

11. Prison Services

Key definitions: who are the prison services and what makes them different from other security providers?

Prison services guarantee the safety and basic rights of prisoners in penal institutions. Depending on national laws and policies, they can be of public, private, or a blended nature. Penal institutions are places where people are imprisoned not only because they have received a conviction and have a sentence to serve, but also when awaiting trial, or in the process of being tried. In many countries, where judicial systems cannot keep up with demand, the number of people in pre-trial detention might well exceed the number of people serving a sentence. Penal institutions go by a variety of names depending on context and precise function: they may be called prisons, penitentiaries, jails, corrections or rehabilitation centers, reformatories, detention centers among others.

Prison services are responsible for managing penal institutions in such a way that provide for the health, safety and well-being of prisoners while ensuring their basic human rights are protected and also protecting society from security threats they may pose. Across all systems, prison services tend to be hierarchical and disciplined in their function, even though they are usually not military organizations. There are a few cases where national militaries administer prisons for civilians, or the head of the national prison service is a serving member of the military. Yet for the most part, prisons are run as civilian security installations that are also separate from civilian police and law enforcement functions - although they may be administered by the same ministry (interior or justice). Prison services are sometimes centralized national services and run as a sub-national (regional, provincial or national) authority.

Key issues for reporting on prisons

Preventing torture and abuse? The rights of prisoners to be treated with dignity is protected under Article 10 of the International Covenant on Civil and Political Rights

(ICCPR) and as well as a several regional human rights instruments and international agreements specific to the treatment of prisoners (see Further Resources). In all cases, international protections provide for a total prohibition of torture and deliberately inflicted cruel, inhuman or degrading treatment in prisons. Further protections are designed to prevent sexual abuse both by prison staff and among prisoners. Prison services need to ensure that their standard training and management procedures are preventing torture and abuse. Establishing standards for minimum use of force, providing non-lethal weapons (such as truncheons or batons), and providing an open set of procedures for complaints about torture are all part of meeting these standards, yet around the world abuse and torture in prisons remains common. Lack of training and resources may be the cause of some abuse, but institutional cultures and poor oversight and management may also contribute.

→ Journalists can ask:

- ✓ What are the rights of prisoners guaranteed under national law and policy?
- ✓ Are national guarantees aligned with international standards and best practices?
- ✓ Are prison services meeting their obligations to protect the rights of prisoners and meet standards of treatment?
- ✓ What regulations are in place to ensure private security companies working with prison services respect human rights and standards of treatment?
- ✓ What measures are in place to ensure the needs of all prisoners are met without discrimination by gender, age, or other aspects of identity?

- ✓ What recourse do prisoners have to complain about abuse, poor treatment or torture?
- ✓ What measures are in place internally and externally to oversee performance by prison services and protection of prisoners' rights?
- ✓ What information is available to media and the public to back up these claims?
- ✓ How are prisoner admissions, registration and management procedures handled and are they calibrated to minimize harm and protect rights (e.g., tracking detainees has been shown to reduce torture)
- ✓ What access do independent observers as well as friends and family, have to penal institutions?
- ✓ What do present and former detainees report about their experiences?
- ✓ How have conditions within penal institutions changed over time (improved, deteriorated)?

Protecting society? Prisons can become dangerous places, for example, as sites of radicalization among people who feel they have been persecuted based on religion or politics, or when gangs control prisoner populations and can manipulate the situation for recruitment purposes. Occasionally, these situations have resulted in riots that endangered prisoners, staff and public property, and have sometimes resulted in escapes that threaten public or national security. Corruption may be a factor in how prisons become dangerous places, but inappropriate security procedures may also be a contributing factor.

→ **Journalists can ask:**

- ✓ What procedures for security assessments have prison services put in place?
- ✓ How are different risk levels managed within penal institutions?
- ✓ How are staff trained and equipped to deal with potentially dangerous prisoners or situations?
- ✓ Are staff numbers, training and equipment adequate?
- ✓ Are private security companies also involved in prison services and what rules and processes are in place to regulate their work?
- ✓ What measures are in place to prevent corruption and protect integrity within penal institutions?
- ✓ How have security measures within penal institutions changed over time (improved, deteriorated)?
- ✓ What measures have been taken to strengthen systems in light of possible weaknesses?

Providing basic welfare? Prisons services administer the smallest detail of daily life for large numbers of people and the conditions they provide are expected to meet basic standards. The principle of imprisonment, as defined in international standards, is to punish a person by depriving them of their liberty; not by subjecting them to humiliating, unhealthy, or unhygienic conditions. Unfortunately, in many parts of the world, prisons services do not receive the resources they require in order to provide satisfactory basic welfare, resulting in hunger and ill health. Sometimes, however, poor management rather than lack of resources may be the cause of the problem: for example, when prisoners spend longer than necessary in cells because staff are ineffectively distributed, or overcrowding results from a failure to allocate space efficiently.

Box 25 Practical example: “75 Drug Cartel Members Tunnel Out of Paraguay Prison”

In Paraguay, 75 members of a dangerous Brazilian gang were able to escape through extensive tunnels that had been built in plain sight. Evidence suggested widespread corruption made the escape possible because officials had known for more than a month that the escape was planned but were unable to stop it. Paraguay's Justice Minister, Cecilia Pérez, explained that, “This is a prison break without precedent. This is the biggest prison break from our facilities.” Members of the prison staff were suspended following the escape, which was also made possible because of poor conditions. At the time of the escape, the prison held approximately twice as many prisoners as it was intended to. Underfunding and understaffing had made the system prone to corruption and the influence of drugs cartels, which used the prisons as hubs for recruitment and to plan operations. This example shows how reporting on conditions in prisons can link incidents that threaten security immediately to systemic challenges that endanger public safety and national security.

Source: “Paraguay: Corrupt Guards May Have Helped 75 Prisoners to Escape”, June 2020, <https://www.occrp.org/en/daily/11475-paraguay-guards-may-have-helped-75-prisoners-to-escape>

→ Journalists can ask:

- ✓ Are welfare conditions within penal institutions up to standard?
- ✓ Are private security companies working with prison services to meet basic welfare needs rules and processes are in place to regulate their work?
- ✓ Are people of every age and gender treated appropriately, including having their basic needs met?
- ✓ What do present and former detainees report about conditions and welfare?
- ✓ How have welfare conditions within penal institutions changed over time? (e.g., improved or deteriorated)?
- ✓ What recourse do prisoners have to complain about poor conditions?
- ✓ What is the record of past complaints?
- ✓ Have the results of previous investigations or reports of complaints led to improvements?
- ✓ Is there evidence that unsatisfactory welfare is the result of systemic problems?
- ✓ Are prison services and penal institutions sufficiently resourced to meet their obligations?
- ✓ What are the experiences and opinions of people working in close proximity to prisoners? (e.g., justice sector personnel, lawyers or civil society advocates)

Box 26 Practical example: “Viola, 12-year-old, freed from a prison in Juba”

In March 2010, Radio Miraya, media of the United Nations Mission in Sudan and Fondation Hirondelle, told the story of Viola, aged 12, who had been detained for 2 years in Juba. Viola was accused of murder and did not have access to an attorney to conduct her defense. The journalist visited the prison where other children, often very young, were also detained. “I didn't realize that a child could be imprisoned with criminals, even though the government of South Sudan had recently passed a law prohibiting the detention of minors”, reported Chance Baniko. When he finished his interview with Viola, the prison guard told him that many children were incarcerated for minor offenses that could in most cases be handled outside of the justice system. Less than a week after the report broke the government set the young girl free. A few months later, Radio Miraya reported on four other imprisoned children, three of whom were set free. This example shows how reporting on prisons can draw attention to inappropriate treatment and the need for wider systemic change.

Source : Fondation Hirondelle, “Independent information for peace”, <https://www.hirondelle.org/images/pdf/Presentation/presentationang.ppt>



Image: Libye : reportage dans la prison de haute sécurité de Guernada, 2019 © Capture d'écran France 24.