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Instrument

1st Edition July 2001

The International Centre for Criminal Law Reform and Criminal Justice Policy is pleased to provide you with this First Edition of the International Prison Policy Development Instrument, including the document *Towards Improved Corrections – A Strategic Framework*. We encourage you to use these documents for your research and policy development purposes as you see appropriate. Please ensure that all credits are appropriately acknowledged when using all or any of the information within the documents. The reproduction of these materials for commercial purposes is strictly prohibited.

CONTENTS

(Refer to Section I-VI for detailed contents of each section)

Acknowledgements

About The International Centre For Criminal Law Reform and Criminal Justice Policy

Introduction

Section I Administration

Section II Case Management

Section III Inmate Rights and the Treatment Of Offenders

Section IV Security

Section V Health

Section VI Discipline

Towards Improved Corrections – A Strategic Framework

ACKNOWLEDGEMENTS

The compilation and drafting of the International Prison Policy Development Instrument involved the contributions and assistance of a number of key individuals and organizations from around the world over the past couple of years. Special thanks go to Mr. Jean Paul Laborde of the United Nations Centre for International Crime Prevention in Vienna, for it was through discussions with him that the need and inspiration for such an instrument came to be realized.

This instrument is a compilation of standards and policies from many national and international sources. The proposed policies included in the Instrument are based primarily on material from the Correctional Service of Canada (CSC) and the Corrections Branch of the British Columbia Ministry of Attorney General. I would like to thank both of these organizations, the Commissioner of the CSC at the time, Dr. Ole Ingstrup, and the Assistant Deputy Minister of the BC Corrections, Mr. Don Demers, for their support and contributions. I would also like to thank Warden Mitch Kassen and Unit Manager Jack Kline of Bowden Institution (CSC) whose respective contribution at the field level were most crucial to this project.

The development of the Instrument involved researching various United Nations and other international standards followed by the synthesis and formatting of the resulting large volume of material. I would like to thank students Ms. Leanne Salel, Ms. Lorna Lynch, Ms. Heidi Kralik and Ms. Mikala Grante for their invaluable assistance in this regard.

Following the first draft of the instrument, an experts meeting was held in Kampala, Uganda to introduce the instrument, explore countries' individual needs for such a tool, and to assess the usefulness of the information contained therein. The following individuals participated in the meeting and I thank them for their comments and input: Mr. Joseph A. A. Etima, Commissioner, Uganda Prison Service (UPS); Mr. Onel E. Malisa, Commissioner Tanzania Prison Service; Mr. Evaristus Shikongo, Commissioner Namibia Ministry of Prisons and Correctional Services (NPCS); Dr. Kurt Neudek and Mr. George Edanyu, Assistant Commissioners UPS; Mr. John Nyoka, Assistant Commissioner NPCS; Professor Leonard Shaidi, University of Dar Es Salaam; Mr. Livingston Sewanyana and Ms Christine Achieng, Foundation for Human Rights Initiative (Kampala, Uganda); Mr. Willie Coetzee and Mr. Willie Clack, Technikon SA; Mr. Ahmed Othmani, Penal Reform International; and Dr. Misamba Sita, United Nations Africa Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI). I would also like to thank the former and current Directors of UNAFRI, Mr. Isam Abugideri and Mr. Eric Kibuka, as well as the many other UNAFRI staff, for hosting the meeting and for their co-ordination assistance. Special thanks to Ms. Monique Trépanier of the International Centre who provided the overall co-ordination for this event.

The International Centre gratefully acknowledges the support of the National Institute of Justice, our sister organization within the United Nations Criminal Justice Programme, for their generous assistance in the printing of this Instrument.

Finally, I would like to thank the CSC and in particular, Commissioner Lucie McClung, Assistant Commissioner, Corporate Policy Mr. Michel Roy and Director General of Intergovernmental Affairs Ms. Karen Wiseman, for their ongoing support and commitment to the International Centre's activities and the collaborative program of work between the International Centre and the CSC. Without this support the development of this Instrument would not have been possible.

Brian Tkachuk, Director Corrections Program

The International Centre for Criminal Law Reform and Criminal Justice Policy

ABOUT THE INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

The International Centre was established in Vancouver, British Columbia, Canada in 1991 at the initiative of the Canadian government. Its founding partners are the University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law. Affiliated with the United Nations, it is one of two interregional institutes in the United Nations Crime Prevention and Criminal Justice Programme. The Centre's mission is to promote the rule of law, human rights, democracy and good governance. It fulfills its purpose by contributing to local, national and international efforts to support law reform initiatives and to improve the administration of criminal justice. The Centre supports and contributes to the policies and activities of the United Nations Crime Prevention and Criminal Justice Programme, and assists with the achievement of Canadian Foreign Policy objectives.

The International Centre conducts research and policy analysis, undertakes the development and delivery of technical assistance programs and provides public information, consultation and education relating to the international field of criminal law, criminal justice policy and crime prevention issues. Further, the Centre facilitates the exchange of information and expertise to support the government of Canada in both its national and foreign policy objectives in the areas of crime prevention, criminal justice and human rights.

INTRODUCTION

The World Prison Situation In Brief

Many prison jurisdictions around the world are in a near state of crisis. In fact, the issue of prisons, and in particular, of prison overcrowding, as well as the resulting financial and inherent human rights problems, remains of great concern to all regions and most countries in the world. Few jurisdictions are immune from the phenomenon of growing prison populations which, according to the World Population List and World Population Brief¹, has recently seen the number of individuals imprisoned surpass 8 ½ million worldwide². With a world population of 6.1 billion this represents an average incarceration rate of 140 prisoners per 100,000 population. This increase, which throughout the past decade saw growth in some countries to be as high as 40%, cannot alone be attributed to higher rates in crime. Simply, around the world there is the belief that prison is preferable to any alternative; thus, the punitive element that characterizes this sanction remains the cornerstone of modern day correctional and penal systems. In spite of the proven efficiency and effectiveness of non custodial alternatives, harsher penalties in the form of longer prison sentences continue to be imposed.

Even more startling than this reliance on prisons and the imprisonment rates themselves are the conditions that have prevailed as a result. High prison populations have led to prison overcrowding which invariably leads to a legion of other problems. In many parts of the developing world the issue of prison overcrowding has led to conditions where prison officials are all too often unable to provide for the most basic of human needs for offenders including the provision of food, clean water, blankets and shelter, as well as basic health care. Not only men but women, juveniles and in some cases children are subject to abuse, either directly or as an unintended consequence of severely overcrowded facilities. These issues lead to more tension and violence amongst prisoners as well as violence against staff. Workplace safety, as well as the overall working and living conditions for staff are compromised. When overcrowding is present, staff/prisoner ratios fall, leading to less supervision and the inability to engage in constructive programs and activities conducive to reintegration. With all of these prevailing factors, the non observance of most international and regional standards has become the norm rather than the exception.

¹ The World Population List was first published in 1999, the Second Edition appearing in 2000 - Roy Walmsley, Research Findings Nos 88 and 116. Home Office Research, Development and Statistics Directorate, London UK. The World Prison Brief is a development of the above and appears on-line (www.prisonstudies.org); it is produced at the International Centre for Prison Studies, King's College, London.

² Includes pretrial detainees (remand) as well as those having been convicted of an offence.

International Centre for Criminal Law Reform and Criminal Justice Policy Corrections Program

Mindful of the pressing need to bring about reform in the administration of justice, which would in turn serve to address the issue of prison overcrowding and its inherent human rights abuses, the International Centre for Criminal Law Reform and Criminal Justice Policy embarked on the development of a co-operative program of work with the Correctional Service of Canada. This work builds on two earlier international symposia on the Future of Corrections³ and promotes the use of a strategic approach to the implementation, in the field of corrections, of recognised human rights and other criminal justice standards and norms. The emphasis is on the provision of technical assistance to countries that request it.

The Centre's current activities and program of work in the area of corrections reflect priorities that are identified through a series of national and international consultations conducted on an annual basis. These consultations reveal not only the presence of a very real and urgent need for assistance in developing countries, particularly in Africa, Latin America and in parts of Asia, but also the near absence of a concerted effort on the part of developed countries to address this need. Priorities for technical assistance include staff development and training, management training, policy development, bail and/or pre-trial detention reform, conditions of youth in detention, community corrections and the promotion of public awareness and participation and of course activities to address the overriding issue of prison overcrowding. Many of the Centre's activities support efforts to implement non custodial alternatives, including the use of bail, community service, probation, parole and restorative justice approaches.

Prison Policy Development

As noted earlier, the consultations revealed a number of areas where technical assistance in the area of corrections was required. Along with the pressing issue of prison overcrowding was the need for assistance in the area of policy development. This need was also confirmed during the course of visiting a number of correctional jurisdictions in various countries and regions of the world where, in some cases, prison policies were practically non-existent. In others they were severely limited or outdated and virtually inaccessible to staff let alone offenders or the public.

A sound policy framework is essential for the effective and efficient governance of any correctional jurisdiction. However, it is not enough to simply have policies. The policies must be based on the rule of law and be respectful of other international, regional and national standards for corrections and the protection of human rights. All employees and

³ *First International Symposium on the Future of Corrections, Ottawa 1991* - Sponsored by the Correctional Service of Canada and the Society for the Reform of Criminal Law; *Second International Symposium on the Future of Corrections, Popowo, Poland 1993* - Sponsored by the Correctional Service of Canada, the Polish Ministry of Justice and the International Centre for Criminal Law Reform and Criminal Justice Policy.

members of a Service must be familiar with policy as it relates to their professional conduct and the performance of their duties. Policies should also be open and accessible to not only staff members, but to offenders and members of the public. It is through the evaluation of our adherence to policy that we hold ourselves accountable and are held accountable by others.

The *International Prison Policy Development Instrument* has been designed as a tool to assist countries in their development and/or review of prison policies regardless of region or culture. It is of course recognized that the instrument may be of more value and relevance to developing countries, many of whose systems remain in a state of transition or progressive development.

The manual provides the basis for correctional policy development in six key areas including:

- Administration
- Case Management
- Inmates Rights
- Security
- Health
- Discipline

Part one for each of the six policy sections draws attention to applicable UN and other international standards such as the UN Standard Minimum Rules for the Treatment of Offenders, the Basic Principles for the Treatment of Prisoners and the Universal Declaration on Human Rights. Consistent with the formatting of *part one* and for ease of reference, *part two* of each section provides proposed policy for each of the areas. The policy may in some cases appear complete and prescriptive but it is not. Rather, it is a template and designed so that it can be modified or edited to be in compliance with and supportive of local legislation and consistent with local culture and needs. To facilitate its adaptation to a particular locale and negate the need to reproduce all of the documentation each manual is accompanied by an electronic version on CD.

Although the manual can be used to develop an entirely new set of prison policies it can also be used to conduct a review against existing policy or to conduct revisions to a particular policy area. There is no right or wrong way to use the instrument as it is limited only to the extent of the information provided therein.

Strategic Framework for Corrections

In addition to the proposed policy and applicable references to International standards and instruments, the document entitled *Towards Improved Corrections, A Strategic Framework*, has been incorporated into the manual and is also included electronically on the CD. The Strategic Framework is the product of the two earlier mentioned international symposia on the future of corrections, the first held in Ottawa, Canada in 1991 and the second in Popowo, Poland in 1993.

As indicated within the document the intent of the strategic framework is to assist correctional organizations in defining their role within the criminal justice system. This involves:

- explaining what corrections is;
- defining what is meant by effectiveness in corrections;
- explaining what corrections can realistically achieve; and
- expressing the values that are vital to corrections in a democratic society.

This framework is not a set of precise, specific standards but a broad vision that will serve to guide developments in the field of corrections. Its aim is to inspire improvement in performance, not just change. As such, it should serve as a starting point for discussion. How the framework is used must be determined by each system that is in search of a better future. It can serve as a reminder of the opportunities for improvement and an impetus for action. Commitment to the values and principles contained therein will allow correctional systems to achieve significant progress and improvement.