Introduction to the Nelson Mandela Rules

International training programme

Day 1 – Introduction to the course

Overall objectives

- Understand the importance of the rules and the key role of prison staff

- Appreciate why they are beneficial to all

- Become familiar with all the thematic rules

- Identify current gaps in implementation and what needs to be done

- Adapt attitudes and behaviours

- Respond to the situation and needs of individuals in prison

- Be equipped with tools to implement the rules

End goals

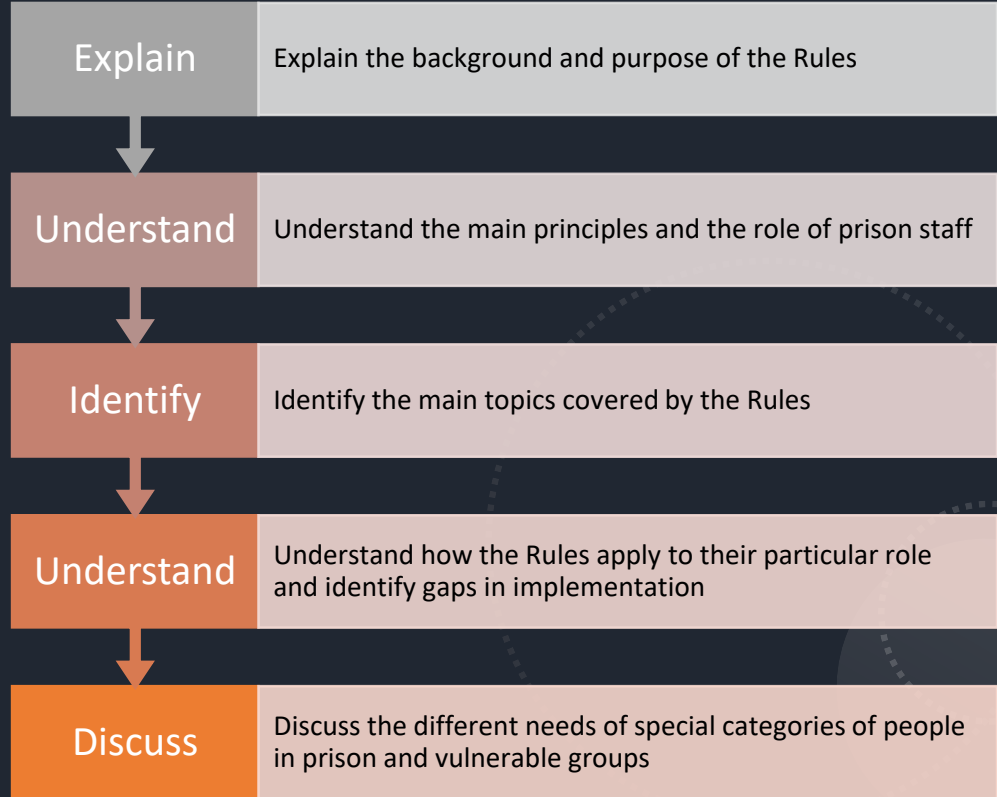|	
Help	Help to protect the rights and dignity of all people in prison
Minimize	Minimize the differences between prison life and life at liberty
Create	Create a better working environment for prison staff
Facilitate	Facilitate the rehabilitation and reintegration of prisoners
Increase	Increase public trust in the prison system.

Module 1 — Introduction to the Nelson Mandela Rules

Learning objectives

Explain	Explain the background and purpose of the Rules
Understand	Understand the main principles and the role of prison staff
Identify	Identify the main topics covered by the Rules
Understand	Understand how the Rules apply to their particular role and identify gaps in implementation
Discuss	Discuss the different needs of special categories of people in prison and vulnerable groups

What are the Nelson Mandela Rules?

The revised UN Standard Minimum Rules for the Treatment of Prisoners (SMR)

- Developed following a four-year intergovernmental revision process
- 122 rules that cover all aspects of prison management
- Named to honour the legacy of Nelson Mandela

What is their purpose in practice?

Universally agreed upon minimum standards for the treatment of all prisoners

Good principles and practices in the treatment of prisoners and prison management

Consolidate criminal justice and human rights standards

Key international standard governing the treatment of prisoners

Framework for external oversight bodies involved in prison monitoring and inspections

Why are the Rules important?

Ensure that prisoners' human rights are respected and that they are treated with dignity

Provide important safeguards against torture and other ill-treatment

Lead to safer environments for prison staff

Enable effective rehabilitation and safe reintegration of prisoners

Benefit society as a whole and improve public and media understanding of prisons and people in prison
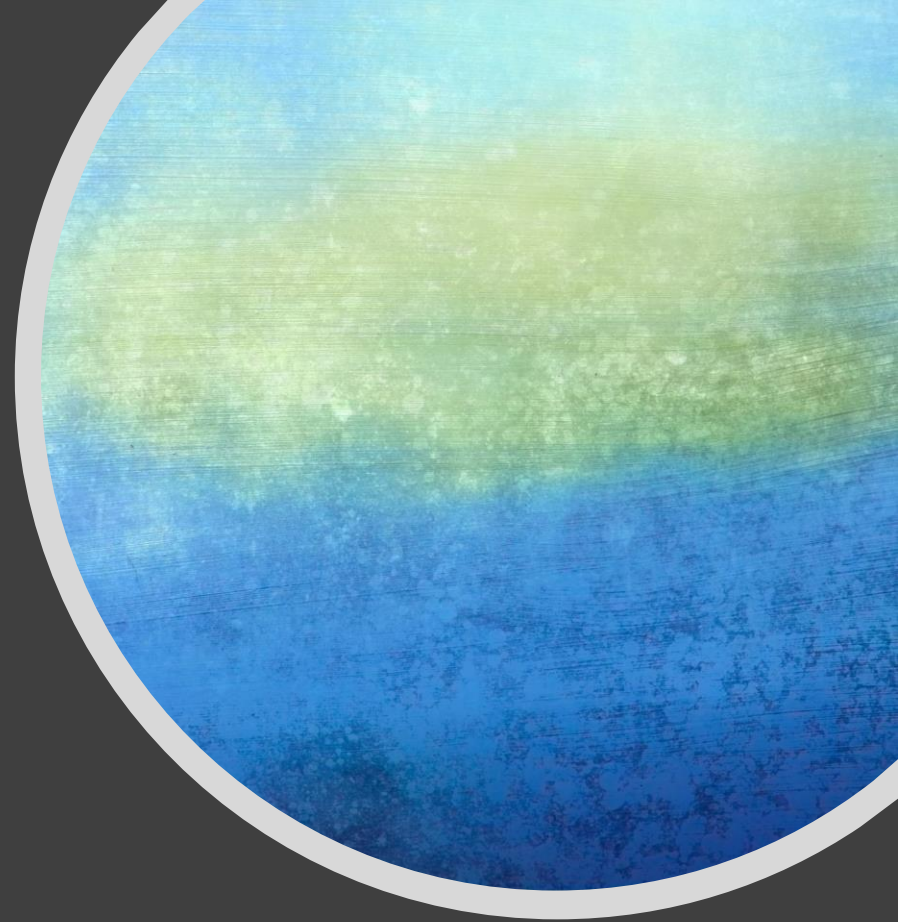
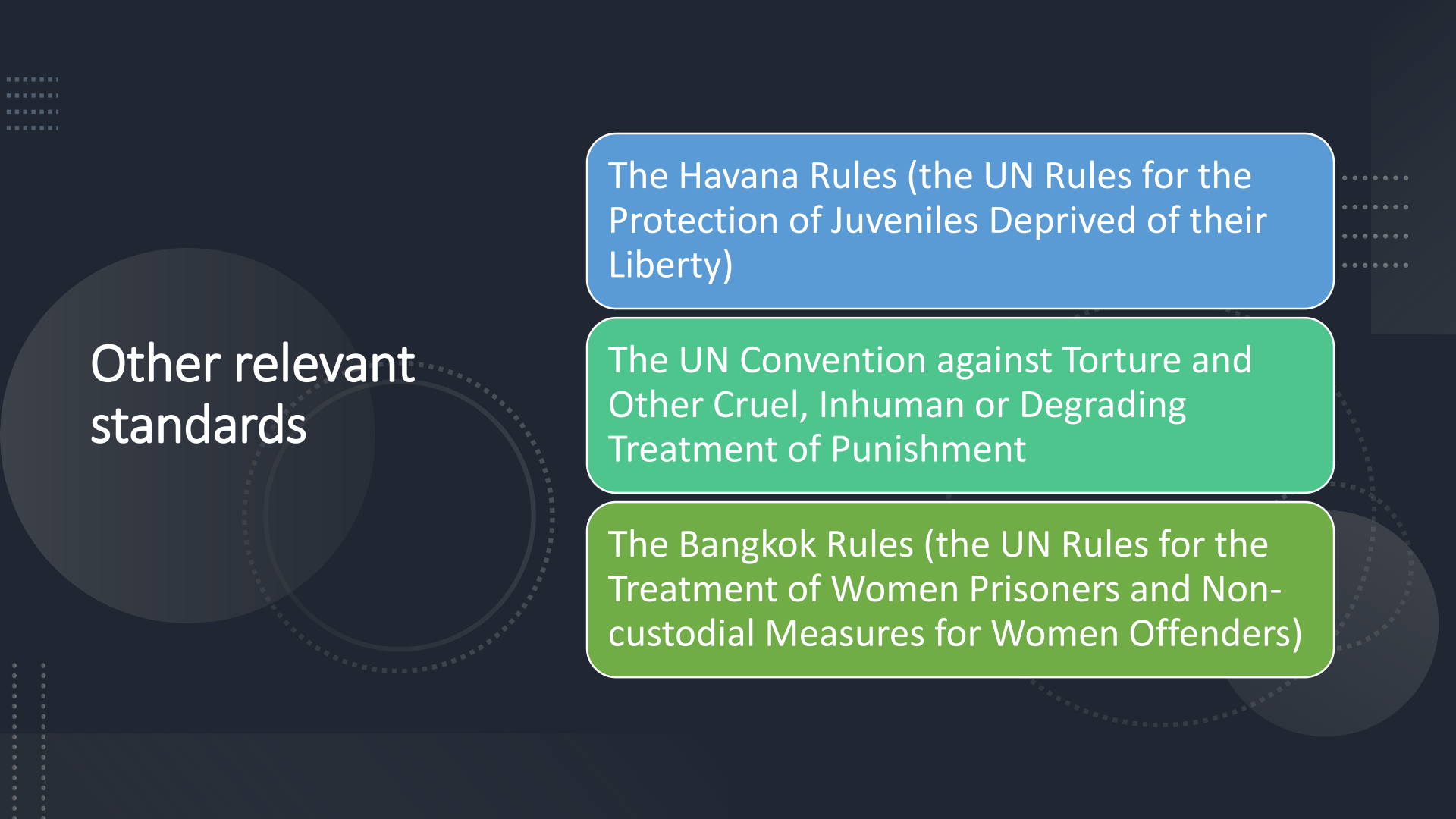# How can they be applied in different countries?

Recognize different conditions in the world

Universally agreed minimum standards

Not legally binding but cannot deviate from binding principles

Should not obstruct the implementation and development of higher standards

Other relevant standards

The Havana Rules (the UN Rules for the Protection of Juveniles Deprived of their Liberty)

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment

The Bangkok Rules (the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders)

Thematic areas covered by the Rules

- Part I - covers many thematic areas and is applicable to all categories of people in prison. Examples:
    - Healthcare
    - Accommodation
    - Sport and exercise
    - Searches

- Part II – contains rules applicable to specific categories
- People under sentence
- People with mental disabilities and/or health conditions
- People under arrest or awaiting trial
- Civil prisoners and those arrested or detained without charge

Particular groups of people in prison

Vulnerabilities

Risk factors – personal, environmental, socio-cultural

Why important to be aware of these factors?

Personal factors

- Gender

- Age

- Sexual orientation and gender identity/expression

- Level of education

- Nationality, ethnicity or race

- Nature of the offence

- Incarceration history and time spent in detention

- Physical and mental health

- Legal situation

- Socio-economic background

- Religion or culture

- Level of self-esteem

- Links to the criminal justice system

- Past or present trauma

- Other life experiences

Environmental factors

The attitude of prison staff

Prisoner/staff ratio

Other prisoners' attitudes

Presence of gangs/gang affiliations

Healthcare, legal and social services

Informal systems of privileges

Prison layout

Contact with the outside world

Prison overcrowding

Make up of the prison population

Socio-cultural factors

The attitude of society and the media

Stigmatization and social exclusion

Social invisibility

Attitudes towards minorities

Corruption

Module 2 — People in prison and prison conditions
Introduction and learning objectives

Identify	Identify the profile of the prison population
Discuss	Discuss why it is important to separate certain groups of people
Explain	Explain basic standards for detention conditions
Assess	Assess how well these standards are met in their facility
Discuss	Discuss the consequences when the State does not fulfill its duty of care
Understand	Understand how conditions of detention can amount to ill-treatment
Determine	Determine what staff can do to ensure that basic physical standards are met
Understand	Understand their own role in identifying individual risks and needs

Why is separation of categories important?

Cater for the individual needs of people in prison

Protect society against crime and reduce recidivism

Protect the safety/security of all people in the facility

Minimize risks and bad influence for different groups of prisoners

Manage daily life in prison effectively

Less expensive for prison administrations

Must also apply during prisoner transfers

Practical steps for prison staff

Systemize risk and needs assessments in the prisoner admission process → Ensure that reviews/reassessments are carried out regularly → Communicate regularly with all prisoners

Pay particular attention to vulnerable individuals → Discuss prison allocation with individual people in prison → Emphasize the importance of allocating people close to home

Keep accurate records and ensure good systems are in place → Bring problems to the attention of prison management

Prison conditions and basic services

- Responsibility to provide for basic needs and promote good health
- Prison design/architecture/budget
- Aspects of prison life to consider
- Need to adapt to specific needs of individuals and contextual assessment

Special considerations

Women and girls in prison

Older people in prison or those with physical disabilities

Cultural/religious considerations

People with physical health problems

Special considerations — What can staff do?

1
Pay particular attention to monitoring access to basic goods and services
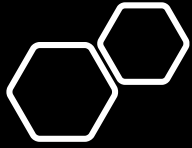
2
Work with healthcare staff to have a plan and frequent reviews

3
Speak to colleagues who have understanding of particular needs

4
Encourage prisoner peer support groups and other support services

Module 3 — Prisoner organization and administration

Introduction and learning objectives

Advocate	Advocate for individualized risk and needs
Identify	Identify problems in prisoner placement
Articulate	Articulate why allocation is so important
Understand	Understand the risks associated with prisoner transport
Explain	Explain why good prisoner file management is important
Articulate	Articulate the key principles related to pre-trial detention
Understand	Understand their own, individual role

Pre-trial detainees

Rules 89, 93 and 94 — assessment and classification of pre-trial detainees

All protections apply to pre-trial detainees

Pre-trial detainees must also be subject to careful, ongoing risk and needs assessments and classifications

Pre-trial detainees should not be excluded from educational and vocational programmes but are also not required to participate in them

Pre-trial detainees must not be held in worse conditions than convicted prisoners

RISKS

- Criminal history and crime imprisoned for
- The risk of committing another offence
- History of suicide/self-harm
- The risk of escape
- Attitudes towards other prisoners/staff members
- Lifestyle within the prison
- Personality
- Drug or alcohol dependency
- Gang membership/affiliation
- Affiliation/connection to violent extremist groups

NEEDS

- Mental health conditions
- Previous instances of victimization
- Protection from violence
- Suicide and self-harm prevention
- Substance use disorders
- Parental and other caretaking responsibilities
- Education and literacy levels
- Language support needs
- Understanding prison procedures and rules

Assessments — important considerations

Women and girls

Never based solely on the offence committed or the sentence length

Tools should be standardized and applied consistently

Must not misinterpret an individual's needs as risk factors

Based on all available information

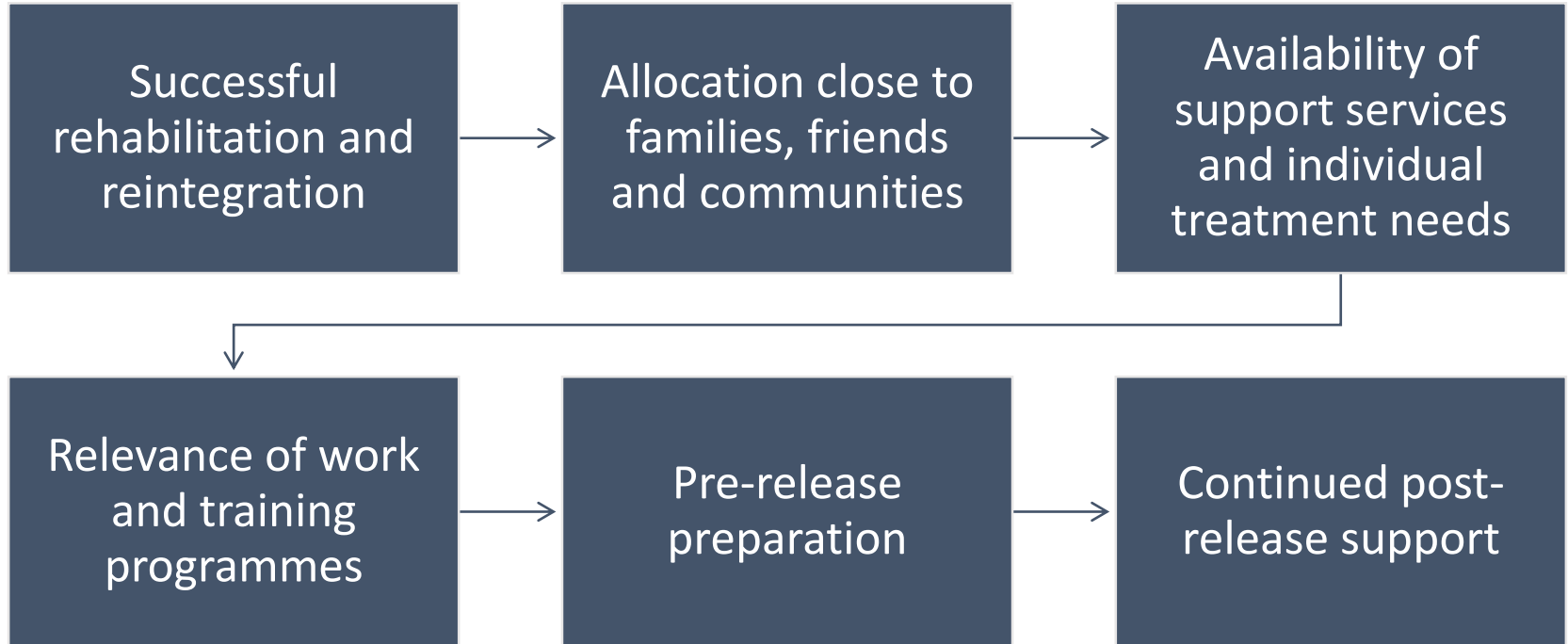Risk assessments of high-risk prisoners will take longer

Repeated, reviewed and updated on a regular basis

Carried out by appropriately trained staff

Based on objective findings

People must be able to challenge their assessments and classifications

Why is allocation so important?

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┌──────────────────────┐    ┌──────────────────────┐    ┌──────────────────────┐
│      Successful       │    │  Allocation close to  │    │    Availability of    │
│  rehabilitation and   │ →  │   families, friends   │ →  │   support services    │
│     reintegration     │    │    and communities    │    │   and individual      │
│                       │    │                       │    │   treatment needs     │
└──────────────────────┘    └──────────────────────┘    └──────────────────────┘

┌──────────────────────┐    ┌──────────────────────┐    ┌──────────────────────┐
│   Relevance of work   │    │                       │    │   Continued post-     │
│    and training       │ →  │     Pre-release       │ →  │   release support     │
│     programmes        │    │     preparation       │    │                       │
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Allocation of women in prison

Rule 4 of the Bangkok Rules:

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

Prisoner transport — risks

- Torture/ill-treatment
- Prisoner disappearances
- Transfer used to punish individuals
- Abuse by other others
- Danger to staff
- Risk of suicide/self-harm
- Impact on mental health
- Risk of escape/attacks

- Road traffic accidents
- Health risks
- Smuggling of contraband
- Missed education
- Missed court hearings
- Lose contact with families/lawyers
- Corruption

Transport — reasons for risks

- Lack of independent scrutiny
- Lack of contact with the outside world
- No notification about transfer
- Low staff/prisoner ratio
- Inadequate security precautions
- No chain of command
- No witnesses
- Lack of rules regulating transport

- Staff responsible for transport not vetted
- No opportunity to make complaints
- Staff don't have relevant information about the person/s being transported
- Categories not adequately separated
- Stressful time for prisoners
- Unsuitable, ill-equipped transport vehicles
- Overcrowded vehicles

Prisoner file management — why so important?

- Safeguards
- Effective prison management
- Meeting individual needs
- Oversight and evaluation

Prisoner files — considerations

- Safeguards
- Access to files
- Content of files
- Consideration for particular groups

Module 4 — Safeguards

Introduction and learning objectives

- Explain why access to these safeguards are important
- Discuss how these safeguards can be most effectively implemented
- Identify why some people in prison don't access these safeguards
- Assess what can be done to ensure they are equally accessible to all
- Identify the consequences when the safeguards are not well implemented.
- Determine what individual prison staff can do
- Understand their role in the prevention of ill-treatment
- Explain the differences between internal and external inspections

Access to information

- Relevant information should be provided to all newly arrived prisoners
- Information should be given to people as soon as they arrive in prison or as soon as possible after
- Information should also be regularly updated throughout the course of imprisonment
- People in prison should be given the opportunity to ask questions
- Prison staff should receive training on information provision

Ways of communicating information

- Information packs
- Summary of laws and regulations
- Displaying information
- Pamphlets available in common spaces
- Posters and visuals
- Oral, audio or video presentations

- Individual explanations and conversations
- Online platforms
- Tannoy announcements
- Prison radio
- Newsletters
- Peer-to-peer information provision
- Information for visitors and others

Information for particular groups

- Foreign nationals
- Ethnic and racial minorities and indigenous groups
- Blind people and those with impaired vision
- People with hearing loss or impaired hearing
- Illiteracy/low literacy

- People with intellectual disabilities
- Those with mental health conditions
- Children in prison
- Older people in prison
- Those under disciplinary procedures, segregation or medical isolation

Requests and complaints

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

Barriers to making complaints

- Women
- Young people in prison
- Foreign nationals
- Illiteracy/low literacy
- People with mental health/intellectual disabilities
- People with physical disabilities
- Ethic and racial minorities and indigenous groups
- LGBTI people in prison

Why is contact with the outside world important?

- Successful rehabilitation and reintegration
- Reduces levels of stress
- Contributes to a healthier and safer prison for all
- Safeguards against human rights violations
- Motivates people to behave better in prison
- Helps people in prison feel part of their family and of broader society

- Reduces feelings of isolation and boredom
- Reduces the potential for unrest
- Reduces the risk of family breakdown
- Can be an important source of food, drinks, sanitary items and medicine
- Access to lawyers
- Connect with what is happening in the community

Internal inspections and external monitoring

COMMON OBJECTIVES

— **To ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures**

— **To detect systemic problems and recommend measures to prevent repetition**

— **To protect the rights of people in prison**

Internal inspections and external monitoring should complement each other.

Common methodologies

— Both bodies must have access to all relevant information about the prison

— Both must be able to freely choose which prisons they want to visit and which people in prison they want to interview

— Both must be able to conduct private and fully confidential interviews

Key differences

INTERNAL INSPECTIONS

- Conducted by central prison administrations
- Monitor compliance with laws and regulations
- Cover a wide range of topics
- Focus on technical aspects of prison management
- Findings not usually made public

EXTERNAL MONITORING

- Independent from the prison administration
- Tailored to assessing human rights compliance and the prevention of torture
- Implementation of national and international human rights standards
- Findings often made public

Module 5 — Incident prevention and response
Introduction and learning objectives

- Describe how prison administrations can ensure safety and security

- Demonstrate that effective security and human rights are compatible

- Explain the differences between physical, procedural and dynamic security

- Discuss the practical application of dynamic security approaches

- Describe different methods of conflict resolution and when they should be applied

- Clarify when searches are necessary and the safeguards that need to be in place

- Be clear on when instruments of restraint, force and arms can and cannot be used

- Identify safeguards that need to be in place when restraint, force or arms are used

- Understand the obligations to investigate deaths, serious injuries and disappearances

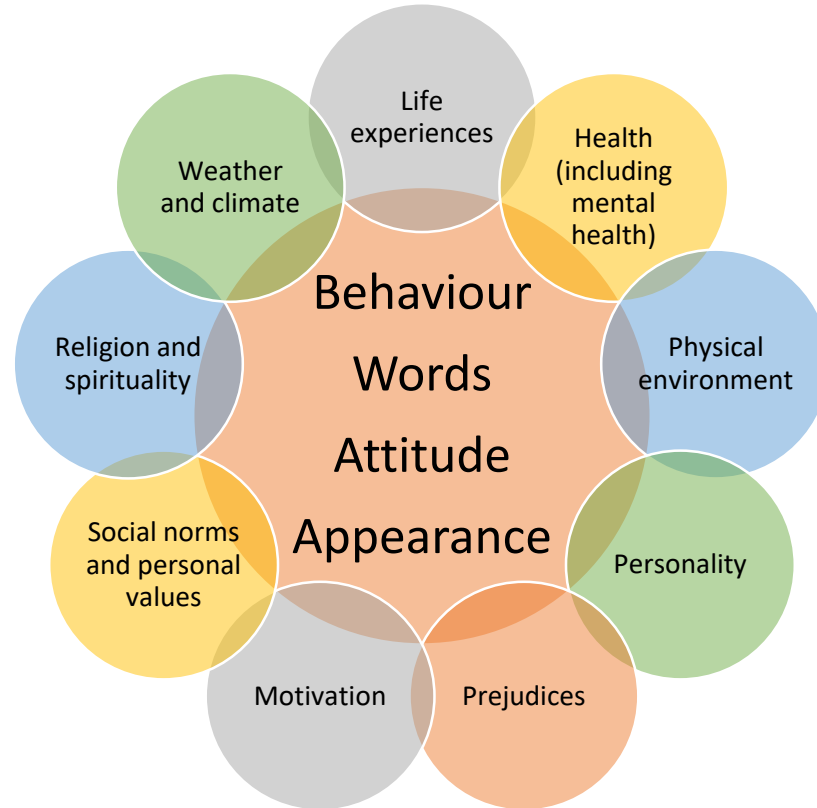- Understand their role in human rights compliance in incident prevention and response

Physical and procedural security

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

- ***Procedural security*** *is the systems and procedures that are in place to complement the physical security of the building. Procedural security should be closely linked to prisoner risk assessments and proper record keeping and should ensure consistent, fair processes.*
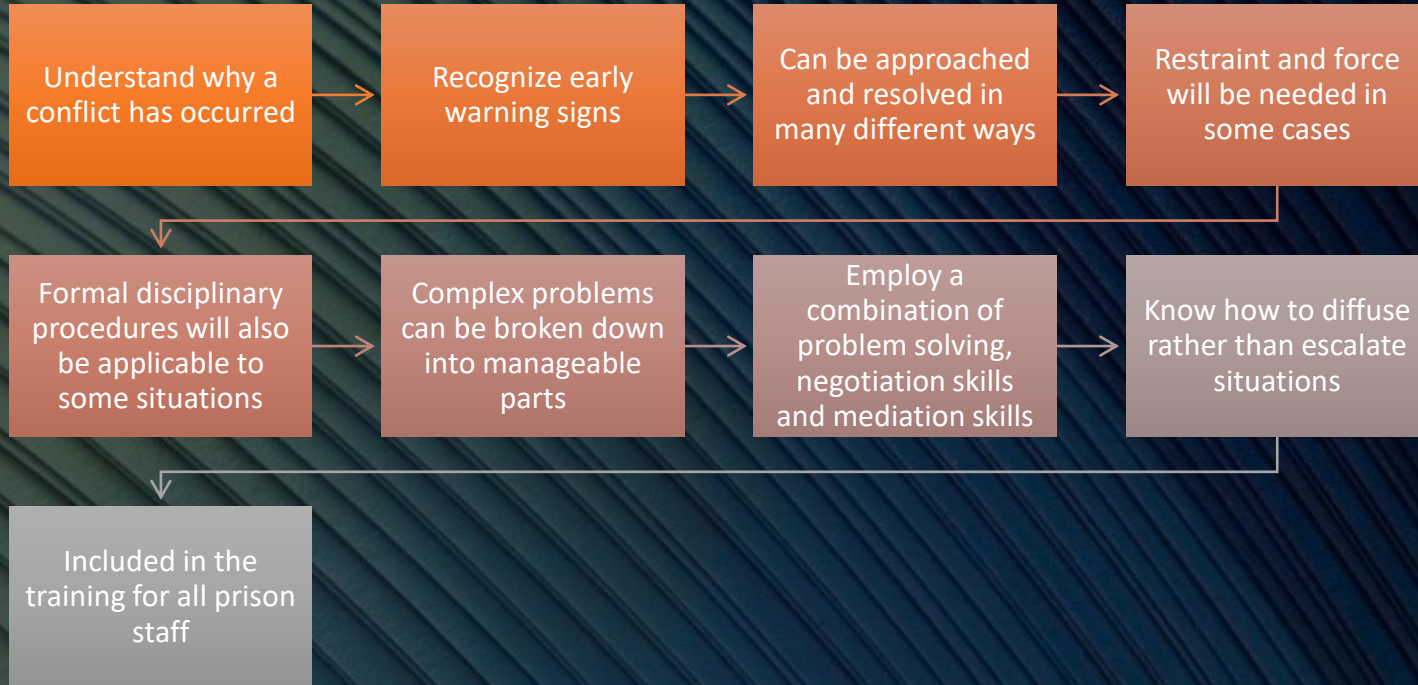
Dynamic security

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

Conflict resolution

Understand why a conflict has occurred → Recognize early warning signs → Can be approached and resolved in many different ways → Restraint and force will be needed in some cases →

Formal disciplinary procedures will also be applicable to some situations → Complex problems can be broken down into manageable parts → Employ a combination of problem solving, negotiation skills and mediation skills → Know how to diffuse rather than escalate situations →

Included in the training for all prison staff

Why are searches so important?

Ensure
- Ensure the security of the prison and the safety of all those within

Prevent
- Prevent contraband items from entering the prison

Reduce
- Reduce levels of illicit trade within the facility

Detect
- Detect possible escape attempts and breaches of security

Reduce
- Reduce harm to self and others

Discourage
- Discourage theft among people in prison

Regulating the use and conduct of searches

- Can be intimidating and degrading
- High-risk situation for abuse
- Can be misused
- Prevent discriminatory searches
- Maintain good relations
- Ensure they are used consistently

- Particular groups of people in prison
- Difficult for prison staff to carry out
- Invasion of personal space and privacy
- Avoid unnecessary duplication of searches

Safeguards

- Suitable for achieving the purpose of the search; least invasive
- Should be conducted by trained staff of the same sex
- Keep appropriate records of searches
- Opportunities to provide feedback or make complaints
- Randomized searches can prevent against discrimination
- Regular independent monitoring of the use of search procedures

Strip and body cavity searches

- When absolutely necessary and as a last resort
- In private but not in an isolated area
- Based on individual risk assessments
- Two-step search
- Carried out by appropriately trained personnel
- Health professionals should examine prisoners after the search
- Be alert to mental health conditions, self-harm and suicide

Particular groups — more details

- Women
- LGBTI people
- Religious and culturally appropriate searches
- People with injuries or physical disabilities

Use of force continuum

Regulating the use of restraints

- Necessary in some situations
- High risk of humiliation, pain, ill-treatment, health consequences
- Prison staff need guidance and people in prison need to understand when they can be used
- Creates tension and distrust between staff and people in prison
- Can protect staff against allegations of abuse
- Many different types of instruments, new ones are being developed all the time

Regulating the use of force and arms

- Necessary in some situations
- Present a high risk of injury and may result in fatalities; can cause pain and humiliation; can also endanger staff
- Risk of torture and other ill-treatment
- Can create fear and distrust between staff and people in prison
- Can escalate an already tense and violent situation
- Risk to people with health conditions and mental health conditions
- Prison staff need guidance and people in prison need to understand when they can be used
- Can protect staff against allegations of misuse
- Help to protect against discriminatory use

Investigations

Responsibilities of prisons

- Report incidents immediately
- Collect and preserve any evidence
- Ensure there is no interference in the investigation
- Protect the alleged victim and any witnesses
- Cooperate with and support the investigative body
- Suspend any staff member potentially implicated
- Separate or transfer people in prison if needed
- Enter information into the prisoner file

Which cases

- Injuries sustained before being admitted to prison
- Any act of torture and other ill-treatment
- All deaths
- Serious injury caused by suicide attempts or self-harm
- The death, serious injury or disappearance of any staff member

Module 6 — Restrictions, discipline and sanctions

Introduction and learning objectives

- Explain how discipline and order can be maintained in a facility with no more restriction than is necessary

- Elaborate on the potential impact of different types of restrictions, discipline and sanctions

- Clarify which measures need to be subject to authorization by law or regulations

- Consider the use of alternative dispute resolution techniques

- Determine when the use of restrictions, discipline and sanctions is necessary

- Identify which measures should never be imposed as a disciplinary sanction

- Discuss the procedures and safeguards that need to be in place

- Explain the limitations and prohibitions on solitary confinement and safeguards that need to be in place

- Understand their own role in applying restrictions, discipline and sanctions

Safeguards

- Used in accordance with the principles of legality, necessity and proportionality
- Decided on a case-by-case basis
- People in prison should be provided with full information and staff must have full guidance
- Staff should also receive training on preventive and diffusing techniques
- Informed of allegations without delay and in a format they can understand
- Given adequate time and facilities to prepare a defence
- Supervision of those undergoing disciplinary measures
- Recorded in the prisoner file
- Never punished twice for the same infraction
- Monitored to detect any discriminatory or excessive use of sanctions
- Monitoring bodies given full access to information

Prohibited sanctions and restrictions

- Those which amount to torture or other ill-treatment
- Indefinite solitary confinement
- Prolonged solitary confinement
- Placement in a dark or constantly lit cell
- Corporal punishment or the reduction of a prisoner's diet or drinking water
- Collective punishment
- The use of instruments of restraint as a sanction for disciplinary offences
- The prohibition of family contact
- Close confinement or disciplinary segregation for pregnant women, women with infants and breastfeeding mothers in prison

Solitary confinement

Meaningful human contact

"The term has been used to describe the amount and quality of social interaction and psychological stimulation which human beings require for their mental health and well-being. Such interaction requires the human contact to be face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication. Contact must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity."

Solitary confinement - safeguards

- Only when permissible by law
- Based on risk and needs assessments
- Used as a last resort
- Used for as short a time as possible
- Subject to independent review
- Healthcare professionals should pay particular attention to health
- Measures in place to alleviate the detrimental effects
- Never be imposed as part of a prisoner's sentence
- Right to seek independent review and defence
- Monitoring bodies should have full access
- Documented in the prisoner file

Module 7 — Health care
Introduction and learning objectives

- Explain the fundamental principles of health care in prison

- Describe the role of healthcare staff and the role of non-medical prison staff

- Discuss the importance of providing good quality, independent health care

- Describe how prison staff can most effectively help people in prison with specific healthcare needs

- Clarify the role of prison staff in documenting and reporting signs of torture

- Explain the impact of prison work on the physical and mental health of prison staff
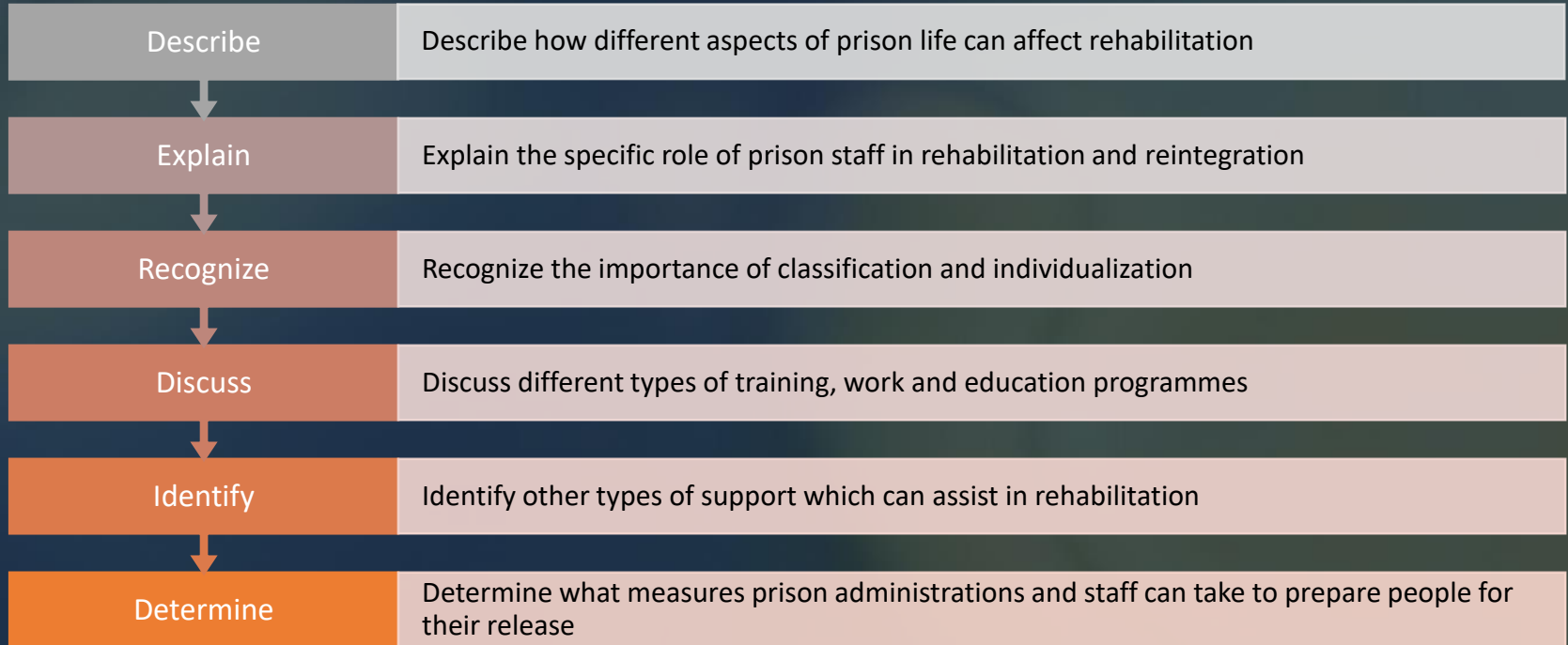
Why is health care in prison so important?

- High prevalence of serious disease and mental health conditions
- Pre-existing or untreated health conditions
- Poor and marginalized backgrounds
- History of high-risk behavior
- Sexual violence and domestic abuse
- Exacerbate pre-existing conditions.
- Conducive to the spread of infectious diseases
- Failure to protect persons or due diligence may amount to ill-treatment

- Detention can also cause health problems in people who were previously healthy
- Health problems hamper chances of successful rehabilitation
- Detecting any signs of torture or other ill-treatment in prisons.
- Identifying early indications of suicide/self-harm tendencies.
- The health of people in prison impacts the community
- Saves financial and staffing resources.

The role of healthcare staff

- Provide medical examinations as soon as possible on admission
- Identify any health concerns and take all necessary measures for treatment
- Contribute to an individual's risk and need assessment
- Identify any specific healthcare needs related to detention
- Determine the fitness of prisoners to work, to exercise and to participate in other activities
- Identify and report any torture and other ill-treatment
- Provide continuous access to healthcare services to all people in prison throughout their detention

- Have daily access to all sick prisoners
- Pay particular attention to the health of specific prisoners
- Recommend changes to the conditions in which prisoners are held
- Maintain accurate, up-to-date and confidential medical files
- Refer individuals to specialist or emergency care as necessary
- To inspect and advise the prison director on prison conditions

Module 8 — Rehabilitation
Introduction and learning objectives

Describe	Describe how different aspects of prison life can affect rehabilitation
Explain	Explain the specific role of prison staff in rehabilitation and reintegration
Recognize	Recognize the importance of classification and individualization
Discuss	Discuss different types of training, work and education programmes
Identify	Identify other types of support which can assist in rehabilitation
Determine	Determine what measures prison administrations and staff can take to prepare people for their release

Why are rehabilitation programmes so important?

Contribute to safer communities

Help people lead self-supporting and independent lives

Positive impact on the wider prison environment

Reduce the difference between life inside prison and life in the community

Limit feelings of isolation and the risk of mental health conditions

Help make prisons safer and more orderly places

Generate financial and other resources for individuals and prison systems

Specific activities

- Physical and mental health care
- Substance abuse programmes
- Physical activities
- Counselling
- Psychosocial support
- Programmes to address attitudes and behaviours

- Education
- Vocational training courses
- Creative activities
- Cultural activities
- Work opportunities
- Employment counselling
- Access to a well-stocked library
- Language programmes

Principles for successful rehabilitation

- Meet the full range of needs amongst individuals held in the facility

- Based on individual assessments

- Accessible to all people in prison

- Gender responsive

- Well financed and resourced

- Relevant for the local context taking into account needs of local community

- Based on consultations with people in prison and those who have been released

- Including peer education programmes

- Supported by staff and managers

- Motivates people in prison to learn

- Includes therapeutic and holistic approaches

- Sustainable and evidence-based

Preparation for release

Should begin at the beginning of the time in prison

Important for all prisoners

Depends on individual circumstances

Additional support requirements of women prisoners

Different strategies needed for foreign nationals

Close coordination with outside agencies

Includes psychological and emotional preparation as well as practical support

Clear, accessible information needed

Can involve the opportunity for people in prison to leave prison for short periods

Opportunities to discuss

Families of people in prison might also need support

Concerns on release

Reoffending	Returning to an unsafe environment/danger of violence	Ostracization from family/community	Poverty
Lost contact with families	Homelessness	Unemployment	Mental health conditions
	No access to education/vocational training	Access to medical care and continuity of care	Substance misuse in the period after release

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