoners;
- If the prisoner has been abused, this should be made clear in the medical report;
- The instruments state that there should be a willingness to tackle issues positively. This means that, in the case of an incident like this, it should be made clear to the prisoner that if there are grounds for a complaint against the police he will be assisted in making that complaint and it will be dealt with fairly.

CHAPTER 28. ARRANGEMENTS FOR INVESTIGATIONS AND INSPECTIONS

OBJECTIVE

The objective of this chapter is to underline the importance of investigation procedures to deal with allegations of human rights violations and the importance of both internal and independent forms of inspection and how they should be arranged. This chapter should be cross-referenced with chapter 3 of the Manual, dealing with torture and ill-treatment.

ESSENTIAL PRINCIPLES

Each State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall ensure a prompt and impartial investigation whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed.

There shall be thorough, prompt and impartial investigation of all suspected cases of extralegal, arbitrary and summary execution, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.

Prisons shall be inspected regularly by qualified and experienced inspectors from a competent authority separate from the prison administration.

Every prisoner shall have the right to communicate freely and confidentially with inspectors, subject only to the demands of good order and discipline in the institution.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Ask for the information to be reported back to the group.

IMPLICATIONS

It is important to distinguish the process of investigating complaints regarding allegations of human rights violations from prison inspection. The international instruments are very clear on this.

The essential point with regard to inspections is that an independent inspection service carries considerable benefits for all concerned parties in the prison system, prison staff, detainees and the community, with no disadvantages.



PRACTICAL RECOMMENDATIONS

These should be presented to the trainees, allowing the opportunity for comment and discussion after each one. It is particularly important in this session that the information provided is taken back to the jurisdictions.

? TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion.

The topics chosen for this exercise are quite sensitive. It is essential that experienced members of the training team are on hand to assist with the discussions. It would be useful to set sufficient time aside for a reporting back session.

Points to be highlighted/suggested areas for discussion:

- The approach taken by the prison director should be a positive one. Staff will usually take their lead from their immediate superior;
- The director should present the inspection report as a welcome audit of the way things are, set against the way they ought to be;
- Analysis of the report will highlight the elements that can be addressed within existing resources and budgets, and those that cannot;
- A series of consultations can be set up with the staff, during which they can be invited to make helpful and constructive suggestions about implementation;
- A programme of improvements can then be established;
- At the same time, the prison director must inform the prison authorities very firmly what aspects of the inspection report fall to them to resolve;
- A prison director might seek an independent inspection if the authorities refused to assist in improving conditions within the prison which the director considered to be dangerous or threatening to security;
- An independent inspection is likely to be unhelpful if the authorities do not recognize its standing.



CASE STUDY

Methodology:

A round-table discussion is recommended, with trainees joining one or two experts from the training team.

Points to be highlighted/suggested areas for discussion:

- It is advisable to have a mix of people serving on such a body to ensure knowledge of the prison system alongside broad experience, good judgement and public standing;
- In order that the work of this body should be recognized and taken heed of, arrangements should be made for its findings in the form of prison inspection reports. These should be published;

- Such a body might include people with direct experience of working in prisons at a senior level;
- It should also include people with specialized knowledge in matters such as health care, education, work, etc.;
- To ensure further competence of this body, local non-governmental organizations should be given the opportunity to bring any relevant matters to its attention;
- It is essential that the independent body should have complete access to all the prison establishments and be able to speak in confidence to prisoners and to individual staff;
- It is probably advisable to set a fixed term of office for the head of the independent body.

SECTION 9

**SPECIAL CATEGORIES
OF PRISONERS**

OBJECTIVE

Everything in the preceding sections applies to all prisoners in general terms. In addition, there are certain categories of prisoners who are entitled to specific consideration because of their gender, age, race, culture or legal status. The objective of this section is to underline what these considerations are.

Special categories of prisoners include:

- Women;
- Juveniles in detention;
- Prisoners under sentence of death;
- Life and long-term prisoners.

This introduction should be read to the trainees. Continue with the first chapter in the section.

CHAPTER 29. NON-DISCRIMINATION

OBJECTIVE

Discrimination on the grounds of race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status is prohibited by all the global and regional instruments on human rights. In addition, there should be specific protection for the rights of minorities as groups, as a safeguard for their identity and culture. The objective of this chapter is to emphasize that these provisions apply also to prisoners. This chapter should be cross-referenced with chapter 20 of the Manual, dealing with religion.



ESSENTIAL PRINCIPLES

All persons are equal before the law and are entitled, without discrimination, to equal protection of the law.

Everyone has the right to freedom of thought, conscience and religion, and persons from ethnic, religious or linguistic minorities have the right to their own culture, religion and language.

A prisoner who does not adequately understand or speak the language used by the authorities is entitled to receive relevant information promptly in a language which he understands.

Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with appropriate diplomatic representatives.

Prisoners who are refugees or stateless persons shall be allowed reasonable facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles. It is important to cross-reference these instruments with chapter 20 of the Manual, where they were mentioned in the context of the right to freedom of religion.



IMPLICATIONS

It is important to convey to the trainees that they hold considerable power within a prison regime, where the risk of discrimination is present every day. They must be sensitive to the vulnerability of all detainees, but more to some than others. Awareness of the problem of discriminatory behaviour is the first step towards preventing it.



PRACTICAL RECOMMENDATIONS

This is one of the most difficult areas of the training programme to conduct successfully.

Discriminatory behaviour is often not recognized for what it is. The trainees may be at this stage. Before any progress can be made in eradicating discrimination by implementing these recommendations, there has to be a willingness to accept that it exists, and that it is unjust.

It is the trainer's task to create the appropriate environment within which this progression can be made.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two of the topics to discuss. Time should be allowed for reporting back.

Points to be highlighted/suggested areas for discussion:

- Minorities may benefit from being together; they can speak their own language, continue their customs and gain support from one another;
- Minorities may suffer relative deprivation from being held in a specialist minority block. They may not learn the national language or the rules which govern the country and their prison quarters may take on the characteristics of a ghetto;
- The prison rules and the rights of all prisoners should be available in all the languages likely to be represented within the prison population. It is in the interests of staff to ensure that all prisoners understand what is expected of them;
- Steps should be taken to ensure that vital information is read to prisoners, in their own language. It is not always possible to assume literacy;
- Freedom of opinion is a basic human rights principle;
- Freedom of expression is a right bounded only by the right of others to live free from harassment and fear;
- Living in close proximity to people of a different culture can be difficult, at least until more knowledge is acquired. It is difficult for staff as much as for prisoners;
- The likely areas of difficulty will have to do with dress, food, personal habits, and religious beliefs and practices;
- Checks on all prison procedures for ethnic minority representation, e.g. allocation of work and disciplinary procedures, will allow some monitoring of the treatment received by those groups or individuals;
- Fear and ignorance are the two main causes of prejudice and discrimination;
- Exposition and celebration of cultural characteristics can contribute to combating both;
- Prison staff could be assigned the task of developing such an event, probably in conjunction with education staff;

- Encouragement and the opportunity to liaise with similar groups from the community would help prison staff to break down barriers and build bridges of understanding.



CASE STUDIES

Methodology:

Trainees should be invited to join a round-table discussion with members of the training team.

For this exercise, it is necessary for the training team to include representatives of minority ethnic groups in order for the deliberations to have maximum benefit for the trainees.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- This is a very difficult situation for prison staff to deal with. The media might be aware of some wrongdoing by staff who are in every other way good at their jobs and who are very supportive colleagues;
- They might, on the other hand, wish to expose the wrongdoing of other officers but be frightened to do so because of possible repercussions;
- The prison administration might decide that an independent investigation is appropriate in the light of the serious allegations;
- The disruption within the prison is likely to be considerable;
- The facts should be gathered by questioning both staff and prisoners and by examining any written or other evidence;
- If clear evidence of racial discrimination is discovered, the guilty parties must be dealt with according to the rules laid down within the jurisdiction, which might include dismissal;
- In reality, proving such allegations is quite difficult, because it is often one person's word against another;
- What is clear from an occurrence such as this is that a policy on the subject of racial discrimination must be established. This policy should be published and there should be training for all staff. The policy should be implemented rigorously at every level. Monitoring procedures, which are easy to use, should be built in.

CASE STUDY 2

- Any law enforcement agency, to be wholly effective within a community, has to be seen as fair and even-handed across all sections of the community;
- Working with members of minority groups in the community, especially young people, may help to build up notions of trust;
- Recruitment drives that demonstrate the multicultural aspects of the community might help the image of the service;
- Recruitment drives that demonstrate the positive sides of the job, e.g. rehabilitation programmes to educate and retrain prisoners, including members of minority groups, can also help.

CHAPTER 30. WOMEN IN RISON

OBJECTIVE

In all prison systems, women make up a small minority of the prison population. All chapters of the Manual should be read from a perspective which takes account of gender issues. The objective of this chapter is to identify specific issues which must be borne in mind when women are imprisoned. In most societies, women have particular family responsibilities in respect of childcare and related issues. This means that, when a mother is taken into custody, there are likely to be special consequences for other members of her family. In general terms, prison is a male-dominated society. Particular care should therefore be taken that the rights and needs of women are not ignored.



ESSENTIAL PRINCIPLES

Women are entitled to equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil and all other fields.

Women prisoners shall not suffer discrimination and shall be protected from all forms of violence or exploitation.

Women prisoners shall be detained separately from male prisoners.

Women prisoners shall be supervised and searched by female officers and staff.

Pregnant women and nursing mothers who are in prison shall be provided with the special facilities which they need for their condition.

Whenever practical, women prisoners should be taken to outside hospitals to give birth.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles. A reporting back session should ensure that all the information has been discovered.



IMPLICATIONS

The essential points are that women present special difficulties when they are held in prison both because of their relatively small numbers and because of the particular role they play in society.

When this section is presented, it should be emphasized that women are among the most vulnerable groups of detainees everywhere.



PRACTICAL RECOMMENDATIONS

This section provides a thorough analysis of the areas needing the attention of prison staff if the international instruments are to be complied with. Sufficient time should be allowed to ensure that the trainees have the opportunity to discuss each point.

② TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion.

It is useful for all the groups to consider all the topics, some of which refer directly to trainees' own place of work. Eight topics are listed, but the responses to some of them are likely to be brief.

Points to be highlighted/suggested areas for discussion:

- The advantages of raising or lowering the maximum age at which a child is allowed to stay in prison with his or her mother must be considered as applying to the mother and the child; the interests of the two do not necessarily coincide;
- The mother may want the child, but the child may benefit from a more stimulating environment;
- On the other hand, a child might suffer severe trauma at being separated from his or her mother;
- Older children need activity; the relationship can best be stimulated if the mother is able to demonstrate that she is aware of what the child is doing daily outside the prison. Books, art materials and cooking facilities would improve time spent on a visit;
- Women who have their children with them in prison must be able to engage in constructive activities on a regular basis. Learning and playing facilities are necessary. A play leader or teacher would make a huge difference to the quality of the children's lives, as would access to a library;
- Holding a woman with an infant child in solitary confinement should be avoided unless absolutely necessary. It is hard to envisage any circumstances in which this should be necessary. A mother with an infant could still be in the post-natal phase and in need of companionship and sensitive care. The infant will need regular medical checks and monitoring to ensure that it is feeding correctly and gaining weight;
- Opposite-gender working in prisons raises the question of the power relationship between men and women;
- Although there may be no difference in the efficiency levels of the staff, it is likely that female officers will receive more verbal abuse and physical threats from male prisoners than male officers receive from female prisoners;
- It is unacceptable for male prison staff to be unsupervised around female prisoners' living areas;
- Male staff must never be involved in the searching of female prisoners;
- In a well-run establishment, a female member of staff can do her job alongside her male colleagues. It is generally considered that the presence of female colleagues has a calming and improving effect on behaviour. There remains only the issue of searching to deal with;

- Male staff may fulfil many of the necessary duties in a female establishment, but special attention has to be given to the maintenance of the dignity of the women;
- Education and leisure activities should cover the broad range of interests of women and not conform to outdated stereotypes. There is very little real difference in the interests of the two groups;
- Facilities should be provided for women prisoners to comply with their particular personal needs.



CASE STUDIES

Methodology:

A round-table discussion is suggested, so that all trainees may benefit from hearing all the points raised. Volunteers, different for each study, from among the trainees should join with expert staff from the training team.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- It might be worth starting with an overview of all the tasks available as “work” and “education” for all prisoners;
- Allocation to these tasks could then be done in the same way for all prisoners; this would remove the restriction of certain tasks being reserved for women prisoners only;
- How is the washing of clothes managed in male-only establishments?

CASE STUDY 2

- The nursery should be well maintained and well staffed. If this is the case, the women are less likely to become anxious about leaving their children;
- Eight hours is a long time to be away from a baby. The prison could organize different shift patterns, possibly job-sharing arrangements, whereby mothers could spend more time with their children;
- It could be arranged that mothers take turns in running the nursery. This would maximize the time mothers could spend caring for their own babies;
- In some jurisdictions, it might be possible for a childcare qualification to be obtained.

CASE STUDY 3

- Women frequently find imprisonment extremely stressful, especially if it means separation from their children;
- Self-harm is often a sign of stress or of someone without power trying to establish power over the only thing they have left, their own body;
- A regime of daily activity is necessary, involving communication and exercise in an attempt to counteract the worst excesses of stress and powerlessness;
- If family contact is sporadic or unreliable, the prison authorities could make efforts to regularize it;
- Most importantly, the prison authorities must understand the problems faced by women in prison.

CHAPTER 31. JUVENILES IN DETENTION

OBJECTIVE

The definition of who is a juvenile or a child may vary from country to country. Similarly, the distinction in law between a child and a juvenile is not always clear. For the purposes of the Manual, we use the definition contained in article 1 of the Convention on the Rights of the Child:

a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

and that contained in rule 11 (a) of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty:

A juvenile is every person under the age of 18. ...

The fundamental consideration is that the imprisonment of young people should be avoided whenever possible, and the younger the person, the greater should be the determination to avoid detention. Young people are in their formative years, learning and developing into adults. If these years are spent in an institution for those who have broken the law, there is a danger that the young person will absorb a criminal identity and grow up expecting to lead a criminal way of life. When it is necessary to deprive a young person of his or her liberty, certain special considerations apply. The objective of this chapter is to describe these considerations.



ESSENTIAL PRINCIPLES

Children are to benefit from all the human rights guarantees available to adults. The following principles shall also be applied to children:

Children who are detained shall be treated in a manner which promotes their sense of dignity and worth, facilitates their reintegration into society, reflects the best interests of the child and takes their needs into account.

Children shall not be subjected to corporal punishment, capital punishment or life imprisonment without chance of release.

Children who are detained shall be separated from adult prisoners. Accused juveniles shall be separated from adults and brought for trial as speedily as possible.

Special efforts shall be made to allow detained children to receive visits and correspondence from family members.

The privacy of a detained child shall be respected, and complete and secure records are to be maintained and kept confidential.

Juveniles of compulsory school age have the right to education and to vocational training.

Weapons shall not be carried in institutions which hold juveniles.

Disciplinary procedures shall respect the child's dignity, and shall instil in the child a sense of justice, self-respect and respect for human rights.

Parents are to be notified of the admission, transfer, release, sickness, injury or death of a juvenile.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Their findings should be reported back to the group.

IMPLICATIONS

The essential point is that children are not small adults. They are immature and need this period of development to be both instructional and inspirational if they are to achieve the status of a mature adult, able to play an independent but law-abiding role in the community.

PRACTICAL RECOMMENDATIONS

Present these to the trainees, allowing sufficient time for comment and discussion.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two topics to discuss, with a reporting back session at the end.

Points to be highlighted/suggested areas for discussion:

Children need continuity of care and control. It might be that these two essential factors break down after release into the community;

- The period in prison may be characterized by an acceptable measure of conformity but it is not a “real” situation. It might make response to a real situation after release that much worse, because the level of enforced control is likely to be much less;
- Ideally, juveniles should be kept in the community when they offend, but the measures for dealing with them must be carefully considered and implemented by talented and trained staff;
- Children from institutions who are sent to prison are already seriously damaged in terms of normal emotional development. They may have been rejected by their parents, even abused by them; they do not trust adults, nor do they respect them;
- It is unrealistic to expect these children to respond to the normal stimuli of friendliness or caring; prison staff should be forewarned of this;
- Time and consistency of approach offer the best chance of a positive response to the development of relationships;
- There is, in most jurisdictions, an age restriction on detention in prison. The case of a child who claims he is below the minimum age should be taken up with that part of the justice system which deals with juveniles;

- A child should always be held in an establishment for juveniles rather than one for adults;
- Dealing with unruly children can be very challenging for staff, even in a prison setting;
- A medical examination is necessary to attempt to establish if the behaviour pattern has a medical explanation;
- Diet should be investigated;
- Children are as capable of inflicting serious damage as adults but they frequently, because of their youth and limited education, fail to understand fully the harm they do;
- One of the elements in the prison programme should be exposure to the consequences of their criminal actions;
- Consistent, firm but calm discipline must be imposed, with no retaliation to the violence, both verbal and physical, which is likely to be shown to staff. This is very difficult for staff to achieve. Staff must realize that these children do not understand respect and that violence will not teach them now. They will learn, if at all, by good example;
- Education probably has not played much of a part in their lives, except perhaps through humiliation in the classroom because of lack of ability. Participation now is to be quietly insisted on, but the form it takes might need to be very different from the "school" mode;
- Teaching might be one-to-one in the beginning, but the gradual introduction of group activity, where social learning can begin, is necessary;
- The problem of how to deal with a small number of female juvenile offenders is a difficult one for the prison administration;
- The first priority is that the female prisoners, whatever their age, should be held in women's prisons;
- If at all possible, the juvenile female offenders should be separated from adult women;
- However, integration of the two groups is preferable to isolation of either. Where there is integration, the staff should be particularly vigilant to ensure that juveniles are not subject to any pressure or abuse from older women;
- It is likely that, once juveniles are encouraged to become involved in activities outside the drug culture, all other aspects of their lives will develop in a more positive way;
- Families are more likely to want to visit and the young prisoners are more likely to have something to talk to their families and friends about;
- Some jurisdictions may have counselling services specially set up to assist young offenders to re-establish communication with their families. Many communities have specialist provisions that might be available to prisoners;
- A very important consideration is that quite often it is the peer group, and the community in which it operates, which is the main problem in continuing drug abuse. It is similarly not uncommon for the families of offenders to be involved

in illegal drug dealing. Before stronger ties are encouraged, it is essential to discover whether this is the case;

- There are bullies in all parts of society and there are victims everywhere, and there are also many who fall between the two groups. It is very difficult for prison staff to stay on top of this problem because, typically, the bullied are too afraid to report it;
- The institution should have a policy on bullying which is clearly publicized and thoroughly understood by staff and prisoners alike;
- Staff working with young prisoners should be very visible around the institution and very involved with the daily activities. If this is not the case, it is very easy for virtual “no-go” areas to develop. These are where bullying and intimidation occur;
- If a bully is discovered, the staff must invoke the policy immediately. It is the bullies who should be moved, not the bullied.



CASE STUDY

Methodology:

A round-table discussion is suggested, with trainees discussing the case alongside suitably experienced staff from the training team.

It is useful to allow the opportunity for comment from the floor after the study is completed.

Points to be highlighted/suggested areas for discussion:

- The instruments require that juveniles who are held in prison have an extensive programme of education and activity for the express purpose of rehabilitation into the community;
- In order to set this in motion, a period of staff selection and training for the job is recommended;
- The drug problem amongst these youngsters must be dealt with first, otherwise all attempts to rehabilitate may well founder;
- Vocational courses are recommended, with emphasis on education provision, to enable this to take place;
- Once the pattern has been established within the unit it is likely that education and cultural activities can be broadened in order to give the juveniles a view of the world rather broader than their current one.

CHAPTER 32. PRISONERS UNDER SENTENCE OF DEATH

OBJECTIVE

Many countries have now abolished the death penalty and the international community encourages this development. However, capital punishment still remains on the statute books in several countries.

Prison administrations have no responsibility for the imposition of the death penalty, but they sometimes have to deal with its consequences and implementation, i.e. holding prisoners under sentence of death, sometimes for many years when there are lengthy appeal procedures or when a State has suspended executions but has not abolished the death penalty or commuted existing sentences. Prison administrations are sometimes also responsible for carrying out executions. These tasks place a heavy burden on the staff who are involved. The objective of this chapter is to define how prisoners who are under sentence of death should be treated according to the international instruments.



ESSENTIAL PRINCIPLES

Every human being has the inherent right to life, which shall be protected by law. In countries which have not abolished the death penalty, it shall be imposed only for the most serious crimes and after a final judgement rendered by a competent court. The death penalty shall not be imposed for crimes committed by persons below the age of 18 and shall not be carried out on pregnant women, nor on new mothers or persons who have become insane. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering. Abolition of the death penalty is encouraged.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Their findings should be reported back to the group.



IMPLICATIONS

This is an extremely difficult and distressing area of a prison officer's work; it is essential that this fact is recognized in the presentation of this section.

The main point is that the international instruments encourage abolition of the death penalty. This is not something the trainees can do anything about, but it is important that they are aware of the position. The second point is that, where capital punishment

remains on the statute book, it is the job of prison staff to fulfil their duties with sympathy and understanding for all parties involved.

PRACTICAL RECOMMENDATIONS



These should be presented in the same manner, allowing time for discussion and comment but not permitting a debate to develop on the question of capital punishment.

TOPICS FOR DISCUSSION

① A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two topics to discuss and report its findings at the end of the session.

This is stressful material. Prison staff in some jurisdictions may have to deal with such situations on a regular basis; others will never have experienced them. The instruments clearly encourage the abolition of the death penalty.

Points to be highlighted/suggested areas for discussion:

- Prisoners under sentence of death need access to materials and personnel associated with a legal appeal;
- Such prisoners should be allowed sensitive contact with their families and friends;
- Such prisoners should not have to endure an excessively restrictive environment because of the seriousness of their situation;
- Cruel or inhuman treatment of prisoners held under sentence of death would include the absence of information relating to their case or the progress of their appeal; confinement in very sparsely appointed accommodation on a so-called “death row”; restricted access to family and friends; and insensitive visiting facilities, e.g. a lack of privacy;
- Prison staff assigned to work with prisoners under sentence of death should receive training to prepare them for the difficulties and special requirements of the task. They also need considerable support to cope with this uniquely onerous task;
- Medical staff have a duty to care for their patients’ health and well-being; the fact that their patients are prisoners is irrelevant. This means that they cannot be involved in administering the death penalty;
- There is a particularly unwelcome task for the authorities in a jurisdiction that allows the death penalty: the act usually has to be witnessed by the elected or appointed person in charge to ensure that it is carried out in accordance with the statutes, and also to ensure that the prisoner is dead at the end of it;
- In addition, members of the prisoner’s family may be seen as having a right to attend;
- Anyone nominated by the prisoner, outside his or her immediate family, may also have a right to attend, e.g. a church or religious group; or perhaps no one at all, if that is the prisoner’s wish;
- The victim’s family may claim a right to be present;

- The national and/or local press may consider it their duty to report the event;
- It is easy to see how an execution could become a media event; it could even be glamorized by the media. This should not be the intention.

CASE STUDIES

Methodology:

The trainees will need expert direction in discussing these two cases. It is recommended that a group of trainees, different for each case, join members of the training team in a round-table discussion.

Time should be allowed for comment and discussion at the end of each study.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The prison director's responsibilities relate to the holding of the prisoner, not to the legal intricacies of the court hearing. No specific legal knowledge or training can be assumed;
- The director does have a duty to ensure that only those who are detained legally are held in the prison;
- The director would have the authority to grant urgent legal visits to allow the prisoner's legal adviser to hear the evidence and to take any appropriate action;
- The director would almost certainly have access to the government minister through the chain of command.

CASE STUDY 2

- The international instruments state that, where the death penalty exists, it should be carried out so as to inflict minimal possible suffering;
- The method in question would need to be investigated by the appropriate specialists, or the existing evidence revisited, in a thoroughly open manner in order to assure the public that no unnecessary or gratuitous pain was inflicted;
- The presence at the execution of various members of the community is partly to ensure that this assurance is maintained.

CHAPTER 33. LIFE AND LONG-TERM PRISONERS

OBJECTIVE

The term “life sentence” has divergent meanings in various countries. States impose life sentences for different ranges of offences. Moreover, States which release life-sentence prisoners do so in a variety of ways.

Although, in certain countries, degrees of legislated determinacy are attached to life sentences, in general such sentences are, by their very nature, indeterminate. Only in exceptional cases, however, does a life sentence mean that a person must spend the rest of his or her natural life in prison.

Life imprisonment is the most severe penal sanction that can be imposed in those jurisdictions which either do not have, or choose not to apply, the death penalty. In the absence of the death penalty, life imprisonment takes on a symbolic significance and may be seen as the ultimate retributive sentence.

Some long-term and life-sentence prisoners are likely to be highly dangerous. Some of them will have committed horrendous crimes and would be a real threat to the safety of the public if they were to escape. It is the responsibility of prison administrations to ensure that these prisoners do not escape and also that they do not present a threat to staff and other prisoners. Managing these prisoners in a manner which is decent and humane while at the same time ensuring the safety of other people is a great challenge to professional prison management.

The most important issues in the management of life and long-term prisoners, however, stem from the potential damage to the prisoners’ mental well-being caused by the length of sentence or the uncertainty of the release date. Prison administrators must help prisoners to plan their sentences in such a way as to maintain their sense of self-worth and avoid the dangers of institutionalization.



ESSENTIAL PRINCIPLES

The essential aim of the treatment of prisoners shall be their reformation and social rehabilitation.

Life imprisonment without possibility of release shall not be imposed for offences committed by persons below the age of 18.

The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of prisoners or the respect due to their dignity as human beings.

The treatment of prisoners shall be such as will encourage their self-respect and develop their sense of responsibility.

Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

The overall objective of the management of life-sentence prisoners is their safe release into society once they have served a sufficient period in custody to mark the seriousness of their offences.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Their findings should be reported back to the group.

IMPLICATIONS

It should be pointed out that the particular difficulties raised by life imprisonment are recognized in the constitutions of a number of countries.

PRACTICAL RECOMMENDATION

The message is that all principles of good prison management described in the Manual should be applied equally in the case of prisoners serving life or other long sentences.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussions.

There are some interesting topics which affect all prison workers. In order to maximize participation, each group should be given one topic to discuss and be asked to be prepared to report back to the full group.

Points to be highlighted/suggested areas for discussion:

- One way of beginning this process for long-term prisoners is to have an initial assessment to start planning the sentence of each prisoner;
- Based on the prisoner's profile, a sentence plan is drawn up. This plan includes an assessment of risks presented by each prisoner to himself or herself, to other prisoners and staff, and to the public;
- The sentence plan also includes the various activities and programmes in which the prisoner is likely to be involved throughout his or her sentence;
- Given the length of time that they are likely to have to spend in prison, it can be argued that prisoners serving long sentences should be given priority over other prisoners for such activities when resources are scarce;
- Contact with family and the outside world is very important. Family members, spouses, children and others are entitled to have contact with the person who is in prison;
- The automatic assumption that all long-term prisoners are dangerous is not supported by evidence. Life-sentence prisoners do not in general present more disciplinary problems than any other group of prisoners;

- At the same time, some long-term and life-sentence prisoners are likely to be highly dangerous. It is the responsibility of prison administrations to ensure that these prisoners do not escape and also that they do not present a threat to staff and other prisoners;
- Managing these prisoners in a manner which is decent and humane while at the same time ensuring the safety of other people is a great challenge to professional prison management.

SECTION 10

**PERSONS UNDER
DETENTION
WITHOUT SENTENCE**

A note on terminology for the trainees:

The term “pre-trial prisoners” is used in this section to denote all persons held in custody who have not yet been brought to trial.

The term “detainee” is used to denote the same persons.

The principles in this section refer to all persons who are detained without sentence, whether they are legally referred to as detained, pre-trial, under arrest, awaiting trial, untried, remand or unconvicted, or by any other similar description.

CHAPTER 34. LEGAL STATUS OF PERSONS UNDER DETENTION WITHOUT SENTENCE



OBJECTIVE

People who are detained without sentence are entitled to specific legal safeguards. The objective of this chapter is to underline this fact and to describe the basic legal safeguards.



ESSENTIAL PRINCIPLES

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty.

Everyone has the right to liberty and security. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law. Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his or her arrest and of his or her rights. Anyone who is arrested shall be promptly informed of any charges.

Anyone who is arrested shall be brought promptly before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed and shall be released if the detention is found to be unlawful.

A detained person shall have the right to defend himself or herself or to be legally represented.

Anyone who is arrested has the right to trial within a reasonable time, or to release. Comprehensive written records of all interrogations must be kept, including the identity of all persons present during the interrogation.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

Their findings should be reported back to the group.



IMPLICATIONS

It is essential that all the trainees understand the point being made. It is advisable to check by asking questions and monitoring the answers.



PRACTICAL RECOMMENDATION

This is partly revision and should be recognized as such by the trainees, with prompting from the trainer.

② **TOPIC FOR DISCUSSION**

One topic is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion.

Points to be highlighted/suggested areas for discussion:

Staff training is a vital element in the protection of a prisoner's rights; if all staff know the answers to questions, it is likely that the information will be passed on to prisoners;

- Information must be available in written form, in all relevant languages and also in spoken form for those prisoners who are not literate in any language;
- In an ideal situation, a specially trained team of staff would be available to all new prisoners to advise them of their rights. Such specialism is also good for staff development.



CASE STUDY

Methodology:

A round-table discussion between trainees and experienced members of the training team is recommended.

Points to be highlighted/suggested areas for discussion:

Prisoners who have not been sentenced are presumed in law to be innocent;

- The treatment of such prisoners, as distinct from sentenced prisoners, should reflect this;
- Unsented prisoners should, wherever possible, be kept separate from sentenced prisoners during the first admission stage;
- Procedures must be established whereby receiving prison staff are able to check the legality of the imprisonment order;
- Unsented prisoners must have ready access to information and legal services. Such prisoners might be permitted to wear their own clothes.

CHAPTER 35. ACCESS TO LAWYERS AND THE OUTSIDE WORLD

OBJECTIVE

In order to receive a fair trial it is particularly important that pre-trial prisoners are able to keep in contact with legal advisers, family and friends so as to prepare their defence properly and without undue hindrance. The objective of this chapter is to stress this fact.

ESSENTIAL PRINCIPLES

All arrested or detained persons shall have access to a lawyer or other legal representative and adequate opportunity to communicate with that representative.

Untried prisoners shall be allowed immediately to inform their families of their detention and shall be given all reasonable facilities for communicating with their families and friends.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles, reporting back to the group at the end.

IMPLICATIONS

The essential point is that prison authorities have the right and the responsibility to control conditions of detention. These should be in line with the international instruments.

PRACTICAL RECOMMENDATIONS

These should be familiar to the trainees but should be presented so that there is time for comment. It is important to stress the role of lawyers in interrogation and the time period within which communication with the outside world should be allowed.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion and each group should discuss all three topics.

There is no need for a reporting back session.

Points to be highlighted/suggested areas for discussion:

The instruments stress the separation of prison authorities and prosecuting authorities. It is for the prison authorities to control and ensure the access of pre-trial prisoners to legal services and representation;

- The receiving staff at the prison must establish a system to provide all pre-trial prisoners with ready access to such services, as a right not a privilege;
- Prison administrations have the responsibility to enable pre-trial prisoners to contact their families in order to let them know where they are;
- In order to do this, contact should be possible through a variety of means: telephone, letter and visit;
- The instruments require that pre-trial prisoners should have access to their families and friends which is free from restriction, except for the requirements of the secure and safe running of the institution.

CASE STUDIES

 *Methodology:*

It is helpful for the trainees to hear all these issues discussed, so a round-table discussion is recommended, with a group of trainees joining members of the training team.

The trainees should be changed for each case study.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

The prison director has an obligation under the instruments to ensure that every individual held in detention is held legally;

- In the first instance, the prison director should bring the facts of the case to the attention of the judicial authorities;
- Ultimately, it is for these authorities to take a decision about the legality of detention in an individual case.

CASE STUDY 2

- The instruments draw a clear distinction between the role of the prison authorities and the role of the police in the management of prisoners;
- It is the responsibility of the prison authorities to determine the conditions under which a prisoner is held. All prisoners should be given access to legal representatives, family and friends;
- Any special security measures imposed on a prisoner should be exceptional, at the discretion of the prison director and because of matters related to the management of the prison, unless directed by a proper legal authority.

CASE STUDY 3

- The task of prison staff is to maintain safe and secure conditions at all times but also to allow prisoners free enjoyment of their rights, as laid down in the instruments;
- In this case, a measure of privacy must be permitted so that conversations

between lawyers and prisoners are not overheard by prison staff on duty in the visiting area;

- The visiting area should be arranged so that visual supervision only may be maintained by prison staff.

CHAPTER 36. TREATMENT OF PRE-TRIAL PRISONERS



OBJECTIVE

The objective of this chapter is to underline that men and women in pre-trial detention have the right to different treatment in some respects from convicted prisoners because they have not been found guilty of any offence and are by law presumed to be innocent of the offence with which they have been charged.



ESSENTIAL PRINCIPLES

Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment.

Untried prisoners shall sleep singly in separate rooms, except where local customs differ in respect of the climate.

Untried prisoners may, if they so desire, have their food procured at their own expense from the outside.

Untried prisoners shall be allowed to wear their own clothing if it is clean and suitable.

If an untried prisoner wears prison clothing, it shall be different from that supplied to convicted prisoners.

Untried prisoners shall always be offered the opportunity to work, but shall not be required to work.

Untried prisoners shall generally be allowed to procure at their own expense books, newspapers and writing materials.

Untried prisoners shall generally be allowed visits from their own doctor or dentist.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles, reporting back to the group at the end.



IMPLICATIONS

The point to be emphasized is that the differences between the two categories of prisoner dictate the different conditions in which they must be held.



PRACTICAL RECOMMENDATIONS

There is likely to be considerable anecdotal comment here. Present the information, allowing time for discussion, but return to the imperative of the instruments.



TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two topics to discuss, reporting back afterwards.

It is helpful if members of the training team can move around the groups, assisting with the discussion.

Points to be highlighted/suggested areas for discussion:

- The management of pre-trial prisoners is not an easy task for prison staff. Apart from necessary movement to court there may be additional visits to arrange and supervise. In addition, this group of prisoners is likely to be under higher levels of stress because of the uncertainty of their situation;
- The high turnover of pre-trial prisoners and the uncertainty about length of stay and status lead to prison conditions that are less than satisfactory for this group of prisoners;
- The instruments are clear on the treatment of pre-trial prisoners and the reasons for it;
- It is important for prison staff to recognize that pre-trial prisoners are innocent as far as the law is concerned. At the same time, they are also prisoners held, almost certainly, against their will;
- Once this concept has been fully grasped, the necessity for an environment and a regime that reflect this becomes more acceptable;
- Pre-trial prisoners are subject to different rules; for example, they do not have to work, they do not have to wear prison clothing and their status is different: they are presumed innocent;
- Their daily routine is likely to be different, so there are organizational reasons why separation from convicted prisoners makes good sense;
- There might even be a security reason for keeping the two groups separate, in that pre-trial prisoners have access to the outside through court appearances and may be put under pressure by sentenced prisoners to engage in smuggling goods into the prison;
- Young pre-trial prisoners should be kept separate from older prisoners;
- Their cases should be dealt with speedily in order to reduce to the minimum the period spent in prison;
- It is to be expected that pre-trial prisoners will be preoccupied with a limited number of things;
- These are likely to be their legal cases and the probable outcome, separation from their families and their chances of picking up their lives again when released;
- Educational programmes may be able to assist prisoners in some of these areas through classes in letter writing, help with reading and comprehension of written material, and discussion and counselling groups;
- Such classes and courses should be organized so that pre-trial prisoners can attend them in accordance with the demands of their legal circumstances;

- Many pre-trial prisoners remain in prison for some considerable time, so it is often possible to provide training courses, resulting in qualifications, which assist with reintegration concerns.

CASE STUDIES

Methodology:

Open discussion of each of these cases by a group of trainees and one or more members of the training team is recommended.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- High-security conditions inevitably mean reduction in some aspects of a regime;
- Pre-trial prisoners need a regime and an environment which reflect their status as innocent people;
- It is unlikely that the requirements of the international instruments will be adequately met if all pre-trial prisoners are held in security conditions of the highest level;
- A system should be developed whereby pre-trial prisoners are categorized according to the seriousness of the charge they are facing;
- The level of security for each prisoner should be the lowest one necessary.

CASE STUDY 2

- Pre-trial prisoners may not be required to work, but they may work if they wish;
- Where there is insufficient work available in the prison for all convicted prisoners, a difficulty arises for prison staff. Is it preferable to put as many convicted prisoners to work as possible, willing or not, or is it a better option to offer some work to pre-trial prisoners who are actively seeking work?;
- Prison staff must consider a number of variables, which are likely to be different in various jurisdictions, e.g. pay for work done, privileges that can be earned through working and higher status that can be earned through holding a particular job. It might be unfair to refuse access to all pre-trial prisoners. It might also be considered good management practice to have a number of willing workers mixed in with the many unwilling ones.

CASE STUDY 3

- The international instruments require that pre-trial prisoners be kept separate from convicted prisoners. There are several reasons for this but the object is to ensure that the conditions in which they are held are suitable for people as yet unconvicted of a crime. The routines of the two groups are generally quite different;
- A consideration in this case, however, is that family ties are also to be protected and the opportunity to do that presents itself with the request to locate the two brothers together, despite their difference in status;

- The decision might vary according to the circumstances prevailing at the time and the accommodation available, but it is likely that prison staff, before making a decision, would deliberate on the issues of setting a precedent, the behaviour of the two individuals and the nature of the offences.

CHAPTER 37. RELEASE ON BAIL

OBJECTIVE

The international instruments make it clear that, whenever possible, accused persons should not be detained in custody while awaiting trial. One method of achieving this is by allowing them to continue to live in their communities but requiring them to provide a guarantee, financial or otherwise, that they will not abscond and will be available when needed for investigation and for trial. This arrangement is usually called “bail”.

In many countries, a substantial number of people are kept in pre-trial detention who could be given bail. The objective of this chapter is to emphasize that persons awaiting trial should not be detained in custody as a general rule. Prison authorities have a role in providing assistance to pre-trial detainees to apply for release on bail.



ESSENTIAL PRINCIPLES

Persons awaiting trial shall not be detained in custody as a general rule.

Release pending trial shall be envisaged as early as possible.

A pre-trial prisoner shall have the right to appeal to a judicial or other independent authority against his or her detention.

These principles should be presented visually and remain on display throughout the session.



BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.



IMPLICATIONS

The role of the prison staff in ensuring implementation of the instruments is stressed.



PRACTICAL RECOMMENDATIONS

The need for staff training is emphasized. It is likely that some jurisdictions will be better in this area than others. Allow some time for comment and the exchange of good practice.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given the two topics to discuss.

Assistance from experienced members of the training team is necessary during the discussion period. A brief reporting back session from several of the groups is recommended.

Points to be highlighted/suggested areas for discussion:

- Different jurisdictions are likely to approach staff training differently, but the main options are either to train all prison staff in the requirements for bail as part of the general training programme, or to establish a special group of staff and train only them for the task of managing this group of prisoners;
- The advantage of the first option is that all the staff will have the necessary knowledge, making the staff attendance rota easier to arrange. Also, it would result in a better informed staff team;
- The advantage of the second option is that a selection process can take place allowing staff to be chosen who are most suitable to assimilate and utilize the legal and compassionate elements of this task;
- Three types of information are essential for prisoners to assess their eligibility for bail:
 - The international standards;
 - The code of practice and method of operation for pre-trial prisoners in the national jurisdiction;
 - The prison's rules on legal access and assistance for prisoners.

CASE STUDY

Methodology:

A small number of trainees should join one or two members of the training team for a round-table discussion. Trainers must ensure that it is not always the same trainees who volunteer for the practical tasks.

Points to be highlighted/suggested areas for discussion:

- Staff dealing with pre-trial prisoners, if properly trained, will have the relevant information on eligibility for release on bail;
- If there is any doubt on the matter, the legal authorities at the court should be contacted for clarification;
- The instruments state that the normal or regular situation should be that pre-trial prisoners are not held in detention;
- The prisoner in this case should be afforded every assistance to contact his friend and arrange the surety required to secure release on bail;
- This case illustrates the need for good quality training for prison staff so that they might fulfil the requirements of the international instruments.

CHAPTER 38. CIVIL PRISONERS AND PERSONS ARRESTED OR DETAINED WITHOUT CHARGE

OBJECTIVE

In some countries, people may be detained because they are facing a civil charge or for other administrative reasons. The objective of this chapter is to underline that such persons should be treated in the same manner as all other prisoners who have not been convicted.

ESSENTIAL PRINCIPLE

Persons arrested or imprisoned without charge shall be accorded the same protection and facilities as pre-trial prisoners.

This principle should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for this principle.

IMPLICATIONS

The requirements affecting different categories of prisoner are emphasized, demonstrating the complex nature of the work for prison staff.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The two topics should be presented visually at the front of the training area and trainees should be asked to offer suggestions and opinions, which are to be recorded for further consideration at the end of the session.

Points to be highlighted/suggested areas for discussion:

Previous sessions will have shown the emphasis placed by the international instruments on the importance of access to family, friends and legal advisers for pre-trial detainees. These provisions must also be applied to persons detained without charge;

- The rules and arrangements on visits applying to sentenced prisoners clearly do not apply to this category of detainees;
- The instruments require that these detainees be treated in the same manner as all other prisoners who have not been convicted. This also applies to disciplinary procedures.



CASE STUDY

Methodology:

To maximize the benefit of this exercise, the trainees should be divided into a number of groups, each one under the control of a member of the training team. In each group, one of the trainees should take the role of the prison director faced with the task of opening the centre for illegal immigrants.

Other trainees might take the roles of senior prison staff members, in order to make the planning exercise realistic.

Points to be highlighted/suggested areas for discussion:

- Reference to the instruments highlights the requirement for good and efficient visiting arrangements for both personal and legal visits;
- The security level in the prison should be fixed at the minimum required to ensure safety;
- Activities should be provided for the detainees: education, particularly language teaching, if appropriate, and also work;
- Extensive training will be required for the existing prison staff, who are now being required to manage and care for an entirely different group of people.

SECTION 11

NON-CUSTODIAL MEASURES

OBJECTIVE

When deciding what to do with a person who is accused of committing an offence, a court may choose, if it is empowered to do so, to allow that person to remain in the community without restriction, or it may impose some restrictions on freedom of movement, or it may order that the person be detained in custody. In the case of a person who has been convicted of committing an offence, the court may be able to order one of a variety of penalties which the convicted person can serve while still remaining in the community, or it may order that the person be deprived of liberty.

The international instruments emphasize that detention or imprisonment should be imposed only when there is no alternative. In all other cases, the use of non-custodial measures is recommended. In some countries, the same authority is responsible for prisons and also for the care and supervision of offenders who are sentenced to non-custodial penalties. It may also happen that a person who has completed part of his or her sentence in prison will be eligible to complete the sentence under some form of conditional release in the community. The objective of this section is to describe how such offenders should be treated.



ESSENTIAL PRINCIPLES

The use of non-custodial measures should be recommended and encouraged.

Non-custodial measures should be applied without discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.

Consideration should be given, where possible, to dealing with offenders in the community without resort to the courts.

Non-custodial measures should be used in accordance with the principle of minimum intervention.

Any form of release from an institution to a non-custodial programme shall be considered at the earliest possible stage.

There should be suitable mechanisms to facilitate linkages between services responsible for non-custodial measures and other relevant agencies in the criminal justice system, social development and welfare agencies, both governmental and non-governmental, in such fields as health, housing, education and labour, and the mass media.

The criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions, in order to avoid the unnecessary use of imprisonment.

Pre-trial detention shall be used as a means of last resort in criminal proceedings, and alternatives to pre-trial detention should be employed as early as possible.

The number and types of non-custodial measures available should be determined in such a way, inter alia by law, that consistent sentencing remains possible.

Sentencing authorities, when considering non-custodial measures, should take into consideration the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

IMPLICATIONS

The essential message to be conveyed is that non-custodial measures, whenever they are possible, satisfy far more aspects of justice than custodial measures, always assuming that security and safety measures have been satisfactorily dealt with.

PRACTICAL RECOMMENDATIONS

Present these to the trainees, allowing sufficient time for comment and discussion.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. A reporting back session is recommended for this exercise, in order to share all the information.

The first topic should be discussed by every group, plus any two other topics from the list.

Points to be highlighted/suggested areas for discussion:

- The trainer should lead a general discussion about the legal situation in the country and possible benefits of a change in legislation to allow more non-custodial alternatives;
- A discussion on what constitutes a “petty” offence is likely to develop; there will undoubtedly be differences of opinion;
- It is generally agreed that crimes which do not involve violence would fall into this category;
- It is important to refer constantly to the Essential Principles on display around the room;
- The instruments state that consideration should be given to dealing with offenders in the community wherever possible;
- There is further specific encouragement for the community to become involved with those of its members who have committed offences;
- Offenders who have not paid fines might be able to contribute to the life of the community by way of reparation, rather than becoming a further drain on its resources by being imprisoned;

- The instruments stress that the development of new non-custodial measures should be encouraged, but that these should be monitored and evaluated regularly;
- In particular, the key features for scrutiny would be:
 - Do they offer rehabilitation to offenders on whom they are imposed?
 - Do they offer adequate protection to society?
 - Do they take into account the interests and needs of the victim?
 - The advantages of prison staff administering non-custodial measures would include the specialist knowledge that such staff have. This would enable them to talk intelligently on the subject of punishment and the benefits of the non-custodial option;
 - It may also be the case that a number of the offenders in question have served prison terms before, so an understanding of that experience could be very helpful in supporting them while they deal with the greater responsibility of remaining in the community to make reparation;
 - A possible disadvantage is that a "prison attitude" might prevail among the staff in question, who have, after all, been trained to keep control and give orders, and who expect to be obeyed;
 - It may also be that a non-custodial sentence is seen not as a punishment at all because it does not involve loss of liberty;
 - The difficulty with offender groups who have no fixed address or who are foreign nationals is in providing an effective monitoring service;
 - The instruments state that there should be good coordination between services responsible for non-custodial measures and other relevant criminal justice, social development and welfare agencies in such fields as housing, education and employment;
 - Support from these agencies would, moreover, ensure that non-custodial measures were being applied without discrimination.



CASE STUDIES

Methodology:

The trainees should remain in their groups for this exercise. Each group should be given one of the cases to discuss and be asked to report back briefly at the end of the session.

It would be helpful if members of the training team could move around the groups to assist with any contentious points.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- The instruments stress the need to look for the non-custodial option whenever possible;

- In this case, there appears to be a recurring difficulty for the offender. The goods are for his own use so he is unlikely to be a professional, but the decision on his punishment depends on what the goods are that he is stealing. If they are food items, the decision is fairly straightforward. If they are illegal substances or legal ones that are intoxicants, then the young man has a difficulty that no amount of imprisonment will cure unless he is able to attend a detoxification clinic;
- The details are provided: is he a risk to anyone other than himself?

CASE STUDY 2

- A three-year sentence is quite severe, so it is likely that the offence was considered to be serious;
- The instruments require that a person who has completed part of his or her sentence in prison should be eligible to complete the sentence under some form of conditional release in the community;
- The non-custodial measure would have to be one that had been evaluated and approved;
- It would further have to provide for the rehabilitative needs of the woman and satisfy the need for continued protection of society and, in particular, the interests of any victim.

CASE STUDY 3

- The instruments stress that the safety of society must be safeguarded at all times;
- Rape is a violent crime with a victim who might still be living in the community. It is unlikely that the victim would welcome the chance of meeting the attacker again;
- The magistrate has made a serious error of judgement but it does not mean that the principle of community service is misguided, simply that it is inappropriate in this instance;
- The body responsible for the conduct of magistrates must make a public acknowledgement of the error and endeavour to minimize the damage done.

CASE STUDY 4

- Even though those who work in prisons are providing a community service, the staff have the same needs and responsibilities as any other members of the community's workforce. A possible reduction in the need for prison staff is bound to cause concern;
- The prison administration should present its proposal to the workforce in the following terms:
 - The jurisdiction is committing itself to the international standards and is to be proud of its achievements in this area;
 - The non-custodial measures will need to be set up and run effectively and

efficiently, offering scope for suitable and motivated staff to develop their skills and careers in a different way.

CASE STUDY 5

- The underlying cause of this woman's criminality seems to be social need; she has no home and no apparent method of supporting herself;
- It would clearly be pointless to put her in prison for her offences, because she would inevitably commit them again after release;
- A non-custodial sentence could also fail unless some support was offered from the social agencies responsible for such matters as housing, health and employment. With their support, from the beginning, this woman would have a chance of gaining some independence and self-respect;
- Rule 22 of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) requires that linkages be established between services responsible for non-custodial measures and social development and welfare agencies, both governmental and non-governmental, through suitable mechanisms at various levels.

SECTION 12

**THE ADMINISTRATION OF
PRISONS AND
PRISON STAFF**

OBJECTIVE

In a democratic society a prison is primarily a servant of the judiciary which acts on behalf of the community. The main task of the prison administration is to hold in decent and humane conditions those men and women who are sent to it by a properly constituted court. This task is carried out by prison staff. However, it is important to recognize that prison staff also have important human rights which should be upheld by the State. The objective of this section is to discuss the implications of this principle and examine the interplay between staff rights and staff obligations and duties. Many of these standards are discussed throughout the Manual.



ESSENTIAL PRINCIPLES

All law enforcement officials, including prison staff, shall respect and protect human dignity and maintain and uphold the human rights of all persons.

The administration of the prison system should be in civilian hands. It should not be part of a military structure.

Personnel shall be carefully selected for their integrity, humanity, professional capacity and personal suitability.

The prison administration should be diligent in informing the personnel and the public that prison work is a social service of great importance.

Personnel shall be appointed as full-time prison officers, with civilian status, salaries adequate to attract and retain suitable men and women, and favourable employment benefits and conditions of service.

Both law enforcement agencies and prison authorities shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary and other career and administrative matters.

Both law enforcement agencies and prison authorities shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of women prisoners.

Personnel shall have an adequate standard of education and intelligence and shall be trained before entering on duty and while they are in service.

Personnel shall conduct themselves in a manner which commands the respect of prisoners.

Personnel shall include, as far as possible, sufficient numbers of specialists such as psychiatrists and psychologists, as well as social workers, teachers and trade instructors.

The director of an institution should be adequately qualified for his or her task, appointed on a full-time basis and resident on the premises or in the immediate vicinity.

The director, his or her deputy and the majority of the other personnel shall be able to speak the language of the majority of the prisoners.

There shall be adequate medical personnel resident close to the institution.

In an institution for both men and women, the part of the institution set aside for women should be under the authority of a responsible woman officer and women prisoners shall be attended and supervised only by women officers.

Prison officers shall not use force, except in self-defence or in cases of attempted escape or active or passive physical resistance to an order based on law or regulations.

Officers who have recourse to force must use only minimum force and must report the incident immediately to the prison director.

Staff in direct contact with prisoners should not usually be armed.

Law enforcement officials shall respect the confidentiality of information in their possession unless the performance of their duty or the needs of justice strictly require otherwise.

Law enforcement officials shall ensure the full protection of the health of persons in their custody.

Firearms shall not be used against persons in custody or detention except in the following circumstances:

- In self-defence or defence of others against imminent threat of death or serious injury;
- When strictly necessary to prevent the escape of a person presenting a grave threat to life.

Intentional lethal use of force or firearms shall be permitted only when strictly unavoidable in order to protect human life.

These principles should be presented visually and remain on display throughout the session.

BASIS IN INTERNATIONAL INSTRUMENTS

Exercise:

Using the Compilation of Instruments, the trainees should work in pairs in order to discover the basis for each of these principles.

IMPLICATIONS

Some of this information will be familiar to the trainees already. This section emphasizes the need for a professional and independent prison service, with a workforce that reflects the population of the community.

PRACTICAL RECOMMENDATIONS

The Committee of Ministers of the Council of Europe provides a very succinct and well-organized list of recommendations, which should be emphasized and reviewed carefully.

TOPICS FOR DISCUSSION

A list of topics is provided in the Manual.

Methodology:

The trainees should be divided into small groups for discussion. Each group should be given two topics to discuss, reporting back afterwards.

Points to be highlighted/suggested areas for discussion:

- The roles of police and prison staff are related but different;
- The task of a police officer is to detect and secure the arrest of criminals. A judgement about presumed guilt is part of the process;
- The role of prison officials is to hold humanely those offenders who have been sentenced to imprisonment by the courts. It is not for them to judge possible guilt or innocence;
- What they have in common is that neither group has the power to punish;
- The role of the military, in any country, is to protect the State, usually from external enemies;
- The task of prison staff is to implement the directions of judicial authorities. In carrying out this task, they act on behalf of civil society;
- The international instruments stress that, in a democracy, basic human rights are inalienable. In order adequately to protect human rights, it is imperative that the functions of the military do not include keeping civil order;
- Improving the standing of prison staff with the local community will depend very much on the area in question, but it is likely to include the perceived status of the staff. This will be judged on matters such as pay and conditions and required entry qualifications;
- The openness of the prison and the involvement of the prison staff in community matters will also be relevant;
- No two prisons are the same. There is an argument for allowing prison staff to experience a variety of institutions in the name of staff training;
- There is a risk of overfamiliarity and complacency if staff remain in one prison for too long. In particular, there tends to develop an idea that they know all there is to know and cannot learn new ideas. This can contribute to a closed state of mind and a punitive environment;
- From the opposing viewpoint it may be said that long-serving staff can add a feeling of stability to an institution;
- The key to a motivated and competent staff group is to keep them learning new things, developing new ideas and using their initiative;
- Many of the people who are sent to prison do not present themselves at their best while behind bars. It is usual for them to take out their anger and frustration on prison staff who look after them every day. It is therefore not surprising that prison officers' view of prisoners is sometimes not very positive;
- Prison staff need a great deal of support because of the nature of their daily tasks. This is not to do with any weakness, but with the psychological dynamic of the work they do on behalf of the community;

Prison staff should not be denied their civil and political rights;

- Discuss the implications of the right to strike for prison staff, keeping in mind the specific needs of an institution like a prison and the impact of a strike on the conditions of prisoners;
- Staff/management relations must be good enough to instil confidence in all staff members.



CASE STUDIES

Methodology:

It is recommended that the trainees be divided into five groups, each being given one case study to work on.

In order for the maximum benefit to be gained from the exercise, there should be a brief reporting back session, allowing all trainees to learn from the deliberations.

Points to be highlighted/suggested areas for discussion:

CASE STUDY 1

- An important means of implementing human rights standards is to raise the awareness of people in the particular profession. In this instance it is the police who, intent on achieving the goals of their profession, may have overstepped the mark and infringed human rights directives;
- A joint training session is a possible first step, with personnel from both the police and prison staff being brought together to work through the international instruments. For this to succeed it would need the uncompromising backing of the senior staff from both disciplines;
- On a practical point, it would perhaps be appropriate for all police personnel to be escorted around the prison in future.

CASE STUDY 2

- It is likely that the division of the two staff groups is based on more than job title and description. It may be that there are differences in general education and professional qualifications;
- In order to create a cohesive workforce it is important that the staff groups come together to collaborate in a common cause. This could be achieved through training and also through the setting up of working parties involving members of the various groups cooperating on a joint project;
- A more far-reaching development would be to open up entry into the various specialisms for the whole prison staff through a programme of education and training. This would be a move away from rigid entry requirements and towards a widening of opportunities for willing and able staff to improve themselves while in post;
- The international instruments stress that the best security lies in all staff establishing good working relationships with prisoners.

CASE STUDY 3

- The change will start with proper entry requirements, not so high that they exclude potentially able individuals, but high enough to give the job some status and respect within the community;
- A training programme for all new entrants will need to be devised, with emphasis from the start on human rights responsibilities. It is essential that these are internalized, rather than paid lip service to, if the aim is to be achieved;
- It is necessary to give prison staff a role and a sense of purpose if they are to perform this often difficult, but essential, task on behalf of the whole community.

CASE STUDY 4

- Providing accommodation for prison staff separate from the rest of the community can be justified in terms of proximity to the prison and convenience for the shift system, but there is a danger to this arrangement. A ghetto mentality is easily developed. Strained relationships can be caused by people living and working in close proximity. This can cause breakdowns in the team spirit in the prison, with quite serious results;
- It is probably preferable for prison staff to live among the other members of the community in as normal an environment as it is possible to achieve;
- If this cannot be achieved in the short term, it is sensible for the prison director to encourage his staff to develop social and cultural links with the community. This is both for continued good relationships among the staff team and for the reputation and standing of the prison in the community.

CASE STUDY 5

- It is quite wrong that prison staff should ever be put in this compromising and humiliating position;
- The international instruments are quite clear on this issue: prison staff should have a salary and other conditions of service that reflect the difficult work which society requires of them;
- The prison director must tackle the serious shortfall in his staff's working conditions with his superiors and insist that immediate and urgent attention be given to the problem;
- The director also has a prison to run and a duty to perform. He must communicate to his staff that he is aware of the problem facing all of them and that he is taking urgent and relevant steps to put it right. In the meantime, however, the director must insist that the staff observe the rules of the prison and do not collaborate with prisoners. The penalty is removal from post.

PART THREE

TRAINING TOOLS

Pre-course questionnaire

In order that this course may more effectively meet your needs, we would appreciate your completing this brief questionnaire.

1. What is your educational background (fields of study, certificates/degrees obtained)?

.....

2. To what duties are you assigned?

.....

3. Have you had any previous human rights training? If yes, please give details.

.....

4. What is the greatest challenge facing you as a prison official?

.....

5. In your opinion, which human rights issues are the most important to be addressed in a course of this kind?

.....

6. Are you aware of any international standards specifically applicable to the work of prison officials? If yes, can you name any of the instruments/treaties which contain these standards?

.....

7. What are the rights of a prisoner?

.....

8. Are there circumstances under which torture is permissible?

.....

9. A law enforcement official becomes aware that a colleague has committed a serious human rights violation. What action should he or she take?

.....

10. Should pre-trial prisoners be treated differently from sentenced prisoners? Explain.

.....

11. Is there any other matter which you would like to bring to the attention of the training team or have discussed in the course?

.....

Post-course examination

Please circle the correct answer for each question:

1. The various covenants and conventions discussed in this course may be best described as:
 - A. Not legally binding, but an ideal to work towards;
 - B. Not legally binding, but strongly persuasive;
 - C. Legally binding on Governments of States parties but not on prison officials;
 - D. Fully legally binding on both Governments of States parties and on prison officials.

2. The various declarations, bodies of principles and codes of conduct discussed in this course have been developed:
 - A. To complicate the work of prison officials;
 - B. To provide authoritative guidance for the implementation of international standards at the national level by prison administrations and others;
 - C. To provide a theoretical framework for the study of human rights;
 - D. To provide a basis for lawyers to challenge the conduct of prison officials.

3. If a prison official discovers that a colleague has accepted a bribe, he or she should:
 - A. Not take any action if it is a first offence;
 - B. Speak quietly to the offending colleague without taking official action;
 - C. Take official action in the same way as for the commission of any other crime;
 - D. Consult colleagues and organize an unofficial group response.

4. During an investigation of an attempted breakout, a prison official is ordered by a superior to place a prisoner in a dark cell until he provides information. The correct response on the part of the prison official would be:
 - A. To follow the superior's order and take no further action;
 - B. To follow the superior's order and file a complaint afterwards;
 - C. To refuse to carry out the order and report the incident;
 - D. To refuse to carry out the order and take no further action.

5. According to article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion. Exceptions to this rule may be made:
 - A. If a prisoner fails to acknowledge the dominant religion of the country;
 - B. If a prisoner belongs to a group which threatens national security;
 - C. If a prisoner is the only one in a particular institution adhering to certain beliefs;
 - D. Under no circumstances.

6. According to the international standards relating to juvenile justice, the purpose of the criminal justice system in dealing with young offenders is:
 - A. To satisfy society's need for retribution;
 - B. To deter other children from committing crimes;
 - C. To facilitate the child's reform and successful reintegration into society;
 - D. To attempt to influence all parents to exercise proper control over their children.
7. Which of the following statements on detention of women is correct?
 - A. Measures designed solely to protect the rights and special status of women should be regarded as unacceptable discrimination;
 - B. Guidelines requiring women prison officials to supervise women prisoners need not be complied with if there are not enough women police officials available;
 - C. Searches of prisoners and visitors must always be carried out by persons of the same gender;
 - D. Men and women may be imprisoned together in exceptional circumstances.
8. Prison officials who have reason to believe that a colleague has committed a human rights violation should:
 - A. Remain silent in order to preserve collegial loyalty;
 - B. Report the violation in every case to the media;
 - C. Report the violation within the chain of command or, if this is not effective, to a competent outside authority;
 - D. Refuse to cooperate with inquiries and investigations into the violation.
9. Which of the following statements about pre-trial prisoners is not correct?
 - A. They are innocent until proved guilty by a competent court;
 - B. They are obliged to work;
 - C. They are to be allowed contact with their lawyers;
 - D. They are entitled to human rights protections which apply to all prisoners.
10. Which of the following statements is correct?
 - A. All prisoners must have all their money removed on admission to prison;
 - B. The names of everyone admitted to a prison must be recorded and this information must be transmitted as soon as possible to their families;
 - C. It is reasonable to excuse a lack of detailed records of admissions if a large number of prisoners are admitted all at the same time, just for one overnight stay in an institution;
 - D. There are absolutely no circumstances in which pre-trial prisoners should be allowed to mix with convicted prisoners.

11. A prisoner has the right to make a complaint:
 - A. To the central prison administration, provided it is allowed by the director of the prison;
 - B. Confidentially to any inspecting officer, provided good order and security allow;
 - C. Whenever and in whatever form the prisoner chooses;
 - D. Only if it relates to a serious human rights violation.
12. All prison staff should be trained:
 - A. In the use of firearms;
 - B. Before taking up their duties and while they are in service;
 - C. To rectify obvious weaknesses in their character on appointment;
 - D. In at least one language other than the one generally spoken in the prison.
13. Non-custodial measures should be used:
 - A. In at least 50 per cent of cases that come before the court;
 - B. Whenever possible;
 - C. Only for persons who are physically fit to undertake community work;
 - D. Only if the victim agrees.
14. Which of the following is not true. Medical officers should:
 - A. Be able to give prisoners the attention they would receive in the general community;
 - B. Defer to the prison director on questions of prisoners' punishment;
 - C. Regularly inspect prisons;
 - D. Recommend that mentally ill prisoners be removed to appropriate institutions.
15. A convicted prisoner should be allowed:
 - A. To discipline other prisoners, if the prison director considers the prisoner to be competent;
 - B. To remain unemployed if he so wishes;
 - C. To participate in education outside the prison wherever possible;
 - D. To have his own doctor attend him.
16. Which of the following statements is not correct:
 - A. Drinking water should be available to every prisoner whenever he needs it;
 - B. Every prisoner not working should have one hour's outdoor exercise daily if weather permits;
 - C. All prisoners should be required to wash regularly;
 - D. Prisoners should always be allowed to wear specific clothes if their religion requires it.

17. A woman who gives birth while serving a prison sentence:
- A. Has the right to keep the child with her until the end of her sentence;
 - B. Has an obligation to return to work as soon as possible;
 - C. Should always be released early;
 - D. Should deliver her baby in hospital if possible.
18. Which of the following is not true? Non-governmental organizations can assist prisoners:
- A. In any security category;
 - B. Because their duty is always to prisoners rather than to staff;
 - C. By inspecting prisons and making reports;
 - D. By offering skills and activities which help prepare prisoners for release.
19. Which of the following is true under the international instruments?
- A. All States are obliged to abolish the death penalty as soon as possible;
 - B. The death penalty may be applied in whatever manner a State sees fit;
 - C. Pregnant women and juveniles may not be executed under any circumstances;
 - D. All mail for prisoners awaiting the death sentence should be censored.

Post-course evaluation

In order that we may know your impressions and assessment of the course you have just completed and respond to your concerns in our ongoing development and improvement of training activities, we would appreciate your answering a few brief questions as set out below. Thank you, in advance, for your cooperation.

Please circle the correct answer for each question:

1. How satisfied are you with the presentation of international standards in this course?
 - A. Very satisfied;
 - B. Satisfied;
 - C. Dissatisfied.

Please comment:

2. How satisfied are you with the degree to which the means for practical implementation of those standards in your work were addressed?
 - A. Very satisfied;
 - B. Satisfied;
 - C. Dissatisfied.

Please comment:

3. How satisfied are you with regard to the structure of the course?
 - A. Very satisfied;
 - B. Satisfied;
 - C. Dissatisfied.

Please comment:

4. How satisfied are you with regard to the expert presentations?
 - A. Very satisfied
 - B. Satisfied;
 - C. Dissatisfied;

Please comment:

5. How satisfied are you with regard to the working groups and other practical exercises conducted during the course?
 - A. Very satisfied;
 - B. Satisfied;
 - C. Dissatisfied.

Please comment:

6. How satisfied are you with the plenary discussions held during the course?
 - A. Very satisfied;
 - B. Satisfied;
 - C. Dissatisfied.

Please comment:

7. How satisfied are you with the materials provided to you during the course?
A. Very satisfied;
B. Satisfied;
C. Dissatisfied.
Please comment:
8. Have you, during this course, acquired the necessary knowledge and skills:
A. To apply human rights standards in your work?
B. To pass on the information received to your colleagues?
Please comment:
9. In your opinion, what is the best method of training prison officials in human rights?
-
-
-
10. What additional comments would you like to make?
-
-
-
-

Model course outline

It is suggested that the course be arranged over a five-day period, with four sessions each day, each session being about one and a half hours in length, with breaks between each of the sessions. The starting and finishing time each day will depend on local custom and practice, but it is not advised that sessions be scheduled for the evening, as this may make practical arrangements more difficult and participants are likely to be more tired.

The Manual is arranged so that most chapters will require approximately one session of the course. Some chapters are more substantial than others. In these cases, it is suggested that either a slightly longer session be used, or two sessions. In the case of very short chapters, it is suggested that one session might cover two chapters.

Course presenters should aim to involve participants as much as possible in designing the course. The topics for discussion and case studies provided in the Manual are for guidance only. It may be that there are specific local situations relevant to specific topics which would warrant discussion during the course. There will also be a need for flexibility in allocating time to each area. In some countries and situations, particular aspects of human rights protection will be particularly important.

A model course outline is provided on the following page.

Model course outline

Pre-course	Registration Distribution and completion of pre-course questionnaire
<i>Monday</i>	
Session 1	Introductory remarks by representatives of prison administration and training team
	Section 1 – Introduction
Sessions 2/3/4	Section 2 – Right to Physical and Moral Integrity Section 3 – Right to an Adequate Standard of Living
<i>Tuesday</i>	
Sessions 5/6*	Section 4 – Health Rights of Prisoners
Session 7	Section 5 – Making Prisons Safe Places
Sessions 8/9	Section 6 – Making the Best Use of Prisons
<i>Wednesday</i>	
Session 10	Section 7 – Prisoners' Contact with the Outside World
Session 11	Section 8 – Complaints and Inspection Procedures
Sessions 12/13	Section 10 – Persons Under Detention without Sentence
<i>Thursday</i>	
Sessions 14/15/16	Section 9 – Special Categories of Prisoners
Session 17	Section 11 – Non-Custodial Measures
<i>Friday</i>	
Session 18	Section 12 – The Administration of Prisons and Prison Staff
Session 19	Post-course examination
Session 20	Post-course evaluation and closing ceremony. Presentation of certificates

* Section 2 is rather more substantial than section 3. Part of session 5 might therefore be allocated to the remainder of section 2.