

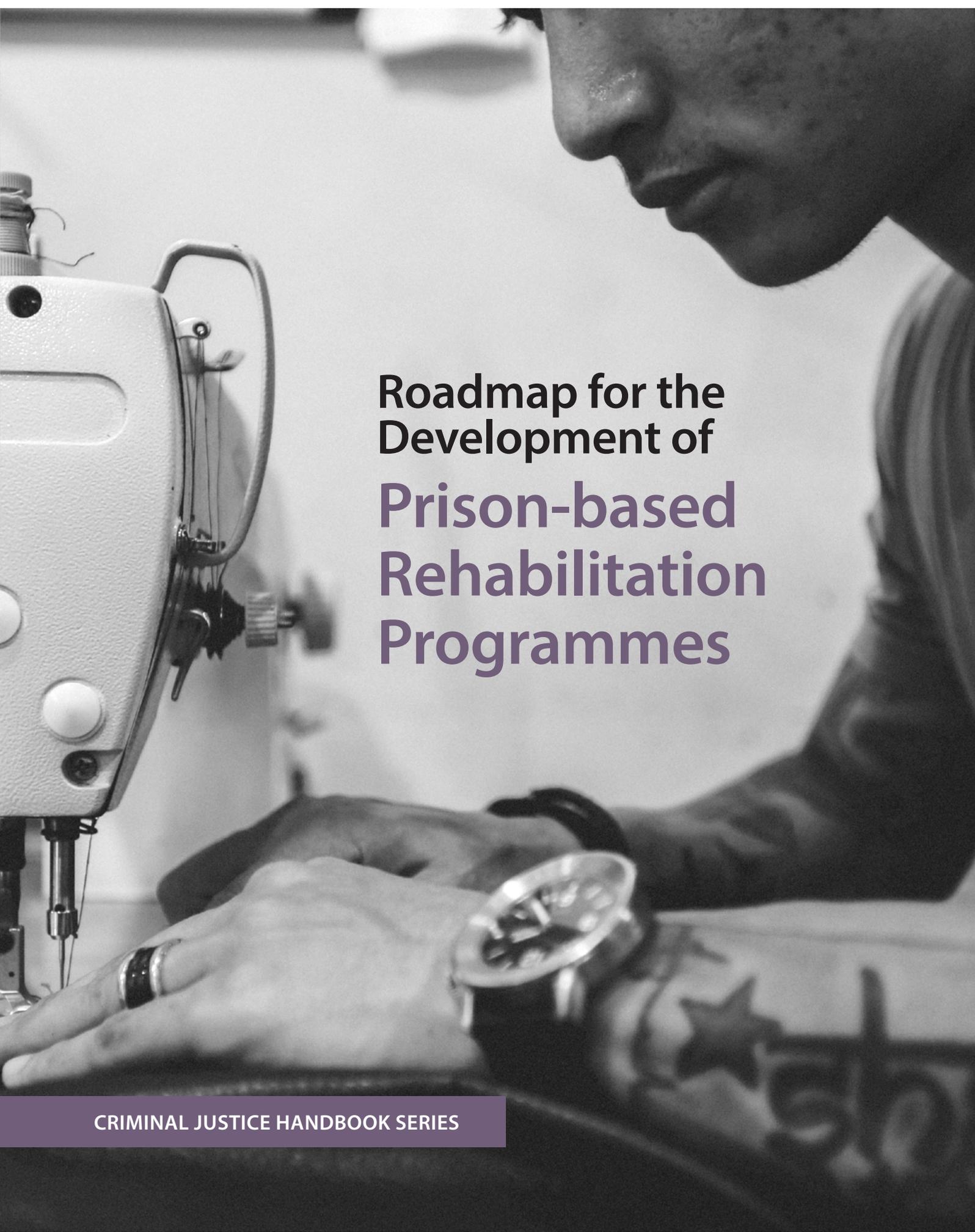


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United Nations Office on Drugs and Crime



The Doha Declaration:
**PROMOTING A
CULTURE OF
LAWFULNESS**

A black and white photograph of a man with a tattooed arm and a watch, focused on sewing at a machine. The background is blurred, emphasizing the man and his work.

Roadmap for the Development of Prison-based Rehabilitation Programmes

CRIMINAL JUSTICE HANDBOOK SERIES

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

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1.

Introduction

1.1 Background

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

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.

1. International law stipulates that imprisonment should not be limited to the deprivation of liberty alone. Rather, it should include opportunities for prisoners to obtain knowledge and skills that can assist them in their successful reintegration upon release, with a view to avoiding future offending. As imprisonment, in itself, is incapable of addressing prisoners' social reintegration issues, the International Covenant for Civil and Political Rights (ICCPR) requires that "the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation".¹ While such treatment should be provided for all sentenced prisoners, pre-trial detainees should equally be offered opportunities for purposeful activity. In many countries, pre-trial detainees comprise a large part of the prison population, but are excluded from rehabilitation activities.

2. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) are the single most important set of international standards that "set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management".² Following an extensive intergovernmental review process of the original version, approved back in 1957, the revised rules were adopted by the United Nations General Assembly in December 2015, thereby constituting a truly updated blueprint for prison management in the twenty-first century. In its basic principles, these rules very clearly establish that the provision of rehabilitation programmes in prisons,

¹International Covenant on Civil and Political Rights, General Assembly resolution 2200A (XXI), Art. 10(3).

²The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 (2015), hereinafter referred to as "the Nelson Mandela Rules", preliminary observation 1.

which foster the willingness and ability of prisoners to lead a law-abiding and self-supporting life upon release, are crucial to reduce recidivism and to improve public safety—the ultimate objective of any sentence of imprisonment.

3. This fundamental principle is backed by empirical studies and evidence. For example, a recent large-scale study conducted in the United States of America found that prisoners who receive general education and vocational training are significantly less likely to return to prison after release and are more likely to find employment than peers who do not receive such opportunities in the course of imprisonment (see box below). The United Nations Special Rapporteur on the Right to Education has equally reported that learning in prison is generally considered to have a positive impact on recidivism, reintegration and employment outcomes. More specifically, he recommended that comprehensive education programmes should be arranged, aimed at the development of the full potential of each prisoner: “These should aim also to minimize the negative impact of incarceration, and improve prospects of reintegration, self-esteem and morale.”³

United States: education and vocational training in prisons reduces recidivism, improves job outlook

In August 2013, the RAND Corporation (United States) released the findings of the largest-ever meta-analysis of correctional educational studies in the United States, commissioned by the U.S. Department of Justice.

The study confirmed a clear linkage between the provision of education programmes and vocational training in prisons on the one hand, and reduction of recidivism and the improvement of future job prospects on the other. Correctional education programmes were also found to be cost-effective, taking into account direct costs of providing education and re-incarceration costs. More specifically, the study found that:

Inmates who participate in correctional educational programmes had 43 per cent lower odds of returning to prison than those who did not;

Employment after release was 13 per cent higher among prisoners who participated in either academic or vocational education programmes than those who did not;

Those who participated in vocational training were 28 per cent more likely to be employed after release from prison than those who did not receive such training;

Direct costs of providing education were estimated to be \$1,400—\$1,750 per inmate, with re-incarceration costs being \$8,700—\$9,700 less per inmate who received correctional education as compared to those who did not.

Source: RAND Corporation (2013): Evaluating the Effectiveness of Correctional Education – A Meta-Analysis of Programs that Provide Education to Incarcerated Adults.

4. The above notwithstanding, in many prison systems, few prisoners have the opportunity to learn or work. Even in many high-income countries, prison systems struggle with providing education, vocational training and work on a scale that would be required to benefit the prison population at large. A review of education in Europe, for example, found that while among the 640,000 prison population in the European Union (EU) there is a significant proportion of low-skilled individuals, less than a quarter of prisoners participate in education and training in most of the EU Member States.⁴ In lower income countries, the extent of prisoners’ involvement in constructive activities is often much smaller.

³Report of the Special Rapporteur on the right to education, Vernor Muñoz, A/HRC/11/8 (2009), “The right to education of persons in detention”, para 91(b).

⁴GHK Consulting (2013): “Prison Education and Training in Europe: Current State-of-Play and Challenges”; Report authored for the European Commission.

5. There is, however, a growing recognition of the importance of rehabilitation programmes in prisons across the globe. When Member States, policy-makers and experts gathered at the thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, Qatar, from 12 to 19 April 2015, discussions were held about the most important priorities for action over the following five years. The Doha Declaration resulting from this Congress reaffirmed the commitment of Member States to implement and enhance policies for prisoners that focus on education, work, medical care, rehabilitation, social reintegration and the prevention of recidivism.⁵

6. As the guardian of the Nelson Mandela Rules, the United Nations Office on Drugs and Crime (UNODC) has published a number of guidance documents in the field of prison management and reform.⁶ Among those, UNODC published in 2012 an “Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders”, which elaborates on promising practices and programmes for reducing criminal recidivism by addressing the social reintegration challenges faced by all offenders, and in particular by those who are or have been incarcerated. This document seeks to build on that handbook by proposing practical steps and considerations to national prison administrations through which promising programmes can be put into practice or be enhanced.

1.2 Why education, vocational training and work?

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

Rule 4

2. (...) 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 sport-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.

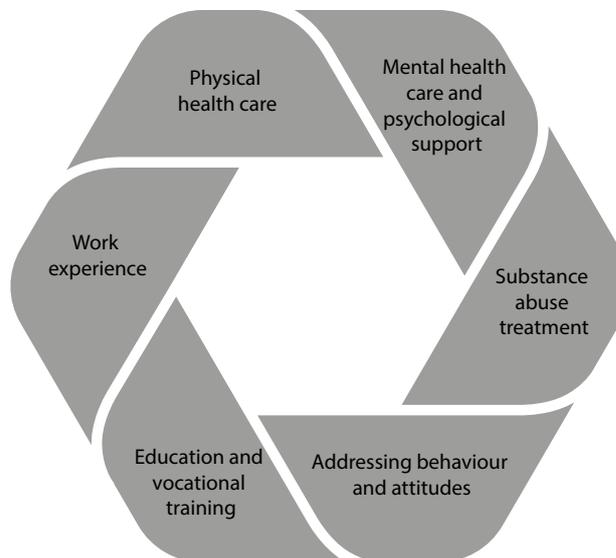
7. While rehabilitation covers a wide variety of activities—including medical and psychological treatment, counselling and cognitive-behavioural programmes—this roadmap focuses on the three core areas of education, vocational training and work in prisons. There are several reasons for expanding activity in these areas. Not least of these is the fact that learning and working are an exercise of fundamental human rights which should, apart from the constraints inherent in imprisonment, be also enjoyed by people deprived of their liberty. Education,

⁵Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, para. 5(j).

⁶These include the UNODC Handbook for Prison Leaders; its Handbook on Prisoner File Management; its Handbook on Prisoners With Special Needs; its Handbook on Women and Imprisonment; its Handbook on Strategies to Reduce Overcrowding in Prisons; its Handbook on the Management of High-Risk Prisoners; and its Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons. More recently, UNODC further developed the publication Assessing compliance with the Nelson Mandela Rules: A checklist for internal inspection mechanisms.

particularly the teaching of literacy and numeracy, is the foundation upon which almost all personal change and development depends. Vocational training and work, on the other hand, are very straightforward ways of engaging large numbers of prisoners in constructive activities, fostering their employability upon release and therefore their ability to successfully reintegrate into society. While investment in infrastructure and prison staff may be needed to implement these activities, it should be possible to make relatively rapid improvements in all three areas in countries with differing levels of resources, and to achieve a positive impact both inside the prison walls as well as for prisoners upon release.

Types of prison-based rehabilitation programmes



8. A comprehensive and truly rehabilitative prison regime obviously involves more than these three components. Meeting the basic needs of prisoners, providing decent living conditions, addressing health care needs and ensuring constructive relationships between prison staff and the prisoners for whom they are responsible are arguably even more fundamental requirements, without which even the most innovative rehabilitation programmes are unlikely to succeed. Arrangements that ensure the provision of post-release support and supervision are equally essential. An absence of such services risks wasting much of the prison-based efforts invested in teaching and training prisoners, as prisoners return to their “old ways” of criminal behaviour. Despite these limitations of this roadmap, its subject matter—education, vocational training and employment—is, if not in itself sufficient, a crucial starting point in all prison regimes that aim to be both effective and compliant with international standards and norms.

9. From the point of view of the prison system, there are four main reasons for investing in education, training and work:

- Giving prisoners opportunities to learn new skills and build work experience will help them to stay away from crime when they leave prison, thus contributing to the overall mission of prison administration to contribute to public safety. As mentioned above, there is a good body of research that shows that in many countries, (i) prisoners have low levels of education and basic skills; and that (ii) improving these skills can have a positive impact on recidivism, social reintegration and employment outcomes.⁷ Prison-based rehabilitation programmes therefore help to make communities safer and reduce the levels of dependency of former prisoners.
- The provision of constructive activities in prisons assists in rendering life in prison more similar to life outside. This is also referred to as the principle of “normalization”,

⁷For a recent review, see Justice Analytical Services/Scottish Government (2015): What Works to Reduce Reoffending: A summary of the Evidence.

whose realization is explicitly called for in rule 5(1) of the Nelson Mandela Rules.⁸ Spending sufficient time engaged in meaningful educational or vocational training activities or productive work forms what the Nelson Mandela Rules call “normal occupational life”,⁹ which prison administrations should seek to replicate as far as possible. Leading a busy life in prison can help reduce the risk of prisoners’ developing depression, other mental health problems or limitations in prisoners’ ability to lead a self-supporting and independent life (“institutionalization” or learned helplessness).

- The provision of education, vocational training and work programmes in prisons can support order, safety and security in prison facilities, and help them develop into (more) positive environments. Prisoners engaged in constructive activities are less likely to become disaffected and cause problems. This may be particularly true if there are incentives and privileges attached to their involvement in activities offered, such as sentence reductions as well as financial remuneration—the latter being a requirement in the case of work programmes. Rehabilitation means prisoners are easier to manage and less prone to violence. While security and rehabilitation are sometimes seen as opposites, well-run rehabilitation programmes actually enhance safety and control inside prisons.
- Work, in particular, can produce financial and other resources for both prisoners enrolled in such programmes as well as for the prison system. These might be direct resources, for example in prisons which cultivate their own food, or through the work which prisoners may undertake in order to clean and maintain the prison; they might also be indirect resources, for example when the products of prisoners’ work are sold and parts of the profits reinvested in the prison system.

10. The above reasons illustrate why prison systems should invest in education, vocational training and work programmes. They indicate that there are benefits which accrue not only for the prisoners involved, but also for prison management and wider society. Publicizing the advantages and benefits that prison-based rehabilitation brings in this way can be a useful way of generating and maintaining political will to reform prisons, as well as fostering public support and understanding. Some may oppose rehabilitation as being too soft on offenders, and others may criticize work programmes, in particular as a form of cheap labour. But mainstream opinion is usually supportive of the idea that it is the deprivation of liberty only which constitutes the punishment, and that prisons should provide genuine opportunities for reform.

1.3 Purpose and scope of the roadmap

11. The purpose of this document is to provide a practical roadmap for prison administrations in order to assist them in developing (a greater number and variety of) high-quality and sustainable rehabilitation programmes and initiatives within their penal establishments. The term “roadmap” implies that this document is intended to provide a series of practical steps which need to be taken in order to arrive at a particular destination – in this case a prison system which meets, or makes progress towards meeting international standards and norms with regard to prison-based education, vocational training and work programmes. Although

⁸With regard to work programmes in prisons, also see Rule 99(1) of the Nelson Mandela Rules: “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.”

⁹Nelson Mandela Rules, Rule 99(1).

each of the steps outlined in this document may not be equally relevant to all Member States, the document is intended to provide suggestions which will be of value to a wide variety of prison systems, and which can be adapted for use in different regions of the world.

12. The actual starting point for each prison system will obviously be different, as will the level of resources available to invest in prisoner rehabilitation and social reintegration. Prison systems which fall under the Ministry of Justice may be more oriented towards rehabilitation than those which are under the responsibility of the Ministry of Interior or Security. Different models of imprisonment may afford differing priorities to rehabilitation. There are variations too in the challenges involved in establishing rehabilitation activities. In many low-resource countries, or those recovering from conflict, prison infrastructure and staff resources may seem wholly inadequate to make progress. In higher-income countries, the demands of security or hostile public attitudes may act as a barrier to the enhancement of constructive activities. In countries of all kinds, prison overcrowding can be a barrier to effective rehabilitation, either because buildings previously designed as workshops or classrooms have been converted into accommodation; because there is insufficient staff to supervise prisoner activities; or simply because the supply of places in education, vocational training and work programmes is outstripped by actual demand. Finally, in some prison settings, existing activities, in particular work programmes, may be organized in ways which are not in line with international standards and norms, and are therefore in need of reform.

13. Constructing new prisons without such investment being accompanied by wider ranging criminal justice reform is rarely a solution to address overcrowding. In some situations, however, “building new capacity can be necessary to replace aging infrastructure and provide adequate space and standards of living, in line with national and international law”.¹⁰ If there is a carefully validated opportunity to plan, design and construct new prison facilities, prison administrations should ensure that there is sufficient physical space, infrastructure and equipment to provide high-quality rehabilitation.¹¹ More often, however, the challenge will be to enhance the prison regime in settings which are outdated, congested and in need of refurbishment and repair—modernization activities which themselves can, if properly organized, increase rehabilitation opportunities for prisoners.¹²

1.4 Limitations of the roadmap

14. In terms of the *target group*, the main focus of the roadmap is on adult prisoners. There are special requirements applicable to children deprived of their liberty (under the age of 18), which means that separate consideration should be given to meeting their specific needs.¹³ Education and tailored treatment must be even more central to the regime in juvenile

¹⁰UNODC, in cooperation with the International Committee of the Red Cross (2014): Handbook on Strategies to Reduce Overcrowding in Prisons, p. 34.

¹¹Also see United Nations Office for Project Services (2016): Technical Guidance for Prison Planning. Technical and operational considerations based on the Nelson Mandela Rules.

¹²See UNODC Handbook on strategies to reduce overcrowding in prisons, which finds that overcrowding can “reduce or eliminate the prospects of assisting prisoners with their rehabilitation”, p. 13.

¹³See, inter alia, the Convention on the Rights of the Child, A/RES/44/25 (1989); the United Nations Standard Minimum Rules for Juvenile Justice, A/RES/40/44 (1985); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, A/RES/45/113 (1990); and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, A/RES/69/194 (2014).

detention facilities.¹⁴ This roadmap does, however, cover young offenders over the age of 18, who should be given priority in terms of education and vocational training.

15. In terms of programmes considered in the roadmap, there are aspects of education, in its widest sense, that are not fully addressed in the document, such as health, physical and religious education or the organization of cultural and recreational activities. Further absent from the roadmap is guidance on the creation, adaptation and implementation of specialized courses, which seek to promote desistance from crime. There is growing recognition in Member States that so-called “offending behaviour programmes”, particularly those based on the principles of cognitive-behavioural psychology, can play an important role in changing prisoners’ attitudes and behaviour. While undoubtedly educational in a broad sense, the introduction of such programmes can be complex, expensive and demanding, and require a level of consideration that places them outside the scope of the roadmap.

16. In no way is this omission meant to deny the significance of such programmes, the positive role which they can play in stimulating learning and change, and the broader benefits which they bring to prison life. By adopting a narrower focus, the roadmap aims to provide guidance that will be useful to a wide variety of Member States interested in improving education, vocational training and work opportunities for prisoners—and thus the basic foundation for a constructive prison regime—in particular those where the current baseline of activity is low.

United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offenders (the Bangkok Rules)

Rule 42

1. Women prisoners shall have access to a balanced and comprehensive programme of activities which take account of gender-appropriate needs.

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

Rule 4

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 5.2

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.

17. When making use of the roadmap, Member States should take account of a number of cross-cutting issues which apply to all programmes, but which cannot be addressed in detail in this publication. Among these are the need to cater for the gender-specific needs of women prisoners in line with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). Women tend to be in prison for different reasons to men, and there may be a case for a specific roadmap for them. Member States are encouraged to take a gender-sensitive approach with

¹⁴It should also be noted that some Member States apply the good practice of permitting juveniles who reach the age of majority while still serving a sentence in a juvenile detention facility to complete their studies there, even until their early twenties.

regard to their rehabilitation and social reintegration. In the course of enhancing prison-based rehabilitation programmes, prison authorities should further pay due attention to protecting and promoting the rights of prisoners with special needs, and ensure that prisoners with disabilities and health problems, both physical and mental, have equitable access to such programmes in line with the Nelson Mandela Rules.

18. A further cross-cutting theme is the importance to prison-based rehabilitation programmes of creating and maintaining strong links with agencies and organizations based in the community. There are two elements to this—first, the important role that community-based organizations can play in assisting rehabilitation inside prison, and second, the importance of continuing access to rehabilitation services after a prisoner is released. The first element may be self-evident but is worth stating: In many prison systems, most education, vocational training and work opportunities are provided in whole or in part by organizations from the private, public or voluntary sectors based outside prison. Developing and maintaining strong relationships with a wide range of providers is essential if rehabilitation activities are to be made available on the necessary scale.

19. Second, because the overwhelming majority of prisoners are released at some stage, the effectiveness of prison-based rehabilitation requires that prisoners have access to continuing opportunities in the community and to the support and/or supervision which can encourage former prisoners to stay on the road to desistance from crime. There is a variety of models of post-release support, including halfway houses, parole or probation supervision and “through the gate” mentoring. Consideration of after-care goes beyond the remit of this roadmap. When developing programmes, however, and in order to have optimum effect, prison authorities should seek to ensure that enrolled prisoners can continue to benefit from these once released. In the case of work, this may involve not only practical arrangements to assist prisoners’ transition or re-entry to the community, but also advocacy for fewer restrictions on employment opportunities for those with criminal records.

1.5 Structure of the roadmap

20. Chapter 2 elaborates on the need for prison authorities to assess the profile of their prison population, as well as the current state of prison-based rehabilitation activities. It proposes a series of questions that need to be answered in order to establish the starting point from which future developments will progress. It is important that such assessment not only looks at the deficits and weaknesses in existing arrangements, but also at their strengths and potential for change. The chapter then proposes a strategic framework for developing, establishing and implementing initiatives in prisons and discusses potential structures for driving them forward.

21. Chapters 3 to 5 address the particular issues which need to be considered when prison administrations move to expand education (chapter 3), vocational training (chapter 4) and work programmes (chapter 5). The fact that the roadmap covers the three categories separately is without detriment to the possibility of developing programmes which give prisoners the chance to learn new skills as well as to earn an income and obtain work experience. Separate consideration, however, allows the particular issues and challenges relating to each programme category to be fully addressed. While there are certainly common issues relating to the establishment of programmes of all kinds in prisons—and therefore some degree of overlap between these three chapters of the roadmap—meeting international standards in the

fields of education, vocational training and work in prisons gives rise to specific matters which need distinct attention. Chapters 3 to 5 each describe:

- Relevant provisions in international standards and norms related to prison-based rehabilitation programmes, in particular those of the Nelson Mandela Rules
- Key issues to consider in planning, initiating and/or enhancing such programmes
- Types of programmes which are likely to be appropriate and the different organizational forms such programmes can take
- Possible obstacles to implementation, and how to overcome them

22. Chapter 6 emphasizes the need to continuously monitor the progress of new initiatives once they are under way. This is important both to ensure that any practical problems in the organization of rehabilitation programmes are identified, including respective remedies; and to measure whether the actual impact of any programme is meeting its expectations, for example in terms of prisoner participation levels, including their feedback, the achievement of learning outcomes or levels of productivity from prison industries and farms.

23. Chapter 7 provides a summary and concluding remarks. It also encompasses a master checklist summarizing the key stages described in the roadmap. The checklist may be useful for prison administrations in developing their initial plans for new activities, in negotiating with other governmental and non-governmental stakeholders for financial or other support and cooperation, and in fostering political and public support for prison-based rehabilitation programmes. The four subsequent checklists provide more detailed additional information on the various stages outlined in the master checklist.

2.

Assessing the current situation and planning improvements

24. Before embarking on the development of new rehabilitation programmes, it is important for prison authorities to have a comprehensive picture of the profile of their prison population as well as the existing range of education, training and work activities in their prisons. This is not simply a question of looking at what the law requires. It is necessary to analyse what is actually provided on the ground in the various prison establishments, including for men and women. It is also important to know about the quality of activities undertaken in prisons.

25. The first stage of the roadmap therefore consists of a corresponding assessment to establish the starting point for a journey towards improvement. Such assessment can be undertaken internally or with the help of outside experts. For example, if the prison system or its line ministry has a research and analysis department, they may be able to undertake the study. Alternatively, a university, external research institute or relevant international organization may be able to provide the necessary expertise. In Panama, under the framework of the Security Cooperation in Panama (SECOPA) project—executed by UNODC and financed by the EU—a diagnosis of rehabilitation programmes was undertaken by the Centre of Studies of Public Security of the University of Chile in 2006 as a precursor to designing a new model of social reintegration.¹⁵ International donors may be willing to fund a needs analysis of this nature.

26. However assessment is organized and paid for, the best results are likely to be obtained by inviting national experts in education, vocational training and work to participate in the assessment, so that comparisons can be made between what is provided in prisons and what is available in the community. There is a strong preference in international standards that the types and quality of education, vocational training and work in prisons should reflect what is available and practised in the community.¹⁶

27. A baseline study or assessment should try to combine quantitative and qualitative information. It should analyse what is provided in prisons as well as the outcomes, including financial costs and benefits, where possible. Cost-benefit analysis can provide important evidence for investment. The study should also obtain feedback from serving and/or former

¹⁵Contribution submitted by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

¹⁶With regard to education, for example, Rule 104(2) of the Nelson Mandela Rules outlines that “[s]o 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.”

prisoners and those involved in running the programmes (while recognizing the ethical dimensions involved). It is particularly important to identify the attitudes and concerns of front-line teachers and prison staff as well as the more senior staff who may be inclined to put a more favourable gloss on activities. If civil society organizations are involved in the programmes, they should equally be interviewed.

2.1 What is the starting point?

28. The main focus of a baseline assessment is to understand what activities are being undertaken, their scope, scale and quality, and the opportunities they present for expansion. A standardized template may help to ensure that comprehensive information is collected on each prison in a consistent manner. Topics to be included in such a template are proposed in annex A. The UNODC Criminal Justice Assessment Toolkit and its Checklist to Assess Compliance with the Nelson Mandela Rules may also be useful resources in this regard.

Albania: assessing rehabilitation programmes in prisons to establish the information base required for reform

In 2014, UNODC, in close cooperation with the General Directorate of Prisons (GDP) carried out a comprehensive assessment of rehabilitation programmes in institutions for the execution of criminal sentences in Albania. This followed a report by the Council of Europe's Committee for the Prevention of Torture (CPT), which recommended that the Albanian authorities redouble their efforts to improve the programme of activities offered to prisoners so that all of them, including those on remand, are able to spend a reasonable part of the day outside their cells engaged in purposeful activities of a varied nature (work, preferably with a vocational value; education; sport; recreation/association). The UNODC assessment found that current initiatives in the field of education, vocational training and work only reached 5 per cent, 8 per cent and 9 per cent of the total prison population, respectively, leaving a majority of prisoners with little, if any, access to meaningful activity. The report concluded that a gradual, carefully planned approach to enhancing rehabilitation was the most promising way ahead, and made more than 50 recommendations aimed at various government departments and agencies.

Source: UNODC (2014): Assessment report on rehabilitation programmes in Institutions for the Execution of Criminal Sentences in Albania.

General points to evaluate

29. For all three categories of rehabilitation programmes, namely education, vocational training and work, it is important to establish answers to the following six questions:

- (a) *What is known about prisoners' existing skills and aspirations, their typical education level, whether they have any professional skills and can contribute to learning and training?*

An analysis of prisoner records and a respective survey is strongly recommended to get answers to these basic questions about the "customers" for rehabilitation, which is essential, yet sometimes omitted or neglected when new initiatives are being planned. In Member States with a system of individualized assessments of prisoners and comprehensive prisoner file management systems, this information may be relatively easy to obtain by aggregating data from the anonymized records of all prisoners.

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

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.

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.

In many other Member States, however, only basic information is collected about the personal and family situation of the prisoner, his or her (alleged) offence and criminal record. In line with the Nelson Mandela Rules,¹⁷ prisons should have in place policies to properly assess and record, on an individual basis, the needs of prisoners and the risks which they may pose, both upon admission and at regular intervals thereafter.

In the short term, developing a tool to find out about the education, skills level and work history of prisoners may be a solution for those Member States which lack such a system. Such a tool should be able to assess prisoners' level of motivation and ability to work in a team, as well as formal qualifications.

(b) *What is the current level of enrolment of prisoners in rehabilitation programmes?*

It is further important to establish the proportion of prisoners (disaggregated by different categories of prisoners) currently able to participate in education, vocational training and work, and the extent of that involvement, namely full-time, part-time or occasional.

An audit on the involvement of prisoners in rehabilitation activities should be sensitive enough to obtain a picture of the situation of prisoners requiring different levels of security (including high-security prisoners, for example), women prisoners and prisoners with special needs. The assessment should also look into whether or not special arrangements are in place for the involvement of illiterate and young prisoners in education programmes, as per respective requirements in international standards and norms.¹⁸

(c) *How are prisoners assigned to the various programme categories, and do these programmes lend themselves to continuation upon release?*

In almost all prison systems, there is a greater demand for rehabilitation activities than there are places. Establishing what mechanism is used to select prisoners for participation is an important task in order to assess whether it is transparent, fair, reasonable and open, as much as possible, to prisoners' expressed preferences, or whether it is susceptible to discrimination or corruption. Some Member States have clear criteria for the involvement of prisoners in programmes: for example, in one of the United States Federal prison factories, work is available only for prisoners within two years of release.¹⁹

¹⁷See, inter alia, Rules 6-10, 91-94.

¹⁸Nelson Mandela Rules, Rule 104(1). While the specific age range covered by the term younger prisoners is not defined, it is generally taken to include prisoners up to the age of 21 or even 25.

¹⁹Federal Prison Industries, Inc. (2016): "Annual Management Report to the Congress of the United States".

It is further important to know whether there are actual opportunities for prisoners to continue with education, vocational training or work activities upon release—a question which requires consultations with education and vocational training providers as well as potential employers in the community.

- (d) *How, and in cooperation with which other (non-)governmental stakeholders, are existing activities organized, supervised and funded?*

The baseline study should identify the system of governance in place for prison-based rehabilitation programmes, namely which person or unit is responsible inside particular prisons as well as within the prison administration's headquarters; what kind of responsibilities this entails (for example supervision, strategic management, etc.); and to what extent funding for rehabilitation programmes is adequate and sustainable.

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

Rule 88(1)

The treatment of prisoners should emphasize not their exclusion from the community but their continuous part in it. Community agencies should therefore be enlisted wherever possible to assist the prison staff in the task of the social rehabilitation of prisoners.

Furthermore, the involvement of other stakeholders, both governmental and non-governmental, as applicable, should be assessed, and to what extent any involvement formally agreed upon is actually provided in practice. In terms of governmental stakeholders, for example, the Ministries of Education, Social Affairs and/or of Labour should be natural partners to assist in the social rehabilitation of prisoners. Where possible, the study should also establish the percentage of the prison budget which is spent on rehabilitation as compared to security and other priorities.

- (e) *Is there physical space available to accommodate current and additional rehabilitation programmes safely and securely, including necessary equipment and resources?*

While in many Member States physical infrastructure will be far from ideal, basic elements of health, safety and security in the course of vocational training and work programmes, in particular, will need to be respected. Similarly, the assessment will need to establish whether available space is fully utilized.²⁰

- (f) *Do prisoners attend education, vocational training courses or work outside prisons and, if so, under what circumstances?*

The principle of normalization implies that as far as the result of an individual risk assessment allows, consideration should also be given to the organization of rehabilitation programmes outside of prison. Many Member States have open prisons for low-risk prisoners, who will often work unsupervised in the community for a number of hours each day. Education, vocational training or work in the community may also be part of a pre-release regime in order to provide for a gradual return to life in society, as explicitly called for in international standards

²⁰ Some studies have shown, for example, that prison farms only cultivated a small proportion of available land (see, for example, Pan African Institute for Development (2015): "Assessment of the Farm Management Practices on Prison Farms and the Implication to Food Production: Case Study of the Buea Central Prison Farm at Lysoka, Buea").

and norms.²¹ If activities for prisoners outside of prison are in place, the assessment should establish which national authority bears responsibilities for such programmes, including respective selection, security and supervision arrangements.

30. Obtaining and analysing the above information will involve a major commitment of time and expertise, require visits to prison establishments, consultations with a number of stakeholders, and the collection of data about ongoing rehabilitation programmes. As mentioned above, a survey of prisoners may be needed to find out about their needs, wishes and attitudes towards the existing provision of education, vocational training and work. Consulting with prisoners and all grades of prison staff is an important way of understanding the strengths and weaknesses of existing provision. In the assessment, proper emphasis should be given to the perspective of gender as well as ethical and cultural diversity, with attention paid to equal opportunities and access by groups in situations of special vulnerability. Guidance on the approach to such groups is contained in the UNODC Handbook on Prisoners with Special Needs.

31. The assessment report should serve as a baseline for the prison administration to adjust current activities and to build on new rehabilitation opportunities. In order to do so effectively, specific information will be needed about each category of education, vocational training and work.

Assessing education

32. In assessing the range and effectiveness of educational programmes in any prison setting, it is important to establish the status of the following aspects:

(a) *Cooperation between the prison administration and the Ministry of Education*

Topics include the strategic arrangement and responsibilities for the management of education, but also practical questions about the rules for taking exams and the system of certification in prisons; whether prisoners can receive nationally recognized diplomas/certificates on completion of their courses (free of charge); and whether these are issued through the national education system, without any reference to the fact that they were obtained in prison.

(b) *The personnel involved in teaching*

Key questions include whether trained teachers are seconded from the Ministry of Education and whether they are employed full-time to work in prisons or encouraged to visit from outside; how many teachers are working in each prison by law and in practice; if education is provided all year around or just during school terms; if prisoners with the requisite skills are encouraged to teach others; and how many students, on average, are in each class.²²

(c) *The curriculum*

It is important to establish what subjects are being taught in prisons and how the curriculum is decided and reviewed; whether there is an appropriate balance between the teaching of

²¹ Nelson Mandela Rules, Rule 87.

²² In Mauritius, for example, the adult prisoner education system was found to be inappropriate as it was based upon early childhood learning principles and thus incorporated school holidays, meaning that for a significant part of the year, education was not operating (see Mauritius Prison Service/UNODC (2013): Strategic Plan 2013-2023 – “From Prison to Correction”).

basic skills and more extended learning for students who have completed primary and secondary school; the possibilities for involvement in distance education and, if so, what if any access students have to computers.

(d) *Teaching resources*

The assessment should further include prison libraries, and establish whether these are adequately stocked with a sufficient quality and diversity of reading materials in the language(s) most commonly spoken; whether prisoners are allowed to study in the library; whether there is sufficient space and furniture for private study; and whether books and journals are available in relevant minority and foreign languages.

Assessing vocational training

33. Vocational training or career technical education programmes in prison are designed to teach prisoners about general employment skills, or skills needed for specific professions and industries. The overall goal of vocational training is to reduce prisoners' risk of committing further offences by teaching them marketable skills which they can use to find and retain employment upon release. Vocational and technical training programmes can also benefit the overall atmosphere in prisons by replacing idle time with constructive work. In addition, some vocational training programmes can assist in the operation of prisons by having prisoners assist in institutional maintenance tasks.

United Kingdom: unlocking potential through education in prisons

A 2016 review of prison education in the United Kingdom concluded that all areas of the prison regime should be considered suitable for learning but identified a number of specific dimensions of education, including:

- basic skills development in literacy, numeracy and information and communication technology (ICT), through intensive courses, one-to-one support from other prisoners, or embedded in workshops or other work settings (for example kitchens and gardens)
- Personal and Social Development (PSD), including behavioural programmes, family and relationship learning, and practical skills (for example parenting, finance, and domestic management)
- Proper support for the needs of prisoners with learning difficulties and disabilities (LDD)
- Provision of arts, music and sport activities
- Enterprise and self-employment support and training
- Self-directed study
- Learning facilitated by ICT, including distance learning that can support qualifications from entry level up to advanced degree level
- Advice and guidance that ensures individuals make informed choices about education, future employment and career options
- "Through the gate" mentoring support so that individuals can continue to progress through education, training and employment on release. This can also be done by ex-offenders who have successfully reintegrated after they have themselves left prison
- High-quality vocational training and employability skills that prepare individuals for jobs on release (for example through industrial work and training designed with and for employers)

Source: Dame Sally Coates (2016): *Unlocking Potential: A review of education in prison.*

34. In the case of vocational training, it is important to establish the following information:

(a) *The range of professional and vocational skills being taught*

It is relevant to find out how decisions are made about the use of workshops; whether prisoners are trained according to a recognized national standard and receive accredited qualifications for their learning; and whether vocational skills training programmes are chosen and designed in a way which lends itself to assist prisoners in obtaining jobs upon release, namely in line with actual market needs.

(b) *Choice about training*

In line with international standards, questions should be asked about whether prisoners can exercise personal choice about which training programme to join;²³ and if training is organized in a way which is compatible with prisoners' participation in other forms of education or remunerated work.

(c) *Quality of instruction and workshops*

This relates to both the question of who is in charge of delivering the training (for example vocational training institutes, businesses or prison service employees) as well as the quality of the equipment and machinery used in the workshops, including due consideration of safety precautions (for example protective clothing).

Assessing work

35. Providing work for prisoners is important to make their stay in prison more constructive and to help them retain, or sometimes gain for the first time, the motivation needed to follow a regular pattern of activity. In short, work programmes can “stimulate and encourage the culture of work, and to combat idleness in places of deprivation of liberty”.²⁴

36. Of course, this also provides the chance to earn an income, albeit very limited in many prison systems. Nevertheless, work enables prisoners to improve their quality of life within the prison, save funds to pay off compensation or other debts which they may have accrued and/or to send money to support their family outside. Finally, work in prison can generate income for the prison, which can in turn be used to improve prison conditions and support the sustainability of rehabilitation programmes. Key questions to assess work programmes in prisons therefore relate to the following:

(a) *Purpose of work*

The assessment should establish whether the primary purpose of work is indeed to ensure that prisoners receive skills which will assist them in finding employment upon release, or whether in practice the purpose of generating a profit for the prison administration supersedes this purpose.

²³Rule 98(3) of the Nelson Mandela Rules states that “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”.

²⁴Principle XIV of the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Inter-American Commission on Human Rights (2008), hereinafter referred to as the “Principles and Best Practices in the Americas”.

(b) *Nature of work offered*

Similar to vocational training, this particularly relates to the question of whether the selection of work programmes is based on an assessment of the labour market needs in the community.

(c) *Remuneration and working conditions*

As prisoners should be remunerated for the work they perform, the assessment should establish how such remuneration is calculated, how it relates to the national minimum wage, as applicable, and how the remuneration system is being implemented and managed.

Furthermore, a careful examination should be made as to whether any of the work can be described as “afflictive”²⁵—that is, causes pain or distress—or constitutes exploitative situations in which the rights of prisoners are not respected. In this regard, oversight mechanisms, if any, should be consulted, including with regard to their Terms of Reference, authority, frequency of visits, and findings.

(d) *Role and involvement of the private sector*

If private companies are involved in providing work for prisoners, the assessment should clearly understand the terms of their contractual and financial arrangement, both between the prison administration and the private company on the one hand, and between the prison, the company and the prisoners who undertake the work on the other.

What to do with the assessment

37. The information collected in the assessment exercise should provide a strong basis for a gap analysis—measuring shortfalls in the existing provision of prison-based rehabilitation programmes and developing a plan to fill these gaps. It will be essential for prison authorities to engage with key external, governmental and non-governmental stakeholders in this exercise, as acknowledged in international and regional standards and norms,²⁶ and seek to engage them in the process of developing the way forward. Relevant stakeholders are likely to include the following:

Relevant line ministries and governmental departments/agencies

These include, in particular, the Ministry of Education, the Ministry of Labour, the Ministry of Social Affairs, as well as other departments concerned with labour/employment or economic enterprise, including those in charge of the accreditation of vocational training. Relevant public partners may also include local government departments and municipalities.

Civil society organizations

In many Member States, non-governmental organizations play an important role in prisons, including through the support for, or provision of rehabilitation programmes for prisoners. These may be organizations who seek to assist prisoners as part of their mission or other kinds of civil society organizations concerned with promoting the rights or well-being of vulnerable groups. Trade unions should also be involved where appropriate.

²⁵ See Rule 97(1) of the Nelson Mandela Rules, which stipulates that “[p]rison labour must not of an afflictive nature”.

²⁶ See, inter alia, Rules 88, 90, 104(2) and 108 of the Nelson Mandela Rules; principle XIII of the Principles and Best Practices in the Americas.

Private companies

With the right safeguards, private companies can play a major role in providing employment opportunities inside and outside prison, as well as upon release. Individual companies or representatives of associations of companies should therefore be invited to discuss their possible involvement within prison settings.

Zimbabwe: prisoners are beating the cold by making their own jerseys

The International Committee of the Red Cross (ICRC) has donated knitting and sewing machines to the Zimbabwe Prisons and Correctional Services (ZPCS) at Harare Central Prison. ICRC also offered a two-month training programme to prisoners and prison officers in knitting and sewing techniques. The project is expected to yield 10,000 jerseys annually.

Source: International Committee of the Red Cross (2016).

Donor organizations

In particular at the initial stage, establishing rehabilitation activities will usually require additional resources, including for refurbishment work, the procurement of equipment and/or the payment of additional staff. Such resources may be obtained from governmental sources, charitable foundations or international donors. Representatives from relevant international organizations should therefore be involved in the design and development of new initiatives at an early stage. As well as funding practical programmes, donors can encourage beneficiaries to take additional steps to render rehabilitation initiatives sustainable. In Panama, as a condition to financing computer, tailoring and hydroponics workshops with funds from the United States, UNODC agreed with the Penitentiary System Management for it to closely coordinate the vocational training courses with the relevant public organ, namely the National Institute for Professional Training for Human Development (INADEH).²⁷

2.2 Developing a strategy, structure and plans

38. Following the assessment and the formation of a stakeholder group, the task will be to establish:

- (a) *An overarching strategy at national level for improving rehabilitation in prisons*

Such a strategy will provide the overall vision and priorities for a certain time period, typically spanning three to five years.

- (b) *A permanent governance structure to oversee the implementation of the strategy*

This may take the form of a commission, working group or unit within the prison system, but should equally include representatives from other relevant ministries and agencies.

²⁷ Contribution submitted by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

(c) *Detailed plans for the development of activities in particular prisons*

These plans will typically take the form of individual or groups of projects, and will require detailed costing, timescales and allocation of responsibilities for the management and implementation of rehabilitation programmes at local level.

Putting together a Rehabilitation Strategy

Mauritius and Ghana: mission and vision statements

Mission statement of the Mauritius Prison Service:

"We serve society by keeping detainees in safe, humane custody and help prepare them for a useful life"

Vision statement of the Ghana Prison Service:

"To transform the Ghana Prisons Service into an efficient Correctional Service operated by a highly trained, disciplined and motivated staff dedicated to reforming and reintegrating convicted offenders into our communities"

Source: Mauritius Prison Service Strategic Plan 2013-2023; Ghana Prison Service 10-year Strategic Plan 2015-2025.

39. In many cases, the development of a strategy for prison-based rehabilitation should form part of a more comprehensive and integrated strategy for the prison service as a whole. As far as education, vocational training and work are concerned, the strategic planning exercise will draw heavily on the assessment described above. While there are varying approaches to developing strategies, the following components are key to many of them.

40. Strategic documents generally commence with a mission statement which defines an organization's business, its objectives and its approach to reach those objectives. A vision statement describes the desired future position of the organization. Elements of mission and vision statements are sometimes combined to provide a statement of a prison service's purposes, goals and values.

41. Strategies then tend to include an analysis of the wider situation in which they are operating:

(a) *An environmental scan*

This will provide an overview of trends in wider society, the criminal justice system, the ministry and the prison service itself. Sometimes, such exercises have utilized an approach involving analysis of political, social, economic, cultural and technological trends and how these impact on prisons. For education, vocational training and work, a detailed labour market analysis will be useful, providing information about which areas of the economy are growing, what skills are required by employers, and the potential for self-employment. In some Member States, the Ministry of Labour may collect statistics and undertake studies of emerging trends.

(b) *A stakeholder analysis*

This part will analyse the various organizations to which the national prison administration relates, including their interests in and expectations of the service. The strategy may rank

stakeholders according to their impact and influence on the prison system.²⁸ In developing a particular strategy for education, vocational training and work, the prison administration will, as mentioned above, need to include, at a minimum, the Ministry of Education, the Ministry of Labour, the Ministry of Social Affairs, and other department(s) responsible for labour, industry and public works.

(c) *A SWOT analysis*

This analysis will identify a list of the strengths and weaknesses of the prison system as well as the opportunities and threats (SWOT) which it is likely to face in the period of the strategy. Strengths might include solid partnerships with the Ministry of Education, the abundance of the potential labour force in prisons, relatively extensive land assets, and the potential for income generation. Examples of opportunities might be support from civil society organizations and an enabling business environment, the availability of credit facilities and interest in partnerships from the private sector.

(d) *Organizational analysis*

The third step will examine how the prison service is managed both at a strategic/policy level, and in terms of day-to-day operations. It will also examine human resource management, namely how staff is recruited, remunerated and trained, including the range of skills available. For education, vocational training and work, it will be particularly relevant to establish the numbers and quality of teachers, instructors and employment specialists, for example agronomists or those with industrial skills and experience. The organizational analysis should also consider the resources available to the prison service in terms of equipment and infrastructure for use in rehabilitation activities.

42. Having undertaken the above analysis, the strategic planning process will need to reach a decision about what the strategic priorities should be over the coming period. This might include the setting of an overall strategic direction made up of a number of strategic goals. Typically, the rehabilitation of prisoners will be one of several such priorities in comprehensive prison strategies.

43. Having set a strategic direction or goal, objectives that are more specific need to be identified, and measures put in place to achieve them. The most commonly used approach for doing so is the use of a logical framework (*log frame*). This is a tool which links the outputs or activities of a new project or programme with the outcomes and objectives which it is expected to achieve. A log frame also provides for targets for achievement and performance indicators for monitoring progress towards reaching the outcome. Performance indicators will assist in determining whether a certain objective has been reached, and should be *SMART* (Specific, Measurable, Agreed upon, Realistic and Time-bound).

44. Developing plans such as these is an important prerequisite for success, but ensuring that they are useful tools for change requires two further levels of work. First, ensuring that there is an accountable body to oversee the work involved in meeting the objectives; and second, implementing the measures on the ground which will achieve the desired objectives.

²⁸The stakeholders identified in the Strategic Plan of the Ghana Prison Service 10-year Strategic Plan, for example, comprise: Prisoners, the Government, including the Ministry of Health and the Ministry of Food and Agriculture, criminal justice agencies, the general public, the consuming public (people who are directly involved with prisons), industries (who can provide partnership for business ventures), banks, faith-based organisations, international organisations, donors and civil society organizations, the media, traditional authorities, the Human Rights Commission and the AIDS commission (see Ghana Prison Service 10-year Strategic Plan 2015-2025, pp. 10-13).

Ghana: example of logical framework pertaining to prison industries

Goal	Objective	Activities	Indicators
Create and run efficient prison industries	To create and maintain industries that will produce competitive products of good quality, in commercial quantities	Conduct market and industry survey to determine the service's comparative advantage. Develop business plan in line with comparative advantage—construction, furniture and tailoring—collaborating with relevant partners. Source for start-up capital from financial institutions, NGO's, donors and industries. Acquire modern industrial plant and technology.	Market survey and business plan completed by 2015.
		Commence operation on pilot basis and expand to full operation by 2018.	Operations started in 2016 on pilot basis.
		Reorganize the Construction Unit to bid for contracts to raise income and undertake maintenance of physical infrastructure.	Reorganization completed by 2015
		Partner with the private sector to facilitate production to generate income.	Identification of partners and signing of memorandum of understanding (MoU) by end of 2015

Source: Ghana Prison Service 10-year Strategic Plan 2015-2025.

Source: Department of Correctional Service of South Africa: Strategic Plan 2012/13—2016/17: "Breaking the cycle of crime", p. 16.

A responsible authority for rehabilitation

45. A recent study in Europe has concluded that “given the very diverse contexts in which prisons and prison education operate across the countries of Europe (with varying numbers of prisons, sizes of prison populations, prison population rates, and prisoner profiles, for example), there can be no single approach to the arrangements for prison education and training which can be applied to all countries”.²⁹ The same is certainly true in respect of work programmes in prisons, and the variety of national contexts becomes naturally even wider at the global level. According to the report, there was little evidence of “multidisciplinary, cross-agency collaboration aimed at providing the more holistic ‘support package’ to offenders both during and after their prison sentence”.³⁰

²⁹GHK Consulting (2013): “Prison Education and Training in Europe: Current State-of-Play and Challenges”; report authored for the European Commission, p. 53.

³⁰Ibid., p. 50.

46. The above notwithstanding, it is important that some form of dedicated unit is responsible for the development and management of prison-based rehabilitation programmes. The study quoted above found that responsibility for general education in prisons in Europe tends to lie with the national Ministry of Education (16 countries) and/or the Ministry of Justice (15 countries), while responsibility for vocational education lies mainly with the Ministry of Education (14 countries) and/or Justice (14 countries). The third most common response was that responsibility for vocational education and training lies with other authorities/organizations (7), including, for example the Ministry of Labour/Welfare or the national prison services.

47. In federal prisons in Argentina, work and vocational training are coordinated by a National Prison Work Programme that operates within the sphere of the Under-secretariat of Relations with the Judicial Power and Penitentiary Affairs. This programme works in coordination with ENCOPE (Ente Cooperador Penitenciario), an arm's-length organization that manages 400 productive workshops employing almost 8,000 prisoners—nearly three quarters of the total prison population.³¹ A similar arrangement is in place in Algeria, where a National Office of Educational Work and Learning, an autonomous unit reporting to the Penitentiary Administration, runs a range of workshops. These include a printing press which prints government documents, laws and decisions of the courts.³²

England and Wales: de-centralization of decision-making in prisons (contd.)

In a major reform in England and Wales, prison governors are to be given a greater say over the rehabilitation arrangements in place in their prisons. Building on the devolution of powers that have already been rolled out in six reform prisons, the Ministry of Justice will, from April 2017 onwards:

- (i) give prison governors authority to do their own workforce planning and decide what structures best meet their local needs
- (ii) give prison governors greater power over service provision in their prison, devolving control over education, work, offender behaviour and resettlement programmes, and greater influence over healthcare provision
- (iii) give prison governors greater authority to decide on how to spend their budget in order to deliver their strategy, removing many of the centralized restrictions on spending and devolving education and family budgets
- (iv) devolve decisions on key operational policies, allowing governors to make better use of tools such as Release on Temporary Licence (ROTL) to allow prisoners to engage in purposeful activity, such as work, as part of their sentence

Source: Ministry of Justice (2016): Prison Safety and Reform.

48. Given the importance of rehabilitation, a more fundamental reorientation of the prison system may equally be a way forward. In Uruguay, for example, the prison system was transformed into the National Rehabilitation Institute in 2010. Following its creation and corresponding changes, about half of prisoners are now studying or working.³³

49. Whatever the exact organizational arrangement, prison administrations should also carefully consider the level of autonomy which is delegated to individual prison establishments, and how much decision-making is retained at the prison administration's headquarters.

³¹ Contribution submitted by the expert from the Ministry of Justice of Argentina in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

³² Contribution submitted by the Prison and Reintegration Administration of Algeria in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

³³ Agencia EFE (2016): "Uruguay to increase work opportunities for inmates to combat lack of security", 27 December.

Planning rehabilitation programmes in prisons: the four Ss

50. The following chapters provide detailed guidance on the specific issues which need to be considered when education, vocational training and work projects are being planned and implemented in prisons. If comprehensive improvements are to be achieved, costed development plans will need to be developed. The responsible authority might wish to develop a standardized template which would identify the programmes to be initiated and improved, and the corresponding requirements for change in each prison. Such a template should, at a minimum, cover the following topics.

Space

One of the first key questions that must be asked is at which location an activity will take place. Space is often very limited and highly sought-after in prisons, and a lack of space is often the reason given for the absence of activities. Very often, accommodation for prisoners is overcrowded, with rooms originally delegated for rehabilitation being used to accommodate prisoners. Creative solutions to the lack of space include using accommodation flexibly. Could a dining hall or church be used for education sessions? Could the kitchen be used for cookery classes? Could dormitory space be used for education activities during the day? Where the climate allows, can some activities take place outside in the yard?

Facing the lack of classrooms in prisons, UNODC, under the framework of a project on “Supporting prison reform in Panama”, acquired four containers (three to be used as classrooms and one as a teachers’ room), rapidly solving the issue of available space.³⁴ In Italy, funds from fines paid by offenders have been used to renovate unused space in 12 prisons, training and employing 74 prisoners in construction, maintenance and decorating.³⁵

Consideration should also be given to the scheduling of activities so that best use is made of available facilities. Access to rehabilitation programmes could, for example, be also made available during the evenings and weekends rather than simply during weekdays.

Staff

A realistic assessment will need to be made of the staff required to run new activities, as well as their skills and qualifications. In the fields of education and vocational training, human resources will typically be provided from outside the prison system, although contributions made by existing staff, if necessary with additional training, should not be ignored. Obtaining a sufficient number of extra staff will be a matter of hard negotiation with relevant departments and agencies.

To supplement specialist staff—whether teachers, instructors or agronomists—existing staff will at least need to take on support roles. Volunteers or interns may be able to contribute as well. Finally, prisoners themselves are an under-utilized resource in some prisons, and while their involvement requires a careful risk assessment and supervision, it can be very beneficial to the successful development of new projects.

³⁴ Contribution submitted by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

³⁵ Contribution submitted by the expert from the Department of Penitentiary Administration of Italy in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

System

When establishing new programmes, authorities must consider the impact these will have on the wider ecosystem within the prison. For example, will a new workshop exhaust the available power supply? How will a new agricultural initiative affect limited water resources for prisoners? Decisions will also need to be made about the specific prison(s) and regime level(s) in which the activity will take place, and who will be eligible to participate. Importantly, the implications which new activities will have for the tasks of custodial staff and what standard operating procedures may need to be developed, for example to cover the escorting of prisoners to a workshop or their supervision outside on a farm in a field, will require careful planning.

There are, however, implications not just for systems within particular prisons, but also to the whole prison estate. It is, for example, highly desirable that prisoners are able to continue with education and training activities if they are moved from one prison to another. Impact on rehabilitation therefore needs to be also taken into account in population management procedures.

Supplies

A thorough inventory will be needed of the resources required to run activities successfully. Whether it is books for the library, computers for distance learning or raw materials for an industry; developing a comprehensive supply chain is crucial if activities are to run as planned. A responsible financial appraisal and realistic capital and revenue budgeting will be needed if projects are to be sustained.

Experience suggests that conservative estimates should be made of productivity in income-generating projects and yields from farms, particularly in the early stages of implementation. The productiveness of prison industries tends to be lower compared to similar business in the community, either because industrial business skills may be lacking, the workforce is subject to a higher rate of change or working hours are more limited due to the prison regime and security issues. When undertaking fundraising within the prison system, from the wider government or from international donors, it is important not to over-promise in terms of economic benefits.

51. In addition to these four areas, there are other good practices which apply across the board. These include:

- (a) the development of a risk register which identifies the chances of things going wrong, and the consequences if they do
- (b) a communications strategy to ensure that prisoners, staff and other relevant stakeholders, including the wider public, are properly informed about developments
- (c) independent as well as internal inspection mechanisms which can ensure that what is being undertaken in the field of education, vocational training and work is lawful in terms of both domestic and international obligations

52. Ensuring that these matters are properly taken into account in the planning of activities requires strong project management skills on the part of the prison administration. At the very minimum, a dedicated senior individual in each prison will almost certainly need to be given the responsibility and time to develop initiatives in a way most likely to deliver success.

3.

Developing education programmes in prison

3.1 International standards

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

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 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 as that after their release they may be able to continue their education without difficulty.

53. The right of everyone to education is firmly anchored in international law,³⁶ as are the rights of prisoners to education and cultural activities “ (...) aimed at the full development of the human personality”.³⁷ Education should be available to all prisoners, with particular attention being paid to the teaching of young and of illiterate prisoners. There is a strong preference in international norms for prison education to be integrated with the mainstream educational system of each country, so that standards are comparable and the possibility of prisoners continuing their education after release rendered more likely.

54. The Nelson Mandela Rules further require having enough teachers instructing in prisons on a permanent basis, who may be supplemented by those who work part-time and volunteers. In addition, prisoners themselves, individually or in groups, can be entrusted with specified social, educational or sports activities as long as such modalities are properly supervised. Finally, every prison should have a well-stocked library for use by all categories of prisoners, who should be encouraged to use it. In terms of the overall rehabilitative regime, the rules specify that prisoners’ working hours should leave sufficient time for education and other rehabilitation activities.³⁸

³⁶International Covenant on Civil and Political Rights, quoted above, Art. 6.

³⁷Basic Principles for the Treatment of Prisoners, A/RES/45/111 (1990), Principle 6; also see the Basic Principles and Best Practices in the Americas, Principle XIII, which further clarifies that primary or basic education shall be free for adult prisoners who have not received or completed the whole cycle of primary instruction; European Prison Rules, Recommendation Rec(2006)2 of the Council of Europe Committee of Ministers to Member States, Rule 106.

³⁸Nelson Mandela Rules, Rules 40, 64, 78 and 102.

55. In 2009, the United Nations Special Rapporteur on the Right to Education made a series of important recommendations about education in prisons, including to the effect that:

(a) education for people in detention should be guaranteed in constitutional and/or other legislative instruments, and should be adequately resourced from public funds.

(b) systematic screening of all prisoners should become the norm, resulting in individual education plans developed with the full participation of the detainee. These should be monitored, evaluated and updated from entry to release.

(c) teachers in places of detention should be offered approved training and ongoing professional development, a safe working environment and appropriate recognition in terms of working conditions and remuneration.

(d) evaluation and monitoring of all education programmes in detention should become the norm and a responsibility of the Ministry of Education.³⁹

3.2 Specific issues to consider in developing educational programmes in prison

Meeting a variety of educational needs

56. Most prisons are likely to contain prisoners with a wide variety of educational experiences and levels of attainment. While many will lack basic skills, others will have completed secondary or even tertiary education. Research in some countries has suggested that persons with learning difficulties and conditions such as dyslexia may be overrepresented in prison populations.⁴⁰ Prisons should seek to offer education for all, with priority given to those who lack basic skills.

57. One implication of the above is the need for a careful but timely process of assessing prisoners upon admission with appropriate tools for evaluating the educational level of each prisoner. Ideally, this should form part of a broader assessment of risks and needs, which measures educational achievements and deficits alongside a range of personal, family and social information. For convicted prisoners, such information should be used—alongside other perspectives (not least from the prisoner themselves)—to develop a sentence plan which describes where the sentence will be served and what kind of rehabilitation activities should be provided in order to reduce the prospects of re-offending.⁴¹

58. In countries with large numbers of foreign national prisoners, providing training in the language of the host country is often seen as a priority. This can help prisoners to communicate within the prison and to access other education or training courses which are conducted in the host language.

³⁹Report of the Special Rapporteur on the right to education, Vernor Muñoz, A/HRC/11/8 (2009), quoted above, paras. 90(a), 92, 96-97.

⁴⁰In England and Wales, for example, nearly one third of prisoners were self-identified on initial assessment as having a learning difficulty and/or disability according to a recent review of prison education (see Dame Sally Coates (2016): “Unlocking Potential: A review of education in prison”, p. iii).

⁴¹Also see the Nelson Mandela Rules, Rule 94. Such a plan should not only include measures to address education, vocational training and work-related needs, but also any specific requirements for interventions relating to offending behaviour, how the prisoner can be helped to maintain contact with his or her family, and how to meet financial and other obligations which he or she may have accrued.

Motivating prisoners to learn

59. A survey in Europe found that prison authorities consider the most important reason that low numbers of prisoners participate in education that they choose not to do so. Whether this is objectively the case or not, it is certainly true that many of the prisoners with low levels of basic skills will not have had a positive experience in school or of other formal education.⁴² As adults, they may feel embarrassed that they cannot read or write well and may be reluctant to admit this or to volunteer for education.

60. While the Nelson Mandela Rules make clear that education for illiterate prisoners should be compulsory, finding ways to motivate the desire to learn is important.⁴³ The chance to socialize outside their cells may be a sufficient incentive for inmates to join classes in prisons where there are otherwise limited opportunities for association.

61. In many prisons, however, prisoners may prefer to work in order to earn a salary or qualify for a sentence reduction. It is therefore important for prison staff at all levels and of all kinds to promote education actively and to encourage prisoners. In some cases, information notices and brochures may help, whereas in others it is likely to be the influence of fellow prisoners which can make a difference. In some Member States, mechanisms exist for prisoners who participate in education to receive some form of remuneration, or other benefits, in order not to place them at a disadvantage in respect to those who work.⁴⁴ In most cases, paying prisoners is not a feasible option, but linking involvement in education with the possibility of early release can be a powerful incentive.

Brazil and Saudi Arabia: sentence reductions for participation in education

Since 2011, arrangements for sentence reductions in Brazil applicable to work have been brought in line with those applicable to education. The law establishes that, for every three days spent in educational activities, one day will be taken off the sentence. Prisoners may also apply to a committee for the opportunity to participate in a reading programme. Once a prisoner has finished reading a book, they are asked to write a book report or essay on the material. For the essay to pass through the committee, it must be grammatically correct, neatly composed, and demonstrate a grasp of the subject matter. If the essay passes, that prisoner will receive a four-day reduction of his or her prison sentence. This process may take place once per month, resulting in a possible reduction in prison sentence of up to 48 days per year per prisoner.

In Saudi Arabia, the Head of Prisons in Makkah has announced the development of new regulations which would allow prisoners to reduce their sentence by 5 per cent if they successfully pass a school year, or two equivalent training courses, rising to a maximum of 15 per cent of a prison sentence of one year or more.

Source: Time (2012): Brazil inmates get chance to read their way to freedom, 28 June; Arab News (2014): New law to help prisoners reintegrate into society, 13 December.

62. In countries with a progressive regime—a system in which prisoners can move to less restrictive conditions during the course of their sentence—educational achievement and participation can increase the chance of a prisoner’s progress to a more open setting. In some

⁴²The 2016 review of prison education in England and Wales found that 42 per cent of adult prisoners reported having been permanently excluded from school (see Dame Sally Coates, quoted above, p. iii).

⁴³Also see Rule 106(2) of the European Prison Rules, which explicitly stipulate that “all sentenced prisoners shall be encouraged to take part in educational and training programmes.”

⁴⁴In New Zealand, for example, a small “incentive allowance” is paid to those prisoners involved in employment training (see Department of Corrections (2001): Inmate Employment Policy, p. 14).

countries, successful completion of educational programmes is celebrated with a graduation ceremony which prisoners' families are invited to attend.

Prisoners with short or long sentences

63. Some prisoners, in particular pre-trial detainees, will spend a relatively short period in custody before being released or before being transferred to another establishment. In these circumstances, it may be difficult to make any assessment of their educational needs, let alone provide a structured course of learning. The Council of Europe's Committee for the Prevention of Torture (CPT) has observed that activities in many remand prisons were indeed extremely limited,⁴⁵ and considered that one should aim at ensuring that prisoners in pre-trial establishments are able to spend a reasonable part of the day (eight hours or more) outside their cells, engaged in purposeful activity of a varied nature. Of course, regimes in establishments for sentenced prisoners should be even more favourable.⁴⁶

64. From an educational standpoint, short modular courses which can provide positive experiences for shorter-stay prisoners should be developed. From a broader perspective of criminal justice policy, it would be preferable for prisoners serving short sentences to be made subject to community-based sanctions. Measures such as probation, suspended punishment or unpaid work (community service) can enable offenders to remain at home and continue to work or learn at community-based institutions.

65. For long-term prisoners, there may be difficulties in providing a sufficient variety of education courses which enables them to progress during a sentence of many years. Maintaining a positive attitude among prisoners serving long sentences is a key challenge, which needs to be taken into account in the design of educational programming. It is also important to recognize that long-term prisoners may experience psychological problems after release, which can make it challenging for them to apply education and/or labour skills acquired in prison. Prisons should therefore arrange for psychological assistance on re-entry alongside education, training and work.

3.3 Common obstacles

Access to education

66. In some Member States, particular categories of prisoners may be limited by law from participating in educational classes, for example prisoners sentenced for life or those convicted of certain offences considered to be of particular gravity—a practice which is not in line with international standards and norms. Even if there are no legal obstacles to education, prisoners may be denied access to education, for example due to hostility on the part of prison staff vis-à-vis particular prisoners, concerns about security, or a more general feeling that prisoners are being offered opportunities which they themselves may not have enjoyed.

⁴⁵“The organisation of regime activities in such establishments—which have a fairly rapid turnover of inmates—is not a straightforward matter. Clearly, there can be no question of individualised treatment programmes of the sort which might be aspired to in an establishment for sentenced prisoners. However, prisoners cannot simply be left to languish for weeks, possibly months, locked up in their cells, and this regardless of how good material conditions might be within the cell.” (CPT standards: “Substantive” sections of the CPT’s General Reports, 2015, para. 47).

⁴⁶Ibid.

67. In conditions of overcrowding, there may further be a lack of dedicated classrooms and insufficient quiet areas for prisoners to undertake personal study. Providing staff to escort prisoners to classes or the library can also be a barrier to participation. Security concerns have been cited as a reason for denying prisoners access to the Internet. While some of these concerns are certainly valid, a recent review of education in England and Wales recommended that security arrangements currently underpinning the use of information and communications technology in the prison estate should be reviewed. More specifically, governors should be allowed to develop an approach that allows suitably risk-assessed prison learners to have controlled access to the Internet to support their studies as well as to facilitate applications for jobs upon release.⁴⁷

Lack of learning resources

68. A lack of learning resources can severely limit the effectiveness of education in prisons. This is not only a matter of books and writing materials. Increasingly, education relies on the availability of technological equipment, such as computers, for e-learning. There are opportunities for prisons to appeal for assistance in increasing the scale and diversity of educational resources by approaching the public, schools, libraries, universities, newspapers and other publishing companies. Private companies may equally be a source of computer equipment, especially when they replace and upgrade their IT systems to more modern versions.

France: specialized training for prison educators

In France, teachers taking up a role in prison education are required to undertake three (separate) weeks of training during their first year in post. This training is provided jointly by the Prison Administration Department (PAD, Ministry of Justice) and the School Education Department (Ministry of National Education) and is intended to help teachers to adapt to working in prison and to build up teaching skills that correspond to the needs of offenders.

Source: Grundtvig European Project (2011): Desk Research: France – Summary of training offered to newly appointed prison teachers. Funded by the Directorate General for Education and Culture, European Commission.

69. In South Africa, the Department of Correctional Services, in partnership with the University of South Africa (UNISA), is offering online connectivity to prisoners who are studying, so that they are able to apply online for registration, send assignments online, and communicate with lecturers online. This has been further facilitated by the Department of Correctional Services acquiring laptop trolleys, each of which can carry up to 32 laptops, for use by offenders that are registered for distance learning with UNISA (these became known as the UNISA hubs, with access limited to UNISA online information and resources). In Panama, a campaign called “un libro para la cárcel, una ventana a la libertad” (“a book for prison, a window to freedom”) led to thousands of books being collected for the libraries of the country’s prisons.⁴⁸

Staff deficiencies

70. Adequate numbers of qualified and motivated teaching staff are needed throughout

⁴⁷ Dame Sally Coates, quoted above, p. 7.

⁴⁸ Contributions submitted by the experts from the Department of Correctional Services of South Africa and by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

the year, including during public holidays applicable in the community. Either additional financial budgetary provisions need to be made so that education is provided 52 weeks a year, or alternative activities should be organized during holiday periods. These might include sporting, cultural or other activities enriching the prison regime. Professional staff may be assisted by volunteers who come into the prison to help prisoners to learn basic or more advanced skills.

71. Some teachers may be reluctant to work in prisons although in Spain, for example, there is a waiting list. Prisons in South Africa, on the other hand, have experienced a high turnover of staff. In Kazakhstan, young teachers are encouraged to work in prison, but as they are not experienced, the quality is variable.⁴⁹ Other countries offer placements in prison as part of teacher training. There is a case for specially selecting suitable instructors. Teaching in prisons requires a flexible and spontaneous approach because of a setting in which frequent interruptions may be possible, and where teaching aids, such as electronic equipment, may be restricted. Prison educators may also feel professionally isolated because there is a lack of understanding among teachers working in mainstream schools or colleges of the environment and restrictions in which prison educators work.

72. In order to address this challenge, an EU-funded project on “Effective Induction for Prison Teachers”, which aims to increase public awareness of the importance and value of prison education, developed a European learning programme for prison teachers, incorporating modules on (i) teaching and learning in custodial settings; (ii) security; (iii) prisoner psychology; and (iv) networks and resources.⁵⁰

73. The need for additional specialized induction or training for teachers will depend on the type of prison. Teaching staff in high-security prisons will need to recognize attempts to manipulate them, for example. Such staff should receive training on the importance of adhering to policy and procedures; reporting conditioning immediately; avoiding over-familiarity with prisoners (friendly, not friends); dynamic security; establishing boundaries (for example not sharing personal information); and acting in a professional, reliable and consistent manner.⁵¹

74. Finally, consideration needs to be given to the level of pay for teachers in prison and whether they should be eligible for a bonus because of the difficult working conditions. This may, however, cause problems if other staff are not rewarded. In some countries, teachers—like prison doctors—receive additional payments or allowances or assistance with transportation costs. In others, teaching in prison can assist in career progression in education. In Thailand, for example, prison teachers have the option of pursuing a career in the prison service.

75. Some countries have experienced resistance from some prison staff to the introduction of new educational activities, which they see as creating new burdens in terms of escorting and supervision. Ways of getting staff on-board include improving basic training, involving staff in some of the programmes and communicating effectively with all levels of personnel about planned developments. In some countries, prison staff has access to education alongside prisoners, or can access resources (such as computers) during the evening.

⁴⁹ Contributions submitted by the experts from the General Directorate of Prison Administration of Spain and by the independent expert from Kazakhstan in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁵⁰ Grundtvig European Project (2011): Effective induction for prison teachers – European Programme.

⁵¹ Also see the UNODC Handbook on the Management of High-Risk Prisoners (2015) in this regard.

3.4 Organizational models for education in prison

76. Modern education combines a range of methods, including classroom learning, personal study, distance learning and peer learning. Research has suggested that a learner-centred approach building on individual skills, competences and past experiences is needed in prisons, together with alternative styles of teaching and learning which are engaging and relevant to the prisoner.⁵² Furthermore, it is important to tailor learning to the prison context, for example through the use of modular or unit-based courses, and the validation of prior learning.

77. Such an individualized approach is not always possible in large or overcrowded prisons, where distance learning and peer learning are likely to be more promising options. In many Member States, there are growing partnerships between universities and prisons—an approach in line with regional standards, which encourage the provision of educational services in prisons in cooperation with society through the participation of civil associations, non-governmental organizations, and private educational institutions.⁵³

Peer-led learning

78. Subject to proper risk assessments, well-educated prisoners can play an important role in teaching their less skilled peers in a variety of countries. In the Indian state of Rajasthan, for example, graduate prisoners volunteer to teach fellow prisoners and can be rewarded with a waiver of two days per month of their sentence.⁵⁴ In the United Kingdom, the charity Shannon Trust has developed a series of initiatives to improve literacy, including the reading programme “Turning Pages”, which is facilitated entirely by “peer mentors” rather than teachers or tutors.⁵⁵

Prison university partnerships

79. In a variety of national contexts, partnerships have increasingly been developed between universities and prisons. These include programmes in which prisoners can learn alongside university and college students, and can start regular college or university level courses which they can then complete upon release. The United Kingdom-based “Learning Together” initiative has taught prisoners and students criminology courses.⁵⁶ University fees for such study programmes are waived in a number of Member States, including in Nigeria.⁵⁷ In Panama, the Ministry of Interior and the University of Panama signed a partnership that allowed the attachment of a university extension in the Women’s Rehabilitation Centre in 2013. Since its construction, 200 women have participated, of whom 30 have already graduated. A similar initiative in the men’s prison El Renacer was under way in 2017.⁵⁸ In Canada, some educational programmes have been developed both within the prison system and within the community.⁵⁹

⁵² GHK Consulting (2013): Prison Education and Training in Europe, quoted above, p. 54.

⁵³ Principles and Best Practices in the Americas, Principle XIII.

⁵⁴ Website of Rajasthan Prison Service; also see Times of India (2013): “Now, education to help prisoners’ early release”, 21 January.

⁵⁵ “Turning Pages” makes use of a synthetic phonics approach to supporting reading development and has been implemented in 124 prisons across England, Wales and Northern Ireland (see Birmingham City University (2016): “Turning Pages, Changing Lives – An Evaluation of the Shannon Trust Reading Programme Turning Pages”).

⁵⁶ Armstrong R. and Ludlow A. “Educational Partnerships Between Universities and Prisons: How Learning Together can be Individually, Socially and Institutionally Transformative”, Prison Service Journal, May 2016.

⁵⁷ Premium Times, “Nigeria Open University waives fees for prison inmates”, 5 May 2016.

⁵⁸ Contribution submitted by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁵⁹ Contribution from the expert of UNESCO Chair in Applied Research for Education in Prison in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017). <http://www.cmv-educare.com/en>.

United States and India: partnerships between prison services and universities

The Prison to College Pipeline (P2CP) is a partnership between the New York State Department of Corrections and the City University of New York. University faculty staff delivers classes at a medium-security male prison. Successful applicants are taught accredited college courses in a variety of liberal arts disciplines including English, sociology and anthropology. These courses provide a solid academic foundation that prepares students for the standards and expectations of the rigorous college-level work which they undertake upon release. To do so, the courses are backed by a full-scale developmental education programme which builds reading and writing skills, an academic counselling relationship and a wider programme to address each individual's unique re-entry needs, including housing, subsistence, healthcare, mental health or substance abuse treatment, social supports, and compliance with criminal justice conditions of release.

A different model is provided by the Indira Gandhi National Open University (IGNOU), which has set up 94 Special Study Centres in prisons across India. So far, 25,000 prisoners have benefited from the initiative. In developing these partnerships with universities as well as with other outside bodies, prison authorities will need to have clear contracts or agreements so that there is clarity about expectations on both sides. Because of the high level of interest in expanding the Indian programme, the Government produced a model MoU between prisons and the IGNOU, which outlines mutual responsibility as below:

<p><i>The host institution (prison) will:</i></p> <p>Appoint the Jail Superintendent or any other employee nominated by the appropriate authority as the Centre Coordinator.</p> <p>Identify inmates as counsellors/mentors for the various programmes.</p> <p>Obtain necessary approvals/permissions if external counsellors are to conduct contact sessions.</p> <p>Give one or two rooms with a space of approximately 500-800 sq. ft. for exclusive use of IGNOU for the office of Coordinator, Special Study Centre (Prisons).</p> <p>Let a signboard of IGNOU Study Centre be installed prominently at a proper place.</p> <p>Make halls/rooms available for holding counselling, practical and term-end examinations.</p> <p>Extend library, computer and laboratory facilities etc. as per the requirements of the programmes being offered.</p> <p>Adhere to the registration, examination and other academic schedules of the University.</p>	<p><i>IGNOU will:</i></p> <p>Provide the required self-instructional and audiovisual materials pertaining to the programme(s) being offered.</p> <p>Consider providing the Study Centre additional facilities, such as a computer, a TV and dish antenna to watch IGNOU educational programmes, if there are more than 150 learners at any such centre.</p> <p>Not charge any tuition fee/other expenses for enrolled inmates of the host institution.</p> <p>Assist the coordinator, if necessary, in the process of admissions/examinations.</p> <p>Meet the expenditure of remuneration to the coordinator at Rs. 3000/- p.m.</p> <p>Help with recurring expenditure for stationery, post and photocopying.</p> <p>Pay the counsellors (inmates or external) as per IGNOU norms and defray the expenditure towards assignment/project evaluation.</p> <p>Conduct examinations in the jail, make visits during exams and make payments for the conduct of examination.</p> <p>In cities where IGNOU has a Regional Centre; the Special Study Centre (Prisons) will be attached to it for administrative purposes and at other locations to the nearest Regular Study Centre.</p> <p>Have the right to shift or close the Special Study Centre (Prisons) if it finds that support services are not being provided, as per the requirements of the university.</p>
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Sources: John Jay College of Criminal Justice / Prisoner Reentry Institute (2011): *Prison-to-CollegePipeline* (2013): *Providing University-Level Education to Ease Prisoner Reentry and Enhance Success*; Ministry of Home Affairs (2011): *Advisory regarding guidelines for educational programme for prison inmates, No.V-17013/01/2011-PR, 15 June.*

4.

Developing vocational training programmes in prison

4.1 International Standards

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

Rule 98

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.

80. The Nelson Mandela Rules make clear that vocational training for prisoners in trades which are on demand forms an important part of the rehabilitative regime in prisons and that, within limits, prisoners should be able to choose which skills they wish to learn. Vocational training of prisoners should be a more important consideration than making a profit out of prisoners' labour.

81. As mentioned above, the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) refer to the need to put in place a programme of activities for women prisoners which take account of gender-appropriate needs.⁶⁰ The UNODC commentary to the Bangkok Rules contains a list of potential vocational training activities that may assist women in leading an independent life upon release, including administrative and computer skills, painting and decoration, managing income-generating community projects and the use of microcredit facilities. While the list also includes childcare, cooking, hairdressing, dressmaking and embroidery, programmes should not be limited to those traditionally considered as appropriate for women, due to gender stereotyping.⁶¹

⁶⁰ United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders ("the Bangkok Rules"), A/RES/65/229 (21 December 2010), Rule 42(1).

⁶¹ UNODC (2014): The Bangkok Rules – United Nations Rules for the Treatment of Prisoners and Non-Custodial Measures for Women Offenders with their Commentary (commentary to Rule 42), p. 39.

4.2 Specific issues to consider in developing vocational training programmes in prison

Designing suitable curricula for a prison context

Undertaking local market surveys

Labour market information is quantitative or qualitative data about trends in employment and unemployment in both the formal and informal sectors.

Hard information is based on detailed surveys produced by the Ministry of Labour, employers' organizations and trade unions, to show the percentages of people of working age involved in different sectors of the economy.

Soft information comes from less rigorous sources, including newspaper articles, local knowledge and experience.

Combining both sources is likely to give a good picture of the sectors which may offer the best employment prospects for former prisoners. Further analysis is required to identify the skills needed for particular jobs within different sectors, the opportunities for different age groups and the impact a criminal record may have.

82. In many prisons where vocational training is provided, it tends to comprise traditional skills, such as woodworking, metalwork, and agricultural skills. While these may be highly useful skills, particularly in rural communities, modern economies even in low-income and transitional societies now require a wider range of skills. For this reason, it is important to obtain labour market information in order to give prisoners the best opportunities to obtain employment upon release. Offering courses carefully selected on the basis of local market needs should be a priority.

Georgia and United States: diversifying vocational training in prisons

In Georgia, a wide range of courses is now offered to prisoners with a view to improving their employment prospects on release. As well as bricklaying, cooking and wood carving, prisoners can also learn foreign languages, including English and German, and undertake courses in guest house management, how to be a tour guide, running a small business, the theoretical part required for a driving licence, and web design.

Research in the United States found that the most commonly reported trade certifications were in construction, occupational safety, plumbing or electrical apprenticeships, automotive service, and welding certification. More than half of the respondents also reported that they offered Microsoft Office certification, illustrating the perceived importance of teaching inmates about general computing skills.

Source: Presentation from Georgia-based Rehabilitation in Dushanbe, 19-21 December 2011; RAND (2014): *How Effective Is Correctional Education, and Where Do We Go From Here?* The result of a comprehensive evaluation.

83. Given the length of many courses, and in order to also accommodate pre-trial detainees and prisoners with shorter sentences, consideration should further be given to developing a range of shorter training opportunities. At Ikoya prison in Nigeria, for example, short-term vocational training is provided through the 3Rs programme—Reformation,

Rehabilitation, Reintegration. Workshops have been established which produce household chemicals and arts and crafts (bead-making) as well as a catering course. Less conventionally, an entertainment workshop provides three to six months' training in music, comedy, dance and drama.⁶²

Obtaining accreditation

84. While it is desirable to offer a wide range of courses, it is also important to provide programmes that are recognized by industry bodies and employers with accredited qualifications. It is important that these are provided free of charge, and that they do not specify that the course was undertaken in prison, as this may devalue the qualification in the eyes of some employers and possibly stigmatize the prisoner.

Employment upon release

85. Prisoners who receive vocational training but are then unable to obtain employment are unlikely to avoid re-offending.⁶³ The willingness of employers in the community to employ people with a criminal history is therefore critical not only to successful employment outcomes, but also to the prevention of recidivism. Prison authorities should consider hosting open days and employers' fairs to showcase the training and work that they provide.

86. It is also important for prisons to strengthen links with local stakeholders within the community, who may be able to offer employment opportunities directly or assist offenders to do so. In some countries, a probation and aftercare service may be well placed to assist prisoners to use any vocational training they have received to obtain suitable work. In Norway, for example, prisoners are offered a reintegration "guarantee". This places an obligation on all government departments and agencies who can assist a released prisoner to do so.⁶⁴ In Uruguay, in public contracts of work and in public service, companies should have around 5 per cent of their workforce formed by former offenders.⁶⁵

Women prisoners

87. In many prisons, the types of activities offered to women as part of rehabilitation programmes are gendered, and typically focus on activities traditionally thought appropriate for women. While skills taught to men are generally framed in terms of preparation for employment upon release, those taught to women rarely are. They often represent work conventionally conducted by women in the household, or they equip them for the most low-paid jobs in the economy. This reinforces women's dependency on men and the inability to find employment with sufficient income following release.⁶⁶

88. The strategy of the Mauritius Prison Service includes as an objective that "[a]t a minimum, women should have equal access to educational and training facilities as men prisoners and these should be designed to equip them for release. Vocational training should not be

⁶² Contribution submitted by UNODC Nigeria in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁶³ Ministry of Justice (United Kingdom, 2013): "Transforming Rehabilitation: A summary of evidence on reducing reoffending".

⁶⁴ Confederation of European Probation (2005): "Norwegian Reintegration Guarantee aims to provide ex-prisoners the right tools for resocialization".

⁶⁵ See Article 14 of the Humane Prison System Act (Act No. 17897).

⁶⁶ See, for example, the Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/68/340 (2013), para. 68; also see the Report of the Special Rapporteur, Vernor Muñoz, on the right to education of persons in detention, A/HRC/11/8 (2009), para. 51.

gender stereotypical, such as hairdressing, sewing or cooking. There should be more options and these options should reflect the women's employment preferences and lead to genuine employment possibilities on release".⁶⁷

4.3 Common obstacles

89. Many of the obstacles to education listed in chapter 3 equally apply to vocational training in prisons. Research in Australia has found that barriers to undertaking or completing vocational training courses included the need for prisoners to undertake offending behaviour programmes or their desire to earn money through paid prison work.⁶⁸ Other factors mentioned included short sentences (under 12 months), long waiting lists for courses, being transferred to another centre without much notice or being released early. The study concluded that these barriers could be overcome by arranging for courses to be held at times that did not conflict with behaviour management courses or paid work opportunities, as well as through consultation with sentencing and releasing authorities. Yet there are a number of specific hurdles to overcome.

Ensuring buy-in

90. It may be more difficult to obtain support for vocational training in prison from national bodies responsible for providing it than it is for education. When resources are limited, prison-based activities may not be a priority. Prison staff, too, may not always see the value of vocational training. Developing a commitment to invest in prisons will, in many cases, be a necessary precursor for the development of new initiatives. Involving as wide a range of stakeholders as possible will also be important.

91. In Uruguay, for example, trade unions from the textile industry are involved in the training of prisoners.⁶⁹ Following a detailed research study, the Australian National Training Authority published its National Strategy for Vocational Education and Training for Adult Prisoners and Offenders in 2001. This document provided a framework within which the prison systems in all states and territories could develop programmes in partnership with vocational training providers, and a funding system with appropriate benchmarks and allocations of responsibility between agencies.⁷⁰

Costs

92. Compared to education, vocational training workshops can require more resources in terms of space, equipment and qualified instructors, whether these are employed by the prison service, are seconded from the outside or include serving prisoners. Plans for workshops can further be frustrated by the lack of essentials, such as an adequate power supply to run machinery.⁷¹ Obtaining the necessary funds to overcome these obstacles for the training

⁶⁷ See Mauritius Prison Service/UNODC (2013): Strategic Plan 2013-2023 – "From Prison to Correction", p. 77.

⁶⁸ Australian Institute for Criminology (2008): Reducing recidivism through vocational education and training programs.

⁶⁹ Contribution submitted by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁷⁰ Australian National Training Authority (2001): "National Strategy for Vocational Education and Training for Adult Prisoners and Offenders in Australia".

⁷¹ UNODC (2013): "Strengthening the Management of the Palestinian Penitentiary System and Rehabilitation of Inmates in Civil Prisons administered by the Palestinian National Authority" – Independent Evaluation Report.

is easier if the training is combined with income generation—for example the production of goods which can be sold, or contributions to the maintenance, refurbishment or construction within the prison.

Maldives and South Sudan: learn and earn

In the Maldives, the Vocational Training Unit offers a three-stage programme. During the first, prisoners with skills are trained to become trainers themselves, by a recognized institution such as a polytechnic. Second, the courses to be taught are certified by relevant institutions before the prisoners are trained. Third, once the prisoner has obtained a qualification, he or she would apply for a job within a prison industry. For the first three to six months, they would be a trainee and after this stage, they can be employed with a salary. This staged approach enables prisoners to both learn and earn.

In South Sudan, a vocational training unit was established with the assistance of UNDP, providing four-month courses in carpentry, masonry, electrics, welding, vehicle mechanics, agriculture, hairdressing and tailoring. The facility has been registered as a commercial company and is marketing its services and products to make the workshop self-sufficient. Furniture, beds, wooden and metal door frames, doors, windows, wooden cabinets, farming tools, clothing and handicrafts manufactured by the trainees were on display at the graduation of the first 200 prisoners in 2016.

Source: UNDP Maldives (2011): Prison Assessment and Proposed Rehabilitation and Reintegration of Offenders Report; UNDP South Sudan (2016): First cohort of 226 inmates and prison staff graduate from the vocational training centre in Juba Central Prison.

Barriers to learning

93. For many prisoners, there will be a need to address barriers to learning, such as learning disabilities or low self-esteem. This may require vocational training to be delivered flexibly, especially offering short courses and modules or units of competency from various national training packages, and offering courses which address the particular interest of prisoners. As with education, prisoners may find vocational training challenging and may require additional personal support and encouragement while learning and after release. Prison administrations may consider the provision of career counselling to prisoners so they can make informed choices about their future and receive appropriate information about existing training so they understand what it entails.

94. One concrete implementation modality of this model are mentoring programmes by staff in prisons—so-called personal officer schemes—or peer support. In the United Kingdom, for example, personal officer schemes usually see a named officer assigned either on arrival or shortly after arrival at the prison. A personal officer is the first port of call for a prisoner and is expected to help with anything from sentence planning to food requirements to bereavements. Encouraging prisoners to take up and persevere with education, vocational training or work is an important aspect of this role.

4.4 Organizational models for vocational training in prison

Integrating vocational training with education or work

95. There is a good case for seeking to integrate vocational training either within broader programmes of education, or within work activities. Research from the United States suggests that vocational training in prison is more successful if it follows educational programmes

designed to improve cognition in reasoning, empathy and problem solving.⁷² There is a growing recognition in a range of Member States about the importance of soft skills—how to communicate and behave in the workplace—as well as harder technical skills required to do a job. Prisoners may need additional help with these kinds of skills.

96. As for integrating vocational training with work, one promising model is for prisoners to learn skills which they can then use to earn a salary by working in prison. This can be done by registered training organizations providing training inside prison.

Apprenticeship model—private sector vocational training

97. Training on specific skills may also be provided by private companies, inside or outside the prison, which may then be in a position to offer employment upon release. Prisoners may, for example, be able to access specific apprenticeships and traineeships while in prison. In the 2000s, for example, a shortage of forklift truck drivers and gas fitters in the United Kingdom led a company to bring their training programme inside the wing of a prison where selected prisoners were able to undertake a full-time course with a guarantee of employment if they passed.⁷³ While necessarily smaller in scale, and selective, such a model has the advantage of ensuring that training leads to work upon release. Private companies may be attracted to training prisoners because they are generally motivated and have high attendance rates. Room, board and health care are usually already being paid for, and it is known in advance when prisoners will be available for vocational training.

Training for self-employment

98. Some prisoners may wish to work for themselves on release, putting their entrepreneurial skills to lawful use. Offering training in setting up a business may therefore produce positive results. This is particularly likely if some assistance—financial and otherwise—can be provided on release to enable prisoners to put their plans into practice.

⁷²Doris MacKenzie (2012): *The Effectiveness of Corrections-based Work and Academic and Vocational Education*.

⁷³Home Affairs Report (2005): “Increasing ex-prisoners’ opportunity to work”, 7 January.

Russia: training prisoners in entrepreneurial and computer skills

Aimed at teaching computer literacy and the basics of entrepreneurship, the project is a partnership between the Federal Office for Sentence Execution under the Russian Justice Ministry, Oleg Deripaska's Volnoe Delo Charitable Foundation for Support of Social Innovations and the NGO Healthy Generation.

The project provides training for current and recently released prisoners, as well as disadvantaged individuals. Prisoners who volunteer for the programme receive training in groups of 20. The three-month training courses are based on the approved curriculum and cover all aspects of running a business: from registering a company and setting up an office, through cash management techniques to taxation. After 15 hours of tuition under the guidance of experienced staff on effective communication, conflict resolution and motivation, the trainees are instructed in the use of Word and Excel software for the calculation of costs, inflation, and depreciation as well as credits.

The training programmes in colony-settlements and women's colonies have proven to be the most successful. Prisoners who actively participate in the project may have their sentence reduced, or they may be released on parole. For example, one female prisoner was released on parole after having attended the training; she later launched her own business in the city of Krasnodar to produce souvenirs and wedding paraphernalia, which subsequently employed eight former prisoners. Overall, around 93% of project participants have found jobs or opened their own small businesses.

Source: Contribution submitted by the expert from Oleg Deripaska's Volnoe Delo Foundation during the UNODC Expert Group Meeting on Prison-Based Rehabilitation Programmes (23-25 January 2017, Vienna).

India and Japan: learn and earn

In 2012 the Himalaya Drug Company signed a MoU with the Andhra Pradesh prison service to train prisoners in the cultivation of herbs. After the training, under the phase-I initiative, the convicts will undertake cultivation of medicinal herbs for Himalaya at the prison's farm in the prisoners' agriculture colony in Ananthapur.

The Shin-Kurushima Dockyard in Japan has offered vocational training and experience to prisoners from Matsuyama prison for over 50 years. Prisoners live in dormitories in the dockyard and are normally granted early release after serving 60 per cent of their sentence.

Source: Pharmabiz.com (2012): Himalaya drug company signs MoU with prisons department in AP to cultivate medicinal herbs, 26 July; Sawanobor, Bunji (2014): Industry participation in the correctional mandate in Japan: The case of the Shin-Kurushima Dockyard; What is Justice? Re-imagining penal policy – Working papers.

5.

Developing work programmes in prison

5.1 International standards

International Labour Organization Convention concerning Forced or Compulsory Labour No. 29

Article 2

1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.

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

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.
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.

Continued

Continued

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.

99. The ILO Forced Labour Convention, which is binding for the 178 countries which have ratified it, excludes from the definition of “forced or compulsory labour” any compulsory work of prisoners under the three following conditions:

(i) The person must be convicted by a judicial body.

(ii) The work or service must be carried out under the supervision and control of a public authority.

(iii) The person should not be hired or placed at the disposal of private individuals, companies and associations.⁷⁴

100. The Nelson Mandela Rules further specify that the physical and mental fitness of a prisoner to work shall be determined by a physician or other qualified healthcare professionals; that working prisoners must not be held in slavery or servitude; that prison labour must not be of an afflictive nature; and that no prisoner shall be required to work for the personal benefit of any prison staff. It follows from the above that prison systems which require sentenced prisoners to work are not in breach of international law provided that they meet the above obligations.

101. The above notwithstanding, it is noteworthy that the original rule in the Standard Minimum Rules for the Treatment of Prisoners, according to which all sentenced prisoners shall be *required* to work, has been amended in the Nelson Mandela Rules to the effect that they shall have the *opportunity* to work and/or to actively participate in their rehabilitation. A reciprocal obligation is placed on prisons to provide sufficient work of a useful nature. Pre-trial detainees, on the other hand, should always be offered the opportunity to work, but shall not be *required* to do so.⁷⁵

102. In general, work in prisons should be of a kind which will maintain or increase the prisoners’ ability to earn an honest living after release and, within limits, prisoners should have some choice over what work they do. Furthermore, work should be organized, as far as possible, as it is in the community so that prisoners are prepared for normal occupational life. Accordingly, the Nelson Mandela Rules make clear that the protections afforded to free workers in terms of health and safety and insurance should also apply to prisoners;⁷⁶ that their working hours should be regulated in line with the local rules and customs that apply

⁷⁴Art. 2(2)(c) of the Convention concerning Forced or Compulsory Labour, 1930 (No. 29); similarly, the International Covenant on Civil and Political Rights excludes from its definition of forced or compulsory labour, “(i) [a]ny work or service ... normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention” (Art. 8(3)(i)).

⁷⁵Nelson Mandela Rules, Rule 116.

⁷⁶This includes overall conditions in places of work in prisons, which should have windows designed so that prisoners can work in natural light and with fresh air; artificial light should be sufficient for prisoners to work without injury to eyesight (Rule 14).

to free workers; and that working hours should leave one rest day a week plus sufficient time for education and other rehabilitation activities to take place.⁷⁷

103. In terms of management, the Nelson Mandela Rules indicate a clear preference for prison industries and farms to be operated directly by the prison administration and not by private contractors. Where prisoners are employed by private contractors, they should 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 should be paid to the prison administration by the contractor.⁷⁸

5.2 Specific issues to consider in developing work programmes in prison

Avoiding exploitative work schemes

104. In the development of all work schemes in prisons, it is crucial to avoid any arrangement in which the labour of prisoners is exploited, or where profit motives override the aim of increasing the employment and earning capacity of prisoners after release.

105. There are particular risks of exploitation when prisoners work for private companies—the reason why compulsory work of prisoners run by the private sector is prohibited by the Forced Labour Convention. While the Convention does not give specific guidance on work programmes in which the private sector is involved, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) requires that:

- (i) free, formal and informed consent from prisoners should be given; and that
- (ii) prisoners' consent must be authenticated by an indicator.

106. With regard to the second aspect, “[a] good indicator that prison work is voluntary in such circumstances are conditions approximating a free labour relationship, including as regards the payment of wages and the existence of an employment contract between the prisoner and the user of his or her labour. An exact replication of free market conditions may not be required and realistic, but in the areas of wages, social security, safety and health and labour inspection, the circumstance in which the prison labour is performed should not be so disproportionately lower than the free market that it could be characterized as exploitative.”⁷⁹ CEACR has further emphasized that “prisoners have to offer themselves voluntarily for such work and they should not be subjected to pressure or ‘menace of any penalty’”.⁸⁰

107. These conditions apply not only to work undertaken through commercial contracts with private companies inside prison, but to *all* work in prisons which are managed by private companies. In private prisons, therefore, prisoners must give free and informed consent to any kind of work, and conditions should approximate a free labour relationship. This is the position in mixed public/private prisons as well as in fully privatized prisons.

⁷⁷Nelson Mandela Rules, Rule 98, 101-102.

⁷⁸Nelson Mandela Rules, Rule 100.

⁷⁹International Labour Office Geneva (2001): “Report of the Committee of Expert on the Applications of Conventions and Recommendations”; Report III (Part I A) of the 89th session of the ILO Conference, para. 143.

⁸⁰Observation of the Committee of Experts on the Application of Conventions and Recommendations (CEACR)—adopted 2008, published 98th ILC session (2009)—Austria.

108. Overall, there needs to be wages, social security and good occupational safety and health provision for working prisoners, and, as far as possible, the conditions of employment of prisoners should approach those of free workers. While there is a growing recognition of the risks of exploiting the labour of prisoners, there are still numerous examples of labour practices which do not comply with minimum standards. In establishing new work programmes prison authorities must avoid the exploitation of prisoners at all costs. According to CEACR, when private entities are involved in providing work, safeguards must be in place to ensure the absence of compulsion and conditions of work approximating a free labour relationship.

Preventing corruption

109. While it is legitimate for prisons to retain a proportion of income generated from work conducted by prisoners, the system needs to be transparent and accountable. Concerns have been raised about the way commercial activity is authorized within prisons, with prison staff pocketing the proceeds of sales from prisoners work, or failing to pass on pay to prisoners.⁸¹ Other examples of corruption include the employment of prisoners on the personal farms of prison staff, the way prisoners are assigned to work and improper relationships between private enterprises and prison staff. While tackling low-level corruption is not easy, particularly in Member States where the pay of prison staff is very low, it is important to establish routines, procedures and ways of working which minimize opportunities of improper staff behaviour and conduct. One model for looking to prevent corruption is an oversight council for prison industries. In the Kyrgyz Republic, for example, a Public Council was created in December 2014, with 50 per cent of its members being civil society representatives.⁸² For further details, see the UNODC Handbook on Anti-Corruption Measures in Prisons.

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

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.

Pay and privileges

110. Prisoners should be paid for their work in an equitable way. They should be allowed to use part of their earnings to buy items for themselves and to send part to their family. The prison should also enable prisoners to have a personal account in which to save money for their release. These requirements form part of the principle of normalization of prison life, which should underpin all working arrangements in prisons, including normal working hours, health and safety considerations, adequate remuneration and inclusion of prisoners in the national social security system, so far as possible.

⁸¹ See, inter alia, the Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Honduras February 2010 CAT/OP/HND/1; Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Mali CAT/OP/MLI/1 2014; Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Benin CAT/OP/BEN/1 2011.

⁸² UNODC (2015): "Mid-term independent project evaluation of the Support to Criminal Justice and Prison Reform in the Kyrgyz Republic".

111. One key task for prisons is to determine the levels of pay for prisoners doing various jobs. In part, this may be related to the productivity of income-generating work, but in the absence of normal labour protection mechanisms—for example trade unions and collective bargaining—in the majority of national prison systems, prisons have a duty to ensure that the system of remuneration is fair and reasonable.⁸³ In some Member States, pay levels approximate to what is available for similar work outside prison. A survey in Europe found that in a few countries, there is a single, flat wage for all kinds of prison work. In most European countries (see table), there is some degree of variation in the rates paid for prison work, depending on the types of work—“agricultural” work typically pays less than prison workshops, for example—or the experience and qualifications needed to preform it.⁸⁴ In one country, wages are pegged to a fixed percentage of the minimum wage. In many Member States, however, rates of pay are very low. For example, prisoners working in the United States Federal prison industry organization UNICOR in 2015 earned between US\$0.23 and US\$1.15 per hour.⁸⁵

Remuneration of prisoners’ work in selected EU Member States

Country	Remuneration scheme
Austria	Rates of remuneration stipulated in the prison law; amount subject to type of work, ranging from €5.10 to €7.64 per hour; 75% of remuneration retained by the prison administration as a contribution to imprisonment-related costs and coverage of the prisoner in the national unemployment insurance scheme.
France	Rates of remuneration stipulated in the prison law; amount subject to type of work, ranging from 45% of the national minimum wage for prisoners working in the production sector (€4.24 per hour), to 33%, 25% and 20% of the national minimum wage for prisoners working in different positions for the prison administration.
Germany	National minimum wage does not apply to prisoners’ work; rates of remuneration calculated on the basis of 9% of the average German income (€1.50 per hour) for sentenced prisoners (5% for pretrial detainees); exact remuneration further subject to type of work (five steps).
Latvia	Rate of remuneration stipulated in the prison law; amount subject to prison type, ranging from 50% of the national minimum wage for prisoners who serve their sentence in closed or semi-open prisons to 100% of the national minimum wage for prisoners on remand or in open prisons (€1.91 per hour).
Spain	Rate of remuneration stipulated in Royal Decree, which determines the rate to be generally in line with the Minimum Inter-professional Wage applicable in the community (€2.69 per hour); amount further subject to performance and type of work activity.

Sources: *European Prison Observatory* (<http://www.prisonobservatory.org>) et al.

112. In principle, in line with the normalization principle, prisoners earning a wage should pay tax and make social security contributions if their salary reaches the threshold for such payments. In practice, however, this is rarely the case. They should also pay a share towards their board and lodging costs. Prisons will need to decide how much to charge for this.

⁸³Trade unions composed of prisoners are recognized in Argentina.

⁸⁴Quaker Council for European Affairs (2011): “The Social Reintegration of Ex-Prisoners in CoE Member States”.

⁸⁵UNICOR/Federal Prison Industries, Inc. (2015): 2015 “year-in-review” summary of FPI.

In doing so, they should take account of other deductions that may apply, such as compensation to the victim of a prisoner's crime, or an obligation to pay child support.

113. In Senegal, one third of the salary is retained by the prison to cover the expenses incurred by the prison in providing board and lodging.⁸⁶ In Argentina, wages are paid upon the terms established in the existing national labour legislation; the remuneration is subject to deductions and contributions corresponding to social security. Furthermore, there is a "Reserve Fund" regarding the salary of inmates: While 30 per cent of a prisoner wage is available for the purchase of articles of personal use and consumption inside prison, 70 per cent is deposited as a reserve fund to be used upon release. In the case of pre-trial prisoners, 80 per cent is freely available and 20 per cent constitutes the reserve fund.⁸⁷

114. After all of these deductions, prisoners can be left with a very small percentage of their wage to spend on themselves, retain in their personal account as savings or send out to support members of their family on a voluntary basis. The European study found that in Czechia, for example, 12 per cent remained "for discretionary spending by those prisoners who have had the full set of other deductions".⁸⁸ This may erode incentives to work, although in almost all prisons demand for work exceeds available places. This cannot, however, be any kind of justification for an exploitative approach to paying prisoners for their work.

115. In many cases, prisoners' prospects of reintegration after a prison sentence are reduced by large amounts of debt. Enabling them to earn a fair amount can be seen as a contribution to their rehabilitation. Paying decent wages also helps to ensure that prison industries are not seen to undercut local businesses. Prisoners should not be placed at an undue advantage against workers in the community.

116. When it comes to the involvement of the private sector, prison authorities will need to consider carefully the respective responsibilities of parties when entering into corresponding partnerships. The financial arrangements between the three parties involved—the private enterprise, the prison and the prisoner—should be contained in a detailed contract, which needs to be carefully drafted. The company will need to pay for the space it uses, the energy it consumes, and any additional costs that have to be met by the prison in enabling the work to take place. There is a strong argument that the full national minimum wage be paid to the prison by private companies employing prisoners.

117. In determining the pay and privileges that should be made available to prisoners, the authorities should recognize that these can serve to heighten the distinctions between those who have work and those who do not. This can create or reinforce power differentials, particularly in prisons which enjoy a high degree of self-governance. This makes an added case for a fair and transparent system which should be clearly explained to all prisoners. In addition to pay, work can lead to a reduction of sentence in some Member States.⁸⁹ Such reductions are usually subject to good behaviour, not only in the workplace but also in the wider prison. A reliable and transparent system is needed to ensure that accurate records of attendance at work are kept.

⁸⁶ Article 56 of Decree no. 2001-362 of 4 May 2001.

⁸⁷ Contribution submitted by the expert from the Ministry of Justice of Argentina in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁸⁸ Quaker Council for European Affairs, quoted above.

⁸⁹ See, for example, Law No. 5.162/14 of the Execution Code of the Republic of Paraguay, Section VII, article 120.

5.3 Common obstacles

Security considerations

118. Introducing work in prisons may be seen to carry risks—for example by giving prisoners access to tools or equipment which they might use to try to escape or harm themselves or others. While those engaged in work should be subject to an assessment of the risk that they might pose to themselves or other prisoners, this does not mean that high-security prisoners should be excluded from work opportunities. The CPT has stated that

“[t]he existence of a satisfactory programme of activities is just as important—if not more so—in a high security unit than on normal location. It can do much to counter the deleterious effects upon a prisoner’s personality of living in the bubble-like atmosphere of such a unit. The activities provided should be as diverse as possible (education, sport, work of vocational value, etc.). As regards, in particular, work activities, it is clear that security considerations may preclude many types of work which are found on normal prison location. Nevertheless, this should not mean that only work of a tedious nature is provided for prisoners”.⁹⁰

119. Sensible precautions can minimize risks, for example searching prisoners when they enter and leave workshops; using metal detectors or BOSS chairs (Body Orifice Security Scanners); accounting for tools with shadow-boards; close supervision by staff and CCTV cameras; and organizing the work in small groups in secure units.⁹¹

Public opinion

120. Although the media and public are often not well informed about prison matters, they may have strong views about what prisoners should or should not be allowed to do. While in many cases supportive of prisoners working, the public is often thought to be hostile to the idea of prisoners earning proper wages. Indeed, the idea of normalization may sometimes be difficult to sell. This does not mean, however, that authorities should not try to do so, explaining the benefits that an effective rehabilitation system can have for public safety and society at large. A number of countries have mounted campaigns to win the public over: *Yo Cambio* in El Salvador and the *Yellow Ribbon* Programme in Singapore are recent examples.

5.4 Organizational models for work in prisons

Employment by the prison administration

121. A large component of work in many prisons relates to the running of the prison—so-called housekeeping or service jobs. Paid work can include cooking meals, cleaning, laundry, maintenance, servicing libraries or even construction.

⁹⁰European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2015): CPT standards: “Substantive” sections of the CPT’s General Reports, CPT/Inf/E (2002) 1 – Rev. 2015, p. 27.

⁹¹For further details, also see the UNODC Handbook on the Management of High-Risk Prisoners (2015).

South Africa: baking bread for the prison system

A prison bakery in Brandvlei prison in South Africa has the capacity to produce up to 1,700 loaves of bread per day to supply offenders in the prison and a neighbouring one. The bakery delivers a loaf of bread at one third of the open market rate and will help save up to R400,000 per year.

Source: IOL News (2016): Prison bakery will save R 400,000 a year, 4 July.

122. A variant of this work is when prisoners undertake the manufacture of goods for the wider prison system or the still wider governmental sector. The production of uniforms, bedding, or furniture is fairly widespread, and for some low-risk prisoners this type of work may extend to the upkeep of public facilities outside the prison, such as parks and roads. In Kamiti prison in Kenya, number plates for motor vehicles are produced for the Ministry of Transportation.⁹² While direct management of employment activity gives prisons a high level of control, there is a risk that the fact of being embedded in the prison may stifle the innovation and creativity needed to obtain contracts for work.

State enterprises

123. A different model involves a separate organization established to employ prisoners. Such an entity is usually given tax exemptions and access to direct procurement without tendering. Profits from these enterprises are reinvested into the prison system. Prisoners working in the United States UNICOR programme have historically produced a wide range of goods for other federal government departments, including the Defense Department. In the Kyrgyz Republic, 14 prison colonies are producing razor wire, pasta, cinder blocks, paving squares and clothing. In 2012, the Ministry of Finance allocated funds for developing production at correctional facilities through a state enterprise called “Kelechek”.

124. The main advantage of this model is that the enterprise is at arm’s length from the prison and can concentrate solely on the management of the production lines and the development of new business. In some countries, State enterprises have struggled to operate self-sufficiently without subsidies from government, but they are still the preferred model in most former Soviet countries.

Employment by the private sector

125. Although the Nelson Mandela Rules express a preference that institutional industries and farms should be operated directly by the prison administration and not by private contractors, private companies are playing an increasing role with regard to prison-based work programmes in many Member States. There are several ways in which the private sector can be involved.

- (i) The *customer model* refers to an arrangement whereby the private sector purchases goods made by the prisoners. Various prison administrations have created platforms through which they offer the products and services of prison industries to interested clients in the community, ranging from construction, metalwork, carpentry and textiles to agricultural, horticultural and livestock breeding products. In other countries, business partnerships are created between prisons and souvenir shops, and these shops sell items made by the prisoners. These often include chess sets, statuettes, jewellery boxes and other handicraft items. Such schemes should be encouraged not only because they develop ways of making a living but they allow prisoners to maintain social and psychological links with society.

⁹²PRAWA (2013): “Rehabilitation through Vocational Education and Training”, 28 January.

Georgia: website for promoting prisoner products

The Ministry of Corrections in Georgia supporting the rehabilitation of prisoners in the country's prisons by encouraging them to use their talents, create handiwork and sell their goods to earn money while behind bars. A new website was launched where prisoners can advertise and sell their goods. This was made possible after a decree was signed by the Corrections Minister that allowed convicts to sell various things they had made.

Source: *Agenda.ge* (2016): *Georgian prisoners sell handmade goods via new online shop*, 12 August.

In a number of jurisdictions, the sale of prison-produced products has been extended into prison “brands”. The fact that items have been produced by prisoners can be a selling point because customers will be contributing to a social good in terms of fostering their rehabilitation and social reintegration. In Paraguay, for example, the brand MUA has been established, and sells a wide range of products in supermarkets, hotels, tourist offices and exclusive shops, nationally and internationally. Products include clothing, household items, leatherwork and gifts.⁹³

- (ii) In contrast to the customer model, the *manpower model* describes prison industries which are actually run by private entities on the premises of the prison. It involves a triangular relationship, whereby the prisoner is engaged by the prison administration—which retains overall responsibility and supervision—but which in turn charges the private company for the labour of prisoners.
- (iii) The *employment model*, finally, refers to prisoners leaving the facility for regular employment by a private company for work outside of the prison, often as part of a pre-release scheme or for low-risk prisoners. In this case, the conditions of the regular labour market apply, including minimum wages, as applicable. Whatever the model, in establishing arrangements with private organizations, prison authorities need to negotiate a clear contract setting out the responsibilities and liabilities of each party.

Italy: benefits for companies that employ prisoners

An Italian law passed in 2000 provides for tax benefits to employers who recruit prisoners either to work or undertake vocational training while in prison. The benefits, which amount to €520 (US\$556) per month per prisoner, can extend for up to 18 months after release if the prisoner continues to work for the company. More than 350 employers have applied to join the scheme for the year 2017.

Source: Contribution submitted by the expert from the Department of Penitentiary Administration of Italy in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

Self-employment, cooperatives, and prisoner associations

126. A fourth modality of prison work is where prisoners are either working for themselves or in partnership with other prisoners in a cooperative, association or similar arrangement. In many prisons, individual prisoners undertake work making or repairing items, sometimes as part of the economy within the prison, sometimes for sale outside. While such endeavours should be encouraged, some sort of regulation will be needed about the kinds of activities permitted—particularly where they involve the entry and exit of raw materials and products to and from the prison. Safeguards should also be in place to ensure that financial flows in prison are lawfully administered and do not, for example, provide opportunities for corruption or money-laundering.

⁹³ Contribution submitted by expert from the Ministry of Justice of Paraguay in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

INTEGRATE : a penitentiary brand in Panama

INTEGRATE is the first penitentiary brand in Panama, whose goal is to facilitate the social reinsertion of inmates. Products included under the brand INTEGRATE are dresses, furniture, crafts and high-quality and luxury products. These are developed in four workshops located in the penitentiary centres, where 130 inmates work .

The launching of the brand took place in October 2016, with a fashion show during which the collection “Paraíso étnico” was presented (inspired by the indigenous ethnic diversity in Panama) with the participation of the Vice-President of Panama, the Cabinet of Ministries, diplomatic bodies, entrepreneurs and the media. The brand’s logo was designed by prisoners.

Source: Contribution submitted by UNODC Panama in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

127. There are also examples of prisoners working together in cooperatives or other forms of social enterprise to establish larger scale businesses using credit to expand into a variety of productive activities. In Ethiopian prisons, businesses operate inside prisons in a way not dissimilar to businesses outside; for example, weaving workshops make clothes to order and obtain credit from local banks that regularly visit the prison. An appropriate legal framework for such activities may be required. In Argentina, in 2009, at the Criminal Unit No. 12 of Gorina, La Plata, Province of Buenos Aires, a group of prisoners in a pre-release scheme created a textile cooperative in order to provide a response to the need for labour and social integration for people with a criminal record. It became the first cooperative inside the penitentiary system in Argentina and the second in South America. In addition, this cooperative is part of the Federation of Work Cooperatives of the Argentine Republic (FECOOTRA), which promotes strategies of social inclusion.⁹⁴

Prison farms

128. Prisons in many countries have farms where prisoners can work and learn agricultural skills, food is produced and income generated. In some high-income countries, numbers have declined—Canada, for example, has closed all six federal prison farms in 2010, although this decision is being reviewed.⁹⁵ In 2016, the Canadian Correctional Service conducted two consultations in the Kingston area—an online forum and a town hall meeting. The majority of participants in the consultations strongly supported re-establishing penitentiary farms. According to comments received, the main reasons for supporting re-opening the farms include the view that these programmes help rehabilitate offenders, and the positive impact the programmes have in communities. The Correctional Service is currently reviewing these results and is exploring viable options to renew its involvement in agribusiness.⁹⁶ A cost-benefit analysis in the United States found that 10 out of 47 States would benefit from a prison farm system rather than a traditional food service programme.⁹⁷ For the remaining 37 states, a farm system would actually increase costs. With greater mechanization and fewer jobs in the agricultural sector, traditional farms have become less viable.

129. In lower income and more agrarian economies, there is often an opportunity for farms to play an increasing role. Yet establishing, maintaining and maximizing the yield from farms

⁹⁴ Contribution submitted by the expert from the Ministry of Justice of Argentina in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁹⁵ Thestar.com (2016): “Trudeau government considers reopening prison farms shut down in 2010”, 10 July.

⁹⁶ Contribution submitted by the expert from the Department of Correctional Services of Canada in the course of the UNODC Expert Group Meeting on Prison-based Rehabilitation Programmes (Vienna, 23-25 January 2017).

⁹⁷ Winters, Robert (2013): “Evaluating the Effectiveness of Prison Farm Programs”, 23 September.

takes investment of funds and expertise. A study of a prison farm in Cameroon found no pre-cultivation planning, under-utilization of land and poor soil management.⁹⁸ Another study in El Salvador found negligible use of machinery, and little knowledge of farming among staff and prisoners.⁹⁹ In both, evaluations were disappointing. While relatively large numbers of prisoners were kept occupied, the farms were not fulfilling their potential.

130. Penal Reform International's "Model for good prison farm management in Africa"¹⁰⁰ highlights a three-stage process:

(a) To increase food production, there needs to be a reorganization of the planning and execution of the farm work. Experience suggests this will take a minimum of three harvest cycles before much progress is made.

(b) To achieve the first objective, a financial structure is essential which ensures financial autonomy for farms management and prevents farm funds from being raided or becoming subject to competing priority needs and concerns.

(c) The prison administration needs to ensure that the food produced does in fact reach the intended recipients, whether the prisoners, the staff or others (for example via sales of produce).

⁹⁸Pan-African Institute for Development/Department of Development Studies, "An Assessment of Farm Management Practices", quoted above.

⁹⁹Hidalgo, Jaime (2014): "Agricultural Production and Labour in the Women's Prison Farm of El Salvador"; Research Paper, University of Ottawa.

¹⁰⁰Penal Reform International (2002): "A model for good prison farm management in Africa".

6.

Monitoring, evaluation and oversight

131. When a new venture is established in a prison, whether education, vocational training or work, follow-up is required to ensure the activities are working as intended and to take remedial action if not. Continuous monitoring of prison-based rehabilitation is therefore an important task for prison authorities. Monitoring has been defined as “an ongoing process by which stakeholders obtain regular feedback on the progress being made to meeting their goals and objectives”.¹⁰¹ Its purpose is to generate information that can inform decisions, improve performance and achieve planned results. The clearer the objectives set for any activity, the more straightforward the monitoring.

132. Regular information is required to answer at least four questions about a new programme of whatever kind. First, *are the programmes working well?* Are the predicted number of prisoners participating, are there adequate numbers of staff and has the programme broadly operated as intended? If prisoners are not participating, what is the reason? When United Nations Development Programme (UNDP) and the Government of the Maldives conducted an assessment of the prison system in 2011, recommendations included the establishment of a Vocational Training Unit to train each prisoner in at least one vocational skill, with the expectation that at any given time, 75 per cent of the prison population would be undergoing vocational training. Measuring indicators like this should be done routinely, with further analysis undertaken if the performance is consistently below target.

133. Second, *is the programme having a positive impact on prisoners?* In the case of education and vocational training, are prisoners achieving learning outcomes and, where appropriate, passing exams and gaining qualifications? In the case of work, are prisoners working to the required standard and meeting any expected targets for production? The South African Department of Correctional Services strategic plan aimed to increase the percentage of eligible offenders who participate in literacy training as stipulated in their sentence plans.¹⁰² It went on to set a target of initially establishing a baseline rate of illiteracy among prisoners and then of decreasing it by 2 per cent annually. These SMART objectives lend themselves to monitoring, but are not simply about participation. They are about whether the theory of change has worked: in this case, whether illiteracy among prisoners has decreased as a result of literacy training.

¹⁰¹ <http://web.undp.org/evaluation/handbook>

¹⁰² www.dcs.gov.za

134. Third, *are the activities proving economically viable?* In the case of manufacturing work, are there orders for products, are sales on target and is the supply chain working satisfactorily? In the case of education and training, are the resources available to meet the learning objectives for the various courses being provided?

135. Finally, *is the new programme causing any unforeseen problems?* For example, are there concerns about the health and safety of prisoners at work, issues relating to security or other unintended consequences such as corrupt practices among staff or prisoners?

136. Answering these questions may require expertise not only from prison authorities, but also from education and training experts, and those with experience of inspecting factories or other workplaces. Indeed, the nature and frequency of technical inspections, for example by health and safety inspectors,¹⁰³ should be the same as for similar activities outside prison, if not more frequent. Some kind of public representation in monitoring is desirable. Whatever the precise arrangement, it is important for Member States to put in place an adequately funded system for data collection and monitoring. Many of the considerations discussed in chapter 2 of this roadmap—which looked at the need for assessing the current situation—apply also to the ongoing monitoring of prison-based rehabilitation activities.

137. Where a specific new initiative has been introduced as a pilot project, more than routine monitoring may be required. There is a case for more proactive management, for example by establishing a committee or steering group which meets regularly to consider the monitoring information and instigate remedial action where necessary. The committee should include representatives from the various agencies and organizations involved in the activity. Where successful, the work or training programme can be considered for extension to other prison settings while continuing to be monitored for the impact on the rehabilitation of prisoners. Before reaching a decision to roll out a programme, a full evaluation of a pilot scheme may be needed. This will bring an objective and rigorous eye to what has been achieved and help to counter an optimism bias which can sometimes exist in pilot projects of all kinds.

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

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.

138. In addition to the monitoring of rehabilitation from a management and technical perspective, there is a need for broader scrutiny which incorporates a human rights perspective. In general terms, the Nelson Mandela Rules are clear in requiring both an *internal* inspection mechanism to be conducted by the central prison administration as well as *external* inspections to be conducted by a body independent of the prison system.¹⁰⁴ Both should include due attention to the extent to which and the way in which prison-based rehabilitation

¹⁰³As required by the Nelson Mandela Rules in Rule 35.

¹⁰⁴See UNODC Checklist to Assess Compliance with the Nelson Mandela Rules published in September 2017.

programmes—in particular work programmes, where the potential for abuse is greatest are implemented—in order to measure a prison’s overall performance and to safeguard the rights of prisoners.

139. With regard to independent inspection, the National Preventive Mechanism will be in a position to assume this role in Member States which have ratified the Optional Protocol to the Convention against Torture. In France, external oversight is provided by the Contrôleur général des lieux de privation de liberté (CGLPL). In England and Wales, Her Majesty’s Inspectorate of Prisons makes unannounced visits to prisons to conduct comprehensive assessments of how well prisons are performing against domestic and international norms. It publishes the criteria for what it expects from the various types of institutions it visits.¹⁰⁵ For example, it expects all prisoners to be purposefully occupied during the core day. The indicators they look at in respect of this expectation include whether:

- (a) Individual needs are promptly and accurately identified and plans to meet those needs are effectively recorded.
- (b) A sufficient quantity of purposeful activity places are accessible to the prison population.
- (c) Prisoners are occupied in activities that benefit them, enhance their self-esteem, and improve their well-being and chances of successful resettlement.
- (d) Allocation to activity places is timely, equitable, transparent and appropriate.
- (e) Establishments accurately record the purposeful activity hours in which prisoners participate.
- (f) Prisoners are not prevented or deterred from participating in activities through disincentives, unofficial punishments or clashes in their personal schedules.
- (g) Pay rates are equitable.

140. Finally, where possible it is important to collect information about the longer-term impact of prison-based rehabilitation. Over time, it should be possible to establish whether prisoners who participate in such activities benefit from them when they are released. Do they stay away from crime, and are they able to use the skills they have learned in prison to earn an honest living? Collecting such data is not straightforward, but can help to significantly improve the evidence upon which education, vocational training and work in prison needs to be based.

¹⁰⁵<http://www.justiceinspectors.gov.uk/prisons/wp-content/uploads/sites/4/2014/02/adult-expectations-2012.pdf>

7.

Summary and conclusions

141. Next to the ensuring the secure and safe custody of prisoners, proactively supporting their successful rehabilitation and social reintegration is one of the core missions of prison administrations, yet which entails numerous challenges. There may be *difficulties at the political level*. When resources are tight, the general public and politicians may not feel that prisoners deserve to be treated well. Prisons may be expected to be places of punishment rather than reform. Yet it is in everyone's interests for prisoners to return to the community better equipped to lead a self-supporting and law-abiding life.

142. There can be financial hurdles, too. While some investment is required in this form of rehabilitation, developing a balanced regime which includes income-generating activities can help to pay for a more constructive approach to imprisonment. In the longer term, rehabilitation can save the original outlay many times over by reducing the costs of further victimization, processing by the criminal justice system, and imprisonment. But obtaining even modest funds for rehabilitation in prison can be a struggle in countries where basic services for law-abiding people are heavily under-resourced.

143. If political and *financial hurdles* can be overcome, there remains a set of *technical obstacles*. Providing education, training and work opportunities may be the most straightforward way of assisting prisoners to put crime behind them, but identifying the most cost-effective ways of doing so is not always straightforward. It requires thorough analysis, sound planning and strong management. This is the ground which this roadmap has sought to cover. If prison authorities are willing and in a position to strengthen their rehabilitative approach to prison management, the standards, issues for consideration, models of practice and case examples in this publication have been designed to assist them in doing so.

144. The roadmap includes four main stages. The first involves an *evaluation of current rehabilitation activity* within prisons and the need and scope for its expansion. The assessment should look at the needs and aspirations of prisoners, the capacity of the prison system and the way prisoners are selected for and assigned to different activities. The key questions to be asked relate to how well prisoners' needs are assessed, the level of enrolment and participation in existing programmes and the space available for new initiatives. For education and vocational training, the assessment should look at the adequacy of the personnel, curriculum and resources. The evaluation should assess the nature and purpose of work opportunities available for prisoners, pay and conditions and the role played, if any, by private sector businesses, where specific safeguards against exploitation are required.

145. The second stage in the roadmap is *the planning of new initiatives, programmes and activities* to fill the gaps identified in the assessment. The roadmap recommends the development of an overarching rehabilitation strategy for the prison service. This should be drafted after a careful process of analysing both the external and internal environment and a comprehensive stakeholder analysis. The strategy should set clear goals. The roadmap recommends using a logical framework (log frame) and SMART objectives. At this stage, it is also important to identify the authority or organizational entity which will bear the main responsibility for putting the strategy into practice.

146. The third stage involves the *detailed development of the new initiatives*. Detailed plans for specific activities in prisons need to contain clear descriptions of where they will take place (space), who will be involved in running them (staff and other persons), the impact they will have on the broader management of the prison (system) and the resources needed for implementation (supplies). For education and vocational training consideration needs to be given to ways of motivating prisoners, ensuring they have access to relevant courses which are accredited and can help gain employment on release. In terms of work, activities need to avoid exploitation and corruption, and pay reasonable wages.

147. The roadmap includes a number of operating models; for example, peer-led education and university partnerships; apprenticeship and entrepreneurial training; prison work programmes provided by the prison administrations or with varying degrees of private sector involvement; self-employment and prison farms. As with much in the roadmap, these will not be suitable for all countries but provide examples of the kind of approaches which have proved successful in certain prison settings.

148. The fourth stage in the roadmap concerns the *monitoring and evaluation of prison-based rehabilitation programmes*. Obtaining regular information about how new initiatives are working and their impact is essential. It is important for prison management to know whether new measures are working as intended and whether there are unanticipated effects, either positive or negative. This enables remedial action to be taken where necessary.

149. In the annex, a series of checklists summarizes the most significant stages in that journey:

- The first “master” checklist covers, in broad terms, the stages which need to be covered by Member States looking to improve rehabilitation in prison.
- Checklist 2 elaborates on what needs to be taken into account when assessing the starting point from which any developments will take place.
- Checklist 3 suggests the main elements required in the development of a rehabilitation strategy.
- Checklist 4 deals with the steps necessary for its implementation.
- Checklist 5 proposes the main areas which need to be monitored.

The level of detail in the checklists is not designed to cover every situation, but rather to suggest the most important issues to be considered.

Annexes

Checklist 1: Master checklist – The main stages for initiating/ enhancing prison-based rehabilitation programmes

Tasks	Not achieved	Partly achieved	Achieved
1.1 Government supportive of promoting prison management in line with the Nelson Mandela Rules			
1.2 Importance of education, vocational training and employment understood by Prison Service and its line Ministry			
<i>A comprehensive assessment is made of:</i>			
2.1 Education and skill levels of prisoners			
2.2 Enrolment levels (by prisoner category)			
2.3 Assignment processes			
2.4 Organization, supervision and funding			
2.5 Range of rehabilitation programmes, including adequacy of curricula used			
2.6 Labour market opportunities			
2.7 Human rights compliance			
<i>A strategy is developed that involves:</i>			
3.1 The engagement of all relevant stakeholders (governmental, civil society, private sector) donors, prisoners			
3.2 An environmental scan as well as stakeholder, organizational and SWOT analysis			
3.3 A log frame with a theory of change			
3.4 Specific SMART goals and indicators of achievement			

Management arrangements include:

4.1	The responsible authority or entity	
4.2	Clarity about the role of prison management	
4.3	Costed workplans	
4.4	Financial appraisals	
4.5	A fundraising strategy	
4.6	Contracts and/or MoUs with partners	
4.7	A risk register	
4.8	A communication strategy	
4.9	Oversight mechanisms	
4.10	Necessary operating procedures	

Rehabilitation programmes and projects:

5.1	are based on an assessment of prisoners' needs	
5.2	include ways to motivate prisoners	
5.3	address barriers to learning	
5.4	are adequately resourced and staffed	
5.5	comprise appropriate operating models	
5.6	are suitable and accredited	
5.7	are equally available for women prisoners as well as for prisoners with special needs	
5.8	consider implications of private sector involvement	
5.10	include, or are complementary to post-release support schemes	

Monitoring arrangements provide feedback on:

6.1	Inputs—what happens on a daily basis	
6.2	Outcomes—what programmes are achieving	
6.3	Financial sustainability	
6.4	Human rights compliance	

Checklist 2: Identifying the gaps through a comprehensive assessment

1.1	Individual assessments of prisoners made as soon as possible upon admission
1.2	Information on skills levels in prison population further detailed through survey
2.1	Percentage calculated of all prisoners involved in education, work or training, incl.:
2.2	Pre-trial detainees
2.3	Women prisoners
2.4	Young prisoners (18-25)
2.5	Prisoner held in high-, medium- and low-security facilities
2.6	Number of places available (full-time/part-time)
3.1	Processes reasonable and transparent
3.2	Preferences of prisoners considered, so far as possible
4.1	Adequate space for activities
4.2	Sufficient staff for teaching, instruction and supervision
4.3	Use made of prisoners
4.4	Use made of volunteers
4.5	Adequacy of learning resources
4.6	Opportunities for distance learning
4.7	Opportunities for activities outside of prison
4.8	Safety and maintenance of equipment and tools
4.9	Clear agreements with responsible organizations
4.10	Sustainability of funding
5.1	Type of education (primary, secondary and tertiary), including no. of places
5.2	Type of vocational training (skills), including no. of places
5.3	Accreditation and certification of courses
5.4	Quality of teaching and instruction
5.5	Type of work, including no. of places
6.1	Assessment made of promising work opportunities in the community
6.2	Frequency of review of labour market opportunities
6.3	Vocational training/work programmes adjusted to match labour market assessment
7.1	Level of pay
7.2	Conditions of work
7.3	Internal monitoring and inspection
7.4	External monitoring and inspection
7.5	Adequate involvement and consideration of prisoners with special needs

Checklist 3: Developing a strategy for prison-based rehabilitation programmes

1.1	Consultations with relevant government departments and agencies as well as with:
1.2	Civil society organizations
1.3	Private sector
1.4	Donors
1.5	Prisoners
1.6	Other relevant organizations, including those which can assist prisoners upon release
2.1	Environmental scan of education, including political, economic, social and technological dimensions
2.2	Environmental scan of vocational training and work
2.3	External stakeholder analysis of organizations with whom the prison (may) relate(s) with regard to rehabilitation programmes
2.4	Stakeholders ranked by impact and importance
2.5	Internal organizational analysis of prison system infrastructure
2.6	Internal organizational analysis of prison system human resources
2.7	Internal organizational analysis of prison system management
2.8	Realistic appraisal of strengths of prison system
2.9	Honest assessment of weaknesses in the prison system
2.10	Listing of realistic opportunities for improvement
2.11	Identification of threats and risks to the prison system
3.1	Mission Statement defining prison service's role, aims and approach
3.2	Long-term vision for the prison system
3.3	Priority given to the development of prison-based rehabilitation activities alongside other priorities, such as security and safety
3.4	Attention paid to prison population at large and to special categories of prisoners, including women, young adults, older prisoners, prisoners with disabilities, etc.
3.5	Attention paid to all prisons, including high-, medium-, and low-security, open prisons, as well as pre-trial detention facilities
3.6	Strategy includes post-release support and supervision in cooperation with post-release support providers, where applicable
4.1	Clear links between activities and outcomes (log frame)
4.2	Evidence-based theory of change underpinning the strategy
4.3	Reliable and valid SMART indicators for measuring progress
4.4	Objectives are achievable/realistic.
4.5	Objectives are agreed upon by those responsible for implementation
4.6	Objectives have a timetable for achievement
4.7	A monitoring plan in place (see checklist 5)

Checklist 4: Implementation of prison-based rehabilitation programmes

- | | |
|-------|---|
| 1.1 | Clear responsibilities allocated for prison rehabilitation, whether to an organization entity within the prison service or to a partnership body |
| 1.2 | Clarity about responsibilities for strategic management, development and day-to-day operations |
| 2.1 | Clear division of roles and responsibilities between prison directors and headquarters |
| 2.2 | Clarity of contract management responsibilities with education and vocational training providers as well as with organizations/companies providing work |
| 3.1 | Detailed costed workplans in place for each activity |
| 4.1 | Financial appraisals in place for each programme, including: |
| 4.2 | Capital costs required |
| 4.3 | Realistic estimates of revenue yields |
| 4.4 | Sustainability plan |
| | Fundraising strategy |
| 5.1 | Business plan developed for internal funds |
| 5.2 | Planned and tailor-made approaches to apply for external funds (international donors) |
| 6.1 | Where partners are involved, contracts or MoUs developed, which include: |
| 6.2 | Respective responsibilities of host institution and partner |
| 6.3 | Financial arrangements |
| 6.4 | Accountability and liabilities |
| 6.5 | Governance arrangements (e.g. partnership boards) |
| 7.1 | Main risks listed and ranked in terms of likelihood and impact |
| 7.2 | Measures to mitigate most significant risks |
| 7.3 | Contingency plans if problems arise |
| 8.1 | Key audiences identified (prison staff, governmental stakeholders, general public, donors, etc.) |
| 8.2 | Key positive and justification messages |
| 8.3 | Publicity campaigns considered |
| 9.1 | Oversight includes necessary internal management controls (internal inspections) |
| 9.2 | Oversight includes scrutiny by an independent body (external inspections) |
| 9.3 | Oversight covers technical and human rights dimensions (see checklist 5) |
| 10.1 | Procedures in place to cover: |
| 10.2 | Selection and assignment of prisoners |
| 10.3 | Movement of prisoners to and from activities |
| 10.4 | Searches and other safety precautions in the course of rehabilitation programmes |
| 10.5 | Recording attendance and participation of prisoners |
| 10.6 | Health, safety and insurance requirements |
| 10.7 | Remuneration of prisoners for work they perform |
| 10.8 | Crediting prisoners with sentence reduction, as applicable |
| 10.9 | Certificating achievements |
| 10.10 | Incident management |

Checklist 5: Continuous monitoring of prison-based rehabilitation programmes

1.1	Number of prisoners participating in rehabilitation programmes
1.2	Activities take place as planned (e.g. numbers of cancellations)
1.3	Staff involved as planned
2.1	Educational/vocational training certificates awarded, and examinations taken free of charge
2.2	Productivity of work
2.3	Targets met (e.g. literacy)
2.4	Prisoners' views of activities
3.1	Necessary resources in place (materials, equipment, space)
3.2	Income on target
3.3	Orders on target
4.1	Partner compliance with contracts/MoUs
4.2	Health and safety concerns
4.3	Prisoners paid according to regulations/policies
4.4	Sentence reductions applied, as applicable
4.5	Disciplinary problems
4.6	Accidents
4.7	Security incidents
4.8	Impact of rehabilitation programmes on prison management at large
5.1	Complaints
5.2	Learning/working conditions
5.3	Selection and assignment of prisoners
5.4	Corrupt risks and implementation of anti-corruption measures
6.1	Pilot schemes
6.2	(Independent) evaluation conducted





UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria
Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-3389, www.unodc.org