

PRISON SUPPORT GUIDANCE MANUAL

**United Nations
Peacekeeping Operations**

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Section I INTRODUCTION

Purpose of Prisons Guidance Manual

The Prison Support Guidance Manual provides best practice guidance for United Nations (UN) peacekeeping operations mandated with responsibility to support a national prison service in a post-conflict territory. It has been prepared as an easy to use “how-to” guide for fulfilling the key roles of UN prison staff in peacekeeping operations and to help them implement effective strategies for support to national prison systems.

Rationale - Why a prison support role in peacekeeping?

A review of United Nations Peacekeeping Operations (DPKO)¹ described the establishment of the rule of law as being fundamental to the maintenance of peace and security. A key component of the rule of law is an effective criminal justice system comprising police, judicial and legal systems, and a prison system that function together in an integrated and coherent manner. Accordingly, an effective mission capacity to support national prison systems is important to support peace building in certain post-conflict situations, in particular, in situations where the United Nations is mandated to implement rule of law interventions.

An open and transparent prison system that incarcerates prisoners² in safe, humane and secure conditions and which is built on principles of fundamental human rights, equality before the law, and the dignity of individuals, is a crucial ingredient in establishing the rule of law. During the conflict, prisons may have been used as instruments of the state to make “disappear” dissidents, and places in which ill treatment and torture were practiced. Without a working and sustainable prison system that meets minimum international standards, the results of police and judicial interventions are unlikely to be optimized and may be undermined.

Prison systems in post-conflict situations are generally characterized by: dilapidated facilities, non-existent or weak security, inadequate and dated legislation, poor conditions that result in violations of prisoners’ basic human rights, inadequate numbers of staff and inadequate basic services such as food and water, sanitation, and health care, outdated legal and policy frameworks and a lack of coherence between the elements of the criminal justice system. External support in such circumstances is necessary to strengthen and stabilise the prison system as part of establishing the rule of law and undertaking security sector reform.

The inclusion of support for prison systems in peacekeeping mandates reflects recognition of the linkage between prisons and peace and security, and contributes to the protection of the international community’s investment in strengthening the police, judicial and legal system.

¹ *Report of the United Nations Panel on Peace Operations*, UN Doc.A/55/305-S/2000/809 (August 21, 2000) accessible at: http://www.un.org/peace/reports/peace_operations

² ‘Prisoners’ is the term used to refer to pre-trial, un-convicted, convicted and sentenced persons, detainees and offenders imprisoned in any national civilian prison.

How to use this Manual

This manual provides guidance concerning the principles, planning, management, operations and technical requirements for the support of national prison systems within UN peacekeeping operations. It takes as its primary reference the DPKO policy directive, *Prison Support in United Nations Peacekeeping Operations*, (Annex 2) which provides the purpose, principles and overall approach to prison support in peacekeeping operations and provides guidelines based on good practices developed by experienced prison system practitioners in missions. The document is not however a 'cookbook' for supporting prison systems in UN peacekeeping operations. The premise of this document is that the conditions specific to the peacekeeping mission will be the primary determinant of the course of events.

The manual is primarily for use by mission prison experts in peacekeeping operations and the United Nations Secretariat, but is expected to also have relevance for other mission units, development partners, donors engaged in supporting national prison systems, non-governmental organisations, and Member States. The manual assumes that mission prison experts deployed to peacekeeping operations have extensive prison experience and therefore speaks primarily to the application of prison knowledge and skills in a peacekeeping environment. It is a first attempt at documenting the good practices developed by practitioners in recent non-executive³ missions and as such is intended to be a 'living document' regularly updated. The document is structured in eight sections with thirteen annexes. A glossary including acronyms is provided as Annex 1.

- Sections I and II describe the relationship of prison systems to peace and security, the general principles and overall approach of UN prison support.
- Section III focuses on the headquarters activities, resources and procedures that are required to support successful field mission activities.
- Section IV describes prison support programmes in field missions focusing on advisory, mentoring, training and strategic planning programmes. Annexes that support the implementation of these programmes are attached.
- Section V focuses on the support necessary to enable UN support to national prison systems, including sections concerning the recruitment of mission prison experts, funding and resource mobilization.
- Section VI describes the relationship of prison components of peacekeeping operations to other criminal justice system components, the UN system and other mission activities including elections, and disarmament, demobilisation and reintegration (DDR).
- Section VII focuses on substantive prison issues which must be addressed when supporting the re-establishing or strengthening of a prison system and includes

³ 'Non executive' missions are those in which the UN does not have executive authority i.e. the UN does not assume the role of a transitional government. In January 2006, all current missions with the exception of Kosovo, (UNMIK) were non-executive missions.

references to international standards and conventions, the implementing of these in resource poor environments, and describes strategies and approaches which have been implemented in earlier missions.

- Section VIII addresses transition strategy issues, and gender mainstreaming.

Section II POLICY OF PRISON SUPPORT

Overall Approach

The objective of DPKO prison support activity is to contribute to the maintenance of sustainable peace and security, by providing essential support to national staff to develop and manage a viable, safe, secure and humane prison system free of human rights violations, through the transfer of knowledge and skills. In any peacekeeping environment in which the prison system has collapsed or is very weak, the primary approach taken by the prison component of a peacekeeping operation will generally be a combination of strategic advisory support, and where sufficient personnel are deployed, backstopping of the prison system.⁴

Prison support in peacekeeping operations is confined to that which is essential to the maintenance of peace and security. As such it does not seek to undertake the full range of activities that would establish a comprehensive rehabilitative prison system but rather, it lays the foundation for the long-term development of such a system. The involvement of civil society, of development partners and of bilateral donors is therefore a key aspect of any peacekeeping prison support programme.

Guiding Principles

The Department of Peacekeeping Operations (DPKO) adopted the Policy Directive *Prison Support in United Nations Peacekeeping Operations* on 5 December 2005. (Annex 2)

This policy describes the DPKO approach to support for prison systems and is underpinned by the following key principles:⁵

- *Guided by international norms and standards* - adopting as the basis of any intervention in the prison sector standards agreed and adopted by United Nations Member States at international meetings called by the United Nations, e.g. the Standard Minimum Rules for the Treatment of Prisoners (*United Nations 1955*), United Nations Rules for the Protection of Juveniles Deprived of their Liberty (*United Nations 1990*) and other relevant instruments.⁶
- *Respect for human rights and non-discrimination* – adopting a human rights approach to prisoner management as the foundation of all prison support programmes.

⁴ See Glossary, Annex 1

⁵ Annex 2, DPKO Policy Directive '*Prison Support in UN Peacekeeping Operations*', December 2005

⁶ *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, 1992, ST/CSDHA/16, ISBN 92-1-130148-3 and *Human Rights and Prisons: A Compilation of International Human Rights Instruments concerning the Administration of Justice*, OHCHR, 2005. Accessible at : <http://www.uncjin.org/Standards/Compendium/compendium.html> and at <http://www.ohchr.org/english/law/treatmentprisoners.htm>

- *National leadership and engagement* – basing programme activities on those that are supported by the national authorities, consistent with applicable human right standards, and responsive to national traditions and history.
- *Multilateral approach* – actively engaging national and international organisations and encouraging donors to adopt practical, integrated and coherent approaches to prison support which facilitate and support a seamless transition to sustainable long-term development.
- *Legitimacy* – deriving legal legitimacy from: the mandate, through mission prison experts building links with national prison officials, the skill and experience of the mission prison experts, their ability to effectively undertake their roles, and, their conduct in accordance with the rule of law and United Nations human rights standards.
- *Gender mainstreaming* – achieving gender equality by implementing a strategy to ensure that in all peacekeeping activities, the different experiences, needs and priorities of women, men, girls and boys are taken into account. Investing in targeted interventions to remove discriminatory policies and practices that prevent women and girls from enjoying their full and equal rights in society.
- *Sensitivity towards vulnerable groups* – ensuring that the rights, safety and well-being of groups requiring special protection or treatment including women, children and the mentally ill are accounted for and addressed.
- *Transparency* – promoting processes and practices that ensure that the prison system is managed with openness, integrity, responsibility and accountability.

Section III HEADQUARTERS SUPPORT FOR FIELD MISSIONS

Mission Planning

(a) Pre-Mission Planning

The initial planning phase involves DPKO planning processes and United Nations Headquarters (UNHQ) integrated planning processes (through an Integrated Mission Task Force (IMTF) or other planning structures) that include representatives of relevant UN agencies and departments. The pre-mission planning assessment is undertaken within a multidisciplinary DPKO-led planning team, generally after the Security Council indicates its wish to consider establishing a peacekeeping operation. An IMTF comprised of representatives of the departments, funds, agencies and programs involved, generally oversees the planning process.

The pre-mission planning assessments include a:

- Field Assessment
- Technical needs assessment
- Development of a concept of operations

The *Assessment Checklist* used to guide this planning process is attached (Annex 3). The publication, *Guidance Notes on Prison Reform, Number 2, Getting started, doing a planning needs assessment*, accessible at www.prisonstudies.org also provides useful guidance.

The DPKO Criminal Law and Judicial Advisory Unit (CLJAU)⁷ is responsible for contributing the judicial and prisons expertise to this process. There may be very little warning that a peacekeeping operation may be established or the UN system may have been involved from the early stages of the peace negotiation phase e.g. Sudan. The duration of the pre-mission planning assessment is generally short (10 days to 3 weeks) and the circumstances in which it is undertaken are generally difficult and limiting.⁸

The **technical needs assessment** provides: a description and analysis of the current state of the national prison system, identification and prioritisation of the key activities necessary to re-establish and strengthen the system, the manner in which these can be undertaken, and provides the number, profile and competencies of UN prison experts and other resources, including logistics and funding, which will be required. The framework produced in the technical assessment will not only support planning but will also be the basis for a more systematic analysis of the situation on the ground by

⁷ The CLJAU was established within DPKO in March 2003, to provide headquarters capacity to deal with judicial and legal systems and prison system issues as they relate to peacekeeping operations.

⁸ For example, transport and communications may be limited, a (transitional) government may not yet be in place, key national figures may be out of country and security pre-cautions may limit access to regional areas.

incoming mission personnel. Important issues to be included in a technical assessment include:

- Legal framework and applicable law
- Existing and prior prison structures, practices and procedures
- National demographic information, customs, traditions and recent history (including conflict) affecting prison system activities
- Status of prison facilities, supporting infrastructure and equipment
- Size and profile of existing prison population and population over the previous five years
- Current prison accommodation capacity
- Status of headquarters and other administrative apparatus
- Number and profile of current and available staff
- Training needs assessment of any current prison staff
- Linkages between prisons and other proposed interventions by donors
- Involvement of other international actors *e.g. donors, NGOs, military, police, other international organizations*, and co-ordination frameworks

Immediately following the field visit, a **concept of operations** should be produced. It is essential that the concept of operations is programmatically coherent and integrated with concepts of operations developed by the police, judicial and legal system and human rights components. It should be concise and should present a clear and convincing rationale for the importance of the prison system in a mission with a rule of law component. This rationale should be based on lessons learned about the need for linkage to other rule of law components as well as on the specific conditions of the prison system in the territory in question.

The concept of operations should also provide an outline work plan for the mission prison component, estimated timelines for activities contained in the work plan and details of proposed co-ordination with others. It should be integrated into planning at Headquarters and should be a consideration in preparing budget documents for the prison component of the mission. This report should also form part of the deployment documentation prepared for personnel arriving in the mission, to provide an understanding of the starting point for the intervention.

A more **comprehensive assessment** will be undertaken by the first contingent of prison experts, and, on the basis of this, the initial concept of operations further developed. This will be approximately four to six months after the pre-mission planning assessment took place. By then a transitional government will generally have been installed, key data be more available, transport and communications improved and access to regional areas greater. Key national prison staff should also be included as part of the team to provide a local frame of reference and historical information. National prison experts or personnel should not be relied on merely as interpreters but as substantive team members. This assessment should preferably include all of the main actors who are considered likely to play substantive roles in country in relation to the prison system (such as bilateral donors, NGOs, agencies).

This comprehensive assessment should draw on:

- Guidance in this manual
- 'A Human Rights Approach to Prison Management', International Centre for Prison Studies, (web-site: www.prisonstudies.org)
- 'Practical Guidelines for the Establishment of Correctional Services within United Nations Peace Operations' (web-site: www.icpa.ca)
- Findings of field assessments (either DPKO or other)
- 'Guidance Notes on Prison Reform', International Centre for Prison Studies (web-site: www.prisonstudies.org)
- UNODC Assessment Tool (to be published mid 2006)

The concept of operations will contribute to the Mission Plan, a planning tool which reflects all mission support, is developed by the mission, and to which mission prison experts are required to report each quarter on progress toward implementation.

(b) Secretary General's Reports

The pre-mission planning assessment and concept of operations contribute to the Secretary-General's report that proposes the establishment of the peacekeeping operation. The report generally includes a short description of the national prison system, the strategies and activities necessary to re-establish and/or strengthen the system, and the number of field mission prison experts necessary to undertake these activities. The number of seconded *expert on mission* positions that are required, must be specified in this section of the Secretary-General's report while the direct contract positions are included in the summarized civilian staffing table.

After the peacekeeping operation is established, the Secretary-General makes regular reports to the Security Council on progress made toward implementing the mission mandate. These reports are initiated by the mission, finalized by the Office of Operations (DPKO) and transmitted from the Under-Secretary-General for Peacekeeping to the Secretary-General. Prison components in field missions contribute a succinct section, typically one or two paragraphs, summarizing achievements and describing key issues. The Criminal Law and Judicial Advisory Unit (CLJAU) reviews and may contribute to these reports. These reports are accessible at: <http://www.un.org/Depts/dpko/dpko/index.asp>.

(c) Security Council Resolutions

The success of the prison support component of a peacekeeping operation begins with the establishment of a clear and achievable Security Council mandate. Where a peacekeeping operation proposes support for the re-establishment of the rule of law, DPKO should seek a mandate with a clear reference to a prison component with explicit objectives that have a direct relationship to the achievement of the overall mandate *e.g. Provide technical assistance to re-establish the prison system, provide advice and assistance for training of prison staff, assist the restructuring and reform of the prison*

service, through vetting, training, mentoring and planning support. This will assist in obtaining sufficient start-up resources and mission support to achieve the specified objectives of prison support in that particular mission. Subject to the mandate and resources to be allocated to prison support, the concept of operations may require review and amendment.

Mission Staffing

(a) Recruitment Support

Ensuring the right number of the right people is crucial to a mission's success. The initial request for personnel requirements should include not only numbers and levels of posts but also an assessment of what sort of contracting arrangements would be appropriate for particular posts. Following an assessment of the overall staffing profile, specific job descriptions should be prepared and submitted as an appendix to the budget submission.

Prison personnel are provided through: appointment as a UN civilian staff member under United Nations Staff Rules and Regulations (recruited against posts authorized in the missions staffing table); on secondment from government service with the status of *experts on mission*; as independent consultants (through funds authorized in the budget for consultancies); and through the United Nations Volunteer Programme (UNV) (as authorized in the mission budget). The recruitment mechanism(s) to be utilised and the number of positions required are determined during the pre-mission planning process of each mission. All field mission prison personnel are expected to abide by the United Nations Ethics and Code of Conduct which is accessible at: <http://www.ohchr.org/english/law/codeofconduct.htm>

The CLJAU provides advisory support to the recruitment process for personnel being hired against prison posts, or through other mechanisms as described above. This support requires established networks of appropriate personnel who are eligible for UN recruitment, those registered on 'Galaxy' or specialized prison personnel provided by Member States as experts on mission or other contractual status. The CLJAU should have ongoing contact information and good relationships with Member States in this regard. The CLJAU should seek to have the classification of prison posts agreed with Personnel Management Support Services (PMSS) and the Office of Human Resources Management (OHRM), in advance of mission deployment based on standard UN assessments of the skills and experience required to perform given functions. This should help to expedite recruitment processes.

Mission recruitment should be undertaken on the basis of substantive interviews and professional references should be checked. Recruitment interviews should focus on determining whether the candidates have the core competencies required for prison personnel, at relevant levels of seniority and specialization in accordance with job descriptions. Reference checks should verify prior prison experience. The CLJAU and mission management determine sequencing for the recruitment and deployment of initial field mission prison personnel. Generally, civilian staff positions are filled, followed by secondment and UNV programme positions.

(i) Direct Appointment Civilian Staff

These positions provide the greater potential for longer-term engagement of personnel and are arguably the most appropriate means to fill senior positions, and positions that benefit from the stability this recruitment process can create.⁹ Job descriptions and vacancy announcements are prepared by the CLJAU and provided to PMSS/OHRM for review and approval. Once approved, a generic vacancy is posted on the UN web-site: <https://jobs.un.org/elearn/production/home.html> with an open deadline. The vacancy announcements are also distributed to the UN Rule of Law Focal Point Network,¹⁰ the International Prisons and Corrections Association (ICPA), for posting on the ICPA web-site <https://www.icpa.ca>, and also posted on the DPKO Rule of Law Knowledge¹¹ network.

Technical clearance of applicants is undertaken by the CLJAU, and PMSS maintains the roster of technically cleared applicants. Candidates from this roster shall be reviewed when seeking to fill a vacancy. In cases where no suitable candidates are found on the roster, a post-specific vacancy announcement may be advertised. The CLJAU liaises with the head of the relevant mission prison component or the Deputy Special Representative of the Secretary General (DSRSG) responsible for rule of law components of the mission, and, if requested, particularly in cases where no staff with prisons experience are available in the mission to conduct the interview, establishes a panel to short list and undertake interviews on behalf of the mission. The recommendations of the panel are then forwarded to the mission for final decision. Alternatively, the mission will form a panel and interview from a short list of technically cleared applicants compiled by the CLJAU and forwarded to the mission by PMSS.¹² Active government service prison personnel may also fill international-level posts, provided they have applied for the relevant vacancy announcement. If selected for a post, PMSS will request the applicants government release the officer on secondment, initially for a period of twelve months.

(ii) Secondment (Experts on Mission)

This mechanism provides for the secondment from Member States of active government service prison experts, for a minimum of twelve months, by way of a process which parallels the terms and conditions under which UN Police are seconded. The process begins with the sending of a Note Verbale and relevant job descriptions, by the CLJAU,

⁹ Mission appointments as a UN International staff member are generally renewable six month contracts whereas seconded positions as experts on mission are typically of twelve months duration with a possible extension to a maximum of eighteen months.

¹⁰ The United Nations Rule of Law Focal Point Network comprises eleven departments, funds and agencies involved in judicial, prison, and other rule of law initiatives in peacekeeping operations and is convened by the CLJAU.

¹¹ The Rule of Law Knowledge Network is an electronic network facilitated by the CLJAU. The membership primarily comprises rule of law personnel in peacekeeping operations.

¹² Rostered candidates are maintained in “Nucleus”, an electronic database, and access controlled by PMSS, which missions may access.

to Member States. It is necessary that this is an inclusive process and that the rationale for inclusion of Member States is clear and legitimate.

The CLJAU prepares a short-list from the nominations provided by Member States and undertakes interviews. Member States are then notified of those selected and the conditions of deployment. Notes for Guidance which detail conditions of employment of seconded officers, mission conditions, roles and responsibilities of these officers are developed for missions with seconded prison experts. These documents are based on the approved Notes for Guidance applicable to UN police in the respective missions. While all correspondence with Member States concerning recruitment of these officers is through the CLJAU the DPKO Police Division undertakes the administration relating to the deployment of seconded officers.

(iii) United Nations Volunteer (UNV) Programme

The UNV mechanism is used for recruitment to specialist roles not peculiar to prisons *e.g. administration, human resources, budget, medical, logistics, and engineering*. The programme allows for targeted recruitment of specialist skill sets and is a cost-effective way for the UN to provide the necessary expertise. Job descriptions are prepared by either the CLJAU or mission personnel and provided to the mission UNV Programme Coordinator who forwards these to UNV headquarters in Bonn. UNV headquarters subsequently provides applicants curriculum vitae to the mission from existing databases, or where there are no suitable applicants, the position is advertised by UNV headquarters and applications forwarded to the mission for selection. These applications may also be cleared by CLJAU.

(b) Pre-deployment Preparation

It is important that all prospective candidates are carefully advised of what their roles and responsibilities are, what will be expected of them, their conditions of employment and the field conditions to avoid misalignment of expectations. The CLJAU has prepared a mission specific Resource Pack for prison experts. Volume 1 includes mission-specific and country-specific materials, and may be provided prior to deployment. Volume 2, containing policy guidelines, best practices and training materials and Volumes 3 and 4, containing general rule of law materials, are available at each mission. References about the host-country, UN mission and key issues can be found on the DPKO peacekeeping operations web-site. These include the Secretary-General's reports and Security Council resolutions. Additional web-sites include:

- <http://www.un.org/Depts/dpko/dpko/index.asp>, United Nations Department of Peacekeeping Operations
- <http://www.ohchr.org>, Office of the United Nations High Commissioner for Human Rights, concerning United Nations standards on the prison system (in particular the human rights training package for prison officials, publication n.11 at <http://www.ohchr.org/english/about/publications/training.htm>)
- <http://www.icpa.ca>, International Corrections and Prisons Association for Guidelines for the Establishment of Correctional Services in United Nations Peacekeeping Operations

- <http://prisonstudies.org>, International Centre for Prison Studies for 'Guidance Notes on Prison Reform' and 'World Prison Brief'
- <http://www.penalreform.org/english/MSW.pdf> , Penal Reform International for 'Making Standards Work'
- <http://www.hrw.org>, Human Rights Watch
- <http://www.amnesty.org>, Amnesty International
- <http://www.icg.org>, International Crisis Group

(c) Ongoing Advisory Support from Headquarters

(i) Criminal Law and Judicial Advisory Unit

The Criminal Law and Judicial Advisory Unit (CLJAU) comprises five positions of which two are prison expert roles. The prison experts are primarily responsible for: formulating strategies and policies for prison system activities in field missions, providing technical and operational advice and guidance, planning future prison system components of peacekeeping operations, monitoring and analyzing penal situations and activities in peace operations, assisting Member States to develop their capacity to contribute prison experts to field missions, and overseeing the development of guidelines and materials. In practice, the small size of the Unit limits advisory support to missions to in mission planning processes, good practices and experiences from other missions and contexts, technical advice on key issues, dissemination of relevant materials, and recruitment support. Review and evaluation of mission programmes is anticipated.

Instructions, requests for assistance, and other communications between headquarters and the field must be conducted with regard for the established chain of command within the mission. The provision of weekly reports to mission management and the CLJAU enable Headquarters to maintain a broad overview of key programmes and activities in each mission. This enables key issues to be better understood, allows these issues to be factored into policy and guidance materials, enables contemporary information to be provided for headquarters managers meetings with Member States and host-country governments, and enables materials relevant to particular missions to be distributed.

(ii) Rule of Law Knowledge Network

The CLJAU facilitates this rule of law internet based network of practitioners (within peacekeeping operations) and others from within the UN system. The objective of the network is to enable field staff to share best practices and information concerning rule of law programmes and activities in peacekeeping operations. Participation is voluntary and prison system practitioners in missions can join by sending an email to the facilitator at dpko-ruleoflawnetwork@un.org. Details on how to join the network are then provided. The network contains a database and links to numerous web-site resources while the network technology enables members to ask questions, exchange documents,

experiences, share practices and lessons learned, access open source resources and an extensive database of documents.

(d) Language Support

An important resourcing consideration is the need for sufficient language support through translators and interpreters. Translation and interpreting support should be included in the approved staff structure from the outset to ensure that prison system staff are provided with international interpreters and translators in addition to national staff language assistants. This is particularly important for the management of staff and prisoners who do not speak the languages of the mission prison experts, to enable recruitment of national staff, the translation of Standard Operating Procedures, translation of training programmes and interpretation when instructing national staff and conducting training programmes. The *Concise Guide for Working with Translators and Interpreters in Australia* provides useful guidance and is accessible at: www.naati.com.au/publications.htm. A short guide is attached as Annex 4.

Section IV SUPPORT FOR NATIONAL PRISON SYSTEMS

Overall Approach

The DPKO policy directive, *Prison Support in Peacekeeping Operations*, Section D.3, describes implementation strategies that should guide implementation of prison support activity in UN peacekeeping operations. Section D.3 is reprinted below for ease of reference and the entire document is attached as Annex 2.

The following strategies should guide implementation of prison support activity in UN peacekeeping operations:

- Prison support activities within UN peacekeeping operations should be grounded in the provisions of any peace agreement, and the provisions of Security Council resolutions. Activity should be further informed by host-country government priorities for the prison system, consultation and collaboration with a wide range of national actors, UN system partners, international organisations supporting prison systems and the lessons learned from such activities, in current and earlier UN missions, and by development agencies.
- DPKO prison capacity building support programmes shall be confined to addressing those elements which are essential to the maintenance of sustainable peace and security and shall focus on support for short and medium term strengthening of national prison systems neither duplicating nor overlapping other programmes but working in a manner which lays an effective foundation for long-term development by the national authorities or other actors.
- International prison experts responsible for facilitating and co-ordinating prison support programmes shall act as catalysts to strengthen national prison systems, ensuring minimum humanitarian and human rights standards are attained.
- Mission management shall play a key role in encouraging national authorities to meet their obligations to allocate sufficient funding to provide for the basic humanitarian needs of prisoners and move toward compliance with applicable human rights standards and shall actively seek to mobilize donor support for the strengthening of prison systems.
- Staff should build early linkages with development partners and donors by actively seeking their engagement in planning processes, and as sources of funding to maximize the potential for a seamless transition to long-term development. This approach recognises that sustainability of programmes implemented during the peacekeeping period will generally require ongoing development support because of the long-term nature of prison reform and the comparatively short duration of a peacekeeping operation.

- International prison experts shall seek to actively engage the UN system *e.g. UNDP, OHCHR, UNODC, UNICEF, UNIFEM*, and *member states* under bilateral arrangements with the host-country and *international organisations e.g. Penal Reform International, International Committee of the Red Cross (ICRC)* and national non-governmental organisations. These agencies and donors' mandates permit their involvement in post-conflict environments beyond that of DPKO.

Implementation strategies shall be designed to overcome common challenges encountered in post-conflict prison environments which may lack most of the attributes of a capable national prison system, including:

- Absent or ineffective legal, budgetary and regulatory frameworks, including the absence of a supervisory departmental, ministerial or other governance structures:
- Inadequate funding for both capital and recurrent expenditure requirements
- Inadequate numbers of well trained and appropriately equipped staff
- Non-functional, destroyed or highly degraded physical infrastructure
- Implementation strategies shall also identify, based on an assessment of the operating environment, approaches to:
- Mobilise financial or in-kind resources to support implementation of the mandate
- Identify and engage appropriate partners and establish co-operative relationships with a range of external entities
- Develop rapid cohesion within the prison component of the peacekeeping operation between international prison experts from multiple jurisdictions; and
- Establish effective and integrated working arrangements and relationships with other mission components, particularly UN Police, Judicial and Legal Units and Human Rights Units

Prison implementation strategies shall support the overall mission plan of the UN mission. In particular, international prison experts shall advise mission leadership and colleagues of critical prison issues as they relate to the Mission Plan, activities of the mission, and the mission's political engagement with the national government and national actors and organisations, donors, non-governmental organisations, regional and other international organisations and Member States.

Broadly there are two main strategies. Where the prison system is functioning and requires strengthening, the prison component undertakes a strategic advisory role to the national government, providing technical advice and support, to strengthen key aspects of the system. Where the prison system has collapsed or is very weak, the primary approach taken by the prison component will generally be a combination of strategic advisory support and backstopping of the system. This will typically involve working with the national authorities to address the immediate housing, security, humanitarian and basic human rights of prisoners and the primary needs of staff *e.g. salary payments*, while at the same time commencing the development of capacity building programs. These activities are undertaken in collaboration

with national leadership, and, other national actors, national and international police, judicial and legal system partners, key donors, human rights units and include the engagement of development partners.

Situation Analysis

a) Comprehensive Assessment

Developing a detailed information base on any existing prison system is critical to situation analysis. This collection of operational information and situation analyses should build on any earlier assessment data produced in the pre-mission planning assessment, or by any other agency or donor.¹³ It should enable the development of a comprehensive overall picture of the existing situation in relation to the territory's previous or existing prisons system. Using this background information, the undertaking of a systematic analysis of local prison requirements should be a first step for prison components as they commence their work in the mission. On the basis of the information obtained, senior staff can commence detailed planning, needs assessments, and gap analyses, for re-establishing a prison service.

This planning should be developed with regard for the future fiscal situation of the host-country government. Should a *National Development Plan/Strategy* have been developed, any prison system assessment must be undertaken within the context of that national plan framework. Such frameworks have been developed in Afghanistan and Haiti¹⁴ and identify and describe the priorities and approach for overall development. It is essential that this assessment be undertaken with national staff because it is they who have a detailed and historical knowledge of the system and can situate practices in a cultural and political context. The assessment process also provides an opportunity for national staff to further develop their skills and mission personnel the opportunity to better develop an appreciation of national prison staff assessment competencies.

The *Assessment Checklist* (Annex 3) should be used for this process and other UN prison assessment tools including those developed by the United Nations Office on Drugs and Crime (UNODC) accessible at

http://www.unodc.org/unodc/criminal_justice.html and the Office of the United Nations High Commissioner for Human Rights (OHCHR) accessible at:
http://www.ohchr.org/english/about/publications/docs/pts11_En.pdf

Prior to undertaking any assessment, it is useful to obtain: structure of governmental organisation and prison system organisation charts; names of key government personnel including shadow ministries; police and judicial system pre-mission planning assessments and more recent assessments and planning proposals; relevant legislation; existing and previous prison policies and procedures; data about the system e.g. *facilities plans, prisoner population statistics, staffing tables and profile data (disaggregated by sex and age), mental health and infectious disease incidence, security issues including escapes and institutional violence; prison system budget information; current plans and proposals*, and any national plan which includes or

¹³ Pre mission assessment report is available from the CLJAU and included in the pre-deployment Resource Pack

¹⁴ <http://haitcci.undg.org>

impacts on the prison system, including the use of amnesty measures or other release mechanisms. Much of this data may be missing or unavailable.

Prison personnel should ensure that they contact UN country team officers particularly UNDP soon after arrival in mission and before undertaking a comprehensive assessment. Further details about the importance of contacting the country team are provided in Section VI (3).

The following entities may have relevant information:

- UN system – particularly, OHCHR, UNICEF, UNIFEM, UNDP, UNODC
- Mission Components
 - human rights
 - political affairs
 - civil affairs
 - UN Police
 - gender
 - child protection
 - Military Advisor
 - HIV/AIDs Unit
- Government departments responsible for:
 - Treasury and Finance
 - National Courts – including judicial officers, prosecutors and public defenders
 - Police
 - Women’s Affairs
 - Juvenile Justice
- Prison department
 - Minister and staff
 - Head of Prison System
 - Prison Institution Heads
 - Headquarters personnel
 - Prison staff at all levels – custodial, administrative, health, finance etc
- Prisoners
- Intergovernmental organizations and NGOs including:
 - International Committee of the Red Cross (ICRC), Médecins sans Frontières (MSF) and other health providers
 - International NGOs *e.g. Amnesty International, Human Rights Watch, Penal Reform International (PRI), Prison Fellowship*
 - National and local NGOs involved with the prison system particularly human rights organisations, faith-based groups, womens and juvenile support organisations

The detailed information database should be widely accessible to mission prison experts. It should include information about the pre-existing infrastructure (including building structures, security equipment, communications and transport), staffing profiles, prison population data, legislation, policy and procedures, accountability mechanisms, budget details, personnel, administration and financial practices. It is not uncommon that corrupt practices afflict government departments. The modus operandi and

existence of any such practices should be identified, and monitored, given the potential impact on the integrity of prison operations and support programmes.

To ensure coherency with the police and judicial system support programmes, these components should be engaged in the assessment process, either as participants or, at a minimum, involved in the discussion process following the field research. Where bilateral donors are supporting the prison system they should be accessed during the assessment process and proposed initiatives be discussed with them. Assessment information should be discussed with the relevant Minister and staff, senior prison system personnel, other national staff, mission management, UN system partners, donors, key civil society groups and any other key entities. Priorities should be established, and, a more detailed work plan, based on the assessment, developed.

Development of a Strategic Plan

As indicated in Section IV (2)(a), of this manual, the development of a prison system strategic plan must draw on: any overall government national development plan where such a plan exists, previous assessments (including police and judicial system assessments and planning documents and donor programmes and proposals), legislation, current policy and procedures, statistical information available from within the system, and information from external agencies. Any strategic planning process should have regard for the anticipated fiscal situation of the prison system, and include strategies to ensure the sustainability of programmes and initiatives.

Ideally, any planning group will be led by a representative from the host-country prison ministry, and comprise a wide range of members including: senior prison department and institution personnel, police, judicial officers, juvenile justice, international NGOs, major donors, UN system development partners, and civil society representatives *e.g. human rights, legal advocacy, women's organisations, faith based organisations, in addition to mission prison component personnel.*

It may be the case that conditions are not conducive to establishing a formal long-term planning process or for the process to be led by national counterparts. In this case, prison components must adopt other strategies to engage and take guidance from national counterparts on how the national authorities wish the process for strengthening of the prison system to be developed. Even if the process is not nationally led, a small cadre of national prison staff, including ministry personnel, should be actively involved in the strategic planning process. This recognises both the critical need for national perspectives and resource information and also that engagement in the process enables strengthening of national personnel strategic planning skills. The latter is arguably as important to the sustainable long-term development of the prison system as the content of any strategic plan. Mission prison experts roles will typically include facilitation of the process, administrative support and research, and provision of expert knowledge.

Diverse representation recognises that prisons are part of the broader community and that legitimacy in part derives from the active involvement of that community. It also recognises the necessity of broad sectoral strategies and networks and the importance of engaging all stakeholders. Additionally this diversity recognises the typically transitional, and sometimes unstable, nature of the government in a peacekeeping environment, and the longer-term advantages for the host-country of broad community

support and engagement in the prison system. It is particularly important that both women and juveniles are included in this representation to ensure that women's issues and perspectives and juvenile justice issues are accounted for and women and juveniles neither marginalized nor discriminated against in the planning process or its outcomes.

A useful starting point and strategic approach to reviewing a prison system, can be facilitating the review of the current application of international human rights standards to determine the extent to which the system, or a particular prison, complies with those standards. This work with national authorities then contributes to the development of concrete plans to address the identified gaps. Useful strategic planning information as it relates to prison systems can be found at:

- Annex 5, *Strategic Planning* prepared by International Centre for Prison Studies, Kings College London;
- *Correctional Facilities Needs Assessment and Master Planning Manual* accessible at <http://ispac-italy.org/pubs/PlanningManual-Final.pdf> and
- Annex 6, *A Strategic Planning Primer for Prison Systems*

Advisory and Mentoring Programmes

The objective of both advisory support and mentoring programmes is to provide sufficient information to national staff to enable them to establish a viable, safe, secure and humane prison system with the support of the peacekeeping operation and other actors. In this sense capacity building is a process rather than an objective, and emphasizes sustainability as an objective.

It is essential that prison personnel have a good understanding of United Nations standards related to the prison system. This allows them to base practical advice and mentoring, deriving from their own experience, on principles which are common to both their home countries and the host-country, so as to avoid the perception of imposing their own national (home country) perspective.

The principle of national ownership is key to success and yet generating consistent national engagement from all levels of the national prison system is extraordinarily difficult. Capacity building takes time, is dependent on the development of constructive relationships and doesn't produce quick results. Advisors shouldn't overestimate what can be achieved in a given timeframe. It is often tempting for advisors to 'do the job' and there will often be substantial pressure to get a task done immediately and properly. Advisors need to assess the benefits that in-line completion will provide to the mission against the cost of delayed skills acquisition for the counterparts.

(a) Advisory Support

Advisory support primarily centers on processes and information necessary to build a viable prison system. These processes have both political and technical aspects and may include but are not limited to:

Immediate Operational Issues *e.g.*

- Rapidly re- establishing prison facilities

- Providing for the basic needs of prisoners – food, water, sanitation, health care, safety
- Application of international human rights standards
- Rehabilitation and development of prison infrastructure
- Operational policy, procedure and systems development
- Recruitment (including vetting) and training development
- Critical linkages with other components of the criminal justice system

Developing Strategy for longer-term development e.g.

- Assessment of prison systems
- Strategic and operational planning processes including the development of a national prison strategic plan
- Review and development of legislation
- Food sustainability programs
- Building community support for the prison system
- Building linkages within the criminal justice system and other government departments
- Engagement of development partners and mobilization of donor resources
- Addressing key prison system issues from a longer term perspective e.g. *rehabilitation of facilities, security issues, contingency planning, provision of basic prisoner needs (food, water, sanitation, medical), compliance with internationally accepted standards, cross cutting criminal justice system issues including overcrowding and prolonged pretrial detention*
- Development of policy and strategy for accountability and oversight mechanisms
- Alternatives to imprisonment

A model code for prison management (the Transitional Detention Act), has been developed jointly by OHCHR, the National University of Ireland and the United States Institute of Peace. It provides a comprehensive reference for the development of prison legislation. This draft legislation has a number of applications including use of the annotated version as a comprehensive guide when considering national prison legislation reform since this version references within each topic area, the applicable international standards. This legislation can be accessed at: http://www.nuigalway.ie/human_rights/ and www.usip.org

Practical guidance concerning substantive prison issues is provided in the ‘*Substantive Prison Issues*’ section of this manual. Useful information and tools for developing an overarching policy framework has been developed by the Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR and CJP), *International Prison Policy Development Instrument*, 2001, accessible at <http://www.icclr.law.ubc.ca> . The UNODC

Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment is currently being finalised and will be available in early 2006 on the UNODC web-site.

Mission prison components also provide advice to mission leadership, the police and judicial components, gender, child protection and human rights colleagues and others concerning key prison issues as they relate to the strategic plan and activities of the mission. They may also provide advice to donors, non-governmental organisations, regional and other international organizations.

(b) Mentoring

Mentoring is a process by which mentors provide guidance on a range of technical issues for the purpose of practically applying new skills and knowledge. In the context of prison support, mentoring has been developed essentially as structured 'on-the-job' training that supports the implementation of formal classroom programmes. It also involves assessment of skills and knowledge transfer. This structured approach focuses on institutional operational issues addressed in training programmes and those responding to current operational issues. Mentoring also includes advising. The mentoring process provides for high levels of accountability of both mission personnel and national staff through the requirement for comprehensive record keeping. Mentors may be formally co-located with national counterparts, or simply, maintain frequent contact with national staff. In either situation, effective mentoring requires the development of relationships based on mutual trust and respect. Annex 7 provides detailed mentoring templates.

(c) How to be an Effective Advisor and Mentor

Effective advising and mentoring requires:

- Demonstration of high levels of personal integrity, respect and an impartial approach
- Effective communication and interpersonal skills including empathy and sensitivity to national staff challenges
- Supportive and consistent approach and regular engagement with key personnel
- Capacity to adjust to the local environment
- Professional competence and knowledge about the subject matter
- Sound knowledge and understanding of the host-country's history and traditions
- Good knowledge and understanding of the host-country's prison system (both before the conflict and currently (including); prison policies, institutional practices, procedures and systems, and linkages with other departments) so as to build upon what exists/existed.
- Appreciation of the national prison staff understanding of how a prison system should be managed and its institutional linkages to other governmental departments, particularly the security sector

- Good understanding of the traditional and formal justice systems, and legal framework
- Clear understanding of the mission mandate, prison support programme and job role
- An understanding of the power relationships operating in relation to the prison system
- Identification of reform champions
- Establishing effective participatory processes which engage key stakeholders
- Managing expectations effectively

It is useful to remember that in addition to the above, the credibility of advice is enhanced by:

- Adopting an approach that engages and respects the national counterpart's knowledge and capacities.
- Taking into account the host-country traditions and customs, economic, social and political realities and constraints under which the prison system is operating, including financial, legislative, policy provisions.
- Identifying a number of alternative strategies for dealing with an issue, the related dilemmas and consequences.
- Identifying pragmatic and innovative approaches to the implementation of international standards and conventions.

Training Programmes

Prison systems in peacekeeping environments are generally poorly resourced, staff have generally received little training and are likely to be poorly remunerated compared with police and other uniformed services. Prisoners are drawn from across the community and while the majority are poor and without access to significant resources, an increasing number are involved in organised crime syndicates and have access to significant financial and other resources. Many have been involved in protracted conflicts for many years and some have been child soldiers. These factors combine to create an increasingly complex and difficult prisoner population in particularly challenging circumstances. It is therefore critical that national staff is afforded extensive training to enable them to develop their capacity to manage the challenges with which they will be confronted.

A strategic approach to training should be adopted. The training strategy should take a long-term view of the skills, knowledge and competencies prison staff need. The training philosophy should emphasize that training and development should be an integral part of the management process and that learning is a continuous process. Training should be specifically designed to meet identified performance related needs, planned and provided by provided by competent trainers in a cost effective manner.

There are two key aspects to prison support training programmes: that of developing and delivering training programmes to enhance the capacity of national staff to fulfill their job roles and responsibilities, and that of developing national training capacity i.e. a cadre of national staff as competent training and development officers. The latter is arguably the most important legacy that mission training components can provide. Providing knowledge is important but it is the skills to process and apply that knowledge which are likely more critical to the sustainable development of any prison system.

When developing a training strategy, prison components should incorporate processes that facilitate the development of:

- Governmental commitment to provide and maintain training resources on a continuous basis including funding and human resources, and
- Stability in staff appointments for a sufficient time to allow learning to be integrated into the work processes.

(a) Developing a National Training Framework

Steps in developing a training framework include but are not limited to:

- Conducting a training needs analysis to define training needs
- Developing curricula and programme information based on the training needs analysis
- Developing an evaluation framework to measure learning outcomes
- Developing policy guidelines related to the provision of training including recruitment, mid and senior management training, specialist training and donor sponsored external training, both in and out of country.

Establishing a 'training policy committee' or similar which is nationally led, consists of national prison leadership and staff, and/or trainers, and mission training personnel at minimum, is desirable.

(b) Training Needs Analysis

A Training Needs Analysis (TNA) should be conducted as a first step in the process of developing a training framework.¹⁵ The circumstances at the commencement of the mission and immediate demands of the situation may result in the initial TNA being very rudimentary and a more comprehensive TNA being undertaken at a later time. TNAs should focus on identifying and solving performance issues. Part of this process includes identifying knowledge and competency gaps and determining whether training is an appropriate remedial response. This determination is a key aspect of a training needs analysis since training when used to address issues which cannot be resolved by a training response is both wasteful of resources and damaging to the credibility and integrity of the broader training programme. It is important to note that in the context of a

¹⁵ *Conducting a Training Needs Assessment*, Jeannette Swist, 2001. Explanation of the process can be found at: http://www.amxi.com/amx_mi30.htm

TNA 'need' is the gap between "what is" and "what ought to be" rather than a "want" or a "desire." The learning required, i.e. the skills and knowledge to be learned, competencies needed and attitude change desired, should be clearly specified.

The purpose of a Training Needs Analysis is:

- To determine training relevant to prison staff jobs
- To determine training that will improve performance
- To determine whether training will make a difference
- To distinguish training needs from organizational problems
- To link improved job performance with the organization's goals, and
- To determine what, if any, training has already been given, when and to whom.

A TNA may be conducted as a written survey or audit completed by individual staff. It may be conducted or supplemented by individual interviews or focus groups. National prison staff should be involved in both developing the questionnaires and conducting the analysis. A Training Needs Analysis template is attached as Annex 8.

(c) Initiating a Training Support Programme

Initiating a training programme in a resource poor environment where there are too few national staff to allow lengthy release from duty to attend training, means it is necessary that trainers be creative and innovative in addressing the many challenges of this environment. In environments in which the prison system has collapsed it is typical that a series of short basic security and prisoner management programmes are developed based on rudimentary training needs analyses. These are then conducted in the early phase of a mission prior to a broader training policy and framework being developed. These programmes afford the opportunity for development of a body of common knowledge and understanding between the national staff and each other and the national staff and mission prison experts. They also serve to identify and develop greater understanding by mission prison experts, of national staff attitudes, knowledge, and approaches to imprisonment and enable the establishment of a common framework which shapes the working relationship between the national staff and the prison experts.

In terms of capacity building, it is preferable to develop management training as a first priority so that senior national prison experts can then contribute in a comprehensive manner to the overall development process. There may, however, be compelling reasons as to why a bottom-up approach of training junior staff in the first instance should be adopted. The course chosen should be responsive to the exigencies of the situation and reflect the combined judgment of the senior national prison managers and the mission prison component. If a bottom up approach is adopted, effective strategies to facilitate national staff access may include developing short modules that can be delivered within a prison, locking down parts of a prison for short periods to reduce the number of supervisory staff required, seeking police support for maintenance of external security while short training modules are delivered.

(d) Curriculum Development and Programme Structure

It is generally accepted that a competency-based training approach is current best practice, and as such, should be the approach adopted by field mission prison components. Curriculum design seeks to address two major training objectives: firstly, to enable participants to experience in depth learning; and secondly, to facilitate the development of transferable skills. In depth learning goes beyond short-term rote memorization to enable the assimilation of new knowledge in a way that allows re-application to novel situations.¹⁶ Strategies to develop transferable skills in areas such as thinking and learning, self-management, communication, group work and information management, are intended to prepare participants for work outside of the training contexts in which they are first learned. In the context of a peacekeeping operation, a structured mentoring programme (see Section 4(b) of this manual), may support the application of these learnings in the workplace.

As part of the strategy to develop national training capacity, national staff identified as having the potential to become effective trainers, should be involved in the development of the training curriculum since it is the process of developing a curriculum which is as important as knowledge about programme content. It also ensures that the curriculum is culturally appropriate. Field mission prison experts have access to training materials from multiple jurisdictions and as a result access to a wide range of programme content applicable in a variety of environments. Reviewing training programmes and lesson plans assists national staff, developing the necessary content knowledge. Guidelines for curricula development include:

- Development should be undertaken by professional prisons training personnel in conjunction with national staff
- Curricula should be based on existing international standards and norms
- Curricula content should reflect the realities of the host-country prison system
- Curricula should be tailored to the educational and literacy levels of the trainees
- Curricula should be designed keeping in mind participatory methodologies and techniques to be used in training delivery
- Training programmes should be translated into the relevant local languages to maximise the training programme's effectiveness
- Sustainability of curricula beyond the peacekeeping operations should be considered
- Partnership with a local training center *e.g. police academy*, may be a viable option
- Curricula should be developed with the expectation that ongoing modification of the programme will be necessary
- A *Train the Trainer* course(s) should be part of any programme curricula
- Training design should be reviewed regularly and be informed by feedback from national staff, other areas of the mission conducting training, NGOs supporting the prison system and other donors and intergovernmental organisations in a position to comment on training outcomes

¹⁶ Entwistle, N.J. (1988) *Styles of Learning and Teaching: An Integrated Outline of Educational Psychology*. David Fulton: London

Competency based training templates and training programme materials developed by the UNMIL and ONUCI prison components for basic prison officer training are accessible on the DPKO Rule of Law Knowledge Network database. Non-members of this Network may request copies of these templates from the facilitator of the network at dpko-ruleoflawnetwork@un.org.

Draft training curricula templates are also accessible at: http://ispac-italy.org/pubs/Sample_Basic_Training_Manual_for_Correctional_Workers.pdf

For targeted training methodologies and techniques see OHCHR's "Trainer's Guide on Human Rights Training for Prison Officials" available at http://www.ohchr.org/english/about/publications/docs/pts11-add2_En.pdf.

The continuous upgrade of training curricula is likely to be more favourably received by national staff rather than simply repeating earlier training programmes. Prior experience has shown that as new contingents of mission prison experts arrive they may consider it necessary for national staff to undertake repeat training on the basis that current standards do not demonstrate full internalisation of past training. Such approaches of repeat training have been poorly received by national staff for whom there may be many reasons for an apparent lack of uptake of earlier training. A more positive response is likely to be gained by providing new material and repeating training components (only when requested by national staff) and alternative strategies for managing assessed substandard practice. In some instances repeat training will be needed, however, but the morale issues associated with that approach should be well understood.

Concerning management and supervisory training, it is not uncommon for mission prison experts to consider that national staff should have extensive prison experience prior to be given management training and becoming eligible for promotion. This attitude may be due to their own experience and awareness of the complexities of a prison system as much as their assessment of the competencies of national staff. However, the desirability of lengthy junior and mid-level experience must be tempered with the reality that the life of a peacekeeping operation will almost certainly be more limited than the period necessary for national staff to gain extensive experience. This being the case, mid and senior management training should be provided to national staff occupying those positions (and those who will be come eligible for those roles at a later stage), during the early phase of the peacekeeping operation.

(e) On-the-Job Training

Participants of most prison training programmes will generally benefit from on-the-job training since no training programme can completely prepare a person for all aspects of a job role. Classroom work and skills practice should be supplemented with support from senior national staff and mentoring staff in missions in which a mentoring programme exists. On-the-job training should be specific rather than general. On-the-job training enables:

- Supported implementation and follow-up of classroom training at the workplace
- Ongoing assessment or evaluation of classroom training and an opportunity for immediate remedial training if required. (Formal assessment and remedial action should be recorded for use in evaluating the curriculum and training design)

- Another training option when classroom training is not an option e.g. learning would be less effective or facilities and transport are not available
- Increased ownership and accountability at the operational level

'On-the-job' mentoring templates are included in Annex 7.

(f) Out-of-Country Study Tours

Prison managers may benefit from a structured and focused study visit of other prison systems. Pre-visit preparation should take into consideration:

- Comparability of the donor country prison system
- Linguistic compatibility
- Planning to ensure that the elements of the visit are relevant to the counterparts work role
- Appropriate staff selection to ensure that the objectives of the visit are directly relevant to participants roles
- Briefings that clarify the structure and content of the visit, donor expectations, national authorities expectations, any reporting or other requirements upon return
- Learning expectations by providers and recipients including development of an action plan
- Funding and logistics arrangements, and
- Any ongoing support commitments between the respective countries after the study visits

It should be noted that unstructured and unfocused study tours to jurisdictions in which the resourcing and circumstances are not in any way commensurate with that of the host-country or its cultural values, can be counter productive. It is also necessary to balance the loss of in-country learning time with potential gain. Where it is proposed that a study tour be for an extended period it is also necessary to consider the impact on the establishment of the senior management cadre known to staff with potential gains. Where a study tour is proposed to a jurisdiction which is very different the donor should be encouraged to consider the option of providing in-country training, or other support, as an alternative support option.

(g) Evaluation and Review Mechanisms

Implementing a multi-level training evaluation and review programme for prison staff training has many benefits including:

- Provision of data about the effectiveness of training at several levels so that the overall question about the effectiveness of training can be better addressed
- Data about training effectiveness is based on rigorous evaluation designs

- Curriculum developers and trainers being provided with data focused on specific areas of training allowing for targeted revision of material and methods of delivery

Aspects of training that may be evaluated include:

- Training methods, the learning environment, programme content, training aids, facilities, schedules, and competency of instructors
- Appropriateness for target audience

The effectiveness of the training delivered can be evaluated through class participation and testing. An evaluation of the participant's performance at the work site should be ongoing. *Guidance Notes on Prison Reform, Guidance Note Number 8 Prison staff and their training* (gn8-staff-training.pdf) provides useful guidance and is accessible at: www.prisonstudies.org.

(h) Developing a National Training Capacity

When commencing the development of a prison support training programme, prison components are often confronted with lack of national training institutions and training unit personnel, and insufficient national staff to safely provide twenty-four hour coverage of each prison. In these circumstances, national authorities may be reluctant to identify national staff who can form the nucleus of a national training capacity. As a result, the conclusion may be drawn that current national staff are both unavailable for training, and to commence the development of a national training capacity.

Heads of prison components should take up the issue of developing national training capacity with the relevant minister, and head of department, from the outset of the mission, because of the importance of the training legacy to the long-term development of the national prison system. Mission management may also encourage national governments to give priority to the development of national training capacity. Donors, particularly those supporting other elements of the criminal justice system, may also emphasize this issue in their interactions with senior government figures.

Since it is common that recruitment of new staff is undertaken during the initial phase of a mission thereby offering early opportunity to identify potential training personnel either from within the current staff or from amongst the new recruits. The opportunity can then be afforded to them for their direct involvement in all aspects of the development of the training policy and framework, curriculum development, and delivery. Those selected should be afforded a *train the trainers* course of instruction. Topic areas for such a course may include:

Principles of adult learning

- Identifying the adult learning cycle
- Discovering how adults learn including the impact of culture
- Understanding preferred learning styles
- Creating an environment that motivates and enables adults to learn
- Applying the learning cycle to all aspects of training design and delivery

Designing training courses

- Conducting training needs analyses
- Developing lesson plans
- Developing measurable, observable, outcome-oriented training objectives

Training strategies and techniques

- Selecting appropriate training media and materials
- Opening and closing activities
- Accommodating participants' preferred learning styles
- Maximizing retention of training programme content
- Using interactive and participatory methodologies (group discussions, role playing, etc.)

Platform skills

- Developing and employing effective public speaking skills
- Projecting confidence and enthusiasm
- Overcoming common problems of new instructors
- Developing your own natural style through practice
- Managing instruction time effectively

Evaluating learning

- Understanding evaluation
- Developing and/or adapting evaluation tools
- Using evaluation outcomes and feedback to improve future training

(i) Training Infrastructure and Facilities

Where a dedicated prison training facility is not available it may be necessary to:

- Negotiate access to another department or agency training facility
- Undertake training within a working prison
- Establish a *mobile training team* which attends prison facilities, or
- Access existing classrooms in the local community.

As a medium to long-term solution, donors may respond positively to project proposals for the establishment of a dedicated prison training facility, equipment and materials.

(j) Potential Training and Development Partners

In addition to the national and mission prison staff, other agencies may have both the resources and expertise to provide training to national prison experts. These may include:

- UN systems partners, particularly OHCHR (human rights), UNICEF (juvenile justice), UNODC (organised crime, drug trafficking, application of applicable standards),
- Other mission components *e.g. Gender Unit, Child Protection Unit, UN Police, Rule of Law Unit (judicial officers)*
- Member States *e.g. bilateral funding of either in-country and/or out-of-country training;*
- Other international organisations *e.g. ICRC on health and sanitation*
- National organisations *e.g. Bar Association on the legal rights of staff and prisoners, local hospital on first aid*
- NGOs *e.g. Penal Reform International (PRI) on international standards*

Institutional Analysis

(a) Prison Service Organisation Structure and Size

An early step in the overall planning process involves working with national staff on organization structures and determination of the number of positions and therefore staff required. It is possible that prison system may have been managed from within a Ministry of Interior or similar and may not have been separated from police administration. Wherever the prison system service is located institutionally, it is necessary to establish both the uniformed and support section of the prison service early in the mission. The three main organizational structures should comprise:

- Management – both headquarters and prison based
- Administration and Support – including human resources, finance and administration, logistics and procurement roles, staff development and training.
- Operations – Headquarters co-ordination of operations and operational staff in the prisons

Efforts should be made to determine the organizational and administrative structures that underpinned prisons management in the host territory prior to and during the conflict. These structures may have ceased to exist or may be continuing. It is important to determine the earlier institutional reporting lines of the prison service and the industrial arrangements, which supported the system, to understand national staff organizational frameworks. National staff will be the most important source of information about this issue. This understanding enables mission prison experts to integrate any new administrative and institutional proposals into the previous system where retention of the earlier system is not possible, rather than propose a model that is unfamiliar to the national staff. The actual size and shape of the service will depend on the situation on the ground i.e. the prison population, the number of prisoners, what remains of previous structures and personnel, etc. While this is a technical review the political aspects of imprisonment must also be considered and governments closely

consulted in progressing this issue. It is also important to have regard for the national government's capacity to sustain the recurrent cost of current and newly recruited staff.

The formal organisation structures may have broken down during the conflict. In the short term, mission prison components should encourage the creation of an organisation structure that provides for the immediate appointment of both uniformed base grade, supervisory and management level positions, where these roles are not filled. The creation of a national staff management structure and the formal appointment of officers to senior positions is important because early appointment provides the longest possible period of training and development for the national staff in these critical positions. It is important to find a way to record those who are recorded as staff and actually attending for work. The introduction of a registration system prior to formal recruiting and vetting should be considered.

It is also important that prison components encourage the development of the non-uniformed components of a headquarters. Key positions that should be created and appointed as a priority include finance, procurement, logistics, personnel and human resources roles. Depending on the potential size of the prison system the creation of legal officer, architect and engineering positions may also be appropriate. In many cases, it will be the situation that these professional positions are located within the broader Departments of Justice or Interior, and are made available to the prison service. Early co-location of mission personnel with national counterparts is a key approach that should be adopted, where national staff could benefit from this arrangement.

The appointment of local medical and nursing personnel is to be encouraged as early as possible and they should be based in a main or central prison to commence development of a health services policy and procedures and direct prisoner treatment. The later development of a medical service unit could be considered for headquarters, if the size of the system warrants this development.

Recruitment and Vetting of National Staff

(a) Recruitment

Where national recruitment is anticipated, early national recruitment should be encouraged since there can be competing agencies seeking recruits from a limited pool of qualified applicants *e.g. police, armed forces*. Secondly, earlier recruitment offers a longer period of support from the field mission prison component to these national staff. Recruitment of more staff than is actually needed for the day-to-day operations of the prisons, in the early stages of a mission, can be a useful strategy in order to allow for staff training and turnover. If this is done, it is important that training is continuously available to avoid excess staffing at the institutions, and an attitude developed whereby, these additional staff numbers come to be regarded as essential positions. Development of a mindset amongst national staff concerning *greater numbers of staff = greater security* when it is unlikely that the host-country can support this larger workforce in the long-term inevitably leads to major industrial issues in the longer term.

It is often the case that there is no central public service recruitment policy or system in the early stages of a mission, however, it is important that recruitment strategies developed by prison components for national staff are transparent, equitable, accountable, non discriminatory and efficient. They must seek to recruit individuals

whose behaviour and values are consistent with the professional standards required of a Prison Service, which adheres to international instruments relating to the detention of prisoners. Application procedures will likely include:

- Application pro-forma
- Background questionnaires
- Interview forms for documenting background information on applicants from third parties
- Interview process and questions
- Physical test requirements
- Medical test
- Written examination
- Waiver and indemnity forms
- Police, military, public security background check
- In some missions, review by a War Crimes Tribunal

Where no staffing and personnel systems and structures exist, the central administrative entities of the host-country administration (such as a civil service commission or ministry of finance) are likely to provide guidance relating to indicative salary levels and conditions of temporary contracts. However recruitment processes, in the short term, may be the responsibility of individual agencies, and thus need to be carefully considered to prevent the emergence of longer term industrial issues. A re-alignment of the initial recruitment strategy may be necessary in the event that a central civil service agency develops a recruitment strategy applicable to all civil servants. It is probable that this will provide the opportunity to assess all existing staff to ascertain if they meet specified criteria for transfer from temporary to permanent contracts.

There is a range of methods of attracting personnel in the early phase of a mission: listings of previous prison system staff may be available in records and a register of previous prison staff could be developed. Advertising could be placed on local notice boards and the prison gates, and key community agencies may be useful sources through which to advertise the recruitment programme in the short term. More formal advertising of vacancies through local media should be adopted when these media are functioning effectively. All applicants should be given equal treatment by recruiters, even if they have previous experience and feel they have a *right* to a job. Staff should also be screened to the extent possible to check for good character consistent with any transitional authority position concerning previous office holders.

It is not uncommon that low numbers of applicants who meet the education qualifications apply. Implementing a competency-based recruitment assessment process can assist the selection process when insufficient numbers of individuals, who possess the minimum education criterion, apply. Though priority should be given to literate applicants, strategies for addressing poor literacy levels among current and recruited officers may also be developed. These may include identifying international or national educational services that are able to provide literacy training. A basic literacy module might be included in the initial prison recruits training programme. Training approaches and tools must take into account the literacy level of participants and be adjusted accordingly.

Experience indicates that special attention should be given to ensure the host territory ethnic profile is reflected in recruitment outcomes and that the recruitment of women is actively encouraged. In situations in which women or certain groups have been denied educational and work opportunities in previous regimes, differing recruitment qualifications may be necessary. Cultures that do not have a tradition of women working in prison systems will benefit from the development of targeted strategies. Effective strategies may include:

Identification, by international and national women's organisations, of appropriate methods to target women applicants in the host-country

- Ensuring recruitment personnel have a good knowledge of gender equity principles and strategies for promoting these within the national environment¹⁷
- Seeking from the mission Gender Unit strategies and materials to assist recruitment efforts *e.g. materials developed for recruitment for other mission components, background information on local culture and customs as relates to women working in the security sector*
- Engaging the mission Public Information Office in designing and implementing a public information programme
- Liaising with the mission DDR team in relation to recruitment of demobilized women

Staff retention may be enhanced by establishing support groups that include both female recruits and current staff. It is also likely that the national staff will be poorly paid, and therefore mission prison experts should be able to provide national staff with consistent information concerning the relationship between the host-country economy and funding arrangements, in the context of sustainable nation building, and their salaries. Having the central agency responsible for setting public sector salaries address staff meetings can also be useful strategy.

(b) Vetting

There may be a formal requirement, specified in the peace agreement or stipulated by government for all civil service recruitment. Alternatively, such a process may be determined specifically by the prison department authorities. Vetting tools developed by OHCHR and UNDP, the International Centre for Transitional Justice (ICTJ) and by UNMIL (Annex 9) should be considered tools for such use.

(c) Code of Conduct

The development of a code of conduct is an important initiative in developing a professional national service. It is probable that the host territory's central public sector agency will develop a code of conduct in due course, however, it is not necessary to wait

¹⁷ See *Gender Resource Package for Peacekeeping Operations*, United Nations Department of Peacekeeping Operations, Peacekeeping Best Practices Unit, New York, USA accessible at: www.un.org/depts/dpko/lessons/

for such a development before developing an interim instrument for prison staff. Prison components should give priority to encouraging the national authority to authorise the development of such a code. Changes can be made to this, if necessary, when the central policy is established. Consideration should be given to making agreement to a code of conduct a condition of recruitment and vetting.

Section V RESOURCES AND MISSION SUPPORT

Field Mission Prison Experts

Information about recruitment of mission prison experts is also provided in Section III, 2 (a) of this manual.

(a) Institutional Framework

Although mission structures vary, mission prison components often report directly to the Deputy Special Representative of the Secretary General (DSRSG) (Rule of Law), along with police, justice/legal, human rights and gender units. Alternatively, prison components may be located within a Rule of Law Unit, the head of which reports to a DSRSG. This latter arrangement generally occurs when prison components are relatively small *i.e. less than 15 positions*. This arrangement is determined during the mission planning process.

The role of prison components differs according to the mandate and resource allocation. UNAMA as a *light footprint* mission¹⁸ has one prison position (originally located within the police structure) and now within the Rule of Law Unit. The incumbent provides a strategic advisory role to both the mission and the national government prison authorities, and has key roles in encouraging and facilitating the engagement of donors, building community support for the prison service, and undertaking technical assessment and training.

A very different example is seen in Liberia (UNMIL) since the mission has a more robust mandate and provides twenty-two prison expert positions and four administration and budget positions. The Unit reports directly to the DSRSG (Operations and Rule of Law). The prison component is comprised of training (4), planning (4) and advisory and mentoring (10) positions. In addition to the role fulfilled by UNAMA, UNMIL has undertaken a backstopping role with heavy emphasis on training.

(b) Induction Training

Each mission provides generic in-mission training for all incoming civilian personnel which includes:

- Security training and general mission orientation
- Health and medical issues
- Political and social climate and issues

¹⁸ A/56/875-S/2002/278 - “Based on the premise that UNAMA should aim to bolster Afghan capacity (both official and non-governmental), relying on as limited an international presence and on as many Afghan staff as possible, and using common support services where possible, thereby leaving a light expatriate “footprint” – Section B: Basic Operating Principles (Item 98. (d)).

- UN procedures *e.g. financial issues, housing, etc.*
- Introduction to mission counterparts *e.g. UN police, human rights, gender personnel*

In missions where driving is required or permitted all officers (contract and seconded) must pass the mission driving test by the third attempt. Most vehicles used by the UN have a standard transmission. Prison expert induction training may be provided jointly with UN Police or others. However, the prison component should provide an additional induction orientation covering issues, procedures and information unique to the prison support role.

Resource Mobilisation and Financial Planning

(a) Local Financial Resources

Local financial resources relate to domestic funding sources available to finance the national prison system. Prisons systems are generally poorly funded. The primary source of funding will be the host-country's national budget. At the earliest phase of the mission the political role of the SRSG's office in advocating for the allocation of sufficient resources should not be underestimated. It is important that as soon as a national budget is identified and a planning process instituted, that the national and international prison experts familiarize themselves with the budget process and relevant individuals in the ministry who are responsible for managing the prison portfolio.

Arguments should be put forward for the creation of a separate appropriation to the prison service under the budget allocations. (It is in the interests of other departments to have prisons in a separate budget category because the prison service generally consumes a large portion of the departments allocated funding, and separation provides a better indication of future needs.) These arguments may relate to: the link between prisons and peace and security, the crisis management impact of high profile and mass breakouts, the necessity of supporting the investment in the development of police and judicial systems, and the fact that funds can be spent quickly with visible and real impact.

Once a budget category is identified, prison components should work with national staff to assist in the preparation of well reasoned, costed and argued budget proposals as a priority. These submissions should be linked to clear objectives and activities and have responsible and accurate cost estimates. To the extent possible, budget estimates should seek to identify long-term recurrent costs for any proposed activities. Well thought through and well drafted budget submissions are important in ensuring the needs of the prison service are fully represented in the budget allocation process. In the event that the full budget bid is not approved in its entirety by central financial agencies it is useful to have well-established internal priorities which identify priority programmes and spending areas.

Irrespective of the sources of funding, a strong budgeting, financial planning and tracking capacity is important and prison components should work on these issues with senior national staff and budget officers from the outset. Prison components should give priority to working with national staff to enhance their capacity to internally track expenditures and the achievement of budget objectives since transfer of these skills will enable national staff to better present the prison departments case in subsequent budget

years. It is also part of developing internal financial accountability. As sources of external funding diminish over time it will be increasingly important to ensure all ongoing costs are captured within the national budget to better ensure sustainability and a consistent funding stream. Prison experts must demonstrate behaviour beyond reproach in the handling of funds.

The comprehensive assessment should also identify existing and likely funding options for the prison system particularly what is available during the mission start-up period and a strategy to mobilise resources developed from the outset. Resource mobilisation and financial plans should aim to put in place longer term plans and financing arrangements for the prison system. This planning must take into account the host-country's longer-term recurrent budget capacity. Given that prisons are expensive to build and to operate, experience demonstrates that to ensure sustainability, there needs to be a careful analysis of what is needed in the short term as against affordability in the longer term. A prison system that is financially unsustainable will have long-term negative effects in the host territory. Prison components, working with national staff, should draw up an inventory of existing funding in the prison sector, as well as identify potential funding sources within the donor community. This should be done through discussions with (where present):

- The budget planning and finance ministry of the host-country (to identify previous budget allocations to the prison system and to obtain an estimate on the overall public financing envelope for a given year).
- The aid co-ordination entity of the Government or UN administration who could advise on resource mobilization strategies and aid priorities for the government.
- Donor governments to identify which donors have invested how much in prison services and which donors might be amenable to new or additional funding. Where donors have funded prison activities, project documents should be requested. This should also include an assessment of which donors have rapid disbursement mechanisms for the immediate post crisis recovery period.
- International organisations to learn what activities are underway and whether funding is available *e.g. ICRC or UN agencies in capacity building or for specialized activities.*
- International and local NGOs should be approached to see what programmes they may be able to run, if any, to support prisons *e.g. prisoner training, family visits, legal services.*
- The UN mission administration office to identify what can be funded from mission funding sources. Budgets for prisons may be included in a less obvious budget *e.g. police.*
- Peacekeeping force and UN Police component (to ascertain what formal and/or informal assistance can be identified or to ascertain the potential sharing of equipment and vehicles).
- The CLJAU, to identify member states that have previously contributed to prisons in peacekeeping operations.

(b) Non Financial Local Resources

Non-financial local resources which may be available include:

- **'In-kind' contributions** *e.g. clothing, health and hygiene products, security and building materials, office and prison furniture donated by community organisations;*
- **Local attorneys or legal aid personnel** to assist interpret legislation, provide advice concerning legal detention practices and court-related issues;
- **Government facilities** that can be used by local NGOs who are helping inmate families or prison-related projects;
- **Equipment, materials and expertise from local businesses** or business organisations to support prison industries and prisoner work;
- **Services from local schools** *e.g. literacy training for prisoners and staff, translation services.*

(c) Bilateral Support

Engagement of donors is a key activity of prison components in all missions since invariably the prison system requires considerable investment to create humane, safe and secure containment. Investment in the rehabilitation of physical facilities, equipment, transport and communications, and staff training are resource needs to which donors may be responsive. It should be noted that supporting prison systems has not been an area of high donor interest and therefore, prison components will need to actively seek such support. Donors supporting the judicial and legal system and police may be the more responsive. The Office of the Special Representative of the Secretary-General (SRSG) may also assist in mobilizing donor support, and drawing the attention of donors to this sector of the criminal justice system, at donor conferences and other forums. Providing regular, updated project proposal information to the office of the SRSG assists this source of support.

Donor assistance comes in various forms and has a range of advantages and drawbacks. Common forms of donor assistance include:

- **Personnel** (consultant technical experts and government secondments)
- **Equipment** (vehicles, specialized equipment, secondhand or surplus equipment etc)
- **Contracted goods and services** (donor contracts a third party organization to undertake specified activities on behalf of the UN or host-country *e.g. rehabilitation of infrastructure*)
- **Cash** (particularly in the early phases of a crisis response) but often harder to obtain later

In many cases donor governments may send their own technical teams to assess the situation. In this case a DPKO mission prison representative should seek to be a key team member. Key national prison staff should also be included as part of the team to

provide a local frame of reference and historical information. National prison staff should not be relied on merely as interpreters but as substantive team members. In the early days of a post-conflict environment, some donors will have very rapid disbursement funds that can be useful for prison systems which may require significant amounts up front to repair prison infrastructure and equipment. By quickly, efficiently and fully using early funding sources, prison components can prove to donors that they are reliable recipients of rapid disbursement funding as long as the funds are well accounted for and the results demonstrable. After the first of such funding is spent, experience demonstrates that donor funding takes on a different aspect. It becomes subject to greater scrutiny and is increasingly based on clear priorities set by the host-country and its aid co-ordinating entities.

Donors often prefer to fund discrete interventions that do not entail long-term, open-ended commitments. For example, whilst donors may be prepared to fund the rehabilitation of prison infrastructure, they may not fund its operating costs (it is often cited that capital injections for reconstruction comprise approximately fifteen percent of the total cost of a prison given a lifetime of 25 – 30 years). Donors are unlikely to take on the long-term operating costs of the facilities and thus questions should be raised during discussions with donors and the Ministry of Finance about the recurrent cost implications of donor assistance before it is accepted. Donors may themselves press the Government to see a sustainability strategy before providing support. In any event, it is essential that there is clear evidence that the equipment and staff operating costs that will necessarily be incurred in utilizing the facility, are able to be met in the longer term prior to any donor proposal being accepted.

National prison departments may choose to develop partnerships with prison jurisdictions of other nations and, such an arrangement might help provide training material, security and other equipment, staff-exchange programmes, etc. Regard should be had for sustainability of supply, compatibility of equipment, particularly security and communication equipment and in-country capacity to service donated equipment.

(i) Project Proposals

Project proposals should be developed with national counterparts. Governments, foundations and NGOs may provide their own project proposal formats. Those that do not will still require sufficient information to make an informed decision. Annex 10 provides guidance on the general content of a project proposal. Attention should be given to the justification for each proposal in terms of the maintenance of peace and security, establishment of the rule of law and implementation of security sector reform, these being linkages which have greater potential to engage donors interest.

Proposals for funding can also be laborious in their preparation and should only be prepared and submitted to a donor if there have been indications of real interest on the part of a donor following discussions or the submission of a concept note (a very short proposal and preliminary budget). For larger proposals, once a proposal is agreed by a donor there may also be a requirement for a full project design to be developed which can include feasibility assessments and design missions. This is usually undertaken by donor personnel but will absorb staff time as well.

UN funds and programmes and NGOs can be a source of funding and of grant writers who may provide assistance to national prison authorities in writing project proposals. International associations and organisations with interests in prisons that may provide

information or support can be found at <http://ispac-italy.org/ngolist.php>. United Nations Programme Network Institutes (PNI) <http://ispac-italy.org/links.htm> may assist identification of funding sources.

(ii) Administration of Donor Assistance

All donor funding requires reporting responsibilities to account for the funds. Donors generally have their own reporting arrangements which the mission will be required to honor and which will be described in the Memorandum of Understanding (MOU) or other transferring document. Since reporting requirements generally vary widely between donors where multiple donors are contributing to the prison system this variation in reporting requirements can be onerous for the mission and national government. Where possible, an agreed reporting format common to all donors to streamline these processes should be negotiated.

(iii) Donor Co-ordination

Where a donor co-ordination mechanism has been established by the government, or within the mission, it should be respected and used. The co-ordination process is needed to prioritise donor interventions based on the competing priorities of the host territory. Without co-ordination at both the sector and multi-sector levels, donor assistance can become duplicative and overlapping, causing substantial confusion. It can also create schisms between different public programmes and unproductive competition for resources without reference to overall priorities. Prison components should work closely with national authorities to articulating priorities for donor assistance and identify interventions for donors. This could be done jointly with a donor or unilaterally by the prison service and then submitted to donors.

Within the prison sector, donor activity should be carefully tracked and co-ordination working groups, comprising national and mission prison experts, established. Joint donor assessment and project identification missions should also be considered in order to minimize the burden on national and mission prison experts, and to ensure a common view emerges between key players. Donor programming principles require that assistance should be demand driven and not supply driven. In Kosovo, the prison service developed strong links with donors and established a donor round-table to facilitate assistance in the sector, in addition to separate bilateral discussions.

(d) UN Resources

There are two main forms of UN assistance that can be obtained within the mission area. The first is through mission resources allocated to the prison function, as well as those common services that are provided mission-wide to all personnel. The second form of assistance is that provided by United Nations specialized agencies, funds and programmes (such as UNICEF, UNDP, UNHCR, OHCHR etc). The mission start-up budget also includes funding for basic security and communications equipment e.g. *locks and keys, security grilles, fencing etc* provided these are identified in the pre-mission planning process and factored into the mission budget. There has been lack of clarity about this issue in recent missions and new mission prison components are

encouraged to pursue this source of funding and also work with the CLJAU to facilitate access to these funds.

Prison components are provided with office space, vehicles, communications equipment and other materials in accordance with the same formulae as are applied to all other mission components. These are provided from the funds provided by Member States (approved by the General Assembly) under assessed contributions (Assessed Budget) and are for the functioning of the UN mission. With respect to common goods and services of the mission, the amount of resourcing is usually based on the number of UN personnel in that section of the mission.

(i) Mission Trust Funds

Funding for trust funds managed by missions is procured through donor conferences and other sources of resource mobilization. Funds may be earmarked by donors for specific projects or pooled for use at the discretion of the mission in accordance with terms of reference established between the donors and the mission that regulate the use of the fund. While there is no history of mission trust funds being used to support the strengthening of the prison system, this mechanism should not be discounted. Activities commonly funded through trust funds include repairing basic infrastructure and police training. Project proposals containing detailed information and costs, are considered by a Project Review Committee established within the mission that then makes recommendations to the SRSG as to which projects should be funded. These funds have an administrative charge of 13% and the process of establishing and administering them can be complicated.

(ii) Quick Impact Project (QIP) Funding

Most missions have funding for Quick Impact Projects (QIPs). QIP funding provides the mission a fast disbursement mechanism that gives access to funds for a wide range of small, highly visible projects addressing emergency situations relating to the rehabilitation of essential infrastructure, the building of basic institutions and functioning of public services and utilities. The total available QIP funding is set at a small percentage of the mission's budget and made available to the head of mission in the first year. This may be extended on a case-by-case basis beyond that period. Projects generally cannot exceed an expenditure of \$25,000,¹⁹ must be implemented within 6 to 8 weeks, and renewed funding is not available for any project. A crucial condition of the use of QIP funding is that the project has a positive impact on the lives of people while enhancing the mission capabilities to fulfill its mandate.

Prison projects which have or may be funded through the QIP include: security repairs, catering equipment, water and sanitation projects, repairs of prison hospital and medical facilities, restoration of electricity supply. Refurbishment and training projects would generally meet the requirements of a QIP. Project proposals are generally reviewed by an ad hoc Committee or Project Review Committee, and decision making authority is granted to the SRSG. Criteria used in assessing project proposals include:

- Ability of the project to positively impact the target group

¹⁹ Guidelines for expenditure of these funds can be obtained from budget and QIP officers in each mission.

- Capacity of the implementing organization to manage the funding and successfully implement the project
- Time frame for execution of the project
- Suitability of the project within defined eligibility criteria.

There have been different of understandings amongst mission managers and administrators as to whether QIP funding and the mission start-up budget can be used for prison projects. Clarification of this issue, including guidelines to ensure consistency in the applications of rules, should be addressed during 2006, and in the interim this issue can be referred to the CLJAU for guidance in specific cases.

(iii) UN Agency Fund and Programme Resources

Funding through UN agencies, funds and programmes are voluntary sources of funding. These entities are funded by donor governments, through voluntary contributions, for specific project and programme activities. The discussions held with these multilateral agencies should be conducted in a similar manner as dealing with bilateral donors. If they are active or prospective donors for the prison system (or rule of law) sector, they should be incorporated under the same co-ordination frameworks. The issues about administration of donor financing also apply to agencies that use similar systems and have similar reporting requirements. Each of the agencies has a fairly well defined sectoral role and any funding negotiations with agencies should be based on these sector specific mandates e.g. UNHCR for refugees, UNICEF for children and mothers, WHO for health, UNDP for governance and public administration etc.

UNDP has created Thematic Trust Funds, including a fund under the Bureau for Crisis Prevention and Recovery (BCPR) which has a service line for Security Sector Reform and Transitional Justice which has been used to support the improvement of prison conditions in post-conflict environments. Useful Information is accessible at: <http://www.undp.org/bcpr/jssr/index.htm> . Donors may prefer to deposit funds into the UNDP Trust Fund system because it attracts a lower administrative charge of six per cent. This option should be discussed with potential donors. In the event that a donor chooses this option, the donor should be referred to the Bureau for Crisis Prevention and Recovery contact persons.(rose.baguma@undp.org and francis.james@undp.org). This unit will provide detailed information concerning necessary paperwork to be completed by the donor, the mission and UNDP country team. The UNDP's lengthy history in managing trust funds also supports its undertaking of this role. It is usual for the mission to then engage relevant staff to manage the implementation of the donor funded project e.g. *engineering project management expertise, training expertise, etc, or reassign current staff* from prison components for this purpose.

Section VI RELATIONSHIPS AND LINKAGES

It is essential that the work of prison components is linked to the work of the other criminal justice components to ensure program coherency and synchronicity of activity which together will influence the long-term sustainability of the prison components work. Working independently of each other cannot achieve the overall objectives of the mission and will result in largely ineffective outcomes. In order that all mission components, donors, national and international organisations share a common understanding, early clarification of the parameters of the mission prison component support should be undertaken with each of these entities through regional meetings, mission co-ordination meetings or bilateral meetings. These meetings should also include information about the overall approach and concept of operations being adopted by the prison component, and include information about how the component intends to work with the government, on issues such as the provision of resources to meet immediate humanitarian and security needs. It is important that the potential for national prison staff to be inadvertently provided with incorrect information about potential mission support is minimised.

National Authorities

Establishing credibility and trust with national government officials, senior national prison experts and prison staff, and throughout civil society is essential to the effectiveness of any support provided by a prison component. During the conflict phase, and perhaps in earlier phases, prisons may have been places feared by the community because they were used as instruments of the state to make “disappear” dissidents, and places in which ill treatment and torture were practiced, and, which were not managed in an open and transparent manner. Whether these or other more positive features are descriptive of the prison system in a particular mission environment, the historical context will shape the expectations of national staff towards any United Nations intervention, and therefore, must be taken into account.

In this environment it is essential at the outset of a mission, that both mission management and heads of prison components clarify with national authorities the nature and extent of support which can be provided by the mission to the national prison system. Experience demonstrates that initial expectations, by not only a national government, civil society (including NGOs working within the prison system), staff and other agencies, concerning the role of the mission prison component, can be unrealistic and result in difficult relationships.

(a) Government/Supervising Ministry and Department

Fundamental to the effectiveness and sustainability of any mission prison support, is the premise that all initiatives are consistent with the national government's priorities concerning the prison system and therefore any prison support programme must be consistent with any stated host-country government position on the development of the prison system. In the immediate post-conflict situation it can be difficult to identify the national government position and priorities. This is particularly so if the national

aspirations relating to the prison system are: not reflected in any peace agreement, the transitional government is an interim government, the prison system has not been a government priority, and the linkage between the prison system and peace and security, is not widely understood. In some countries a National Development Plan/Strategy may have been developed and include specific reference to development of the prison system. More typically, such a plan has not been developed at the time the peacekeeping operation commenced.

When developing the support programme, prison components should account for: the transitional nature and any relative inexperience of government, the capacity of the government to respond to key financial, human resource and operational issues, and the differing expectations and varied understandings of the extent and nature of prison support to be provided by the mission. Heads of prison components should be sensitive to these issues and seek to identify effective strategies for addressing the issues that arise from these factors. Strategies for establishing effective working relationships include:

- Demonstration of high levels of personal integrity, respect and an impartial approach.
- Development of a sound knowledge and appreciation of the host-country history and traditions.
- Development of a comprehensive knowledge of the host-country criminal justice system, (pre and post-conflict) and demonstration of the ability to adapt professional knowledge and experience in a manner which reflects this understanding.
- Identification of feasible strategies and approaches for addressing key systems issues which demonstrate cultural sensitivity and which can be accommodated within available resources.
- Facilitation of workshops to clarify the national government's philosophy of imprisonment and/or benchmark the current prison system against the UN minimum standards and national legislative and regulatory framework.
- Stressing the common professional culture which needs to be based on the respect of internationally-agreed standards.
- Provision of relevant reference documents relating to prison system issues to national authorities, in the relevant language.
- Establishment of a wide range of stakeholder professional contacts and relationships.
- Extensive consultation with UN system partners, NGOs, and bilateral donors who have extensive experience in the host-country.
- Provision of regular ministerial briefings, including materials for public presentations by senior ministry and department personnel.
- Facilitation of round-table or public seminars concerning the criminal justice system.
- Provision of regular status reports to all stakeholders.

- Focus on working not competing with other ministries, government functions or agencies.

At an institutional level, additional strategies may include:

- Co-location of mission prison experts with national counterparts.
- Establishment of joint working groups to undertake assessments, develop programme proposals and develop training programmes.
- Undertaking joint regional site assessments and reviews.
- Undertaking joint analysis of current and historic data to: identify population trends and profiles and develop national capacity to undertake such analysis, and sharing of this information within the criminal justice system, treasury and finance departments.
- Facilitation of prison staff meetings, led by national staff, that provides a forum for regular clarification of the mission support programme.
- Facilitation of staff access to training programmes.
- Giving attention to staff issues *e.g. payment of salaries, provision of uniforms, access to training.*
- Organization and facilitation of regular co-ordination meetings, chaired by national prison experts, with all stakeholders to share programme information and encourage programme coherency and congruence between stakeholder programmes and government planning processes.
- Conducting joint investigations into key operational issues and incidents.
- Jointly seeking donor assistance and the involvement of NGOs.

Focusing attention solely on prisoners in a situation in which staff may not be receiving salaries, may not be provided with uniforms and are unlikely to have had recent training and are likely to have experienced a range of hardships typical in an immediate post-conflict environment, is often counter-productive. Developing strategies which address staff needs, including conducting short training programmes, following up donors for support to provide stipends for new recruits and current staff while in training (typically twelve months) and for staff uniforms are useful confidence building strategies to pursue in the early stages of a mission.

(b) Criminal Justice System

Recognition of the interdependence of the elements of the criminal justice system is critical to the effective strengthening of any prison system. The DPKO prison support policy recognises, and encourages, the importance of working in an integrated manner with the other components of the criminal justice system and their national counterparts, and with units dealing with cross cutting issues, particularly human rights and gender units. Those components include (both mission and national):

- Police
- Judicial and legal system

- Human rights and gender units
- Child protection and juvenile justice

This approach requires that mission prison experts know, and understand, police and judicial systems programme plans, and actively work with these components to ensure programming is coherent, and appropriately sequenced, and that the priorities of each are congruent and adjusted, where necessary. Effective mechanisms for ensuring planning coherency include:

- Establishing co-ordination mechanisms *e.g. Rule of Law Task Force, Rule of Law Implementation Committee, Consultative Groups* (details of these mechanisms are provided below)
- Presenting information to other components and mission management, concerning progress toward goals and special project activity
- Sharing of reports, and observations, with appropriate components *e.g. intelligence reports with police, issues relating to female and juvenile prisoners with child protection, human rights and gender components*
- Adopting a collegial approach to problem solving
- Conducting combined training *e.g. emergency response with police, special needs of female offenders with gender, human rights and child protection*
- Using common terminologies *e.g. develop an agreed glossary*, drawing as much as possible from existing internationally-agreed concepts
- Developing common working protocols *e.g. common intake paperwork and procedures for police detention and prisons, common security procedures for prisoner transportation to courts for police, prison and judicial*
- Joint assessment and planning visits to field locations

Key issues that require police, judicial, prison, juvenile justice and human rights components of missions and national criminal justice systems to work together include, but are not limited to:

- Conditions of detention
- Prolonged pre-trial detention
- Overcrowding of prisons
- Alternatives to imprisonment
- Transfers of prisoners, juvenile and adult, from police custody to the prison system
- Transfers of juveniles from adult prisons to juvenile justice facilities
- Provision of external security to prisons
- Emergency responses
- Intelligence issues
- Development of national prison legislation

(i) Police Service

Where a prison system has collapsed, it may be the case that either the national police or UN police, (depending on the mandate), have assumed responsibility for detaining alleged offenders. Where police are involved in non-executive mission environments, the executive authority will lie with the national police and hand-over issues will need to be addressed between the national police and national prison staff, and, between UN police and incoming UN prison experts. There will undoubtedly be pressure to re-open prison facilities at the earliest time and decisions may be made to do so prior to national prisons being in a fit state for the management of prisoners. This pressure will generally arise because police detention facilities are generally designed to hold small numbers of individuals, for short periods. The consequences of overcrowding *e.g. poor sanitary conditions, inability to provide adequate food and water, and associated security risks*, become evident very quickly.

Establishment of a Rule of Law Implementation Committee may be an appropriate mechanism to support prison system planning for the re-opening of prisons. In the event that formal establishment of such a committee is deemed inappropriate at that time, it remains useful to include representatives of those entities, which would generally comprise such a Committee, in the planning process. The transfer process is enhanced where there is joint determination of key process issues including:

- Management of prisoner transfers.
- Sourcing of funding to provide basic security.
- Provision and management of logistics support *e.g. transport, external perimeter security, food and water.*
- Protocols relating to transfer of official documentation including detention warrants, health records, detention information. If legal detention documentation is missing, a review of the prisoner's information should take place to determine if the legality of the detention, and, referred to the legally appropriate decision making body.

Where the national prison service requires enhancement of its capacity to provide external security to prisons, UN mission Formed Police Units (FPU) have been deployed to undertake this role. In this case, it is necessary to develop with the United Nations Police Commissioner's office, specific written guidelines which clarify the roles and functions of the Unit(s), the rules of engagement, and the lines of authority, responsibility, and accountability for any personnel assigned to this function. Alternatively, national police may be deployed to undertake such roles. It is also useful to include the following detail in such guidelines:

- Clarification of command and control during an incident inside the prison
- Clarification of the carriage and use of firearms in, and around the vicinity, of the prison
- The minimum number of personnel who will be stationed at the prison, including during the occurrence of incidents which require the simultaneous presence of police elsewhere in the community
- Details of any strategy to facilitate the eventual handing over of these roles to national prison system staff, or national police

Prison components, and national staff, should jointly provide briefing sessions for personnel undertaking such roles.

(ii) Judicial and Legal Systems

One of the critical issues confronting many post-conflict environments is that of prison overcrowding, which results from prolonged pre-trial detention. It is often the case, that the judicial system functions in neither a timely nor effective manner, and as a result, statutory provisions for the hearing of cases are regularly breached. It is essential that senior national prison staff, and mission prison components, develop effective working relationships with senior judicial officers, prosecutors, and public defenders, (or equivalents) to enable these judicial and prison systems interface issues to be addressed. As indicated earlier in this section, there are a number of issues that require at minimum, the involvement of police, judicial, and prison experts for effective resolution. In addition to any joint mechanisms, *e.g. Case Flow Committee, mission prison experts and national staff* should also meet bilaterally with senior national judicial officers, (including prosecutors) to address other issues of mutual concern *e.g. the imprisonment of women and children and the development of alternatives to imprisonment*. In some jurisdictions, there is statutory provision of judicial oversight of prison systems, in which case, these officers should be encouraged to undertake these roles in accordance with the relevant legislation.

(iii) Juvenile Justice System

Where a juvenile justice system exists, it is essential that both national and mission prison experts develop effective working relationships with key juvenile justice personnel. Where an established juvenile justice system does not exist, such personnel should nonetheless work towards ensuring that international juvenile justice norms are applied in practice, to limit the use of deprivation of liberty and to ensure appropriate standards of protection are met.

In all cases, detained juveniles should be separated from adults. In post-conflict situations, the age of a prisoner may not be verified by the police or by the court, and as a result, juveniles are often incarcerated in adult prisons.²⁰ Juveniles found to be accommodated in the adult system, should be transferred to a juvenile facility at the earliest opportunity and the court notified accordingly. Where such facilities do not exist, juveniles should, at a minimum, be separated from adults within facility where they are held, and alternatives to imprisonment should be actively explored.

A policy providing for the management of juveniles should be developed with national prison staff and a training programme that addresses specific management issues relating to juveniles, should be developed and delivered. Within UN missions, it is usual that UNICEF has involvement with the juvenile justice system. Prison components and national prison staff should regularly meet with UNICEF personnel to address issues of mutual concern. Where there is no provision for a juvenile justice system, prison components should work with UNICEF personnel to encourage the national government

²⁰ United Nations Rules for the Protection of Juveniles Deprived of their Liberty accessible at: http://www.ohchr.org/english/law/res45_113.htm

to work toward the establishment of a non-institutional separate system. The publication *Guidance Notes on Prison Reform, Guidance Note Number 14, Children in Prison* (gn14-children-in-prison.pdf) provide useful information and is accessible at: www.prisonstudies.org. Further information specifically concerning juvenile justice in Africa is accessible from the Penal Reform International web-site at:

www.penalreform.org/english/theme_vulnerable.htm

Sector Planning Co-ordination Mechanisms

Effective formal mechanisms for addressing such issues have included:

- **Rule of Law Task Force** chaired by the DSRSG and comprising UN mission police, judicial, prisons, gender and human rights mission personnel, UNDP, major donors, the World Bank, and national government representatives.

Role - preparation of a rule of law reform strategy for discussion with an incoming government including program proposals, benchmarks, budgetary recommendations and ongoing monitoring processes.

- **UN Rule of Law Working Group** chaired by the DSRSG and comprising UN police, judicial, prison, human rights, gender and civil affairs personnel.

Role – to develop and co-ordinate policies and priorities for the Rule of Law components of the mission.

- **Rule of Law Implementation Committee** chaired by the DSRSG and comprising the Minister of Justice, head of the national police, security advisor to the Head of Government, Assistant Minister responsible for prisons, UN Police, judicial (national and UN), military judicial, prisons, human rights and civil society representatives.

Role – To co-ordinate, with the national government, national policy implementation strategies within the mission mandate and to develop strategic plans to address deficiencies in the system.

- **Case Flow Committee** – chaired by a representative of the Solicitor Generals Office, and comprised of mission judicial and prison experts and national prison staff.

Role - to review the legality of detention of individual cases. These working level weekly meetings review the appropriateness of ongoing detention of pre-trial detainees, and make recommendations to the court.

- **Rule of Law Task Force Tracking Coordination** – comprising police, judicial, human rights and prisons personnel.

Role – to co-ordinate judicial reform, law enforcement, (including prison reform), law reform and human rights programmes and activities

(c) Other Governmental Departments

As part of the national governance structure, prison services must interact with other governmental department personnel, and therefore, it is important that the national prison staff and mission prison components develop effective working relationships with key departments and, where necessary, establish formal arrangements with other government agencies to co-ordinate the provision of services. Examples of relevant departments may include:

- Finance and Treasury (prison system operating and capital works budgets)
- Public Sector Commission (human resource policies for civil servants)
- Education (educational programmes for prisoners and, if necessary, staff)
- Health (health screening of prisoners and staff, first aid supplies)
- Human rights (monitoring prison conditions, providing staff and prisoner training)
- Womens affairs (including gender issues)
- Juvenile Justice and Child Protection (services for juvenile offenders, children in prison)
- Social Welfare and Child Protection services (children below minimum age of criminal responsibility, as well as those in need of care and protection, i.e. not accused of a crime)
- Labor (training and job placement for prisoners)
- Ombudsman and/or national Human Rights Commission (monitoring of conditions of detention)

UN Peacekeeping Operation Military Component

The UN peacekeeping force may be involved in managing the detention of civilian prisoners, as a result of the lack of adequate civilian prison accommodation. This would more typically occur at the commencement of a peacekeeping operation but may develop during the operation as a result of overflow in the domestic system. Where civilian prisoners are detained and managed by the UN peacekeeping force, prison components may provide advice about the management of prisoners within the national legal and prison legislative frameworks.

Prison components may also work with the mission's human rights unit to develop detention guidelines, pending headquarters guidance on the matter and provide advice about establishing a monitoring strategy, which provides for both mission and external oversight. It should be remembered that outside observers see the UN as one entity and abuses and infractions will be attributed to all. Where the peacekeeping force takes responsibility for managing prisoners, the mission prison components should work with national prison authorities, to enable the transfer of prisoners from military to civilian custody as quickly as possible. Where the peacekeeping force has been managing civilian prison facilities from the commencement of the mission, it may be relevant to:

- Develop, with national authorities, a plan for the handover of the prisons to the national prison authorities (including short and medium term strategies for any subsequent overflow).
- Develop an agreement between the national government, and the peacekeeping operation, to clarify issues concerning logistics, costs, security, legal detention authorities and other issues *e.g. provision of security equipment such as handcuffs and locks, provision of armed prison security after transfer where the national prison system is not equipped to do so, provision of food during any transition period, records to be provided to the national prison authorities.* This approach will require consultation with the mission legal officer(s) and force legal adviser to determine an appropriate mechanism.

Where the peacekeeping force and national authorities share responsibilities for detention of civilians (including co-location of personnel) it may be necessary to:

- Develop a written agreement which provides the arrangements between the national government and the peacekeeping operation, to clearly define issues of prison access, security, utilization of facilities *e.g. exercise yards, kitchens, etc., transfer of prisoners to courts, processes for addressing disputes between national prison authorities and the peacekeeping force.* Consultations should be had with the mission legal officer(s) and force legal adviser to determine the appropriate mechanism.

Though generally not explicitly mentioned in the mandate, peacekeeping forces may provide other support to the national prison system. Each instance would be the result of a specific request for a specific situation. In principle, such requests should be addressed to and approved by the Sector Commander, in order to make an assessment of priorities, resources and appropriate level of support. Support may include:

Engineering advice in developing practical solutions to problems of infrastructure maintenance *e.g. strengthening walls, repairing sanitation*

Water supply during an emergency *e.g. use of peacekeeping force water truck to deliver potable water if a pump breaks down at the prison*

Security and control equipment *e.g. obtaining surplus equipment and equipment in need of repair*

Health services *e.g. peacekeeping force medical staff may provide a health screening on an emergency basis such as a suspected outbreak of a communicable disease*

Transportation of high profile and/or dangerous prisoners to court and between prisons

UN Country Team

Within peacekeeping operations, mission prison experts are responsible for actively seeking the engagement of development partners, from within the UN system and externally and donors, to provide support for the national prison system. Mission prison experts also have a responsibility to develop the national capacity for requesting funds, and for project and financial management. These responsibilities should be assumed from the commencement of the mission.

Mission prison components should be particularly sensitive to and cognizant of any UN system presence in the peacekeeping environment prior to the establishment of the peacekeeping operation. Country team personnel will often have lengthy in-country experience and relevant knowledge and expertise (including experience unrelated to the prison system) on which prison experts should draw. Prison experts should build on any direct prison support which has been provided by the country team and develop and integrated approach to future support.

Potential UN system partners in any mission include: UNDP, UNODC, UNICEF, UNIFEM, and OHCHR. In most missions, each is active in some area within the peacekeeping theatre, although not necessarily prisons. The importance of these departments, Funds, and agencies, to the national prison system, is that they each have mandates which permit their involvement in post-conflict environments beyond that of the peacekeeping operation. Their early engagement can enhance the effectiveness of long-term programmes, by creating the potential of a seamless transition between mission led initiatives and agency support programmes.

Basic principles for working with other parts of the UN system include:

- Integration of mission led initiatives with those of UN partners (some may have programmes that pre-date the mission). The relationship is one of collaboration ensuring neither duplication nor overlap of programmes.
- Mission prison component led support activities, though designed to meet short and medium term needs, lay a foundation for the long-term development of the national prison system.

(a) Office of the High Commissioner for Human Rights (OHCHR)²¹

All UN entities have a responsibility to ensure that human rights are promoted and protected through their work in the field. As the lead agency in this area, OHCHR provides substantive and functional support as well as guidance and expertise to the human rights components of peacekeeping operations. Those components assist the host country in preventing and redressing human rights violations, in capacity and institutional building (including strengthening of the national prison system) and in mainstreaming human rights in the work of other UN partners. They monitor prison conditions and work in collaboration with prison personnel and Rule of Law Units on issues relating to the respect of international norms within a prison facility and the rights of prisoners. They also provide human rights training and advisory support.

OHCHR has also developed methodological tools and materials that can be adapted to the local context and needs. Of particular relevance is: “Human Rights and Prisons - A Human Rights Training Package for Prison Officials” which includes:

- Manual on Human Rights Training for Prison Officials
- Pocketbook of International Human Rights Standards for Prison Officials
- Compilation of International Human Rights Instruments concerning the Administration of Justice
- Trainer’s Guide on Human Rights Training for Prison Officials

²¹ <http://www.ohchr.org/english/about/mission.htm>

The Package can be requested at <publications@ohchr.org> or can be downloaded from <http://www.ohchr.org/english/about/publications/training.htm> (publication n.11).

(b) United Nations Development Programme (UNDP)

The UNDP²² has provided support for judicial and legal systems and prison systems in peacekeeping operations. UNDP has long advocated that providing justice and security is a core government responsibility, and, an integral element of good governance and the prevention of violent conflict. As a consequence, it has engaged in Justice and Security Sector Reform (JSSR) initiatives, designed to transform justice and security institutions into more effective, legitimate, and transparent structures that support the functioning of an equitable and rights-respecting state and are accountable to the citizens living within it.

As described in Section V(2)(d) of this manual, UNDP has created Thematic Trust Funds, including a fund under the Bureau for Crisis Prevention and Recovery (BCPR) which has a service line for *Security Sector Reform and Transitional Justice* which has been used to support the improvement of prison conditions in post-conflict environments.²³

(c) United Nations Office on Drugs and Crime (UNODC)²⁴

The promotion of the rule of law, including in countries emerging from conflict, lies at the heart of the mandate of the United Nations Office on Drugs and Crime (UNODC). Within the United Nations system, UNODC is a repository of qualified professional expertise in criminal justice issues, which is combined with a long standing experience in assisting countries in dealing with those issues. In addition, throughout the years, UNODC has developed an extensive network of criminal justice professionals and scholars representing different regions, legal systems, linguistic and cultural backgrounds.

This office provides assistance to countries at both an operational and normative level. Operationally, UNODC assists countries in rebuilding or strengthening the capacity of their criminal justice system to operate more effectively within the rule of law by providing needs assessment, legal and policy advice, training and technical assistance through project development and implementation. At the normative level, UNODC promotes the development of standards and norms in crime prevention and criminal justice and assists their implementation in post-conflict and development environments.²⁵ Programmes range from the general area of justice reform, including juvenile justice, penal reform, restorative justice, alternatives to imprisonment, to the prevention of and fight against serious crimes, such as transnational organised crime, corruption, drug trafficking, trafficking in human beings and terrorism.

²² <http://www.undp.org/governance/justice.htm>

²³ <http://www.undp.org/bcpr/jssr/index.htm>

²⁴ <http://www.unodc.org/unodc/index.html>

²⁵ See United Nations Standards and Norms in Crime Prevention and Criminal Justice www.uncjin.org/standards/unrules.pdf. These standards address criminal justice system issues such as juvenile justice, treatments of prisoners, role of prosecutors, alternatives to imprisonment, victims, etc.

Furthermore, the office has been instrumental in the negotiation and adoption of five new international legal instruments: the United Nations Convention against Transnational Organised Crime and its three supplementing protocols, and the United Nations Convention against Corruption. In past years, UNODC has been active in the context of several UN peacekeeping operations including; Cambodia, Afghanistan, Haiti, Somalia and the Former Yugoslavia. Interventions and activities have included assistance in drafting new legislation or revision of the existing legislation; developing codes of conduct, guidelines and best practices for relevant criminal justice officials *e.g. judges, prosecutors, law enforcement, etc* and implementation of prison system capacity programmes. UNODC has also developed training material for the civilian police component of UN peace-keeping missions (*e.g.* the so-called, Blue Book) and has organised training workshops for United Nations Police (UNPol) component of the United Nations Protection Force (UNPROFOR). UNODC helped develop basic training manuals for correctional workers during UN peacekeeping operations in Somalia, Bosnia and Herzegovina and the Republika Surpska.

(d) United Nations Children’s Fund (UNICEF)²⁶

UNICEF works in the area of health, education, and protection of children and has a lengthy history of working in post-conflict situations including peacekeeping operations. In situations of transition and post-conflict, UNICEF works closely with the UN system, government and international and local partners around key child protection issues, all of which have direct relevance to efforts to re-establish the rule of law within a human rights framework. Specific areas of focus include:

Demobilisation and reintegration of children associated with armed forces. During transition, the release of child soldiers from fighting forces is carried out within a broader negotiated peace agreement which also includes adults. A key protection activity during this period is to ensure that children, both girls and boys, are identified and provided access to opportunities for reintegration. The needs of children will differ from those of adults and medium to long term follow-up attention will be required.

Justice for children: Continued insecurity, high poverty rates, displacement, lack of opportunities in post conflict environments, etc increase the risk of children coming into conflict with the law. UNICEF works with UN and national partners to help strengthen application of international juvenile justice standards as laws and policies are redrafted. UNICEF also advocates and build capacity for increased attention to crimes committed against children, and appropriate protection of child victims and witnesses. Finally, although children who have committed war crimes are primarily victims themselves, some form of accountability is sometimes necessary as part of a successful reintegration process. UNICEF supports the development of appropriate and sensitive mechanisms which avoid subjecting children unnecessarily to the criminal justice system or special courts.

Prevention of separation and care of separated and unaccompanied children: the movement of children from displacement back to communities poses threats to children. The period of transition must not present an additional threat to the separation of children from their primary caregivers. UNICEF’s efforts in this regard include promoting

²⁶ <http://www.unicef.org>

the availability of support to families to allow their basic needs to be met and children to remain with their families, the regulation of residential care to prevent overuse and establishment of systems for alternative care and community monitoring of kinship and informal fostering arrangements to ensure children's safety and well being.

(e) United Nations Development Fund for Women (UNIFEM)²⁷

UNIFEM provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of its efforts, UNIFEM focuses on four strategic areas: (1) reducing poverty as it impacts on women, (2) ending violence against women, (3) reversing the spread of HIV/AIDS among women and girls, and (4) achieving gender equality in democratic governance in times of peace as well as war.

International Committee of the Red Cross (ICRC)²⁸

The ICRC is an independent organization whose exclusively humanitarian mandate is to protect the lives and the dignity of victims of war and internal violence, and to provide them with assistance. After the wounded and the sick, prisoners and detainees are historically the third category of persons with whom the ICRC has been concerned. It has a specific mandate for prisoners of war and civilian internees in international armed conflict, and a long and recognised experience in visiting persons deprived of freedom in relation with non international conflict or other situations of violence. The ICRC has likewise regularly had access to the detainees held in various international forces (for peacekeeping, peace-making or peace-enforcement) such as the United Nations Operation in Somalia (UNOSOM) in Somalia, Stabilization Force in Bosnia and Herzegovina (SFOR) in Bosnia, the United Nations Mission in Kosovo (UNMIK), the Kosovo Force (KFOR) in Kosovo, the International Force for East Timor (INTERFET) and the United Nations Transitional Administration in East Timor (UNTAET).

Over the years, the ICRC has steadily extended the scope of its activities: criminal law offenders are included in its representations and visits, if they share the same premises as persons arrested in connection with civil unrest, or if they are suffering as a direct result of that situation. For example, if prison food supplies are inadequate (thus affecting all prisoners, regardless of their status or the reasons for their arrest), the ICRC asks the authorities to take the necessary steps to remedy the shortage. Any additional assistance provided by the ICRC is distributed to all prisoners alike. The ICRC has undertaken projects supporting the provision of water and sanitation and regularly visits prisons.

The ICRC is an independent and neutral organisation and will not share information on a formal basis or conduct joint prison visits. It is imperative that the prison components respect the working modalities. However, it is good practice to meet on an informal basis and share information in order to avoid overlap and harmonize vision of problems

²⁷ <http://www.unifem.org>

²⁸ <http://www.icrc.org>

(avoid counterproductive effects on authorities). A best practice is to copy the ICRC on prison reports and strategic plans to keep them informed of UN activities. The ICRC reports to authorities are strictly confidential and cannot be made public by authorities without prior ICRC consent.

Non-Governmental Organisations and Civil Society

(a) Non Governmental Organisations (NGOs)

Non-governmental organisations can play a strong role in prison development and reform. These organisations are usually non-profit making. National NGOs that have supported prison systems in post-conflict environments have included: those focusing on legislative and policy reform including prisoner advocacy, human rights, provision of legal aid, provision of re-settlement services, education and training, services for juveniles, and provision of religious support. In addition to national staff, the local Council of Churches (or equivalent), Bar Association, well-established international NGOs and national human rights organisations may assist in identifying specific local NGOs and contacts within these organisations. It is often preferable that national governments formalize relationships with these organisations so that the work of the agency is continuous and not ad hoc.

Issues to address when seeking the support of NGOs, both national and international include:

- Provision of orientation briefings by national prison staff which address prison philosophy, practice and procedures, the overall state of the prison system, security issues and arrangements, strategic development plan, current plans and programmes being undertaken by the national government, and other donors, including NGOs
- Co-ordination of activities and transparency of activity
- Vetting and training of volunteers who have direct contact with prisoners
- Capacity to provide relevant services and support to the prison system including capacity to attract funding

(b) Civil Society

Civil society includes non-profit, organised groups, clubs and associations in society that operate independently from the government and the state *e.g. universities, non-governmental organisations, organised local communities and trade unions*. Civil society can be organised at the local, national and international level. It is essential that effective working relationships are established with civil society in any community, and particularly, a post-conflict community since it is this constituency which can heavily influence the direction of prison system development and support. The publication *Guidance Notes on Prison Reform, Guidance Note Number 12, Encouraging the involvement of civil society* (gn12-civil-society.pdf) provides useful guidance and is accessible at: www.prisonstudies.org.

(i) Engagement of Civil Society

Where local, national and international organisations are supporting, or interested in supporting, the prison system, the establishment of a stakeholders forum, led by the national prison authority, can be a useful strategy for engaging civil society and expanding the resources available to the prison system. The national prison authorities should be encouraged, as part of the strategic planning process, to establish a plan for working with civil society. At a minimum, the plan should include:

- The appointment of a national staff person to establish and co-ordinate linkages and relationships with civil society
- Provision for an orientation session for individuals and organisations who wish to work in the prisons, or with the prison system, which includes information about:
 - The role and organisation of the prison system
 - Prison policy and procedures which impact on volunteers and visitors
 - Potential roles for civil society groups
 - Key challenges confronting the prison system which civil society groups may be able to address
 - Support which may be provided by civil society *e.g. equipment and supplies (catering, bedding, clothing), development and implementation of prisoner programmes (education, health, vocational, recreational), services for prisoners families (transportation to prison visits)*
 - Security and administrative protocols and arrangements

(ii) Identification of Stakeholders

Groups that may have an interest in working with the prison system include:

- Human rights organisations
- Faith-based organisations
- NGOs specifically working with prisoners *e.g. prisoner support and penal reform organisations, women's groups, community legal aid services*
- Families of prisoners. This is an often overlooked group because they are generally not organised, however, prisoner support groups can be developed from this constituency
- Traditional elders and their communities
- Special interest groups *e.g. HIV/AIDs support groups, victims of crime*
- Business organisations and trade unions interested in developing workers skills

Monitoring Units and Agencies

Working with national staff to develop arrangements for formal and informal monitoring, and oversight of the prison system and its compliance with applicable human rights standards and accountability, is a key element of any mission prison support programme.

(a) Mission Units and Other International Actors

Monitoring aspects of prison conditions and management may be undertaken by several units within the mission *e.g. human rights, civil affairs, gender units*, and by regional, national and international agencies, to assess compliance of the prison system with applicable human rights standards. Mission prison capacity building programmes are premised on the basis that human rights entities will undertake monitoring of the prison system, training of prisoners and staff in the interpretation and application of international standards, and develop national capacity for such training and monitoring. It is necessary that frequent and regular communications occur between the prison component and these units so as to maximize activities, reduce redundancy, and communicate to all stakeholders a uniform and consistent message. Information on the work of OHCHR and the ICRC included in Sections VI (3)(a) and VI (4) of this manual, respectively.

(b) National Monitoring Agencies

The national government may establish its own national monitoring agencies. Such agencies may include:

- Ombudsman office
- National commission on human rights or other human rights organisations
- Parliamentary commission of inquiry
- Independent inspectorate
- Political prisoners commission

Effective strategies that assist national prison staff engagement with national human rights monitoring agencies have included:

- Support of national staff in developing briefing and training of human rights agency personnel in key prison issues *e.g. basic security procedures, prison standards and procedures such as discipline and visiting*.
- Developing an agreed upon approach to ensuring factual accuracy of human rights reports prior to release of these reports.

Guidelines for conducting prison monitoring have been published by OHCHR, UNODC and the ICRC and copies can be obtained from:

OHCHR at: publications@ohchr.org

UNODC at: http://www.unodc.org/unodc/contact_form.html?to=legal)

ICRC at: http://www.icrc.org/web/eng/siteeng0.nsf/iwpList2/About_the_ICRC:Contacts

The Association for the Prevention of Torture (APT), '*Monitoring Places of Detention: A Practical Guide*' can be found at:

<http://www.apr.ch/pub/library/Monitoring%20Guide%20EN.pdf>

Prisoners and National Elections

Elections generally occur during the lifetime of a peacekeeping operation. The right to vote varies between countries, as does to whom that right applies. In countries in which there is a constitutional or legal provision for pre-trial and/or convicted persons to vote, it is generally more efficient if polling stations are established in each major prison. It is important that there is a common understanding, among national prison staff and mission prison components, of the provisions of the relevant legislation about this matter.

Issues which should be addressed include:

- Eligibility to vote for both pre-trial and convicted persons
- Eligibility for prisoners to stand as candidates for election
- Strategies for informing prisoners about legislative provisions
- Communicating details of voting procedures to prisoners
- Distribution of party political manifestos
- Access to prisoners by political parties and candidates

It may be the case that the national authorities determine that notwithstanding any constitutional or legal right to vote, the incarcerated persons will be denied this right on the basis of security or other reasons. In this case, mission prison experts should discuss with mission management, and representatives of the UN Electoral Assistance Division and the national prison authorities, the implications for the management of the prisons in the lead up to the election and on election day. The implications relate to the increased likelihood of unrest in the prisons, include potential for escapes and the need to divert police resources to provide additional perimeter security and response to unrest within the prisons when the right to vote is denied.

Prisons and Disarmament, Demobilisation and Reintegration (DDR)

It is inevitable that a significant number of detainees will be ex combatants. DDR

programmes recognize the need for support for reintegration of ex-combatants into the community. However, it can be the case that the fact of imprisonment, either as a pre-trial or convicted person, renders an individual ineligible from participation in a DDR programme. Experience demonstrates that this situation has the potential to cause serious unrest and escapes in prisons and as such it is incumbent upon prison experts to discuss this issue with mission management, local DDR programme managers, and the national prison authorities²⁹. Particularly relevant is recognition that the majority of pre-trial detainees in post-conflict environments are released without being convicted. By virtue of their experience of imprisonment, these individuals are arguably in greater need of such assistance or at least in no less need.

It may be the case that the peace agreement provides for the absorption into the prison system of disarmed ex combatants. Where this is the case prison components and national staff must work with the relevant authorities to ensure these provisions are implemented.

²⁹ Permitting prisoners to register for the DDR programme in anticipation of release may be a useful strategy for reducing tension in a prison, where programme conditions do not preclude this registration.

Section VII SUBSTANTIVE PRISON ISSUES

The following section takes its broad structure from the categories within the UN Minimum Standards for the Treatment of Prisoners.

Implementing a Human Rights Approach to Prisoner Management

Since the establishment of the United Nations, in 1945, States have met regularly to develop and adopt internationally agreed basic rules in various spheres of human life, in particular concerning the administration of justice. Among those standards, there is a body of international human rights law aimed at ensuring the respect of those who have been lawfully deprived of their liberty. For instance, since 1955, the United Nations Standard Minimum Rules for the Treatment of Prisoners, have provided guidance on an internationally-agreed approach to the prison system; in 1988, the United Nations General Assembly adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.³⁰

Like any other UN staff, peacekeeping prison personnel have a responsibility to ensure that human rights are promoted and protected through their work, and that a human rights approach to prison management is adopted by the host-country, which is bound to respect international human rights law.

It is generally the case that prior to the conflict, the host-country prison system reflected, to some extent. As a result these standards will not necessarily be unfamiliar to national personnel. Reviewing the current system for compliance with these standards can provide a natural entry point for beginning a longer-term development strategy. Effective strategies to ensure that host-country personnel increase their awareness and understanding of the implementation of applicable international standards and norms have included:

- **Undertaking a review process** with national staff which determines the extent of compliance with applicable international human rights standards and on the basis of that assessment developing concrete plans to address the gaps.
- **Using the publication**, *A Human Rights Approach to Prisoner Management* which provides pragmatic guidance for the application of human rights principles.
- **Conducting seminars and workshops** by OHCHR, international NGOs e.g. *Penal Reform International*, national NGOs and/or mission prison experts relating to applicable international standards.
- **Referencing of applicable international standards** in lesson plans, standing operating procedures and post orders and reviewing these tools to ensure these standards are appropriately incorporated.

³⁰ See *Human Rights and Prisons: A Compilation of International Human Rights Instruments concerning the Administration of Justice*, 2005, OHCHR http://www.ohchr.org/english/about/publications/docs/pts11-add1_En.pdf. UN Standards are accessible at: www.uncjin.org/standards/compendium/compendium.html

Right to Physical and Moral Integrity

(a) Prohibition of Torture and Ill-treatment³¹

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.³²

Effective strategies have included:

- Promoting the development of policies which specifically forbid torture and ill-treatment and which specify acceptable prisoner management procedures
- Encouraging and facilitating human rights, gender, child protection, and prison centered organisations (ICRC, Amnesty International, Human Rights Watch) to visit prisons and meet with prisoners
- Co-locating mission prison experts with national staff
- Implementing mentoring programmes
- Developing prisoner and staff complaints mechanisms
- Integrating human rights standards throughout all training programmes
- Developing internal and external oversight and accountability mechanisms
- Providing staff with alternative approaches to the maintenance of discipline and order

Guidance Note Number 9, Humanising the treatment of prisoners (gn9-humanising-treatment.pdf) provides useful guidance and is accessible at www.prisonstudies.org

(b) Admission and Release

International standards require that persons deprived of their liberty be held in officially recognized places of custody and a detailed register be kept of each detained individual. Families, legal representatives and diplomatic missions of prisoners are entitled to receive full information about the fact of an individual's detention and location at which the person is being held.

³¹ Human Rights and Prisons: Manual on Human Rights Training for Prison Officials, 2005, OHCHR, Pages 33-40.

Web-site: <http://www.violencestudy.org/europe-ca/PDF/OHCHR/train11.pdf>

³² *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment*, Article

Advisory and training programmes should give consideration to:

- Ensuring the implementation and integrity of a prisoner registration system. It is often the case that prison registers are incomplete and do not reconcile with the actual prisoner population.
- The development of prisoner registration software transferable by memory stick or other electronic medium to non-networked court computers.³³ Such a system has the advantage of being more efficient than manual clerical processing files and can expedite the processing of pre-trial detainees through the system.
- Formulating strategies for responding to cases in which a legal warrant is not provided at the time a prisoner is received into prison.
- Establishing a *Case Flow Committee* (see Section VI (1)(b) of this manual)

Right to an Adequate Standard of Living³⁴

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

(a) Accommodation

The realities of a post-conflict environment often mean that prison facilities are weak, or destroyed, and as a result, the system has both insufficient accommodation, and consists of facilities which are unable to provide adequate security, and which severely compromise basic human rights of both staff and prisoners. Ideally, a long-term development plan for the prison system would be developed, under the auspices of the responsible ministry, prior to any specific planning being undertaken for the rehabilitation of any prisons.

However, where the system has completely collapsed, the urgency of re-opening major facilities will usually be of such intensity that decisions must be made about early physical refurbishment of prison buildings before a comprehensive prison programme plan has been developed. An assessment of the current state of the prison buildings, security equipment and utilities *i.e. water and electricity supply*, must be undertaken. (see also Section VII (3) (b) *Water and Sanitation Supply*.) This assessment should build on any earlier technical assessment, and form a part of planning documents.

Generally, it will be necessary to engage the services of an engineer since prison experts are unlikely to also have engineering or building assessment expertise. Possible sources of this expertise include the United Nations Office for Project Services (UNOPS), mission engineering personnel, and military contingents. Where the prison component staffing table includes national professional officer posts, consideration may be given to engaging a qualified national engineer. It may also be possible to borrow a post from another department for this purpose. The national government, or relevant donor country, may contact an international professional or academic NGO to request the sponsoring of a qualified national engineer.

³³ Prisonnières Sans Frontières has implemented such a system in Cote d'Ivoire. Contact information at: <http://ispac-italy.org/databank.php> (Listing of NGOs involved with the criminal justice system)

³⁴ Human Rights and Prisons: OHCHR Pages 47-51

Once the infrastructure baseline has been identified, an assessment should be made about the appropriateness of pre-existing structures, and whether these should be maintained or changed. This assessment should have regard for an analysis of the prisoner population profile, and should also have regard for the future fiscal situation of the host territory government. This process should include a brief cost-benefit analysis.

It is essential that this assessment is undertaken jointly with national staff since they will have the greater knowledge of the history and circumstances of the prison system, the prison facilities, and the issues relating to the physical infrastructure. The process also provides the opportunity to further enhance national staff capacity in undertaking assessments, and ensure ownership of the process, given this latter factor is critical to the sustainability of any prison support programme. It is probable that this assessment will need to be fully revised within twelve months of the commencement of the mission, and reconsidered on a regular basis thereafter.

In developing infrastructure proposals, it is necessary to be mindful that the physical structures, security and other equipment, must be affordable and practicable. In practice this means that reliance on high cost hardware and systems cannot be the primary approach for achieving security in a post-conflict environment. In planning such prison infrastructure it must be recognised that the implementation of dynamic security practices is critical to the achievement and maintenance of security in environment in which available recurrent funding, for both the short and long-term, is likely to be inadequate, and as a result, present serious challenges concerning the maintenance of such infrastructure.

Prison components may also contribute the following to the infrastructure assessment process:

- **Obtaining expert advice** (engineering, particularly) concerning the state of the prisons, costings and prioritization of work
- **Providing expertise about the layout of prisons** which addresses humanitarian, safety and security issues
- **Providing expertise about appropriate security equipment** *e.g. instruments of restraint*
- **Obtaining expert assistance** to determine the presence of any anti-personnel mines and munitions that may be on-site and in the vicinity
- **Identifying the capacity of other UN components** to assist refurbishment *e.g. military and police*
- **Mobilising donor support** focusing particularly on engaging donors who are assisting the police and judicial sectors
- **Providing advice about safety devices** including fire escapes, detectors and extinguishers
- **Proposing approaches** to ensure effective separation of women, children, rival gangs, ethnic groups and others requiring such separation for safety reasons
- **Encouraging the use of prisoner labor** to assist in the building of the prisons to reduce costs and maintain and develop trade skills
- **Identifying small, low cost priority projects** *e.g. sanitation that would create a more acceptable living environment for prisoners and work environment for staff*

Factors that should be considered in determining which prisons should be recommended to government for immediate re-opening include:³⁵

- Estimated cost of short term refurbishment relative to the life of that refurbishment, in relation to the cost of rebuilding the facility in the longer term
- Capacity required to adequately house the projected prisoner population over the next 12 months
- Availability of utilities *e.g. water, sewer, electricity*
- Proximity to major population centers, courts and police detention facilities
- Capacity to provide basic necessities *e.g. food and health care*
- Transport of prisoners from courts to prisons and between prisons
- Government capacity to meet recurrent funding requirements
- Availability of national staff

Local engineers and builders should be consulted to obtain local knowledge about building and related issues and realities *e.g. material to be used should be easily obtainable*. The design of facilities should have regard for climate, local construction techniques, availability of electricity, cultural preference for single cell or multiple occupancy cell accommodation. The standard of one person per cell requires careful consideration in cultures in which such an arrangement is in conflict with customary practices.

Sources of materials for urgent refurbishment in addition to available government funding may include the UN peacekeeping force, national military and police. These components may have particular interest in assisting in the strengthening of perimeter security *e.g. rebuilding walls, provision of razor wire, and secure accommodation blocks, etc*. Bilateral donors involved in any early assessment mission may contribute to urgent refurbishment of accommodation and the ICRC may contribute to the rebuilding of sanitation facilities.

The electricity situation is an important feature of infrastructure for both security and prisoner welfare. It is most likely that a twenty-four hour supply of electricity cannot be guaranteed. It is probable that for the duration of the peacekeeping operation, generators, either partly or totally funded by the UN may be provided. These provide a short-term solution only as they are expensive and require substantial maintenance, and experience indicates these generators are subject to regular breakdowns. If provided by the UN they will most likely be withdrawn at the end of the mission, and, in any event, spare parts and repair capability may be withdrawn at this time. A realistic assessment of this situation must be factored into the redesign and refurbishment process. It will also be necessary to involve the local power authority. Wiring should also be checked carefully for safety.

³⁵ See *Correctional Facilities Needs Assessment and Master Planning Manual*:
<http://ispac-italy.org/pubs/PlanningManual-Final.pdf>

(i) Assessment of Longer-term Accommodation Capacity Requirements

Planning for the longer-term capacity needs of the system should be undertaken as part of the strategic planning process described in Sections IV (2) and (3) of this manual. Information on the prison population is critical. In particular, the following details should be pursued as a priority:

- Total numbers and local regional rates of imprisonment
- Locations of all prisons and detention centres
- Information on the legal status of all persons currently housed in prisons
- Historical prisoner population data
- Demographics of this prisoner population
- Key issues such as conflicts between different groups within the prisons and the existence of organised crime
- Crime trends (e.g. number of arrests resulting in detention, types of offences persons are detained for)
- Available alternatives to imprisonment (and those being considered)
- Proposed penal reform legislative changes

Data generated by the previous authorities may be the best source of information about the pre-existing situation, the current situation and may include future planning information. It should be noted, however, that much of this information may no longer be accurate, or for example, applicable, where there has been a shift in power, or where political imprisonment was previously practiced. Previous governmental sources for this information could include the statistics, finance, planning, police, justice or prisons ministries or national archives. Local prisons have probably maintained their own files, however, in a post-conflict scenario, data held by governmental sources may have been destroyed, severely damaged or looted. Human rights (such as Human Rights Watch, Amnesty International, Penal Reform International) or other watchdog agencies or international organisations including ICRC, Observatoire des Prisons, may have good data. The World Prison Brief at www.prisonstudies.org/worldprisonbrief should also be referenced.

Where no information is available, comparative analyses of similar territories may be a valid starting point but fraught with probably flawed assumptions. While broadly applicable rules are often laden with dangerous assumptions, a common rule of thumb is to consider the rate of imprisonment in the region measured per 100,000 of the general population. The peculiarities of a post-conflict environment will skew such a rule substantially, however, experience indicates that this may be the only starting point until new data is developed. It is important to note that while there is evidence that the rate of arrest and detention can increase dramatically in a post-conflict environment, this is not a universal phenomenon and caution needs to be exercised in considering trend data. It is important that consideration also be given to police strategic intelligence information about organised crime groups operating in the country, and within the region. Information such as identification of known members and associates, method of

operation of each group and the implications for prisoner management should be considered.

The main use of the data is to develop a 'best guess' of the size and profile of the future prison population to enable the number, configuration and location of prisons required to be determined. Rehabilitation of all prisons from a previous regime may not fit with best practice principles *e.g. the development of regional networks, proximity to local courts and population centres* are good prison practices which should be reflected where possible. This data can also assist donor deliberations concerning potential support and importantly informs the forward estimates budget process.

(ii) Managing Overcrowding

Overcrowding is typically a critical issue for any national prison authority since it is common in post-conflict environments that prison accommodation is inadequate, for the numbers of persons incarcerated. It is not uncommon that non-prison professionals propose, as the first strategy, the building of additional prison accommodation. Apart from the relatively lengthy period involved in preparing plans, accessing funding and constructing facilities, this approach assumes that all those incarcerated are legally detained. This is invariably a wrong assumption.

Managing overcrowding involves a process that includes identifying the prisoner population by various factors, and determining the number who would be incarcerated at that time, if due process had been applied. The analysis should also factor in the use of alternatives to imprisonment that the current law allows, or which appear likely to be implemented in the near future. A caution that should be considered is that alternatives to imprisonment are not necessarily a panacea for overcrowding. The creation of alternatives to imprisonment can result in net widening and therefore requires careful analysis.

The following publications provide useful guidance on managing prison overcrowding:

- *Guidance Notes on Prison Reform, Guidance Note Number 4, Dealing with Overcrowding* (gn4-prison-overcrowding.pdf) accessible at: www.prisonstudies.org
- *Guidance Note Number 5, Pre-trial detention* (gn5—pre-trial-detention.pdf) both provides useful guidance and is accessible at: www.prisonstudies.org.
- *Ten Point Plan to Reduce Overcrowding in Prisons in Africa*, Penal Reform International, and accessible at www.penalreform.org
- Other useful references are accessible at www.penalreform.org/english/theme_reduc.htm

(b) Right to adequate Food and Drinking Water³⁶

³⁶ Human Rights and Prisons: OHCHR, Pages 52-55

(i) Food and Drinking Water

The provision of adequate food and drinking water is a standard enshrined in international human rights standards, however, in peacekeeping environments it is a right which governments often find difficult to meet. The issue of catering and provision of food for prisoners, is likely to be one of the more time consuming, logistically difficult, and financially expensive issues that mission prison experts will be confronted with, in any mission environment. Experience indicates that prisoner rations consume a significant proportion of the operational budget of any post-conflict prison system, and will therefore attract audit and other scrutiny. The national authorities should be encouraged and assisted in assuming full responsibility for the provision of adequate food to prisoners, and that the processes for doing so be transparent and controlled, to reduce the risks of corruption. It is necessary to support national staff in developing and implementing a good commodity and procurement tracking and estimates system.

It is useful to have a local dietician determine and certify the ration scale since this is likely to be an issue that arouses community interest, with allegations that prisoners are better catered for than the local community. Although this may in fact be the case, the principle of a duty of care by the State toward prisoners must be encouraged without compromise. A key concern for any prison manager, irrespective of 'bad press', should be to ensure that prisoners receive adequate nutrition. The rations should be culturally appropriate, and delays and interruptions in the supply of meals should be kept to an absolute minimum. Issues to consider when providing advice about catering also include:

- Special nutritional requirements for special needs groups such as pregnant and breast-feeding mothers, children, the elderly, and the sick
- Cultural and religious requirements
- Fair distribution of rations
- Maintenance of hygienic conditions for the storage and preparation of food
- Appropriate use of cooking fuel that is cost effective and hygienic
- Provision of appropriate catering equipment
- Provision of eating and drinking utensils for prisoners
- Any requirement to provide staff meals

Effective strategies for ensuring adequate food supply have included:

- Resourcing from NGOs and community agencies funds, equipment and rations as a short term solution
- Assisting national budgetary and senior management staff to reorganise recurrent budget allocation to reflect essential services including catering
- Encouraging and assisting the government to implement self-sufficient methods of procuring food such as agriculture, and animal husbandry
- Assisting national staff to regulate the provision of food by outside sources e.g. *family*

- Facilitating specialists *e.g. inspection of the quality, quantity, preparation and service of rations*
- Educating prisoners about food preparation, storage and basic hygiene
- Working with the World Food Programme (WFP)³⁷ to implement programmes for food self-sufficiency

(ii) Water and Sanitation Systems

Documenting the current and previous water supply arrangements should be incorporated in the planning assessments. Provision of a sustainable, reliable and uncontaminated source of water may be difficult to ensure. Effective long-term management of this issue requires mission prison experts to develop a working knowledge of local community arrangements for managing access to water, and to work with national staff within this framework, especially when it is not possible to secure the prison water supply from the local community. Redistribution of populations may prove that previous arrangements are no longer adequate. Creation of an independent supply may be recommended *e.g. sinking a well within the prison compound*. The locations of taps, showers and toilets, and the workability of these should be included in the infrastructure assessment.

Given, that normally, the United Nations Assessed Budget cannot be used for the rebuilding of government infrastructure and operating costs, and mission Trust Funds do not generally include provision for such items, it is generally necessary to identify alternative sources of funding. Options include:

- Quick Impact Project (QIP) funding to provide water pumps and towers
- UNDP method for water purification (sand filters)
- Use of specialists, *e.g., military, engineers, medical, to inspect sanitation devices and undertake regular testing to determine the quality of the water supply*
- Separate use of potable and non-potable water *e.g. drinking vs. cleaning*
- Approaching donors for the building of sanitation infrastructure in the prisons particular ICRC and national NGOs both of whom have undertaken projects to create water wells and construct water towers and toilets utilising, where appropriate, detainee or prisoner labour³⁸

(c) Right to Clothing and Bedding³⁹

Where prisoners are not permitted to wear their own clothes or if the clothes they have are not adequate, it is the responsibility of the prison authorities to provide them. Minimum standards provide that separate and clean bedding and facilities, to regularly wash and dry clothing, and bedding, must be provided.

³⁷ Information about the World Food Programme is accessible at:

http://www.wfp.org/aboutwfp/introduction/hunger_stop.asp?section=1&sub_section=1

³⁸ See ICRC *Manual on Water, Sanitation, Hygiene and Habitat in Prisons* accessible on the ICRC Web site at: <http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList525/1ECAB811B7A8C920C125702000517B64>

³⁹ Human Rights and Prisons: OHCHR, Pages 56-58

Effective strategies for ensuring adequate clothing and bedding have included:

- Obtaining surplus bedding from the national military or the donor countries supplying military personnel to the mission
- Allowing family members to provide clothing and bedding
- Securing donations from faith based organisations, NGOs, bilateral donors

Medical and Psychiatric Services⁴⁰

International instruments provide for the fundamental right of prisoners to receive health care commensurate with what they would receive in the community. Where there is no sustainable and effective health service available to prisoners, it is important that the mission prison component advocate for such a service. Services may be provided through the direct employment of locally qualified and experienced medical and nursing staff or through the engagement of community health providers. The use of local practitioners also provides for the use of traditional medicine and improved care due to language compatibility and shared understanding of the management of illness in the community.

Development of a systems approach to medical services is preferable. This requires implementation of a consistent set of policies, procedures and protocols relating to the prevention of the spread of communicable diseases, treatment, admission criteria, transfer for treatment, medication regimes, records and administration systems applied at each prison to ensure consistency in the standard of health care. Health education is particularly important in any prison, particularly where overcrowding persists, as is preventative activity such as spraying mosquito breeding grounds. The national government, UN military and/or donors may undertake this function.

Facilitating access to ICRC education programmes for national prison health staff, should be explored. Provision of health education programmes for prisoners is desirable, given the significance of basic health issues in post-conflict situations, particularly concerning infectious diseases. In the absence of dedicated prison health services, mission prison components should work with national staff to seek the assistance of other community health service providers. In their absence or lack of capacity, other potential sources of health services may include:

- NGOs competent to conduct medical assessments and to provide for the medical treatment of prisoners
- Donors able to provide medical equipment and medication
- International medical NGOs such as Médecins Sans Frontières (MSF),⁴¹ Medica Mondiale
- Neo-natal and child health clinics

When supporting national staff establish the roles of health services practitioners in prisons, (whether full time or part time providers of services) a training programme which

⁴⁰ Ibid, pages 63-75

⁴¹ www.doctorswithoutborders.org/

addresses the issues relating to the treatment of prisoners as patients, is necessary if safety and security are not to be compromised. This is a key issue for both international and national health practitioners since the provider may not have prior experience in prisons. Mission prison components may also facilitate access by DPKO mission and/or military health personnel to assess prison medical facilities and provide advice about necessary equipment.

Prison components advisory programmes should include assistance with the development of policies to prevent and contain the spread of HIV/AIDS, STDs, Hepatitis A, B and C and tuberculosis and facilitate access to training to all staff and prisoners on HIV/AIDS and communicable diseases. UNODC will publish a compendium on good practices in early 2006, about the prevention and management of HIV/AIDS in prisons. The national government policies in relation to the management of HIV/AIDS in the community should also be applied within the prisons.

The provision of psychiatric services may be more problematic in the immediate post-conflict phase. The host-country may be devoid of these services and it may be necessary to facilitate national authorities accessing these services through an international programme partner. Developing an understanding of how mental illness has traditionally been managed in the community can assist in establishing strategies in the absence of regular psychiatric services. Possible strategies include:

- Encouraging and assisting the government to fund specialized psychiatric care
- Training prison staff about the management of psychiatrically ill prisoners as well as those who may be a suicide and self-mutilation risk.
- Developing strategies for regular review of prisoners demonstrating symptoms of mental illness and behavioural disturbances including self harm
- Implementing a prisoner "Buddy system"
- Segregating mentally ill prisoners, as appropriate, for protection or special observation.
- Transferring mentally ill prisoners to more appropriate facilities where security permits and facilities exist.

A communications strategy may be necessary to reduce the likelihood of negative local publicity about any perceived higher levels of care being provided to prisoners. The same principles in relation to 'duty of care' as described in Section VII (3)(b) of this manual on food service are relevant. The publication *Guidance Notes on Prison Reform, Guidance Note Number 10, Improving prison health care* (gn10-improving-health-care.pdf) also provides useful guidance and is accessible at: www.prisonstudies.org.

Security and Discipline – Making Prisons Safe Places⁴²

(a) Prisoner Discipline

Enforcement of prison rules and discipline must be fair and consistent with international standards. Effective strategies to facilitate the proper application of discipline include:

- Proposing only those rules which are essential to the maintenance of security and good order i.e. *not rules for the exercise of power for its own sake*
- Establishing written disciplinary rules, which conform to applicable international standards, and communicating them to the prisoners and staff
- Utilising staff training, mentoring and supervision to ensure standards of discipline and approved processes and sanctions are clearly understood
- Developing with management, strategies for effective oversight of staff behaviour
- Providing monitoring authorities and agencies with copies of the rules, and approved sanctions
- Developing an inspection and audit programme
- Developing a prisoner complaints programme
- Establishing external and internal oversight mechanisms

Achieving minimum levels of security can be problematic in prison systems in post-conflict environments. Static security i.e. *reliance on physical infrastructure and equipment*, is not realistic, and therefore appropriate use of dynamic security is critical to the development of effective security. Prison training and advisory programmes should address this issue in pragmatic manner working with national staff to develop effective security arrangements which account for resources which will likely be available after the withdrawal of the prison component. It is probable that during the conflict and perhaps under earlier regimes, security was largely achieved through use of abusive practices, ill treatment and in some territories, the threat of torture. With the arrival of a UN peacekeeping operation these practices are no longer condoned, and while the prison component may not have executive authority i.e. *responsibility for the prison system lies with the national government*, abusive practices cannot be accepted.

In this environment, national staff may feel vulnerable and powerless and prisoners more likely to test the limits of authority and security systems. It takes highly developed interpersonal skills, combined with professional knowledge, and capacity to work effectively with national staff, to identify innovative and effective approaches for achieving the necessary security levels in this changed environment. Prison components should not underestimate the difficulties associated with this issue, nor the continued priority it should be given throughout the life of the mission.

Effective strategies for enhancing prison components developing credibility with national staff are included in Section IV (4)(c) of this manual, and additional strategies for addressing security issues include:

⁴² Human Rights and Prisons: OHCHR, Pages 83 – 94

- Underpinning all training programme content with human rights standards and security provisions and implications
- Undertaking all procedural development work with national staff
- Providing expertise on basic and appropriate security equipment and procedures
- Developing use of force policy and procedures
- Developing incident management procedures including contingency planning for major incidents including reporting requirements
- Developing and delivering training programmes focusing on the relationship between static and dynamic security, and strategies for achieving the latter.

Prison components should also draw on references such as *Good Practices in Pre-trial Detention* which is accessible at <http://www.penalreform.org> This publication focuses specifically on approaches which have been adopted in Africa.

(b) Contingency Planning

Experience in peacekeeping operations demonstrates that it cannot be assumed that the national and UN police, and mission prison experts from varying jurisdictions, have shared common understandings of the principles related to the management of internal disturbances in prisons. As a result, extensive negotiation and discussion is inevitably necessary between the national and mission prison experts responsible for responding to such situations. A key activity of mission prison components is facilitating the development and regular review of contingency plans for a range of situations.

Contingency planning support should be provided for response to;

- Security issues (riots, escapes, fires)
- Natural disasters (earthquakes, flooding, if applicable)
- Medical emergencies (epidemics)
- Civil emergencies

This support should include facilitating joint training with relevant local authorities, police, medical emergency responders, firefighting units and the military.

***Prisoners Contact with the Outside World*⁴³**

Several of the basic rights for prisoners contained in international standards deal with the inmate's right to have contact with his or her family, friends, legal representation, religious counselors and, if a foreigner, the appropriate diplomatic representative. Providing advice about access to the outside world is a key aspect of any prison component work with operational staff. Facilitating family visits is likely to be a key issue in any post-conflict situation. Not only are there international standards, which should be adhered to but also it is possible that under an earlier regime restrictive practices and abuses may have occurred *e.g. charging prisoners or their families for visiting passes or*

⁴³Ibid., Pages 113-125

phone calls. Under such circumstances the facilitation of family visits will be a key strategy in reforming the system as part of establishing the confidence of the public and easing tension in the prison. Strategies to identify visitors (and prisoners) may need to be developed where personal identification papers have been lost or destroyed during the conflict.

Complaints and Inspection Procedures⁴⁴

(a) Prisoner Complaints Procedures

International instruments provide for internal complaints mechanisms that encourage prison management to manage prisons in a fair and just manner, and demonstrate these principles in their decision-making. The importance of establishing clearly understood and accepted procedures, which allow prisoners to make both requests and complaints, is a well-accepted component of prison management doctrine. There should be both internal mechanisms, which are efficient, accessible, credible and objective, and also mechanisms that enable external arbiters to deal with issues.

It is uncommon that prison systems in post-conflict environments have well-developed complaints systems, and as part of supporting the development of an accountable prison system, this issue should be a key element of both the prison advisory and training programmes. The development of an accountability framework should include both internal and external accountability mechanisms *e.g. prison based complaints system, human rights monitoring, Ombudsman, Prison Visitors Scheme.* (Section VII (7)(b) of this manual). The publication *Guidance Notes on Prison Reform, Guidance Note Number 11, External inspection monitoring and redressing grievances* (gn11-external-inspection.pdf), provides useful guidance and is accessible at: www.prisonstudies.org.

(b) Accountability and Oversight Mechanisms

(i) Independent Inspection Processes

International instruments also provide for the implementation of independent inspection processes that are substantively independent of the governmental authorities responsible for prisons. The ability to demonstrate that the prison system is being managed in a fair and just manner is critical to developing community confidence, and the confidence of the staff and prisoners in any reform programme. Given the possibility that regular human rights abuses were part of an earlier prison regime, it is even more important that prison component advisory programmes actively encourage and facilitate the public scrutiny of prisons and that guidelines and procedures be transparent.

The active promotion of public scrutiny by international and national agencies during the mandated period of the mission offers the opportunity for national staff to gain an understanding of the role of such bodies and a positive attitude to facilitating access and carrying out of their oversight roles in the future. For this reason, it is important that prison components promote the establishment and regular attendance of oversight

⁴⁴ Ibid, pages 127-139

bodies in prisons facilitating open access to staff and prisoners. Reinforcing the legitimacy and importance of oversight is critical to long-term prison reform, through the development of confidence by prisoners and staff in the monitoring process, and as a means of developing the wider community's understanding of, and confidence in, the role and function of the prisons. Oversight and accountability mechanisms can be a contentious issue.

A range of models exists, of which the structure and operation mission prison components should familiarise themselves with to enable effective facilitation of and contribution to national staff development of external and internal accountability mechanisms. These include:

- Chief Inspector of Prisons (United Kingdom)
- Office of the Inspector of Custodial Services (Western Australia)
- Council of Europe prison inspection system
- American Correctional Association Accreditation System (United States)
- Office of the Correctional Investigator (Canada)
- Other strategies include Ombudsman, visiting judges, and civilian prison visitors.

The publication *Guidance Notes on Prison Reform, Guidance Note Number 11, External inspection monitoring and redressing grievances* (gn11-external-inspection.pdf) provides useful guidance and is accessible at: www.prisonstudies.org.

Special Categories of Prisoners⁴⁵

In the context of prison management, vulnerable groups generally refer to women, juveniles and the mentally ill and may include foreign prisoners, political prisoners, those requiring additional protection because of other factors including: sexuality, crime, or profession etc. The legislative and regulatory and policy frameworks should address the management of these groups. It may be appropriate for prison components to encourage national staff to address minority group issues in a highly interventionist manner. For example, juveniles may be delivered to adult prisons to serve their sentences. Establishing relevant Steering Committees comprising national prison staff, mission prison experts, international officers from other organisations e.g. *UNICEF*, *UN Human Rights Unit* can assist rapid return to court, diversion from the adult system and the development of longer term strategies for the proper management of minority groups and in particular ensuring that imprisonment is not used inappropriately.

Supporting national staff, developing tailored models of service delivery in which specific services and programmes are provided to these minority groups by external agencies e.g. government departments or NGOs, can diversify sources of support while at the same time actively engaging civil society. More pragmatically, diversification of funding sources is likely to provide better support for the prison service in the longer term. Sources of funding for NGOs from international agencies e.g. *UNICEF*, increase the likelihood of a wide range of expertise and greater quality control and accountability arrangements.

⁴⁵ Ibid., Pages 141-172

The publication *Guidance Notes on Prison Reform, Guidance Note Number 14, Children in Prison* (gn14-children-in-prison.pdf) and *Guidance Note Number 13, Reforming Womens Prisons* (gn13-womens-prisons.pdf) provide useful guidance and are accessible at: www.prisonstudies.org.

Administration of Prisons

(a) Transfer of prison department from military/police jurisdiction to justice ministry jurisdiction

International human rights instruments recommend that administrative arrangements for the investigation and prosecution of criminal acts should be kept separate from the institutional arrangements for the detention of pre-trial and convicted persons. As a matter of best practice, where responsibility for the prison system lies with the Ministry of Interior or internal security body, it is important to consider advocating the transfer of the prison administration to a Ministry of Justice as a key element of long-term prison reform. However, it is probable that re-establishing the prison system within the existing structure is the preferred course of action and any transfer from a Ministry of Interior to a Ministry of Justice should occur after a period of stability and national dialogue.

Any decision to transfer responsibility should recognise the extent of planning necessary to achieve the satisfactory transfer of the prison department. DPKO has experience supporting the transfer of responsibility for prisons from the Ministry of Interior to the Ministry of Justice in Afghanistan. The following are key aspects of this process:

- Providing well reasoned and articulated rationale for such a transfer⁴⁶
- Developing Ministry of Justice organisational structure options
- Working with legislators to develop framework legislation
- Addressing resource issues, including transfer of buildings and equipment
- Addressing human resource issues, including ranking, payment of salaries
- Addressing financial issues, including the identification and transfer of the recurrent and capital works budgets
- Identifying prisoner management issues during any transition period and supporting the development of contingency plans to address these

The publication *Guidance Notes on Prison Reform, Guidance Note Number 7, Moving prisons to civilian control* (gn7-civilian-control.pdf) provides useful guidance and is accessible at: www.prisonstudies.org.

(b) Developing prison policy and systems

The development of policies, systems and procedures is a major function of the national government, but one in which mission prison components can provide useful assistance. All policies must reflect applicable international standards. However, when working with

⁴⁶ See *Managing Prisons in a Time of Change* International Centre for Prison Studies.

national staff to develop such policies, it is important to ensure that standards are put in place in a manner that recognises the limits of the system brought about by the post-conflict environment and limited financial resources and human capital. In the short term, where a prison system has collapsed and national staff not readily available there may be little choice but for the mission prison component to develop basic policy and procedures.

Working with national staff on the development of policies, procedures and systems offers a good opportunity for prison components to enhance their understanding of local policy and procedures, under the previous regime, and, an understanding of culturally appropriate approaches. This approach helps maximise the likelihood of developing new policies, which are owned and accepted by the national staff, while also consistent with international standards and culturally appropriate. The temptation can be to promote a version of the mission prison components' national policy and procedures however, the imposition of any such procedures usually proves unsustainable. A key aspect of the advisory programme is to develop national staff with experience of policy formulation, and, therefore, promoting blue prints from external jurisdictions is generally inappropriate.

The Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR and CJP), has developed a policy framework *International Prison Policy Development Instrument*, 2001, accessible at <http://www.icclr.law.ubc.ca> It may also be useful to establish consultative working groups that include national and mission prison experts, human rights, legal, gender and child protection officers in the policy development process.

(c) Developing procedures

The same principles outlined for the development of policy and systems apply to the development of procedures, including standard operating procedures (SOP's). Post-conflict situations are by their nature situations in which resources are limited and future prison systems are likely to remain poorly resourced. Procedures need to reflect this reality regardless of (and sometimes in spite of) whether donors provide sophisticated equipment during the period of the mission. It is desirable that prison components work with national staff at an early stage of the mission to confirm and develop basic SOPs to ensure that there is congruence between training content and the required practice in the prisons. Early SOP development also helps to facilitate the development of consistent practices across the system and between different prisons and forms part of the performance management and accountability systems.

It is particularly important that incoming mission prison experts are advised by outgoing or remaining mission personnel, of the policies and procedures that have been developed by earlier mission prison experts together with national staff. This is of particular importance because mission prison experts generally come from differing prison systems (and therefore do not share a common experience of prison practices and systems). As a consequence, there has been a tendency in the past for incoming mission prison experts to propose changes to SOPs and local procedures that they are not familiar with or on the basis that these incoming personnel know of a better approach. Such changes can cause substantial frustration and anxiety for national staff.

It should also be recognised that creating certainty for national staff, and ongoing experience with a specified set of practices is more significant in developing the capacity of national staff than is regular upgrading of procedures. Any procedural upgrading

should be proposed and substantially undertaken by national staff. Advisory components should encourage systematic review of SOPs (for example a yearly review), rather than ad hoc reviews, as a general rule.

Procedures must reflect post-conflict realities, e.g. the electrical supply may be intermittent, skilled personnel may not be readily available to repair equipment. Experience demonstrates that equipment that requires regular electricity supply, hard to obtain spare parts, or skilled and regular maintenance, is likely to become inoperable and could result in a breakdown of management systems. Creating highly computer dependent systems and reliance on sophisticated equipment are generally inappropriate, due to the infrastructure damage of a post-conflict environment, and the likelihood that the DPKO environment is likely to remain resource poor in terms of host-country capacity to fund maintenance, training and replacement of obsolescent and damaged computer equipment. High technology systems are also expensive and require a highly skilled work force. A careful assessment of the appropriateness of such systems should be made. Where high technology equipment is used, back up systems, contingency plans and/or procedures for redundancy in the system need to be developed.

Procedures and post orders developed by the prison component of UNMIL are accessible on the DPKO Rule of Law Knowledge Network. Non-Rule of Law Network members should request copies of these templates from the facilitator of the network at dpko-ruleoflawnetwork@un.org

(d) Strengthening legal and regulatory frameworks

The guiding principle for the review and establishment of legal frameworks should be to leave pre existing legislation untouched in the short term except where it is contrary to minimum standards or is administratively or legally unworkable. Any revision of legislation, if it is to be broadly accepted within the host-country, must be developed through a process of broad and wide ranging consultation led by national prison system leadership and involving, at a minimum, political figures, national prison staff, judicial officers, civil society groups, national and international agencies involved in the prison system, NGOs, national police, human rights, gender, juvenile justice, and development partners and major donors. The process should include consideration of the resource and practical implications of the proposed provisions of the legislation, as well as the sequencing with other related legislation.

Any advisory support must in the first instance take into account senior government figures views regarding particular models of legislation they may wish to adopt. The development process should include input from international and local human rights agencies, from prison staff, and, political figures and key community figures should also be sought for both a local perspective and an international perspective, from which there is experience of similar processes in other developing countries implementing penal reform. This process could be contentious, longer term and will likely take place over an extended period. Model codes have been developed under the auspices of OHCHR and may provide useful references. A Transitional Detention Act is accessible at <http://devweb.usip.org/ruleoflaw/shared/downloads> and provides a comprehensive framework for consideration of national legislation.

It is important to ensure that senior government, political and community figures are engaged in the process of development of any legislative reform proposals, and support should be provided by the prison component to assist national figures to advocate and defend the proposed approaches, when addressing issues with the local community or other leadership figures.

Mission prison experts must develop a sound knowledge of national prison related legislation and its implementation, to appreciate national staff's understanding and approach to prisoner and staff management and linkages to other entities. In addition to the legislation governing the management of prisons, key legislation will include the criminal code, and any laws relating to the application of criminal or civil sanctions, including those relating to adults and juveniles, and to community based sanctions. Any review process should include compliance with minimum international standards, and its adequacy, as a basic regulatory framework for prison systems and penal management.

(e) Strengthening institutional structures

As with legislation, efforts must be made to determine and understand the organizational and administrative structures that underpinned the national prison system. These structures may have ceased to exist or may be continuing. It is important to determine the institutional reporting lines and the bureaucratic structures that support the system to understand national staff organizational frameworks. National staff is the most important source of this information. This understanding enables mission staff to better consider the relevance and introduction of alternative structures where this is proposed. Section IV (5) of this manual, details issues relating to organisational structures.

(f) Strengthening administration and financial management systems

Strengthening administration and financial management systems will generally be a necessary aspect of creating an accountable and effectively functioning prison system. Specific support may be necessary with respect to administration, budget and human resource management areas. While the greater focus of capacity building may be toward institutional development, simultaneous support should be offered to strengthen the headquarters functions, which are critical to support the existence of the prisons in the field. The inclusion of these skill sets in the mission prison component, should therefore be considered in mission planning processes where this capacity is weak or non-existent in the national office. Positions have been created using this mechanism in at least one mission. Prison components may support the development of project proposals requesting donor support to develop and enhance these headquarters capacities. Further guidance is provided in Section IV (5) of this manual.

(g) Strengthening management information systems

Poor prison record keeping is not uncommon in post-conflict environments. Registration systems may be ad hoc, lack integrity, be poorly maintained and not reconcile with the identity and number of persons imprisoned. In Haiti, UNDP has funded the development and implementation of a national prisoner registration system that provides a daily population report including disaggregated prisoner information. In Afghanistan, UNODC

provided computers and computer training for the central prison department headquarters personnel and in Cote d'Ivoire, an NGO⁴⁷ developed a computerized system prisoner registration system for use by both the prisons and the courts.

Creating a computerized registration system does not necessarily require donor support since these can also be developed using excel or access programmes, by prison experts familiar with this computer software, and prisoner registration systems, and therefore may be undertaken as an element of a prison advisory programme. Where unreliable power supplies exist, it is necessary to establish a manual registration system and if a computerized system is introduced it is the computerized system that must be regarded as the back up system. The system should be simple, yet provide for the collection of sufficient data to help the planning processes and be recorded in a manner that assists this. A listing of essential information to be recorded for each person admitted into a prison or place of detention has been developed by OHCHR.⁴⁸

Section VIII OTHER ISSUES

Transition strategy and issues

The implementation of the transition strategy commences at the establishment of the peacekeeping operation. The steps to achieve this should be built into the strategic plan. The development and implementation of the prison transition strategy should be co-ordinated with the overall Rule of Law transition strategy that includes police and judicial programmes. At the commencement of the mission, the eventual duration of the mandate is rarely known. It is probable, however, that it will be less than that which is desirable to train, and develop, the national prison system staff to a high level, or to support the development of all aspects of a fully developed prison system. The significance of this lies in the need to therefore encourage recruitment of adequate numbers of staff to support the prison system from the earliest time and to provide these recruits and existing staff, with extensive training throughout the lifetime of the mission.

While the transition strategy should be included within the strategic plan, it is desirable that a separate more detailed transition plan be developed which is amended as conditions change, with particular regard for changes in mandate extensions. While the transition strategy should be included within the strategic plan, it is desirable that a separate more detailed transition plan be developed which is amended as conditions change, with particular regard for changes in mandate extensions. Transition planning should involve national senior staff, mission prison experts, other components of the criminal justice system and personnel from other agencies supporting the development of the prison system and affected by the downsizing of the prison component.

These agencies need to be provided with clear guidance on the timing of transitions within the prison service to calibrate their own plans. The transition plan should include a clear articulation of the risks inherent in transitioning support, and the strategies to mitigate those risks. This risk profile enables active tracking and management of the transition. Experience indicates that dislocation of support occurs where prison

⁴⁷ Prisonniers Sans Frontières has developed registration software which is standalone, can be put on flash drive and transferred to non networked court computers.

⁴⁸ Human Rights and Prisons: OHCHR, Page 215

components do not engage UNDP and other longer term potential bilateral donors sufficiently early in the transition process.

Mission Planning and Reporting Requirements

(a) Mission plan

The Integrated Mission Planning Process (IMPP) template provides a framework for application of planning principles for the sequential phases of mission planning. These are initially undertaken in headquarters and subsequently in the field. Mission plans, by a variety of titles, reflect those same principles and are prepared through the integrated contribution of all mission units. The Results-based budgeting (RBB) process occurs in two phases, initially an RBB framework which reflects the same planning elements as the mission plan is prepared.

(b) Results based budgeting (RBB)

United Nation missions, like many countries, has changed from budgeting with a focus on inputs *e.g. \$s, staff, vehicles*, to a results based budgeting approach. Results-based budgeting is a budget process in which a mission formulates its budget around a pre-defined objective *e.g. advance the peace process in Liberia* and expected accomplishments *e.g. reform of the legal, judicial and prison systems in Liberia*.

Expected accomplishments justify the resource requirements which are derived from and linked to outputs *e.g. organization of prison management training courses for 100 students, including 10 trainers, 30 managers, and 60 participants from the prison department*, required to achieve such accomplishments. Actual performance in achieving expected accomplishments is measured by indicators of achievement *e.g. Prison Development Plan*, approved by the Ministry of Justice.

Results-based budgeting is premised on enhanced responsibility and accountability of managers for their outputs and consequential delivery of results *i.e. objective, expected accomplishments and indicators of achievement*. It is essentially about giving managers control over inputs so that they can best manage the production of outputs required to support the desired results.

The prison component, in conjunction with other rule of law components, is required to produce an annual RBB budget framework consisting of expected accomplishments, indicators of achievement, outputs, and external factors. The prison component is required to submit periodic reports on this RBB framework.

(c) Weekly reports

Prison components in field missions provide weekly reports to mission management and forward copies to the CLJAU. The most useful weekly reports are those that contain both capacity development information and prison system details. Capacity development information includes details of strategic initiatives undertaken to build national staff capacity and a sustainable prison system *e.g. planning processes, internal*

mission co-ordination mechanisms, strategies for addressing cross cutting issues, and engagement of donors. Prison system details include: infrastructure, prisoner population and staff data.

This information is useful for ensuring key issues and mission needs are understood by headquarters and factored into policy and guidance materials, contemporary information is available to contribute to the DPKO managers meetings with Member States and host-country governments, and enable relevant additional materials and information to be provided to missions. Prisoner population profile data while useful for both mission and headquarters information purposes, is most important for developing stock and trend data for future planning for the national prison system. Useful statistics include:

- Total prisoner population by institution
- Prison bed capacity
- Staff and offender population by gender, offence, legal status and by age
- Duration of pre-trial detention and sentence duration
- Deaths/Escapes/Suicide/suicide attempts
- Relevant medical information - *e.g. infectious disease, mentally ill, physically disabled*
- Budgets: national and donor generated.

(d) End of mission reports and handover notes

The templates, provided by DPKO Headquarters for both the End of Mission and the Handover Notes should be used. It is useful to commence the writing of the End of Mission Report three to four months prior to the end of deployment, reviewing activity against the work plan. The Handover Notes report should be especially detailed with specific contact information, location of files and data and any other items that should be known by incoming personnel. The Handover Notes should be sufficiently detailed to allow incoming personnel to work effectively without the benefit of person to person contact with the departing personnel. It is particularly important to ensure a history of the prison programmes is provided to incoming staff so that they do not act in ignorance when working with national counterparts. National staff can have a very negative reaction when it is clear to them that incoming mission prison experts has no knowledge of previous support initiatives and training programmes. End of Mission and Handover Notes templates are attached as Annexes 11 and 12.

Gender Mainstreaming

As part of policy and practice⁴⁹, it is essential that peacekeeping prison experts take into account the different experiences, needs and priorities of both men and women staff and prisoners in their work with national staff and actively work with gender advisors and national women's organisations. All prison experts are obliged to implement this approach in their own field of competency and daily routine. Monitoring tools and

evaluation systems should be put in place with the support of Gender Units or local Gender structures / mechanisms.

On 31 October 2000, the United Nations Security Council unanimously adopted Resolution 1325 on Women, Peace and Security. Resolution 1325 marks the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women, recognised the undervalued and under utilised contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stressed the importance of their equal and full participation as active agents in peace and security. (PeaceWomen, Women's International League for Peace and Freedom, UNSC Resolution 1325: History and Analysis).

Women and girls in prison systems face very different realities from those of men and boys.

- Firstly, their numbers are often far lower than that of males, and as a result prison facilities tend to be based on the needs and requirements of the male rather than female prisoners. This can result in female prisoners being marginalized and that those services and facilities that exist are not adequate for their specific needs.
- Secondly, women and girls in prisons frequently confront a variety of difficulties that pre-exist or are related to their imprisonment. A high proportion come to prison having suffered multiple health problems, often untreated, and sexual and other abuse unrelated to their alleged crimes. Adequate physical and psychological health services aimed specifically to the particular needs of women are often unavailable.
- Thirdly, it is common for female prisoners to continue to act as the primary caregivers for their children during imprisonment and others are pregnant when imprisoned. Adequate facilities for mothers and children are not always available and nor are satisfactory delivery facilities.
- Fourthly, women in prisons are particularly vulnerable to sexual exploitation and abuse, and specific measures, such as separate accommodation and recreation facilities, need to be provided to prevent this.

In accordance with SCR 1325, it is essential that peacekeeping prison experts take into account the different experiences, needs and priorities of both men and women staff and prisoners in their work with national staff. In collaboration with national staff, mission prison experts need to determine whether women and men are treated equally within the system and, where women are marginalized, provide assistance to remedy the situation. All mission prison experts are obliged to implement this approach in their own field of competency and daily routine. A Gender Checklist is provided at Annex 13.

Mission prison experts should actively consult with DPKO gender advisors and national women's organizations in host-countries, as these persons can provide practical guidance on strategies for addressing the specific needs of men and women prisoners, both at the prison level and at the national policy level. Partnership with the gender components in UN Peacekeeping Missions should also be sought in the provision of

training for national prison staff, in order to guide the incorporation of gender sensitive policies into their work.

Section IX DOCUMENT ADMINISTRATION

Monitoring and Compliance

Corrections Policy Officer, DPKO, New York

Dates

The Guidance Manual directive shall be effective from (date of promulgation) and shall be reviewed and updated six monthly (July and January)

Contact

Corrections Policy Officer, DPKO, New York

History

Approved By



SIGNED

DATE

David Harland

12 April 2000