



SECURITY AND PROCEDURAL REVIEW OF THE PRISON SYSTEM OF MONTENEGRO

Reform of the Criminal Sanctions Execution System

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At the very beginning, it is important to re-state a very well-known fact that **persons deprived of their liberty continue to be fully entitled to enjoy rights** guaranteed by relevant international human rights instruments, as well as by national legislation.

Minister Pazin 1 October 2015, at the EU Delegation presentation of the Council of Europe's European prison rules translated into Montenegrin

Acronyms

EU	European Union
CEB	Central European Bank
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
COE	Council of Europe
EC	European Commission
HR	Human Resources
ICPR	International for Criminal Policy Research
IPA	Instrument for Pre-Accession Assistance
MoJ	Ministry of Justice
MoF	Ministry of Finance
MIS	Management Information System
NGO	Non - Governmental Organisation
NMR	Nelson Mandela Rules adopted 2015 (Formally the UN SMR)
NOMS	National Offender Management Service
PDTL	Persons Deprived of Their Liberty
PIU	Project Implementation Unit
PM	Performance Management
SMR	EU Standard Minimum Rules
SWOT	Analysis of Strengths, Weaknesses, Opportunities Threats
UNOPS	United Nations Office for Project Services
ZIKS	Institute for the fulfillment of criminal sanctions (Zavod za izvršenje krivičnih sankcija)

1. Executive Summary

This report has been compiled to assist the Montenegrin authorities in their work to reform and modernize the prison system of Montenegro. The consultant is working for the “Civic Alliance” as part of a wider Montenegro reform programme which is supported by the Embassy of the Netherlands for Serbia and Montenegro. The work will be used to inform the reform process outlined in the Montenegro Three Year Development Plan.

The consultants contribution to this work has been in his capacity as a Senior Expert in Design Construction and Operation of individual prisons and prison systems. He has been requested to focus on the specific points;

- Manner and selection of candidates in ZIKS, security protocols and structures, security practice in relation to and without security protocols, division of duties and responsibilities for officers, with special focus on the role of director of ZIKS
- Atmosphere of impunity for unprofessional behavior
- Lack of information for prisoners about their own rights
- Low awareness of the public on the alternative sanctions system

Methodology

It must be appreciated that the time in country was very short and my assessments, evaluations, observations and recommendations are based on the flowing methodology;

Prior to mission;

- Gather as many recent reports that are available on the internet i.e.
 - CPT reports
 - EU reports
 - World Fact book assessment
 - Amnesty International
 - ICPS

Request any other local reports from GAMM

Produce draft programme of events and pass to GAMM to see if identified individuals are available.

During Mission

Meet with key stake holders starting with the head of the service the Director of ZIKS and;

- Prison Directors of both prisons
- Heads of guards for both prisons
- Head of Human Resources
- Ombudsman
- Operational Head of Probation if available

Make contemporaneous notes of all meetings and gather data/reports where offered

Gather any further relevant documents that may become available during visit covering;

- Organogram of the service
- Organogram of each establishment
- Management chain of command
- History of recent events (riot, earthquake, prisoner protests, escapes etc)
- Code of conduct
- Data on events of misconduct and sanctions (if available going back 3 years)
- Establish the difference between protocol and local orders and who is accountable for each one in drafting and delivery
- Gather any job descriptions where available
- Gather any task descriptions where available
- Daily Operating orders (House Rules)
- Daily routine for each class of prisoner
- Breakdown of prisoner numbers and category i.e.
 - Adult
 - Child
 - Convicted
 - Pre-Trial
 - Male
 - Female

The assessments have been gained by researching the latest data, site visits and interviews with key stakeholders. The field work was undertaken during a visit to Montenegro 6th – 9th February 2017.

I would like to place on record my thanks to all those involved in the field visit and for allowing me free access to all areas supported by complete openness during all interviews.

Due to the shortness of this mission it is strongly recommended that further technical assistance is in place should the development of the areas outlined in this report are taken forward.

2. Background

Montenegro has received support from the EU in its development of its penitentiary system in recent years. These projects have been delivered using a variation of funding streams ranging from IPA through to the existing Twinning Project which delivered risk assessment training to prison and probation staff establishing a common toolkit for both services¹

The establishment of a probation service in recent years will with government support produce a continued reduction in prison numbers as alternative sanctions start to take effect. The reduction in numbers and the new prison at BP will present the prison service a real opportunity for further sustained development.

The challenges facing the service are no different to those facing many prison systems in the region. The total numbers incarcerated at present may be low in international terms but in percentage of GDP and

¹ Best practice

per 100,000 of population they remain a high and a huge challenge only Albania in the Balkan region incarcerates more people per 100,000 of population.

3. Site Visit to Podgorica Prison Facility

The facility at Podgorica is three prisons;

- Remand / Pre-Trial
- Convicted serving
- Female

In addition, the head of the Montenegro prison service has his headquarter building within the grounds. The deputy head also has an administration facility on site and has the responsibility of being the director of the facility.



P.1

Meeting with the Director

At the time of my visit I was fortunate that both the director and deputy director were available to meet with me.

The Director clearly has a real sense of where he wants to take his service and in keeping with all directors of all services this comes with a shopping list of items that either requires changing or will be changed as part of existing strategy. From a strategic view, he outlined the new 15m€ prison project for Bijelo Polje and the need to establish the new prison as soon as possible. His vision for the service is;

- to see continued reform of the service
- recognition of the need to be more efficient in what they do
- reduction in reoffending
- new prison in Bijelo Polje completed and operating

- new wall constructed in the area that runs alongside domestic dwellings
- the delivery of extra staffing as part of the adoption of the three year strategy on 28 December 2016 which will deliver extra staffing;
 - 20 extra guards in 2017
 - 40 extra guards in 2018
 - 40 extra guards in 2019
 - 100 in total

Funding is also required to provide a more efficient Management Information System (MIS) CCTV, and metal detectors.

I asked the director if the service had a vision statement and was there any type of mission statement in place. The Director reiterated his hopes for the future listed above but there was an absence of a vision or mission statement explaining to staff, prisoners and the public what the service purpose and objective was. Any attempt to raise public awareness of the prison system should state with the establishment of a communication strategy² and publication of a vision statement³.

He went on to explain the layout of Podgorica prison and that it was in fact three prisons on one site plus his headquarters building in addition to an administrative building for his deputy who acted as the director of the three prisons. He went on to explain the operating dynamics and that he has an annual budget of 9m€, staffing of 460 and a prison population of 1,200. This budget is the total to provide for all operating costs and salaries. There will be a need to focus on reduced energy consumption and operating efficiencies when the PIU is established for the new prison in Bijelo Polje⁴. Once the new prison at Bijelo Polje is constructed the prison service capacity will rise to 1,450 an increase from the present 1,300.

There was also an initiative to attract funds to the Podgorica site to construct a new 1000 square metre gate complex and repairs to the perimeter. Ideally in my opinion there is a need to replace the facility in total but this is constrained by costs. Any attempt to construct it piece by piece should be as part of a complete replacement approach. The new gate if constructed should fit into any future plans to build the new prison around it. The site from my initial viewing appears to be big enough to be able to construct a new prison alongside the old and then transfer prisoners at the end. Once all prisoners are transferred the old site could then be demolished.⁵

For the future, he would also like to see greater use of NGOs and an increase in the present level of prisoner employment of 40%.

Meeting with the Deputy Director and group of Guards

From the meeting with the Director of the service we met with the Deputy Director who also acts as the Director of Podgorica Prison Facility. The meeting was held in his administrative build which is outside of all three prison buildings.

² Recommendation

³ Recommendation

⁴ Observation

⁵ Observation

The Deputy Director explained that he was coming to the end of a five-year posting to the prison service from the police. Much of what he outlined regarding his duties was security focused and best practice for security organisations. I have concerns regards the operating practices once the present director leaves and the new one arrives. Much of what was explained to us was only operating because of the Directors availability and experience. This leaves a real legacy risk and further recommendations are identified in section 6 below.

During the visit I was able to access common areas and cell areas in addition to having the ability to talk to prisoners. I found the facility clean, tidy with good prisoner staff interaction. The prison has a female unit plus a mother and baby unit where babies can stay with their mother for the first year of their lives.

There are both patrol and drug detection dogs in place and they are available for deployment at both establishments. The drug detection dogs are active dogs (able to check areas and buildings) consideration should be given to acquiring and maintaining passive drug detection dogs (if the dog detects drugs it simply sits down beside the person/area) to compliment the present group.⁶ New developments within the global detection dog community is the introduction of mobile phone detection dogs. These dogs can detect phone that are concealed on or inside an individual, the possibility of deploying this type of dog should be explored.

I was informed that the dogs are used for area and building searching only and not used in prisoners' cells. Dogs can be used to search cells but the prisoners should be removed from the cell while the search takes place. Consideration should be given to drafting a protocol for the use of dogs and searching of cells⁷.

Records of searches carried out were kept and passed to the director on a regular basis. I was shown one of the files and it was very comprehensive and included photographs of items seized. Consideration should be given to introducing a formal searching strategy with a baseline that each cell should be searched once a month (for example) and record all area and workshop/building searches carried out. This does not need to be a comprehensive file but should be a table showing the information required;

- Date
- Where searched
- Who searched
- What was found

This would be in addition to the existing system and should be passed to the director to review and sign once a week.⁸

Recent changes to legislation has seen the use of Tazers recognized in addition to pepper sprays. Pepper sprays have been issued but there is no money for the deployment of Tazers at the present time.

4. Site Visit to Bijelo Polje

At the time of visiting the director had only been in post three days and we were impressed by her grasp of the challenge that faces her. She outlined her background of coming from the police and being a

⁶ Recommendation

⁷ Recommendation (Security Protocol)

⁸ Recommendation (Security Protocol)

professor in Human Rights. This should serve her well as she takes the establishment forward and develops the culture for the new prison to ensure the prison system embraces international best practice.



P.2

The prison is built in a square formation with a central exercise yard. The exercise yard has inward facing observation points which are staffed by armed guards. The buildings are two story and the spurs are prisoner accommodation and support services. Cell accommodation runs around the internal exercise yard.

No external facing windows are in the female accommodation.

It was immediately apparent that she had set herself a routine and was used to being seen around the prison⁹.

From our discussions, it was accepted that the Montenegrin system had moved forward in recent years and this has seen a reduction in prisoner numbers and the new strategic plan will set the direction for the service.

We were informed of the security framework and security information was regularly analysed to maintain a safe environment. Printed protocols were in place for the effective management of incidents supported by regular liaison with the local police¹⁰.

The prison is in the city centre and is surrounded by domestic dwellings and it is understandable why the priority for a new prison to be constructed is here. The accommodation was clean and tidy with no atmosphere of tension. Prisoners were going about their daily routine and I was able to see the cell accommodation and speak with those prisoners living there. The cell doors were the traditional eastern European model secured with a large bolt which in turn was secured by a large padlock. Each padlock used a different key which presents a major risk in the event of fire or evacuation. In the design of the new facility cell doors should be secured by an integral lock and each area should have the same key¹¹.

There was a clear commitment to evidence based decision making on the part of the director regarding searching strategies and information brought to her by her staff about what was happening in the prison.¹²

On the day of our visit the prison unlocked 97 with a capacity of 150. The bulk of the vacancies were in the pretrial area.

⁹ Best practice

¹⁰ Best practice

¹¹ Recommendation (Security Protocol)

¹² Best practice

5. Vision and Values

Any organization going through a change process needs to understand where it is they are going and communicate that to all the members of the organization and all stakeholders. In the first instance this is done by establishing a vision supported by a strategic plan. In all interviews with senior managers there was an absence of an overarching vision but all managers displayed a passion for taking the service forward.

Examples of vision statements can be found within the region;

Macedonia

Providing an efficient penitentiary system that meets the highest European standards for execution of sanctions while respecting the human rights and dignity of persons deprived of their liberty in PIs and CEIs as well as persons serving probation measures, which will contribute to improving the overall safety in society.

Bulgaria

“To deliver a unified system for the execution of penalties based on effective professional working standards dealing with offenders with humanity, functionality and transparency”

The lack of a service vision will weaken any change process and the establishment of an agreed vision statement for the Montenegrin service should be treated as a priority¹³

Senior managers should be brought together in a workshop environment to share their personal vision and agree a draft vision for the service that identifies a sense of purpose and direction that matches both international standards and societies expectations.¹⁴

The workshops should also focus on the difference in the role of the Director (Strategy, Direction) and the Deputy (Operational, Discipline)¹⁵. In normal circumstances it would be for the group to arrive at job descriptions for each position and discuss how the two individuals would operate.

6. Legacy Issues

One of the major issues that became apparent was the ability of the service to maintain momentum and direction during the change process. Each senior manager was in effect an island on this sea of change delivering their own personal interpretation of what they want to achieve. Whilst every organization wants to see personal and professional initiatives there must be an alignment to the corporate direction.

There are real examples of quality management in both prisons with the security focus in Podgorica¹⁶ and the commitment to evidence based procedures and protocols in Bijelo Polje. In both cases these are personal initiatives and need to be imbedded in operational best practice. The new three-year strategic

¹³ Recommendation (Security Protocols)

¹⁴ Recommendation (Security Protocols)

¹⁵ Recommendation

¹⁶ Best practice

plan needs to be protected from any change of senior manager to ensure the momentum is maintained. Three years is a very short time and will go very quickly in the life of the change process. There will need to be regular reviews on progress and reprioritizing of objectives.

To better protect the process the service key players should be insulated from change of position or leaving the service. Each of the Directors should have a deputy that understands the objectives and will act as interlocutor between changes in director. The management structure should reflect this and clearly define both strategic and operational roles.

Directors

Director of the whole service

The director already has an appointed deputy in the director of Pogorica Prison Facility. Given the size of the prison system this should be adequate but should be formalised with the deputy moving into the Directors role and office facility in his absence. To deliver this the present deputy director/Podgorica director should have his own deputy. The daily role of Director and Deputy are distinctly different as the Director should be free to focus on strategy and longer term objectives and the deputy should be the operational manager ensuring daily deliver and maintenance of standards.¹⁷

Director (Podgorica)

The operational working practices in place at Podgorica are impressive and in many cases examples of best practice. The directors vast previous experience in the police has provided the background to many of the changes. These initiatives would be expected to be found in any modern prison system.

The development of operational security procedures the establishment of an information flow system to manage risk and specific individuals taking oversight of the process is standard practice.

There is a real risk however that the level of personal commitment delivered by the present director will not be replicated after his departure which we understand could be within six months when much of his knowledge base will leave with him. He should be congratulated for the changes he has put in place using his previous experience but a deputy should be appointed as a matter of urgency to ensure the system does not become dependent on one man. We were informed that he remains on call every day and all through the day and night. The prison can seek advice from him at any time. This system carries huge risks for the future. The frequency of referral to the Director should be evaluated and a formal system put in place of a senior manager acting as Duty Director acting as out of hours' referral point for the establishment¹⁸. The type of referral should also be evaluated and written protocols put in place that identify those events that need immediate referral to the Duty Director and those that can wait until the Duty Director is back in the prison.¹⁹

¹⁷ Recommendation (Security Protocols)

¹⁸ Recommendation (Security Protocols)

¹⁹ Recommendation (Security Protocol)

The Duty Director system should provide for cover over the weekends with the Director and Deputy Director providing cover on alternate weekends²⁰ acting as Duty Director.

Director Bijelo Polje

At the time of our visit the Director had only been in post three days but she was happy to welcome us and show us around her facility. It was immediately apparent that she had set herself a daily routine and was used to being seen around the prison.

The prison was built in 1947 and houses pretrial and convicted and (Male and Female). There was a recognition of the difficulties in delivering SMR and relief that the 15m€ has been agreed to fund the new facility which will be outside of the city. This presented a real opportunity to set up a model of best practice that can impact across the whole of the prison system.²¹ This supported by the directors background in Human Rights should ensure the new facility moves Montenegro forward considerably.

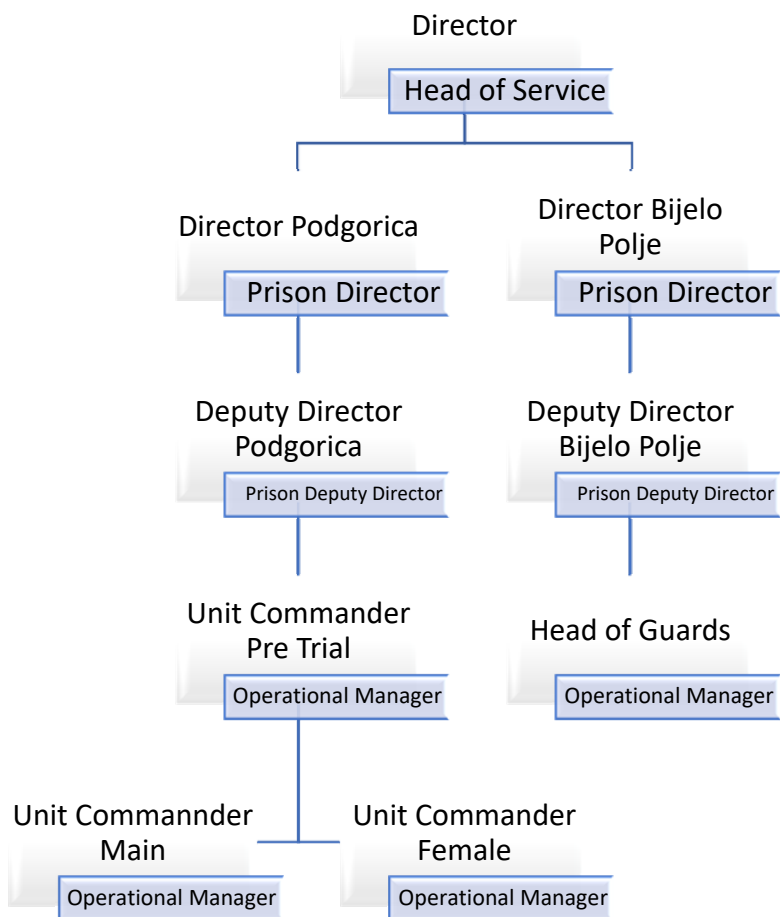
The directors' role at Bijelo Polje will be crucial in raising public awareness of the criminal justice system as the new prison takes shape. The development of the directors position and the strengthening of the deputy directors role will allow space for far greater liaison with all stakeholders.

Given the observations and recommendations made above I would see the management structure looking like the chart below;

²⁰ Recommendation (Security Protocol)

²¹ Observation

**Proposed
Senior Management Structure**



7. Staff Training and Career Development

The present system of career development for guards should be reviewed and form part of the strategic plan with the establishment of a minimum level of core competencies²². These competencies should not just focus on academic achievement but also take account of the requirement of the system to comply with international standards and expectations. In this way, the competencies can be built upon and future funded training can focus on wider areas and skills. I take account that the service has already received recent training in the development of a common risk management system for the prison and probation service.²³

Consideration should be given to establishing a baseline number of training days each member of staff should undertake in any twelve months. Attending training should be directly connected to any career advancement.²⁴ Directors should be held accountable for ensuring the training days are delivered annually.²⁵

To challenge any “Atmosphere of impunity and Unprofessional Behavior” this must be done through training of staff and directly challenge any example that presented. There will need to be two target groups, the first being the guards and the second group being the line managers. Both should receive the basic training on the expectations of their behavior and sanctions should the fail in being professional.²⁶

- The Code of Conduct should be reviewed as part of the three-year strategy using a working group and with external experts as required.
- The Code of Conduct should be backed up by a principle of Zero Tolerance
- Section II Paragraphs 5 -10 of the Code for Civil Servants (Article 6, Paragraph 2 of the Law of Civil Servants, Official Gazette of Montenegro No.39/11) should be reproduced in credit card format and issued to each member of staff
- All staff should be refresher trained in the code and their obligations to it
- All staff should receive training in raising awareness of SMRs and Human Rights
- Training of all prison staff on prevention and reduction of corruptive activity
- Training for trainers should be established

The line managers should be additionally trained in their capacity to challenge any unprofessional behavior and that they will be held accountable if they fail to do so.

²² Recommendation

²³ Best practice

²⁴ Recommendation

²⁵ Recommendation

²⁶ Recommendation

Consideration should be given to establishing a Staff Information Room within the main gate area which would be accessible to staff coming off and on duty. All national and local orders should be available within this room together with copies of international standards and reports.²⁷

8. Security (Specific Recommendations)

The following recommendations are made after my initial interviews and visits to both prisons. They should be a baseline specification for the effective security requirement which **if adopted will need further in depth analysis, working groups established involved and drafting of instructions that deliver operational improvements compliant with national legislation and SMRs.**

Security Specification

Objective

Dynamic, procedural and physical security measures are coordinated to ensure that security, safety and control are coordinated and maintained.

Security Targets

- Reduction in the number of escapes
- Threats to the control of the prison are identified before the event using Dynamic Security and Intelligence Analysis
- Any risk to the public is detected early
- Any criminal activity within the prison is detected
- Security measures should be compliant with national legislation
- Effective exchange of security information should be in place between the security committee and staff

Delivery elements that should be in place

- Security Committee should be in place in all establishments chaired by the Deputy Director
- Security department should be in place to manage the information / intelligence received and advise the Director of any heightened risk
- There should be a local security strategy developed and should support the national security strategy
- There should be a local drug strategy in place that supports the national drug strategy.
- There should be a structured external partner liaison (Police / Fire Service)

²⁷ Recommendation

- There should be a contingency manual (Crisis Management) in place at each establishment with a copy held in the headquarters building
- Each establishment should have a room that can in the event of an incident become a command centre with direct communications with the Headquarters.

Procedural Security

The recent escapes and murder of a prisoners whilst on exercise has led to a new focus on security within the prison system and this report makes the following recommendations in support of the future changes;

- There should be a security department set up in both prisons
- This department should be staffed by individuals trained or experienced in intelligence analysis and evaluation
- Regular liaison between both security departments and the local police should be established
- There should be a staff information room in each prison
- The system of Security Intelligence Reports (SIRs) should be Introduced
- SIR forms should be designed and made available in the staff information room
- There should be a SIR post box in the staff information room with a stock of blank forms for the staff to se.
- The only people to have access to the box/key should be the security
- There should be a national security manual created that sets down the minimum standard of security procedures that should be used in all prisons.
- Directors should train staff in this manual and add to it where there is a perceived increase in risk
- Local security manuals should be created in each prison setting down the minimum security procedures required in all parts of the prison
- The common risk assessment process that the staff have received training on should be able to assess the risk the prisoner presents to staff and the public and the identification of any known risks to the prisoner
- The security manual should set down the procedure for carrying out all the security measures it identifies.
 - If a rub down search is identified then there should be a step by step instruction on how that search should be carried out when dealing with a) Prisoners b) Staff c) Official visitors and the public
 - If a vehicle search is carried out the there should be a step by step instruction on how that search should be carried out
 - If a cell search is identified then there should be a step by step instruction on how to carry out a cell search
- Agreement should be reached on the minimum number of times each specific area should be searched i.e.
 - Cells = monthly
 - Workshops = monthly

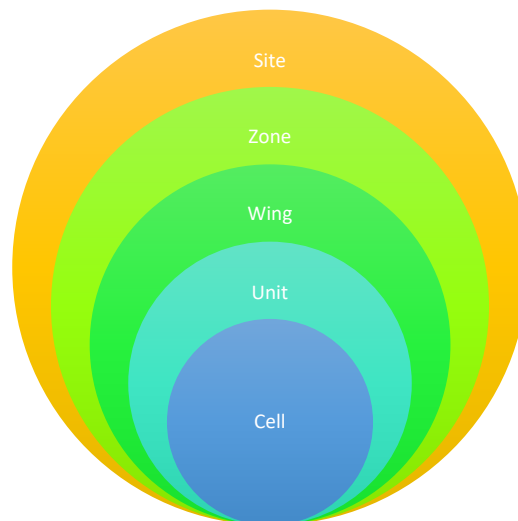
- Library = Monthly
- Perimeter fence / wall = daily and as part of a patrol
- Exercise yard = first thing in the morning and before each exercise period*
- External perimeter patrols should also be in place during exercise periods and prisoner movement periods.
- The staff should retain the right to search any area / person at anytime with reasonable suspicion.

This should be done in all cases where a security procedure has been identified, only if a “standard” has been set can the system hold an individual accountable for failing to meet that standard.

- All establishments should create a searching strategy document that identified;
 - what type of search should be done
 - when it should be done
 - where it should be done
 - where it should be recorded
- A record of all searching should be kept and passed to the director on a weekly basis

Physical Security

The successful operation of a safe prison relies on a multi layered approach to security which in turn relies on the physical security provided by the buildings and zone fences that may be in operation.



Each physical layer needs to be supported by procedural security measures that ensures they remain a boundary.

Cell

Cells should be checked daily as a fabric check. Windows, walls and cells should be tested and once done signed for in a cell fabric check book

Unit

The individual living units fabric, walls windows and locks should be checked daily

Wing

The wing (larger accommodation unit) checked daily as above

Zone

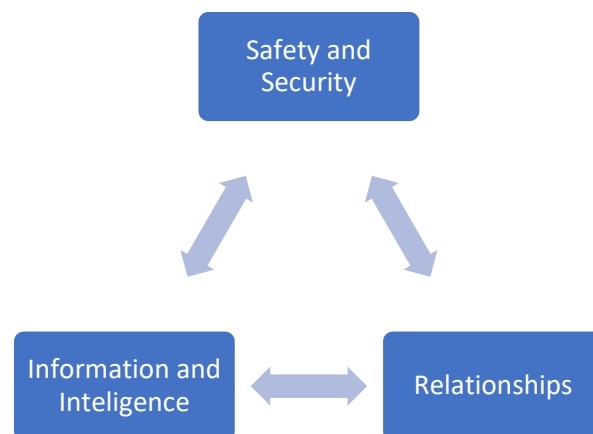
In prisons that are zoned (Podgorica) the zones should be checked daily for any breaches and any items that may have been thrown over

Site (Outer perimeter wall)

The outer perimeter should be checked daily both inside and out for any tampering, breaches of illegal items

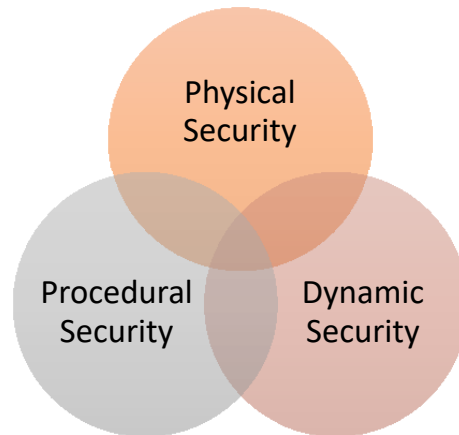
Dynamic Security

Dynamic security is the strand of security that allows all security departments to become “proactive” and not as in most cases “reactive” to events.



The principles of Dynamic Security is the establishment of communication channels delivering information to a central point. That central point is the security department where the information is evaluated and assessed against existing intelligence. That flow of information should be in both directions allowing the security department to ensure that the prisoners live and the staff work in a safe environment.

Dynamic Security remains the third pillar that ensures an effective and safe prison environment for those that work and live in the prison. Without all three elements working together there is always the risk of disruption or unrest



What are the positive effects of good 'Dynamic Security' in the workplace?

- More intelligence (information) gathering towards reducing escapes or indiscipline.
- Improved prisoner staff relationships.
- Safer regimes with reduced assaults on staff and prisoners.
- Better supervision of prisoners intending self - harm or commit suicide.
- Helps to re-enforce the authority of staff.
- Reduces Bullying.
- Helps maintain links between departments, the passage of information.
- Helps to promote diversity and decency by showing an understanding of prisoners needs.

Importantly what are the risks of poor or no dynamic security;

- The possibility of more escapes and levels of indiscipline through the lack of information.
- Poor Prisoner / Staff relationships creating a more hostile environment.
- An increase in assaults, self-harm, suicide attempts.
- Difficulty in administering the daily routines through non – co-operation.
- An increase in intimidation and bullying.
- A reduction of the flow of information relating to intelligence

Operational requirements to develop and maintain Dynamic Security

1. **Good relationships** – with prisoners, staff, departments, outside agencies and all persons visiting the establishment.

2. **A constructive regime** – In which prisoners are given an opportunity to develop a learning need, or a social need, and to be able to address their offending behaviour in preparation for their eventual release.
3. **A secure environment** – An environment which provides a safe and secure place for the prisoner to live and for the staff to work, not forgetting our requirement to protect the public by keeping in custody those committed by the courts
4. **Anything that reduces a desire to escape** – A need to provide a regime in which we know what is happening at all times. Where we provide the prisoner with a safe environment in which they can work towards their release by being provided with constructive and purposeful work. By maintaining family ties and by providing them with a healthy daily life in the provision of training facilities and a healthy diet.
5. **Finally by encouraging staff to treat prisoners with respect and consideration wherever possible.**

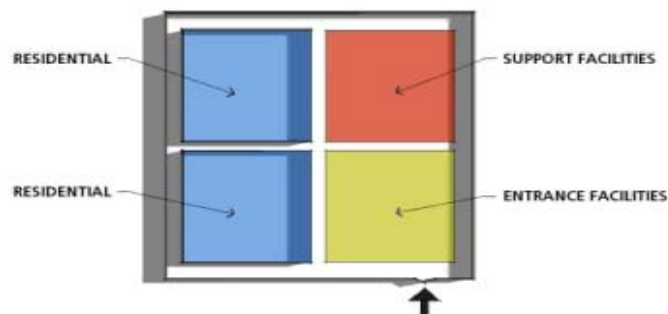
Note

- **In the event of procuring the construction of new prisons the Architects / Constructors should be requested to provide a scale model of the new prison to the prison service. This model can then be used to plan contingencies for any event (escape, fire, riot) and the deployment of specialized staff.**

Design Considerations

Design

Prison design is moving forward as each development takes place. However, the principles remain the same. To provide accommodation that meets international standards and reflects the level of risk posed by the individuals housed there. The design should reflect compliance with the Standard Minimum Rules for the Treatment of Prisons Rules updated 2015 now known as the Mandela Rules (See annex).

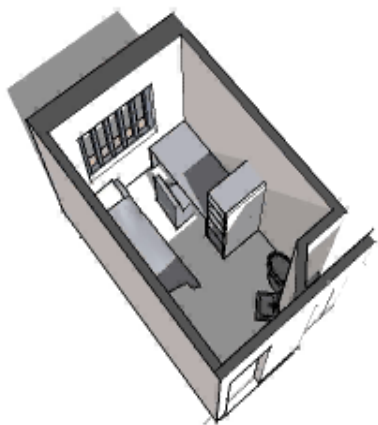
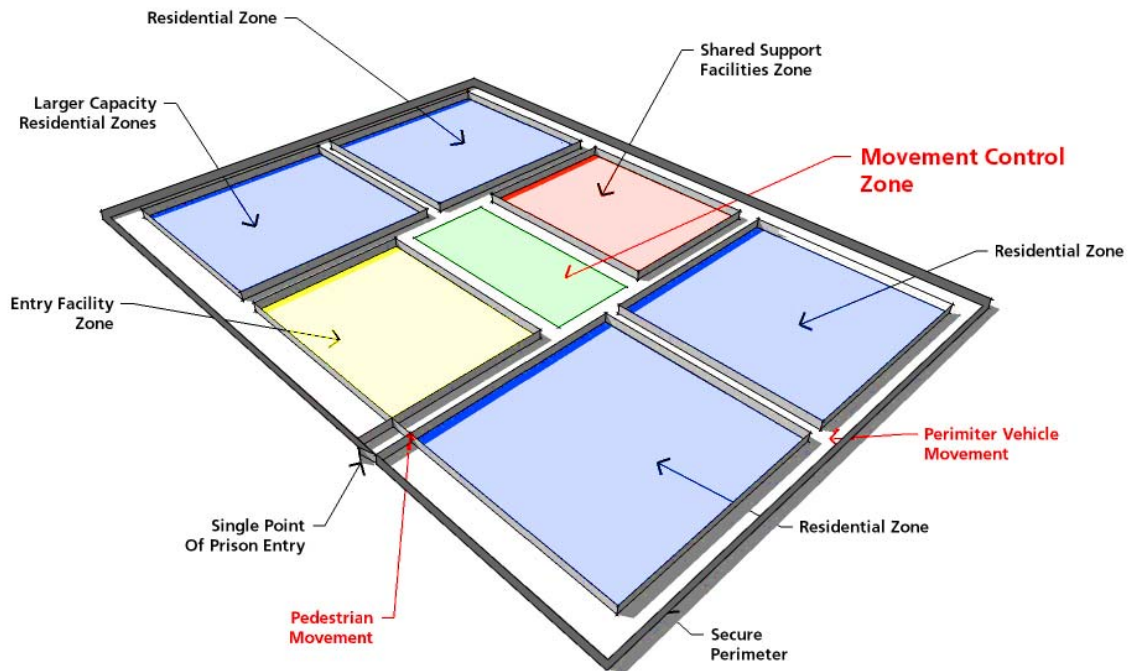


Therefore any design must be able to deliver all these elements as a minimum and to reflect the level of

investment it must exceed these requirements to future proof the investment.

This diagram illustrates the components that are required to deliver a functioning prison.

The design can now be developed further to reflect the types of prisoners that would be held within it.



Each section is protected and zoned off to allow for maximum control but at the same time to facilitate differing levels of security within each residential unit. The cells themselves should be designed to allow for modular allowing for reduced construction time and reduced build time.

This is an example of a modular single cell which can be replicated across the prison and produced off site if required.

Modern design should also reflect the environmental issues within the Green Case the Governmental Role and Delivery of Benefits.

In addition to the standard cell construction other types of cell / special units would include in the design;

- a. Disabled access cell
- b. Isolation cells
- c. Special high security unit for close observation
- d. Health Care Unit
- e. Administration
- f. Rooms for the practicing of faiths
- g. Laundry
- h. Kitchen
- i. Bakery
- j. Maintenance Workshops
- k. Education including Library
- l. Visits room
- m. Gate entrance (vehicle and pedestrian)
- n. Legal visits area
- o. Higher security visits area
- p. Programme and assessment rooms

The Environment

GOVERNANCE CHALLENGE

Projects must contribute to sustainable development and protection of the environment as a key priority. This must be achieved by balancing the public's current needs with the responsibility toward future generations. Responsibility of projects often rests with the economy, finance and transport ministries, rather than with the environmental ministries. These ministries tend not to be well versed in environmental issues, whilst the environment ministries often lack

The author is grateful to Alex Polson architects (Alex Poulsen Arkitekter A/S Denmark) for their contribution to the outline specification in this section.

The design of a prison should where necessary assist the constructor and to take a number of construction and installation precautions by choosing solutions that can withstand heavy wear and tear, vandalism and as far as possible the elimination of the risk of escape. The focus must therefore be on the facades, windows and outer doors, internal sections including doors and walls surrounding cells and other areas where prisoners may be left alone even for a short period of time. All installations in cells and units (or landings) must be built-in and protected from tampering and unauthorized operation. This implicates that all heating and sanitary installations must be secured against dismounting and all valves and other components that need operation must be placed in a secure environment, out of reach of prisoners. In cell electrical installations will normally be accepted as household standard given that sockets and other outlets are non-internally connected by common tubing or cables. Construction and details must ensure that no holes, cracks or joints may serve as hiding place for even very small objects (drugs and weapons). No soft joints will be allowed in prisoner areas. All building components must be assembled and mounted - if possible hidden - in a way that dismounting or disassembling shall not be possible without the use of special tools and that no building component may be used as a weapon. Lifting off door leaves should be prevented. All cell surfaces should be smooth, unbreakable and fire resistant. The use of suspended ceilings and using wallpaper is not acceptable.

Recommendations quoted in the following paragraphs are related to prison building in general and do not contain requirements deriving from local authorities, laws, building regulations, norms, etc. that must be met.

- All components and materials must be robust and locally approved for the intended use.
- Replacement of the building materials used should be possible for a 10-year period and service and delivery of spare parts for installations should be possible within 48 hours.
- Choice of construction methods and building components should be made considering building costs, costs of maintenance and easy replacement of components as well as considerations of lifetime and environmental impact of components used in the building(s).

Any design specification and explanation of use should cover the following element

Primary building components

- Outer walls
- Inner Fence



A sterile area should be created by the erection of an inner fence 5 or 6 metres in from the wall. The fence should be 5.5 metres high and made of high security mesh.

Each fence panel should be overlapped at each fence post and secured by a full length fence strip, domed headed bolts and permacone security fixings. .

- Inner walls
- Structural system

In terms of new construction, the designers should consider use of the most appropriate and economical solutions such as prefabricated (pre-cast) elements: inner and outer walls - panels with thermal/sound insulation and toilets units (the use of prefabricated modular toilet units as economical solution and good surfaces finishing is highly recommended), free of supplementary treatment (plastering) for surface finishing. Use of semi pre-cast slabs to avoid shuttering and supplementary treatment of ceiling with plastering is also recommended.

- Roofs

Supplementary building components

- Outer wall supplements - windows and doors including glazing

Windows and outer doors must be specified according to the level of security in each unit. That level should directly reflect the level of risk posed by the prisoners who will be living within the unit. The level of risk and subsequent security category should not impact on the requirement to meet EU and International Standards.

- Windows in staff areas
- Staff areas facing public areas
- Staff areas without prisoners present
- Windows in prisoner's common areas
- Cell windows

Construction of standard cell window



- Outside doors
- Flooring
- Flooring in cells and common areas.
- Flooring in staff areas as offices and guard's rooms
- The flooring priority in kitchen, laundry
- Flooring in workshops and major storage rooms

Inner wall supplements – doors

All doors and partitions must comply with the requirements of the protection regulations and sound proofing regulations. Partitions and doors in common areas should be as transparent as possible. The specification should cover;

- Doors in staff areas.
- Doors for staff showers.
- Doors in prisoner access areas.
- Doors in leisure areas and common rooms.

Locks

Locks should be installed according to the client's security specifications; manual locks should be preferred for staff and prisoner areas.

For relevant examples of modular locks proven for use in a prison environment see reference product on the following websites www.assa.co.uk/en/site/assacouk/Products1/?groupId=644144.

<http://www.clcsltd.co.uk/en/site/clcs/>

An electronic indication for locked/un-locked door giving a signal to the main control room (graphic interface) must be installed in all prisoners' areas.

The specification should continue to cover all areas such as;-

- Cell doors

During preliminary design the client will decide – upon proposal from the design team - direction of door openings, type of door blade and whether an inspection hatch in the door blade is necessary. Details of design of cell doors and choice of fittings must be resolved during Preliminary Design in a dialogue with the client and with a view to what can be manufactured, delivered and maintained in Bulgaria.

- Ceilings
- Inner wall surfaces

Sanitary installations

If supply tubes are not built-in, all tubing must be protected against any vandalism that no parts of installations can be broken and used as a weapon against staff or fellow inmates. All supply lines for in-cell heating, water, etc. should be controlled from outside of the cell - possibly in a shaft or duct - to enable individual switch-off in case of break down (maintenance) or vandalism of installations in cell that may create damages to the building.

As sanitary wear will be one of the most expensive residual costs a design solution is to go for a robust solution and not the cheapest solution. An example of this can be found;

<http://www.wallgate.com/>

Water and sanitation

Built-in (hidden) supply tubes for toilet, washbasin and shower in all prisoners “wet rooms” must be chosen to ease cleaning and avoid vandalism. Floor drain in shower area must be secured with security bolts to prevent hiding of illegal effects in the drain system.

Water supply - hot and cold - for washbasin and shower will be an electronic low voltage “push button solution” activating a magnetic valve for an adjustable period of time. Water supply for shower will be pre-mixed, and supply for washbasin to be both pre-mixed and cold (one outlet, two buttons). This saves water and prevents damages for overflow of water from running taps.

Showerhead must be a vandal proof wall mounted built-in type (Tonic Jet). Reference products can be found on www.macdonaldindustries.co.nz/Site/ViewItem.aspx?pageModuleItemId=1152117.

Systems described are available as standard installations similar to showers in public swimming halls. For examples see www.ribaproductselector.com - Tempostop Recessed Control Unit - and www.radacontrols.com for vandal proof installations and time flow regulators suitable for prisons.

- Cooling

Under normal circumstances cooling will only be provided in the control room area due to the fact that this is staffed 24 hours a day and the large number of computers and monitors in that area. This should be assessed during preliminary design, when location of installations will be decided.

- Heating

Heating of cells could be by a radiator system. Using a radiator systems requires built-in (hidden) supply tubes and solid cast iron radiators with manual radiator thermostats (“off the shelf type” for

maintenance) that maintain individual/desired room temperatures and help to reduce energy consumption.

- Ventilation

Central mechanical exhaustion from toilet/shower rooms must be established (fresh air from underneath toilet door) to remove smell and humidity from showering etc. Ventilation will be installed in all sanitary areas, kitchen, bakery and laundry to regulate smell and humidity. The ventilation system will comprise installation and equipment supplying the area to be ventilated with fresh air and extracting the humid/polluted air.

Electrical installations – IT

General preconditions

In keeping with modern designs all cells should have in cell electricity which will provide lighting fixtures and sockets for supplementary equipment. There should be enough sockets within a cell to allow for the number of prisoners located in it. The specification should cover;-

- High voltage installations

A backup generator will be built into the design that would supply electricity to the establishment in the event of power supply failure

- Electronics and low voltage installations
- Telecommunication systems
- Intercom systems / counter intercom systems
- Transportation – lifts

Consideration should be given to including lifts within the design. Areas that may require lifts are;

- Reception (Admissions)
- Health Care Centre
- Areas where there is a need to accommodate disabled or incapacitated prisoners

Building Management System

The design should incorporate a computer based Building Management System BMS. For security reasons the alarm and surveillance system must not be integrated in the BMS.

Technical alarm and surveillance systems

- Security Management system

The design should accommodate a security management system to manage the technical alarm and surveillance equipment. For handling of all technical alarm and surveillance devices a security management system will be installed.

The security system should where possible have alarm systems that cover;

- fire and smoke detection systems
- danger report system
- detection systems in outer perimeter (sterile zone and access routes)
- detection systems in inner perimeter (sterile zone)
- alarm light – floodlight on site
- personal staff alarm security systems
- video surveillance system
- access control
- access intercom system
- cell intercom system
- mobile phone detection and jamming system (option)
- electronic movement detection system (corridors in all residential wings)
- lock control systems
- sluice/interlock control systems (main pedestrian access and floodgate(s))
- key locking control system (optional)
- important danger and state reports

Security sub systems

The specification should provide for direction on;-

Detection systems in the inner and outer perimeter

Consideration should be given to detection systems in the outer and inner security areas.

- On the perimeter line (fence, wall, etc.)
- Under the ground by the perimeter
- Above the ground by the perimeter

The choice of solution depends on the type of soil, type of fence and type of wall. Additionally, the weather during a year is very important factor to make the solution selection.

- Main Control Room.
- Alarm light – floodlight on site
- Personal staff alarm and security systems
- Video surveillance system

All cameras will be connected to a digital video recording and storing system.

Other areas

- Access control

During preliminary design access control installations should be defined.

- Access intercom system
- Cell intercom system (Cell call system)

The room communication system includes all prison buildings from the Main Control Room where the server room for the cell communication system will also be also located. All calls and response will be digitally logged within the system.

- Mobile phone detection and jamming system

A mobile phone detection and jamming system could be installed subject to the appropriate legislation in the new Sofia Prison; this will be clarified during preliminary design.

- Electronic movement detection system
- Lock control systems
- Sluice/interlock control systems (main pedestrian access and vehicle gate lock)
- Key locking control system

A key management and mobile storage system for staff use will be set up, where the prison officer keys are kept in closed safes, which are under surveillance. The safes might also be equipped with charge stations for the mobile handsets of the person security system.

Other security equipment

- X-ray machines
- Metal detection gates (Portals)

Inventory and equipment

Supply and installation of the following categories of inventory and equipment are anticipated to be specified in the design stage:

- Security and IT equipment
- Telecommunication equipment
- Electrical equipment
- Mechanical and thermo-technical
- Hydro-technical equipment
- Medical equipment
- Prison furniture and equipment
- Kitchen and bakery equipment
- Laundry and workshop equipment
- Landscape equipment

9. Challenging the culture of immunity and unprofessional conduct

To challenge any “Atmosphere of impunity and Unprofessional Behavior” this must be done through training of staff and directly challenge any example that presented. There will need to be two target

groups, the first being the guards and the second group being the line managers. Both should receive the basic training on the expectations of their behavior and sanctions should they fail in being professional.²⁸

- The Code of Conduct should be reviewed as part of the three-year strategy using a working group and with external experts as required.
- The Code of Conduct should be backed up by a principle of Zero Tolerance
- The new code should be produced in a credit card format and issued to each officer and carried to be carried at all times
- All staff should be trained in the new code
- All staff should receive training in raising awareness of SMRs and Human Rights
- Training of all prison staff on prevention and reduction of corruptive activity
- Training for trainers should be established

The line managers should be additionally trained in their capacity to challenge any unprofessional behavior and that they will be held accountable if they fail to do so.

Consideration should be given to establishing a Staff Information Room within the main gate area which would be accessible to staff coming off and on duty. All national and local orders should be available within this room together with copies of international standards and reports.²⁹

An Internal security department should be established in both establishments staffed by specialized guards³⁰ and a system of security information reports (SIRs) should be introduced. A post box should be placed in the information for staff to put notes into regards any information they wish to bring to the security staff. The key to this box should be held by the security staff. The senior officer within the security department should brief the director on a daily basis.

This remains a universal challenge for all prison systems. The eradication of unprofessional conduct and the introduction and long term management culture of improving standards and the application of the SMRs and Human Rights.

In support of the processes outlined in section 7 there needs to be an introduction of performance management³¹. The system at the present time is not organized in way to oversee a sophisticated PM process but is capable of putting in place a series of base line measures which can be built on over time.

10. Recommendations and Advisory Points

Recommendations

- **A** communications strategy for the service should be established (2)
- **A** vision statement for the service should be developed and published (3)

²⁸ Recommendation

²⁹ Recommendation

³⁰ Recommendation (Security Protocols)

³¹ Recommendation

- Consideration should be given to including the development and use of passive drug detection dogs to complement their present active drug dogs. (6)
- A cell searching protocol for the use of dogs should be produced (7)
- Searching records should be passed to the director weekly for them to sign (8)
- Senior management workshops should be developed (14)
- The role of the Director and Deputy Directors should be part of the workshops (15)
- Training in the role of the Director and Deputy Director in the maintenance of standards (17)
- Minimum level of core competences for staff (22)
- Directors should be held accountable for the performance of their prison (25)
- Establishment of a security department in each prison (28)
- Introduction of Security Information Reports and post boxes (29)
- Key to post boxes should be held by the security staff (30)
- Introduction of a performance management system

Best Practice

- The introduction of a common risk assessment tool for prison and probation staff (1)
- The daily tour of the prison by the Director of Bijelp Polje (9)
- The liaison with the local police (10)
- Evidence based data passed to the Director (12)
- Examples of best practice can be seen in both prisons

Advisory Points

- The service should develop its own **vision** that reflects a sense of purpose and direction. It should provide staff with the reason why they deliver their work on a daily basis
- Training in dynamic security should be held at the earliest opportunity
- **The use of bolts to secure cell doors should be stopped at the earliest possibility and should not form part of the new prison design. They are a hazard and will cause loss of life in the event of an emergency evacuation.**
- **The use of a number of cells secured by the same locking suite should be explored and encouraged.**

11. Conclusion

Any assessment or evaluation of the Montenegrin system has the capacity to be undervalued by the small number of people held in custody. However, this should not be the case or devalue any findings, this should be viewed as a real opportunity to develop a working centre of best practice in the region.

The prison population should be viewed as a percentage of the total population, from that position Montenegro has one of the highest prison populations in the region and faces an even greater challenge when measured against its percentage of GDP required to face this challenge. (see table).

We were also informed that a 15 million euro budget had been approved by the government for the construction of a new prison at Bijelo Polje. From our visit to this was a well focused priority as the prison is in need of major investment to bring it up to acceptable international standards. The prison is sited in the centre of the city and abuts domestic dwellings (see P 1.)

The service itself is well placed to move forward from its present position. The existing working practices and standards are some of the best I have experienced in the region. During my visit to Podgorica the searching procedures for staff and visitors were explained and I personally went through the searching process (See P.3)



The search was carried out in a professional manner and covered all the areas that should be done during a full rub down search. I was informed that all persons entering the prison, staff, visitors and official visitors. I consider this an example of best practice ³²

“ The fact that this is in place sets Montenegro apart from most other countries in the region”

P.3 Rub Down Search

There is also a complete lack of understanding of Dynamic Security and its role in keeping a prison safe. Training will need to be developed that explains the system of dynamic security and how it is delivered on a daily basis.³³ A short explanation of dynamic security is included in the annex.

The staff at all levels should be involved in the development of the new prison both in its design and operating practices that should be focused on rehabilitation, education and resocialization. The new prison also provides an opportunity to establish a communication strategy for the service that reaches out to all stakeholders. The criminal justice system should be made up of individual players but one that is a joined up system. The lack of public awareness of alternative sanctions should be challenged using the interest generated by the new construction. The objective of the probation service and the prison system is to reduce reoffending and the new prison could provide a platform to educate and inform.

Further reading;

United Nations Office for Project Services(UNOPS) Technical Guidance for Prison Planning

https://www.unops.org/SiteCollectionDocuments/Publications/TechnicalGuidance_PrisonPlanning.pdf

³² Best Practice; Rub down search on entry

³³ Recommendation

Water management systems

<http://www.wallgate.com/>

Annex

- A. Regional Prison Populations by country
- B. Record of meetings
- C. Performance Standards

A. Regional Prison Population (Table 1)

The Balkans					
Country	Prison Population Total	Date	Estimated National Population	Prison population rate*	Trend data
Albania	5,455	9.15	2.89	189	2001 = 3,053 99 2005 = 4,356 139 2010 = 4,750 148
Bosnia & Herzegovina - Federation	1,722	31.12.14	2.35m	73	2001 = 1,041 45 2006 = 1,435 62 2010 = 1,714 75
Bosnia & Herzegovina - Republika Srpska	940	31.12.14	1.32m	71	2001 = 849 61 2005 = 955 68 2010 = 1,046 76
Croatia	3,763	31.12.14	4.23	89	2000 = 2,027 45 2005 = 3,022 68 2010 = 4,891 110
Kosovo	1,816	1.10.14	1.81m	100	2000 = 227 11 2005 = 1,189 58 2010 = 1,333 61
Macedonia (FYROM)	3,034	10.14	2.07m	147	2000 = 1,178 59 2005 = 1,844 90 2010 = 2,516 122

Montenegro	1,083	9.14	621,900	174	2000 = 664 108 2005 = 812 130 2010 = 1,457 235
Serbia	10,500	4.15	7.1m	148	2000 = 6,160 82 2005 = 8,078 109 2010 = 11,211 155
Slovenia	1,511	25.05.15	2.06m	73	2000 = 1,148 58 2005 = 1,159 58 2010 = 1,304 64

*Per 100,000 of population

- Source material World Prison Population Brief (ICPR)

B. Record of meetings

Date; 6th February 2017

Place; Podgorica Prison Facility

Present;

Name	Position / Organisation
Miljan Perovic	Director of Prisons ZIKS
Graham Johnson	Prison Expert
Darko Ivanovic	Gradanska Alijansa
Zoran Vujcic	Gradanska Alijansa

Areas discussed;

- Overall perspective from the directors' positions and his plans for the future of the service.
- Directors vision for the service
- The design of the proposed new prison at Bijelo Polje
- Proposal for new perimeter fence and difficulties of the nearness of the domestic dwellings
- Proposals for the new gate complex
- Budget
- Prison numbers
- Staff numbers
- Staff management levels
- New vehicles
- Three-year strategy adopted by Government

Date; 6th February 2017

Place; Pogorica Prison Facility

Present;

Name	Position / Organisation
------	-------------------------

	Deputy Director of Prisons
Graham Johnson	Prison Expert
Darko Ivanovic	Gradanska Alijanso
Zoran Vujcic	Gradanska Alijanso

Areas discussed;

- Roll of the prison
- Improvements
- Health Care Provision
- Equipment shortfalls
- Use of dogs
- Security procedures
- Mother and baby unit
- New law recognizing tazers
- Searching procedures prisoners
- Searching procedures staff
- Ombudsmans boxes
- Guards career development
- Items allowed in possession
- Deputy Directors Legacy Strategy

Date; 7th February 2017

Place; Bijelo Polje Prison

Name	Position / Organisation
------	-------------------------

	Director Bijelo Polje Prison
Graham Johnson	Prison Expert
Darko Ivanovic	Gradanska Alijanso
Zoran Vujcic	Gradanska Alijanso

Areas discussed;

- Background of the Director
- History of the establishment
- New prison development
- Role of the Director
- Daily routine
- Data collection and evidence based data
- Tour of prison
- Cell accomodatio
- Hope for the new prison
- Challenges of the poor security of the present prison

Observations;

A city centre prison with the challenges of all prisons that are constructed close to residential properties. There is an added complexity that both male and females are held within the facility. Bolts still in use on the cell doors these should be removed from any future prison design as they are a hazard in any emergency situation

Date;

Present;

Name	Position / Organisation
	Ombudsman
Graham Johnson	Prison Expert
Darko Ivanovic	Gradanska Alijanso
Zoran Vujcic	Gradanska Alijanso

Areas discussed;

- Role of the Ombudsmans office
- Relationship between the Ombudsmans office and the Prison Service
- Access to the prisons by Ombudsmans staff
- Access to prisoners
- General overview of the progress the service has made

C. Mandela Rules

United Nations

A/RES/70/175



General Assembly Seventieth session

Agenda item 106

Distr.: General 8 January 2016

Resolution adopted by the General Assembly on 17 December 2015

[on the report of the Third Committee (A/70/490)] 70/175. United Nations
Standard Minimum Rules for the

Treatment of Prisoners (the Nelson Mandela Rules)

Annex

United Nations Standard Minimum Rules for the Treatment of
Prisoners (the Nelson Mandela Rules)

Preliminary observation 1

The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management.

Preliminary observation 2

1. In view of the great variety of legal, social, economic and geographical

conditions in the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

2. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

Preliminary observation 3

1. Part I of the rules covers the general management of prisons, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to “security measures” or corrective measures ordered by the judge.

2. Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

Preliminary observation 4

1. The rules do not seek to regulate the management of institutions set aside for young persons such as juvenile detention facilities or correctional schools, but in general part I would be equally applicable in such institutions.

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United Nations Standard Minimum Rules for the A/RES/70/175 Treatment of Prisoners (the Nelson Mandela Rules)

2. The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

I. Rules of general application Basic principles

Rule 1

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

Rule 2

1. The present rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. The religious beliefs and moral precepts of prisoners shall be respected.
2. In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory.

Rule 3

Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

Rule 4

1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.
2. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.

Rule 5

1. The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.
2. Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.

Prisoner file management

Rule 6

There shall be a standardized prisoner file management system in every place where persons are imprisoned. Such a system may be an electronic database of records or a registration book with numbered and signed pages. Procedures shall be in place to ensure a secure audit trail and to prevent unauthorized access to or modification of any information contained in the system.

Rule 7

No person shall be received in a prison without a valid commitment order. The following information shall be entered in the prisoner file management system upon admission of every prisoner:

- (a) Precise information enabling determination of his or her unique identity, respecting his or her self-perceived gender;

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-
- (b) addition to the date, time and place of arrest;

The reasons for his or her commitment and the responsible authority, in

- (c) The day and hour of his or her admission and release as well as of any transfer;
- . (d) Any visible injuries and complaints about prior ill-treatment;
- . (e) An inventory of his or her personal property;
- . (f) The names of his or her family members, including, where applicable, his or her children, the children's ages, location and custody or guardianship status;
- (g) Emergency contact details and information on the prisoner's next of kin.

Rule 8

The following information shall be entered in the prisoner file management system in the course of imprisonment, where applicable:

(a) Information related to the judicial process, including dates of court hearings and legal representation;

. (b) Initial assessment and classification reports;

. (c) Information related to behaviour and discipline;

. (d) Requests and complaints, including allegations of torture or other cruel,

inhuman or degrading treatment or punishment, unless they are of a confidential nature;

. (e) Information on the imposition of disciplinary sanctions;

. (f) Information on the circumstances and causes of any injuries or death and,

in the case of the latter, the destination of the remains.

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Rule 9

All records referred to in rules 7 and 8 shall be kept confidential and made available only to those whose professional responsibilities require access to such records. Every prisoner shall be granted access to the records pertaining to him or her, subject to redactions authorized under domestic legislation, and shall be entitled to receive an official copy of such records upon his or her release.

Rule 10

Prisoner file management systems shall also be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for evidence-based decision-making.

Separation of categories

Rule 11

The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus:

(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners; (c) Persons imprisoned for debt and other civil prisoners shall be kept

separate from persons imprisoned by reason of a criminal offence; (d) Young prisoners shall be kept separate from adults.

Accommodation

Rule 12

1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison.

Rule 13

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

Rule 14

In all places where prisoners are required to live or work:

(a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

Rule 15

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

Rule 16

Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

Rule 17

All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

Rule 18

1. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

2. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.

Clothing and bedding

Rule 19

1. Every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.

2. All clothing shall be clean and kept in proper condition. Underclothing shall be

changed and washed as often as necessary for the maintenance of hygiene.

3. In exceptional circumstances, whenever a prisoner is removed outside the prison for an authorized purpose, he or she shall be allowed to wear his or her own clothing or other inconspicuous clothing.

Rule 20

If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the prison to ensure that it shall be clean and fit for use.

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Rule 21

Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

Rule 22

1. Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

2. Drinking water shall be available to every prisoner whenever he or she needs it.

Exercise and sport

Rule 23

1. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

2. Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided.

Health-care services

Rule 24

1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.
2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

Rule 25

1. Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation.
2. The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.

Rule 26

1. The health-care service shall prepare and maintain accurate, up-to-date and confidential individual medical files on all prisoners, and all prisoners should be granted access to their files upon request. A prisoner may appoint a third party to access his or her medical file.

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2. Medical files shall be transferred to the health-care service of the receiving institution upon transfer of a prisoner and shall be subject to medical confidentiality.

Rule 27

1. All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

2. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.

Rule 28

In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

Rule 29

1. A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for:

(a) Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;

(b) Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists.

2. Children in prison with a parent shall never be treated as prisoners.

Rule 30

A physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to:

(a) Identifying health-care needs and taking all necessary measures for treatment;

(b) Identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission;

(c) Identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm and withdrawal symptoms resulting from the use of drugs, medication or alcohol; and

undertaking all appropriate individualized measures or treatment;

(d) In cases where prisoners are suspected of having contagious diseases, providing for the clinical isolation and adequate treatment of those prisoners during the infectious period;

(e) Determining the fitness of prisoners to work, to exercise and to participate in other activities, as appropriate.

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Rule 31

The physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed. All medical examinations shall be undertaken in full confidentiality.

Rule 32

1. The relationship between the physician or other health-care professionals and the prisoners shall be governed by the same ethical and professional standards as those applicable to patients in the community, in particular:

(a) The duty of protecting prisoners' physical and mental health and the prevention and treatment of disease on the basis of clinical grounds only;

(b) Adherence to prisoners' autonomy with regard to their own health and informed consent in the doctor-patient relationship;

(c) The confidentiality of medical information, unless maintaining such confidentiality would result in a real and imminent threat to the patient or to others;

(d) An absolute prohibition on engaging, actively or passively, in acts that may

constitute torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation that may be detrimental to a prisoner's health, such as the removal of a prisoner's cells, body tissues or organs.

2. Without prejudice to paragraph 1 (d) of this rule, prisoners may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trials and other health research accessible in the community if these are expected to produce a direct and significant benefit to their health, and to donate cells, body tissues or organs to a relative.

Rule 33

The physician shall report to the prison director whenever he or she considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

Rule 34

If, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.

Rule 35

1. The physician or competent public health body shall regularly inspect and advise the prison director on:

- . (a) The quantity, quality, preparation and service of food;
- . (b) The hygiene and cleanliness of the institution and the prisoners;
- . (c) The sanitation, temperature, lighting and ventilation of the prison;
- . (d) The suitability and cleanliness of the prisoners' clothing and bedding;

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(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

2. The prison director shall take into consideration the advice and reports provided

in accordance with paragraph 1 of this rule and rule 33 and shall take immediate steps to give effect to the advice and the recommendations in the reports. If the advice or recommendations do not fall within the prison director's competence or if he or she does not concur with them, the director shall immediately submit to a higher authority his or her own report and the advice or recommendations of the physician or competent public health body.

Restrictions, discipline and sanctions

Rule 36

Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.

Rule 37

The following shall always be subject to authorization by law or by the regulation of the competent administrative authority:

- . (a) Conduct constituting a disciplinary offence;
- . (b) The types and duration of sanctions that may be imposed;
- . (c) The authority competent to impose such sanctions;
- . (d) Any form of involuntary separation from the general prison population,

such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation.

Rule 38

1. Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.
2. For prisoners who are, or have been, separated, the prison administration shall take the necessary measures to alleviate the potential detrimental effects of their confinement on them and on their community following their release from prison.

Rule 39

1. No prisoner shall be sanctioned except in accordance with the terms of the law

or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence.

2. Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established, and shall keep a proper record of all disciplinary sanctions imposed.

3. Before imposing disciplinary sanctions, prison administrations shall consider whether and how a prisoner's mental illness or developmental disability may have contributed to his or her conduct and the commission of the offence or act

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underlying the disciplinary charge. Prison administrations shall not sanction any conduct of a prisoner that is considered to be the direct result of his or her mental illness or intellectual disability.

Rule 40

1. No prisoner shall be employed, in the service of the prison, in any disciplinary capacity.

2. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

Rule 41

1. Any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.

2. Prisoners shall be informed, without delay and in a language that they understand, of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defence.

3. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving

serious disciplinary charges. If the prisoners do not understand or speak the language used at a disciplinary hearing, they shall be assisted by a competent interpreter free of charge.

4. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them.

5. In the event that a breach of discipline is prosecuted as a crime, prisoners shall be entitled to all due process guarantees applicable to criminal proceedings, including unimpeded access to a legal adviser.

Rule 42

General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

Rule 43

1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

- . (a) Indefinite solitary confinement;
- . (b) Prolonged solitary confinement;
- . (c) Placement of a prisoner in a dark or constantly lit cell;
- . (d) Corporal punishment or the reduction of a prisoner's diet or drinking

water;

(e) Collective punishment.

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2. Instruments of restraint shall never be applied as a sanction for disciplinary offences.

3. Disciplinary sanctions or restrictive measures shall not include the prohibition

of family contact. The means of family contact may only be restricted for a limited time period and as strictly required for the maintenance of security and order.

Rule 44

For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

Rule 45

1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.

2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice,²⁸ continues to apply.

Rule 46

1. Health-care personnel shall not have any role in the imposition of disciplinary sanctions or other restrictive measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.

2. Health-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.

3. Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.

Instruments of restraint

Rule 47

1. The use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.

²⁸ See rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (resolution 45/113, annex); and rule 22 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (resolution 65/229, annex).

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2. Other instruments of restraint shall only be used when authorized by law and in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they are removed when the prisoner appears before a judicial or administrative authority;

(b) By order of the prison director, if other methods of control fail, in order to prevent a prisoner from injuring himself or herself or others or from damaging property; in such instances, the director shall immediately alert the physician or other qualified health-care professionals and report to the higher administrative authority.

Rule 48

1. When the imposition of instruments of restraint is authorized in accordance with paragraph 2 of rule 47, the following principles shall apply:

(a) Instruments of restraint are to be imposed only when no lesser form of control would be effective to address the risks posed by unrestricted movement;

(b) The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the prisoner's movement, based on the level and nature of the risks posed;

(c) Instruments of restraint shall be imposed only for the time period required, and they are to be removed as soon as possible after the risks posed by unrestricted movement are no longer present.

2. Instruments of restraint shall never be used on women during labour, during childbirth and immediately after childbirth.

Rule 49

The prison administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.

Searches of prisoners and cells

Rule 50

The laws and regulations governing searches of prisoners and cells shall be in accordance with obligations under international law and shall take into account international standards and norms, keeping in mind the need to ensure security in the prison. Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.

Rule 51

Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy. For the purpose of accountability, the prison administration shall keep appropriate records of searches, in particular strip and body cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches.

Rule 52

1. Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged

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to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner.

2. Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or,

at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

Rule 53

Prisoners shall have access to, or be allowed to keep in their possession without access by the prison administration, documents relating to their legal proceedings.

Information to and complaints by prisoners

Rule 54

Upon admission, every prisoner shall be promptly provided with written information about:

- . (a) The prison law and applicable prison regulations;
- . (b) His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints;
- (c) His or her obligations, including applicable disciplinary sanctions; and (d) All other matters necessary to enable the prisoner to adapt himself or herself to the life of the prison.

Rule 55

1. The information referred to in rule 54 shall be available in the most commonly used languages in accordance with the needs of the prison population. If a prisoner does not understand any of those languages, interpretation assistance should be provided.
2. If a prisoner is illiterate, the information shall be conveyed to him or her orally. Prisoners with sensory disabilities should be provided with information in a manner appropriate to their needs.
3. The prison administration shall prominently display summaries of the information in common areas of the prison.

Rule 56

1. Every prisoner shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her.

2. It shall be possible to make requests or complaints to the inspector of prisons during his or her inspections. The prisoner shall have the opportunity to talk to the inspector or any other inspecting officer freely and in full confidentiality, without the director or other members of the staff being present.

3. Every prisoner shall be allowed to make a request or complaint regarding his or her treatment, without censorship as to substance, to the central prison

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administration and to the judicial or other competent authorities, including those vested with reviewing or remedial power.

4. The rights under paragraphs 1 to 3 of this rule shall extend to the legal adviser of the prisoner. In those cases where neither the prisoner nor his or her legal adviser has the possibility of exercising such rights, a member of the prisoner's family or any other person who has knowledge of the case may do so.

Rule 57

1. Every request or complaint shall be promptly dealt with and replied to without delay. If the request or complaint is rejected, or in the event of undue delay, the complainant shall be entitled to bring it before a judicial or other authority.

2. Safeguards shall be in place to ensure that prisoners can make requests or complaints safely and, if so requested by the complainant, in a confidential manner. A prisoner or other person mentioned in paragraph 4 of rule 56 must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint.

3. Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority in accordance with paragraphs 1 and 2 of rule 71.

Contact with the outside world

Rule 58

1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:

(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and

(b) By receiving visits.

2. Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.

Rule 59

Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.

Rule 60

1. Admission of visitors to the prison facility is contingent upon the visitor's consent to being searched. The visitor may withdraw his or her consent at any time, in which case the prison administration may refuse access.

2. Search and entry procedures for visitors shall not be degrading and shall be governed by principles at least as protective as those outlined in rules 50 to 52. Body cavity searches should be avoided and should not be applied to children.

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Rule 61

1. Prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff.

2. In cases in which prisoners do not speak the local language, the prison administration shall facilitate access to the services of an independent competent interpreter.

3. Prisoners should have access to effective legal aid.

Rule 62

1. Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

2. Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

Rule 63

Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the prison administration.

Books

Rule 64

Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

Rule 65

1. If the prison contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2. A qualified representative appointed or approved under paragraph 1 of this rule shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his or her religion at proper times.

3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his or her attitude shall be fully respected.

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Rule 66

So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination.

Retention of prisoners' property

Rule 67

1. All money, valuables, clothing and other effects belonging to a prisoner which he or she is not allowed to retain under the prison regulations shall on his or her admission to the prison be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.
2. On the release of the prisoner, all such articles and money shall be returned to him or her except in so far as he or she has been authorized to spend money or send any such property out of the prison, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him or her.
3. Any money or effects received for a prisoner from outside shall be treated in the same way.
4. If a prisoner brings in any drugs or medicine, the physician or other qualified health-care professionals shall decide what use shall be made of them.

Notifications

Rule 68

Every prisoner shall have the right, and shall be given the ability and means, to

inform immediately his or her family, or any other person designated as a contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury. The sharing of prisoners' personal information shall be subject to domestic legislation.

Rule 69

In the event of a prisoner's death, the prison director shall at once inform the prisoner's next of kin or emergency contact. Individuals designated by a prisoner to receive his or her health information shall be notified by the director of the prisoner's serious illness, injury or transfer to a health institution. The explicit request of a prisoner not to have his or her spouse or nearest relative notified in the event of illness or injury shall be respected.

Rule 70

The prison administration shall inform a prisoner at once of the serious illness or death of a near relative or any significant other. Whenever circumstances allow, the prisoner should be authorized to go, either under escort or alone, to the bedside of a near relative or significant other who is critically ill, or to attend the funeral of a near relative or significant other.

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Investigations

Rule 71

1. Notwithstanding the initiation of an internal investigation, the prison director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority that is independent of the prison administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The prison administration shall fully cooperate with that authority and ensure that all evidence is preserved.

2. The obligation in paragraph 1 of this rule shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed in prison, irrespective of whether a formal complaint has been received.

3. Whenever there are reasonable grounds to believe that an act referred to in paragraph 2 of this rule has been committed, steps shall be taken immediately to ensure that all potentially implicated persons have no involvement in the

investigation and no contact with the witnesses, the victim or the victim's family.

Rule 72

The prison administration shall treat the body of a deceased prisoner with respect and dignity. The body of a deceased prisoner should be returned to his or her next of kin as soon as reasonably possible, at the latest upon completion of the investigation. The prison administration shall facilitate a culturally appropriate funeral if there is no other responsible party willing or able to do so and shall keep a full record of the matter.

Removal of prisoners

Rule 73

1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
3. The transport of prisoners shall be carried out at the expense of the prison administration and equal conditions shall apply to all of them.

Institutional personnel

Rule 74

1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of prisons depends.
2. The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

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3. To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison staff and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

Rule 75

1. All prison staff shall possess an adequate standard of education and shall be given the ability and means to carry out their duties in a professional manner.
2. Before entering on duty, all prison staff shall be provided with training tailored to their general and specific duties, which shall be reflective of contemporary evidence-based best practice in penal sciences. Only those candidates who successfully pass the theoretical and practical tests at the end of such training shall be allowed to enter the prison service.
3. The prison administration shall ensure the continuous provision of in service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel, after entering on duty and during their career.

Rule 76

1. Training referred to in paragraph 2 of rule 75 shall include, at a minimum, training on:
 - (a) Relevant national legislation, regulations and policies, as well as applicable international and regional instruments, the provisions of which must guide the work and interactions of prison staff with inmates;
 - (b) Rights and duties of prison staff in the exercise of their functions, including respecting the human dignity of all prisoners and the prohibition of certain conduct, in particular torture and other cruel, inhuman or degrading treatment or punishment;
 - (c) Security and safety, including the concept of dynamic security, the use of force and instruments of restraint, and the management of violent offenders, with due consideration of preventive and defusing techniques, such as negotiation and mediation;
 - (d) First aid, the psychosocial needs of prisoners and the corresponding dynamics in prison settings, as well as social care and assistance, including early detection of mental health issues.

2. Prison staff who are in charge of working with certain categories of prisoners, or who are assigned other specialized functions, shall receive training that has a corresponding focus.

Rule 77

All prison staff shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

Rule 78

1. So far as possible, prison staff shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

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2. The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

Rule 79

1. The prison director should be adequately qualified for his or her task by character, administrative ability, suitable training and experience.

2. The prison director shall devote his or her entire working time to official duties and shall not be appointed on a part-time basis. He or she shall reside on the premises of the prison or in its immediate vicinity.

3. When two or more prisons are under the authority of one director, he or she shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these prisons.

Rule 80

1. The prison director, his or her deputy, and the majority of other prison staff shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

2. Whenever necessary, the services of a competent interpreter shall be used.

Rule 81

1. In a prison for both men and women, the part of the prison set aside for women shall be under the authority of a responsible woman staff member who shall have the custody of the keys of all that part of the prison.
2. No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member.
3. Women prisoners shall be attended and supervised only by women staff members. This does not, however, preclude male staff members, particularly doctors and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women.

Rule 82

1. Prison staff shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Prison staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison director.
2. Prison staff shall be given special physical training to enable them to restrain aggressive prisoners.
3. Except in special circumstances, prison staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, prison staff should in no circumstances be provided with arms unless they have been trained in their use.

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Internal and external inspections

Rule 83

1. There shall be a twofold system for regular inspections of prisons and penal

services:

(a) Internal or administrative inspections conducted by the central prison administration;

(b) External inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies.

2. In both cases, the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected.

Rule 84

1. Inspectors shall have the authority:

(a) To access all information on the numbers of prisoners and places and locations of detention, as well as all information relevant to the treatment of prisoners, including their records and conditions of detention;

(b) To freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview;

(c) To conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits;

(d) To make recommendations to the prison administration and other competent authorities.

2. External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority and shall encompass health-care professionals. Due regard shall be given to balanced gender representation.

Rule 85

1. Every inspection shall be followed by a written report to be submitted to the competent authority. Due consideration shall be given to making the reports of external inspections publicly available, excluding any personal data on prisoners unless they have given their explicit consent.

2. The prison administration or other competent authorities, as appropriate, shall indicate, within a reasonable time, whether they will implement the recommendations resulting from the external inspection.

II. Rules applicable to special categories A. Prisoners under sentence

Guiding principles

Rule 86

The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under preliminary observation 1 of these rules.

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Rule 87

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

Rule 88

1. The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it. Community agencies should therefore be enlisted wherever possible to assist the prison staff in the task of social rehabilitation of the prisoners.
2. There should be in connection with every prison social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his or her family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

Rule 89

1. The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups. It is therefore desirable that such groups should be distributed in separate prisons suitable for the treatment of each group.
2. These prisons do not need to provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open prisons, by the very fact that they provide no physical

security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to the rehabilitation of carefully selected prisoners.

3. It is desirable that the number of prisoners in closed prisons should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such prisons should not exceed 500. In open prisons the population should be as small as possible.

4. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

Rule 90

The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards the lessening of prejudice against him or her and towards his or her social rehabilitation.

Treatment

Rule 91

The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit

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them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

Rule 92

1. To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each

prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release.

2. For every prisoner with a sentence of suitable length, the prison director shall receive, as soon as possible after his or her admission, full reports on all the matters referred to in paragraph 1 of this rule. Such reports shall always include a report by the physician or other qualified health-care professionals on the physical and mental condition of the prisoner.

3. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

Rule 93

1. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

2. So far as possible, separate prisons or separate sections of a prison shall be used for the treatment of different classes of prisoners.

Rule 94

As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him or her in the light of the knowledge obtained about his or her individual needs, capacities and dispositions.

Privileges

Rule 95

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every prison, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of prisoners in their treatment.

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Work

Rule 96

1. Sentenced prisoners shall have the opportunity to work and/or to actively participate in their rehabilitation, subject to a determination of physical and mental fitness by a physician or other qualified health-care professionals.
2. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

Rule 97

1. Prison labour must not be of an afflictive nature.
2. Prisoners shall not be held in slavery or servitude.
3. No prisoner shall be required to work for the personal or private benefit of any prison staff.

Rule 98

1. So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.
2. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
3. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, prisoners shall be able to choose the type of work they wish to perform.

Rule 99

1. The organization and methods of work in prisons shall resemble as closely as possible those of similar work outside of prisons, so as to prepare prisoners for the conditions of normal occupational life.
2. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the

prison.

Rule 100

1. Preferably, institutional industries and farms should be operated directly by the prison administration and not by private contractors.
2. Where prisoners are employed in work not controlled by the prison administration, they shall always be under the supervision of prison staff. Unless the work is for other departments of the government, the full normal wages for such work shall be paid to the prison administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

Rule 101

1. The precautions laid down to protect the safety and health of free workers shall be equally observed in prisons.

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2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workers.

Rule 102

1. The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workers.
2. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of prisoners.

Rule 103

1. There shall be a system of equitable remuneration of the work of prisoners.
2. Under the system, prisoners shall be allowed to spend at least a part of their

earnings on approved articles for their own use and to send a part of their earnings to their family.

3. The system should also provide that a part of the earnings should be set aside by the prison administration so as to constitute a savings fund to be handed over to the prisoner on his or her release.

Education and recreation

Rule 104

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

Rule 105

Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners.

Social relations and aftercare

Rule 106

Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his or her family as are desirable in the best interests of both.

Rule 107

From the beginning of a prisoner's sentence, consideration shall be given to his or her future after release and he or she shall be encouraged and provided assistance to maintain or establish such relations with persons or agencies outside the prison as may promote the prisoner's rehabilitation and the best interests of his or her family.

Rule 108

1. Services and agencies, governmental or otherwise, which assist released prisoners in re-establishing themselves in society shall ensure, so far as is possible and necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.
2. The approved representatives of such agencies shall have all necessary access to the prison and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his or her sentence.
3. It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

B. Prisoners with mental disabilities and/or health conditions

Rule 109

1. Persons who are found to be not criminally responsible, or who are later diagnosed with severe mental disabilities and/or health conditions, for whom staying in prison would mean an exacerbation of their condition, shall not be detained in prisons, and arrangements shall be made to transfer them to mental health facilities as soon as possible.
2. If necessary, other prisoners with mental disabilities and/or health conditions can be observed and treated in specialized facilities under the supervision of qualified health-care professionals.
3. The health-care service shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

Rule 110

It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric aftercare.

C. Prisoners under arrest or awaiting trial

Rule 111

1. Persons arrested or imprisoned by reason of a criminal charge against them,

who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as “untried prisoners” hereinafter in these rules.

2. Unconvicted prisoners are presumed to be innocent and shall be treated as such.

3. Without prejudice to legal rules for the protection of individual liberty or

prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit from a special regime which is described in the following rules in its essential requirements only.

Rule 112

1. Untried prisoners shall be kept separate from convicted prisoners.

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2. Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

Rule 113

Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

Rule 114

Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

Rule 115

An untried prisoner shall be allowed to wear his or her own clothing if it is clean and suitable. If he or she wears prison dress, it shall be different from that supplied to convicted prisoners.

Rule 116

An untried prisoner shall always be offered the opportunity to work, but shall not be required to work. If he or she chooses to work, he or she shall be paid for it.

Rule 117

An untried prisoner shall be allowed to procure at his or her own expense or at the expense of a third party such books, newspapers, writing material and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

Rule 118

An untried prisoner shall be allowed to be visited and treated by his or her own doctor or dentist if there are reasonable grounds for the application and he or she is able to pay any expenses incurred.

Rule 119

1. Every untried prisoner has the right to be promptly informed about the reasons for his or her detention and about any charges against him or her.
2. If an untried prisoner does not have a legal adviser of his or her own choice, he or she shall be entitled to have a legal adviser assigned to him or her by a judicial or other authority in all cases where the interests of justice so require and without payment by the untried prisoner if he or she does not have sufficient means to pay. Denial of access to a legal adviser shall be subject to independent review without delay.

Rule 120

1. The entitlements and modalities governing the access of an untried prisoner to his or her legal adviser or legal aid provider for the purpose of his or her defence shall be governed by the same principles as outlined in rule 61.

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2. An untried prisoner shall, upon request, be provided with writing material for the preparation of documents related to his or her defence, including confidential instructions for his or her legal adviser or legal aid provider.

D. Civil prisoners

Rule 121

In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. Persons arrested or detained without charge

Rule 122

Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights,²⁹ persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C, of these rules. Relevant provisions of part II, section A, of these rules shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

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²⁹ See resolution 2200 A (XXI), annex.