

IACHR

Presentations from the
**Second Regional
Seminar on Best
Prison Practices**

Jamaica, December 2011

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS



Document published thanks to
the financial support of Spain.



**Organization of
American States**

ISBN 978-123456789

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Inter-American Commission on Human Rights
Organization of American States
1889 F Street N.W., Washington, D.C. 20006

www.cidh.org

The present Seminar on Good Prison Practice aimed at Anglophone Caribbean States comes to reaffirm, once again, the commitment of the Inter-American Commission on Human Rights on the protection of the rights of persons deprived of liberty in this region.

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This publication comes as an effort of the Rapporteurship on Persons Deprived of Liberty of the Inter-American Commission on Human Rights to make available reliable information on issues related to prison management and the rights of persons deprived of liberty in the English-speaking countries of the Caribbean

Preface

This publication contains the materials presented during the Second Regional Seminar on Best Practices organized by the Rapporteurship on the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights (IACHR), which took place in Kingston, Jamaica on December 2nd and 3rd.

The participants to this Seminar included all the Caribbean English-speaking Member States of the Organization of American States: Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago; as well as local and international experts.

The conference addressed issues related to incarcerated individuals' rights to medical care and mental health; the prevention of prison violence; disciplinary rules; the personal rehabilitation and social readaptation of inmates; prison legislation and public policy; detention conditions; and corrections staff. In addition, the first day of the event included a panel discussion on the situation of persons deprived of liberty in Jamaica.

In his opening remarks, the IACHR Rapporteur on Persons Deprived of Liberty, Commissioner Rodrigo Escobar Gil, stressed that for the rights of the incarcerated to be respected and guaranteed, it is fundamentally important for all OAS Member States to ratify the American Convention on Human Rights. In the English-speaking Caribbean, this treaty is in effect only in Barbados, Dominica, Grenada, Jamaica, and Suriname.

The Second Regional Seminar on Best Practices was promoted and organized by the Inter-American Commission, in conjunction with the Norman Manley Law School in Jamaica, under the Memorandum of Understanding and Institutional Cooperation in effect between the IACHR and that academic institution. The IACHR also thanks the remarkable participation and input of the Pan-American Health Organization in this activity, which is an example of the fruitful interaction between these two human rights institutions.

This publication comes as an effort of the Rapporteurship on Persons Deprived of Liberty of the Inter-American Commission on Human Rights to make available reliable information on issues related to prison management and the rights of persons deprived of liberty in the English-speaking countries of the Caribbean, specially taking into account the present lack of such data in the international human rights law realm.

The seminar and the instant publication were made possible thanks to the financial support of the Spain Fund for the OAS.

Both the Inter-American Commission and Court have consistently referred to the conditions of detention in the States of the Caribbean through its numerous decisions in cases of inmates in death row in countries like Trinidad and Tobago, Jamaica, Grenada, Bahamas and Barbados, and have also denounced the prison conditions in which victims were held.

Words of the Commissioner Rodrigo Escobar Gil Rapporteur of Persons Deprived of Liberty of the IACHR

Since its beginning, the Inter-American Commission of Human Rights has devoted particular attention to the situation of the persons deprived of liberty in the Americas. In this regard, the IACHR has consistently referred to the subject of persons deprived of liberty since its first country report –Cuba 1962 and 196, Dominican Republic 1965 and 1966, up to the most recent reports regarding Venezuela and Honduras published on 2009. Not surprisingly, this attention has involved constant visits to detention centers in the over 90 site visits made by the IACHR in the past 40 years.

Likewise, in the fulfillment of its contentious mandate, the IACHR has adopted more than 35 admissibility reports, 34 merit reports, and has granted more than 50 precautionary measures related to human rights violations of persons deprived of liberty over the last ten years.

In this sense, given the importance it represents for the region to respect the rights of the persons deprived of liberty, the Inter-American Commission of Human Rights, as part of its 119th Session in March 2004, formally established the Rapporteurship on the Rights of Persons Deprived of Liberty in the Americas, and appointed its first Rapporteur.

Since its creation, and in fulfillment of its mandate, the Rapporteurship has completed 20 work visits to 15 countries in the hemisphere: Uruguay (2011); Suriname (2011); El Salvador (October 2010); Argentina (June 2010); Ecuador (May 2010); Uruguay (May 2009); Argentina (April 2009); Paraguay (September 2008); Chile (August 2008); México (August 2007); Haití (June 2007); Argentina (December 2006); Bolivia (November 2006); Brasil (September 2006); Rep. Dominicana (August 2006); Colombia (November 2005); Honduras (December 2004); Brasil (June 2005); Argentina (December 2004); and Guatemala (November 2004).

In this context, the Inter-American Commission has found that the most serious and pervasive problems in the region are:

- (a) The overcrowding and overpopulation;
- (b) The poor conditions of imprisonment, including the infrastructure as well as the relative lack of services for basic need;
- (c) The high level of prison violence and lack of effective control of authorities;
- (d) The use of torture for purposes of criminal investigation, and the use of excessive force by law enforcement authorities in prisons;

- (e) The excessive use of pretrial detention, which has a direct impact on prison overcrowding;
- (f) The absence of effective measures for the protection of vulnerable groups;
- (g) The lack of employment and educational programs, and lack of transparency in the mechanisms of access to these programs; and
- (h) The corruption and lack of transparency in prison management.

These challenges in the respect and guarantee of the rights of persons deprived of liberty identified by the IACHR are essentially the same that have been systematically observed in the Americas by the monitoring mechanisms of the United Nations that conduct visits to prisons and detention centers. The nature of this situation reveals the existence of serious structural deficiencies that seriously affect non-derogable human rights, including the right to life and humane treatment of prisoners, and prevents custodial sentences to meet the essential purpose established by the American Convention: reform and social readaptation of the prisoners.

The Inter-American Commission considers that this stationary reality is the results of decades of neglect of problems of the correctional systems by successive state governments in the region, and the apathy of its societies, which traditionally have preferred not to pay much attention to this reality. Thus, prisons and detention centers have become areas which lack monitoring and enforcement because arbitrariness and corruption have traditionally prevailed.

These conclusions about the situation of persons deprived of liberty in the Americas include what has been observed in the Anglophone Caribbean States, an area definitely important in the working map of the Inter-American System of Human Rights.

For example, most recently in May this year, we conducted a working visit to Suriname, and published our observations and recommendations as an Annex to Press Release No. 56/11. Also, in December 2008, the Inter-American Commission conducted a site visit to today's host country, Jamaica, and published the preliminary observations in the Press Release No. 59/08, with the final report expected to be approved shortly. During this visit, the IACHR also stressed the human rights situation of persons deprived of liberty and the judicial control over detentions.

Similarly, both the Inter-American Commission and Court have consistently referred to the conditions of detention in the States of the Caribbean through its numerous decisions in cases of inmates in death row in countries like Trinidad and Tobago, Jamaica, Grenada, Bahamas and Barbados, and have also denounced the prison conditions in which victims were held.

Also, the Inter-American Commission in October 2006 and November 2009 held thematic hearings specifically targeted to received information about prison conditions in Jamaica. The audio recording of the hearing held in 2009 is publicly available on the website of the Commission.

In this context, the present Seminar on Good Prison Practice aimed at Anglophone Caribbean States comes to reaffirm, once again, the commitment of the Inter-American Commission on Human Rights on the protection of the rights of persons deprived of liberty in this region.

Finally, and as an additional point, I would like to reiterate that it is of fundamental importance for the respect and guarantee of the rights of persons deprived of liberty that the American Convention on Human Rights is ratified universally by all Member States of the OAS, a matter that has not yet been achieved successfully in the Anglophone Caribbean, sub-region in which this treaty is in force only for: Barbados, Dominica, Grenada, Jamaica and Suriname. And from this small group, only two States, Barbados and Suriname, have accepted the jurisdiction of the Inter-American Court of Human Rights.

In this regard, the membership of the various States to the Organization of the American States brings with it a number of basic responsibilities, including the complete incorporation of the system of human rights protection established by the OAS.

I welcome you again to this Seminar and hope that the presentations and discussions from these days be most useful and to your liking.

Thank you very much.

Palabras del Comisionado Rodrigo Escobar Gil Relator de Personas Privadas de Libertad de la CIDH

La Comisión Interamericana de Derechos Humanos desde sus primeras actuaciones ha dedicado particular atención a la situación de los privados de libertad en las Américas. En este sentido, la CIDH desde sus primeros informes de país -Cuba 1962 y 1963, Rep. Dominicana 1965 y 1966-, hasta los más recientes relativos a Venezuela y Honduras emitidos en 2009, la CIDH se ha venido refiriendo consistentemente a los derechos humanos de las personas privadas de libertad. Como es lógico, esto ha implicado que las visitas a centros de detención hayan sido una constante en las más de 90 visitas *in loco* que ha realizado la Comisión Interamericana en los últimos 40 años.

Asimismo, en el contexto de su mandato contencioso, la Comisión Interamericana ha adoptado durante los últimos diez años: más de 35 informes de admisibilidad, 34 informes de fondo, y ha otorgado más de 50 medidas cautelares relacionadas con violaciones a derechos humanos de las personas privadas de libertad.

En este sentido, en vista de la relevancia que representa para la región el respeto a los derechos de las personas privadas de libertad, la Comisión Interamericana de Derechos Humanos, en el marco de su 119º Periodo de Sesiones de marzo 2004, estableció formalmente la Relatoría sobre los Derechos de las Personas Privadas de Libertad en las Américas, y designó a su primer Relator.

Desde su creación, y en cumplimiento de su mandato, la Relatoría ha realizado 20 visitas de trabajo a 15 países del hemisferio: Uruguay (2011); Suriname (2011); El Salvador (octubre 2010); Argentina (junio 2010); Ecuador (mayo 2010); Uruguay (mayo 2009); Argentina (abril 2009); Paraguay (septiembre 2008); Chile (agosto 2008); México (agosto 2007); Haití (junio 2007); Argentina (diciembre 2006); Bolivia (noviembre 2006); Brasil (septiembre 2006); Rep. Dominicana (agosto 2006); Colombia (noviembre 2005); Honduras (diciembre 2004); Brasil (junio 2005); Argentina (diciembre 2004); y Guatemala (noviembre 2004).

En este contexto, la Comisión Interamericana ha observado que los problemas más graves y extendidos la región son:

- (a) el hacinamiento y la sobrepoblación;
- (b) las deficientes condiciones de reclusión, tanto físicas, como relativas a la falta de provisión de servicios básicos;
- (c) los altos índices de violencia carcelaria y la falta de control efectivo de las autoridades;

- (d) el empleo de la tortura con fines de investigación criminal, y el uso excesivo de la fuerza por parte de los cuerpos de seguridad de los centros penales;
- (e) el uso excesivo de la detención preventiva, lo cual repercute directamente en la sobrepoblación carcelaria;
- (f) la ausencia de medidas efectivas para la protección de grupos vulnerables;
- (g) la falta de programas laborales y educativos, y la ausencia de transparencia en los mecanismos de acceso a estos programas; y
- (h) la corrupción y falta de transparencia en la gestión penitenciaria.

Estos desafíos en el respeto y garantía de los derechos de las personas privadas de libertad identificados por la CIDH son fundamentalmente los mismos que han sido sistemáticamente observados en las Américas por los mecanismos de monitoreo de las Naciones Unidas que realizan visitas a cárceles y centros de detención. La naturaleza de esta situación revela la existencia de serias deficiencias estructurales que afectan gravemente derechos humanos inderogables, como el derecho a la vida y a la integridad personal de los reclusos, e impiden que en la práctica las penas privativas de la libertad cumplan con la finalidad esencial que establece la Convención Americana: la reforma y la readaptación social de los condenados.

La Comisión Interamericana considera que esta realidad estacionaria es el resultado de décadas de desatención del problema carcelario por parte de los sucesivos gobiernos de los Estados de la región, y de la apatía de las sociedades, que tradicionalmente han preferido no mirar hacia las cárceles. Así, los centros de privación de libertad se han convertido en ámbitos carentes de monitoreo y fiscalización en los que tradicionalmente ha imperado la arbitrariedad y la corrupción.

Estas conclusiones acerca de la situación de las personas privadas de libertad en las Américas incluyen naturalmente lo observado en los Estados del Caribe anglófono, los cuales son definitivamente importantes en el mapa de trabajo de los órganos del Sistema Interamericano de Derechos Humanos.

Así por ejemplo, recientemente en mayo de este año, realizamos una visita de trabajo a Suriname, cuyas observaciones y recomendaciones fueron publicadas como un anexo al comunicado de prensa No. 56/11. Asimismo, en diciembre de 2008 la Comisión Interamericana realizó una visita *in loco* al país que hoy nos recibe, Jamaica, cuyas observaciones preliminares fueron publicadas en el comunicado de prensa No. 59/08 y cuyo informe definitivo se espera sea aprobado próximamente, en esta visita la CIDH también hizo énfasis en la situación de los derechos humanos de las personas privadas de libertad y en el control judicial de las detenciones.

De igual forma, tanto la Comisión, como la Corte Interamericana se han venido refiriendo consistentemente a las condiciones de detención en los Estados del Caribe por medio de sus numerosas decisiones en casos de personas condenadas a pena de muerte en países

como Trinidad y Tobago, Jamaica, Grenada, Bahamas y Barbados, en los que también se han denunciado las condiciones carcelarias en las que se les mantenía a las víctimas.

Asimismo, la Comisión Interamericana en octubre de 2006 y noviembre de 2009 celebró audiencias temáticas específicamente orientadas a recibir información acerca de la situación penitenciaria en Jamaica. La grabación de audio de la audiencia celebrada en 2009 está disponible al público en la página web de la CIDH.

En este contexto, el presente Seminario sobre Buenas Prácticas Penitenciarias dirigido a Estados del Caribe anglófono viene a reafirmar una vez más el compromiso de la Comisión Interamericana frente a la protección de los derechos de las personas privadas de libertad en esta región.

Finalmente, y como punto adicional, quisiera reiterar que es de fundamental importancia para el respeto y garantía de los derechos de las personas privadas de libertad el que la Convención Americana sobre Derechos Humanos sea ratificada universalmente por todos los Estados Miembros de la OEA, lo cual aún no se ha logrado con éxito en el Caribe anglófono, subregión en la que este tratado solamente se encuentra vigente para: Barbados, Dominica, Grenada, Jamaica y Suriname; y de este reducido grupo, solamente dos Estados: Barbados y Suriname, han aceptado la competencia contenciosa de la Corte Interamericana de Derechos Humanos.

En este sentido, la pertenencia de los distintos Estados a la Organización de los Estados Americanos trae aparejada una serie de responsabilidades básicas, entre las cuales se encuentra la incorporación plena al régimen de protección de los derechos humanos creado en el marco de la propia OEA.

Vuelvo a darles la bienvenida a este Seminario y esperamos que las ponencias y discusiones de esta jornada sean de la mayor utilidad y de su completo agrado.

Muchas gracias.

Representatives from the
Caribbean States

ANTIGUA AND BARBUDA

Challenges, Measures and Best Practices

*By Major Glynne Dunnah,
Assitant Superintendent, Her Majesty's Prisons*

I. Prevention of Prison Violence

It is of great importance that prevention of violence is diligently adhered to. Straying away from such, means it will adversely affect the proper functioning of the security aspect of the prison. However, in the past due the lack of sufficient staff, it was almost impossible to prevent violent events of inmates towards other inmates, and inmates attacking prison officers.

We are all very aware of rivals gangs in civil society, whose members have from time to time are committed to prison on various charges, some of which are quite serious charges. It was always an uphill task for officers, who were un-aware of some of these gang members. But due to our wits, tact and constant communication with our local police force, and assistance from the Office of the Money Laundering and Drug Control Policy (ONDCP), we were able to gather information on such members, and take corrective measures to counter their activities.

Although we are woefully short of cells to properly house the inmates due to overcrowding, we have been quite effective in separating rival gang members, whilst still curtailing the numbers of members of any particular gang in a particular cell. Those measures have contributed to the lowering of prison violence.

II. Disciplinary Regulations

Both inmates and officers are subject to the rules and regulations under cap 341 of the Prison Act of the Laws of Antigua and Barbuda. The inmates are liable under the rule 159 and 197, and officers are liable under rule 114, if any of the rules or regulations are breached. Further, the visiting committee plays an integral part in the disciplinary matters of officers and inmates, under rule 198 and 199 respectively.

III. Reform and Social Rehabilitation of Prisoners

It has been the goal of the prison authority for many years in promoting the Social Rehabilitation of inmates of HMP. As a consequence, we have been fortunate to have the services of two (2)

counselors who have been able to address the inmates' needs, and have been quite effective in the commencement of the reform process. However, all inmates did not readily accept such counseling. This was mainly due to the varied environments that a number of them originated from.

I am sure that you would agree with me that social rehabilitation can be a long process. Looking at the environment that some inmates are raised, lack of confidence in the system by some, and a lack of understanding by some, it has been a serious challenge for these groups to adapt to the Social Rehabilitation within the prison. However, with patience and the determination to make the programme work, we have been able to convince them through one on one counseling. As a consequence, these inmates were able to open up and have moved to group counseling, and have gained confidence to the extent that their strengths and weaknesses have been exposed.

Having established their strengths and weaknesses, we have been able to place them in different rehabilitation programmes such as:

the Craft Shop;
the Tailor Shop;
Carpentry;
Electronic repair;
the Prison Farm;
Remedial Classes;
Auto Mechanic and Auto Body Repairs; and
the Life Skills Programme,

For the Female Inmates, their programmes consist of:
Cooking;
Baking;
Needle Craft; and
Remedial Classes.

Quite recently we have been able to re-open our Prison Library through the assistance of the Optimist Club. They have also introduced English Language, Mathematics and Spanish, and they have insisted that at the end of the inmates training, they will be able to take the CXC exams.

IV. Penitentiary Legislation and Public Policies

Our Penitentiary Legislations and Public Policies can be found under Cap 341 of the Prison Act of Antigua and Barbuda, and the Prison Rules that govern both Prison Officers and Inmates of HMP.

V. Conditions of Detention

Conditions of Detention depend on the Courts. When someone offends society, the court will order remanded detention on convicted detention. However, the magistrate or judge

according to the level of the offence committed can provide varied means of sentencing, such as:

- a. Short or long sentence;
- b. Incapacitation;
- c. Suspended sentence; and
- d. proposed alternative sentence, rather than custodial sentence.

VI. Selection and Training of Penitentiary Staff

Many of the experienced officers have been in the prison service for a number of years, without any follow-up training after their initial training to become officers. However within recent times we have been fortunate to be able to access short courses through assistance of the ONDCP.

In addition, we have been fortunate to have been able to recruit and train an additional 18 officer who were added to our complement of 55 other officer. These new officer became permanent members of staff effective 31 October 2011, and have been a great source of relief to the previously woefully inadequate numbers that we were experiencing for quite a number of years. We are not yet up to our full complement, and we have already budgeted for a further increase in our number for the upcoming Financial Year.

BAHAMAS

Rehabilitation of Inmates: A National Imperative

*By Dr. Elliston Rahming
Superintendent of Prison*

Her Majesty's Prison is quite often described by a local newspaper as "Fox Hell Prison." This portrayal of HMP, due in part to the perceived size of the inmate population, is unfounded, unwarranted and ill-conceived.

Indeed, the facts are that the prison admission figures are trending downward and the average daily population is appreciably lower than it was just five years ago. For instance, in 2005, there were 2,897 admissions to Her Majesty's Prison. In 2010, there were 2,374 admissions – an 18% decrease. Moreover, the average daily population ten years ago was approaching 1,500 whereas in 2011, the average daily population hovers around 1,300.

If we break the daily population down by housing units, we will see that Her Majesty's Prison has a capacity for 1,348 inmates but as at November 1, 2011 we had an actual inmate population of 1,319 broken down as follows:

Inmate Population as at November 1, 2011

Facility	Intended Capacity	Actual Population
Maximum Security	450	740
Remand Centre	300	266
Medium Security	300	203
Minimum Security	80	40
Female Prison	120	35
Central Intake	48	09
The Annex	50	26
Total	1,348	1,319

Of the 1,348 inmates, 708 (54%) are sentenced and 611 (46%) are remanded or awaiting trial. So, clearly, our Maximum Security facility is overcrowded but it is patently false to say that Her Majesty's Prison overall, is overcrowded. Through a system of re-classification, we hope in short order to transfer a sizeable number of inmates who are now in Maximum to other, less crowded units. This, of course, is an ongoing exercise.

Having bragged about the downward trend in our admission numbers, I hasten to add that among one hundred and fifty-five countries surveyed by NationMaster.com the average inmate

count was 148 per 100,000 citizens. In our case, in terms of the size of our prison population, we rank ninth in the world and number one in the Caribbean on a per capita basis.

We have some 435 persons behind bars per 100,000 population, compared to:

Barbados	- 367 per 100,000
Trinidad and Tobago	- 351 per 100,000
St. Kitts & Nevis	- 338 per 100,000
Grenada	- 333 per 100,000
Antigua & Barbuda	- 278 per 100,000
St. Vincent & The Grenadines	- 270 per 100,000
Saint Lucia	- 243 per 100,000
Jamaica	- 176 per 100,000
Guyana	- 175 per 100,000

These figures suggest that for every 270 citizens in The Bahamas, one is incarcerated.

Having laid that preamble, I go now to the topic of today's discussion, rehabilitation of inmates. I have already established that close to one-half of our inmates are remanded – awaiting trial. There is, therefore, no legal basis to require them to engage in educational, trade or work programmes. You should also know that among sentenced admissions in 2010, 55% were sentenced to six months or less and 72% were sentenced to a year or less. These sentences are hardly long enough to change mindsets, alter attitudes, erase habits and eradicate behavioural patterns.

Of the remaining 28% of those sentenced, many have been assigned to our Maximum Security Facility for safety and security reasons. By the very nature of maximum security, there is little space for inmate educational, trade or work programmes until they are re-classified and graduate to our medium security facility. What then do we do about rehabilitation?

One of the vexing issues that exercises the minds of Bahamians in relation to prison is the question, "What Works?" If we take murderers, for instance, most Bahamians seem to favour capital punishment; some favour life sentences without the possibility of early release and some prefer long sentences with the option of early release.

Here is what we know. We know that between 1973 and 2010, there were 1,817 murders or manslaughter incidents in The Bahamas. Of more recent note, Police Sergeant Chaswell Hanna has documented that during the period 2005-2009, 349 murders were recorded, 243 of which were investigated by the Police; 63 of which were prosecuted by the courts resulting in 18 convictions (ten murder convictions and eight manslaughter convictions). Of the ten murder convictions, two were sentenced to death. Of course we know that there have been no executions since 2000.

The jury is still out as to “what works” for murder or manslaughter convicts. It is instructive nevertheless to note that between the years, 1973–2010, 353 persons who had been sentenced to Her Majesty’s Prison for murder or manslaughter were released. Of that number, fourteen (or 4%) were released by way of capital punishment in prison; another ten (3%) died otherwise in prison; 19% were released on license and the balance was released either by the courts or after having served their time.

So, in the 37-year period since Independence, of the 329 live bodies released from prison who had served time for murder or manslaughter, twenty (or 6%) of them served sentences of fifteen years or longer and within this group, only two (or 10%) of them have returned to prison – one for shop breaking and the other is remanded for murder.

These facts suggest that long sentences, with or without the possibility of release, are impactful and do not unduly imperil society. Indeed, these findings compare favourably with those by Amnesty International which found that 8% of convicted murderers go on to commit a future murder after being released.

We have established, then, that insofar as the protection of society is concerned, long sentences for serious, high risk, dangerous offenders work. What else do we know? We know that while educational programmes, vocational training and psychiatric therapy are important to the rehabilitation process, the source of criminality is mostly psychological rather than social; it is mostly choice-based, not class-based; and it is mostly individualistic, not communal.

Therefore, just as we make a choice whether or not to engage in a crime, the inmate makes a choice either to use his time in prison or to waste it. For those who elect to use the time in prison (and they are in the majority), the prospect of rehabilitation, reformation, and reintegration is high as evidenced by our twenty percent recidivism rate among sentenced admissions.

Our rehabilitative thrust begins with a mandatory classification and sentence planning process to ensure that, to the extent possible, we house remanded prisoners with other remanded prisoners ; gleaners with gleaners, juveniles with juveniles and jail birds with jail birds. Also, as part of this process, we seek to ensure that we do not use the one-size-fits-all approach.

During the intake classification process, great care is taken to ensure that a structured plan is put in place for all sentenced inmates that would take them from arrival to release. The aim is to amplify their strengths and erase their deficits.

This is done in three basic ways:

(1) Attitude Adjustment Programmes	(2) Work Programmes	(3) Technical Vocational and Academic Programmes
Anger Management	Day Release Work Programme	Introduction to Computers
The Sycamore Tree Restorative Justice Programme (set to begin this Friday)	Auto Mechanic Repairs	Word & Excel
Faith-based Initiative	Landscaping and Grounds Maintenance	Basic Numeracy
Family Reunification	Painting	Basic Literacy
Job Seeking & Job Keeping Skills	Electrical Installation	BJC Courses
Substance Abuse Education	Plumbing	Cosmetology
Religious Counselling	Culinary Arts	Ceramics
	Tile Laying	Tailoring
	Dry Wall Installation	Craft Production
	Carpentry	Auto Body Repair
	Masonry	Basic Welding
	Roofing	Entrepreneurship
		Hospitality Services

These programmes, combined with a slightly more tolerant public that's willing to give ex-offenders a second chance, have contributed to a marked decrease in the rate of recidivism from 42% six years ago to just under 20% today.

It may interest you to know that, according to Wikipedia, the recidivism rate for released prisoners in the United States within one year is 44% and 67% after three years. In California, which has the highest recidivism rate in the United States, 70% of released inmates return to prison within three years. Arizona has the lowest rate of recidivism, at 25%.

So, here's what we know about "what works" in our prison:

- 1) We know that habitual or dangerous inmates who serve long sentences (15 years or longer) return to prison at a relatively low rate.
- 2) We know that short sentences for habitual, non-violent offenders tend to be counter productive. Therefore, they should be steered towards alternative, treatment-oriented forms of punishment as opposed to imprisonment
- 3) We know that petty, non-violent offenders on whom a fine is levied are ten times more likely to avoid incarceration if they are afforded a reasonable time to pay the fine, say 30 days.

- 4) We know that inmates who complete our Day Release Work Programme or our technical – vocational programmes show a relatively low recidivism rate.

And so I say that the naysayers who refer to Her Majesty's Prison as "Fox Hell Prison" are wrong. They are dead wrong. The facts tell a different story. Indeed The Canadian Correctional Association has put out a document entitled "Ten signs of A Well-run Prison" and I share these principles with you today:

- 1) Staff and inmates can pursue their routine activities in a safe, secure environment.
- 2) There is a high staff retention rate.
- 3) There is a written code of ethics for staff that is uniformly enforced.
- 4) There is ready access to quality medical/dental/psychiatric care and self development programmes for staff and inmates .
- 5) There is an open and fair system for the adjudication of staff and inmate grievances and imposition of disciplinary measures.
- 6) Policies and procedures, not personalities, drive discipline and orderliness.
- 7) Visitors are regarded as partners and are treated with courtesy and respect at all times.
- 8) The quantity and quality of food provided to inmates are matters of top priority.
- 9) The physical environment is clean and uplifting for staff and inmates.
- 10) There is a shared philosophy and a common vision established by The Commissioner and fostered down the chain of command.

Of these ten standards, Her Majesty's Prison is fully compliant with six of the standards and is working feverishly on the remaining four. In summary, I can report today that:

- The prison population is down and, due to expanded programmes, staffing levels are up;
- Recidivism is down;
- Escapes are down;
- The number of college graduates on staff has doubled within the past five years;
- Personal assaults on officers and inmates are down;
- We now have 52 recruits in training – all of whom hold at least the minimum academic qualification of five BJC's;
- Recruitment and promotions are now transparent;

- We have begun remedial classes for remanded juveniles who volunteer for the programme;
- We have re-launched educational programmes within our Maximum Security Unit, offering remedial as well as BJC courses. By January of 2012 we hope to have installed the widely-acclaimed Auto Skills Programme of Canada within Maximum Security. This would allow long-term inmates access to state-of-the-art, interactive, computer-aided, self-teaching technology to promote academic development among Maximum Security inmates;
- We will, in cooperation with BAIC, cultivate ten acres on the compound for agricultural and horticultural production;
- We will expand our Inmate Industries Programme with a focus on tourist-related souvenir production as a further means of promoting self employment upon release. In this regard, we seek to partner with the private sector and we hereby invite proposals. The private sector can provide the capital, the know-how and the marketing, and we will provide the labour;
- We will continue to expose our staff to the finest training opportunities both at home and abroad;
- We are well on our way towards genuine prison reform whereby inmates are treated as subjects not as objects. We seek to create an institution wherein inmates lose their liberty, not their dignity; and
- We invite members of the Rotary Club to volunteer as Big Brothers and mentors for soon-to-be-released inmates so that they may have positive linkages and purposeful support systems upon release.

Prison reform, rehabilitation, reintegration and restoration is everyone's business, yours and mine. I invite you to join us in this common cause.

Thank you very much.

BELIZE

*By Mr. Earl Jones, Chief Executive
Officer of Prisons
CEO, Kolbe Foundation*

I. Historical Background

In 1993 the Belize Central Prison was relocated outside of Belize City on the Boom/Hattieville Road. During that period the facility was managed by the Government of Belize, however, budgetary constraints and lack of proper planning resulted in this new facility to be poorly designed and managed. The facility was basically a warehouse for offenders, and was operated below the minimum standards. There were no structured programs for inmates to learn and occupy their time. Their activities were minimal, and as a result, they succumbed to idleness and violence amid this desolate confinement.

In 2002, Kolbe Foundation, a private, non-profit organization was approved by the Government to manage the Prison and with the goal of reforming the prison system in Belize. Kolbe's mission is to provide a secure, humane facility geared towards meaningful rehabilitation and successful reintegration. Kolbe's approach to managing the captive audience is to offer rehabilitation and education programs that help change criminal mentality and behavior of the individual. Kolbe Foundation believes that the absence of rehabilitation and community reintegration programs increases the opportunities for inmates to improve criminal skills.

In 2010, Dr. Herbert Gayle, PhD and Nelma Mortis, MEd, prepared a release entitled "Male Social Participation and Urban Violence in Urban Belize" in that release they wrote about the prison under Kolbe's Management: *"After seven years of effort, there have been positive changes within the entire system – inmates and staff, attitudes and physical environment. Success has been achieved largely because of coloration and cooperation from various organizations, government and most importantly, its staff. Kolbe employs over 200 security officers and a little over 80 civilians and as team (and the direction of the Board of Directors) instills the values of rehabilitation through a variety of education and rehabilitation programmes."*

The question then arises, what had made the Belize Central Prison manage by the Kolbe Foundation unique from other prisons? There is only one prison facility in the entire country, which houses all of society's misfits. These include convicted prisoners, prisoners remanded or awaiting trial, females, juveniles, and special care prisoners. It's the management's vision of prisoners being treated as human beings with the potential to become good and productive citizens if given the opportunity to change. Former Chief Justice of Belize, Dr. Abdulai Conteh in his opening remarks to the Supreme Court in 2006 reminds us that, *"It should always be remembered that a convicted prisoner does not shed his humanity or personal dignity once he crosses over*

the threshold of the Prison. He or she still remains a human person . . . imprisonment after conviction should only result in the loss of personal liberty for the duration of the sentence as punishment for the crime for which conviction was obtained. It should not and must not shed the human dignity of the convicted for that way leads assuredly to the repeated offender syndrome.” This affirms Kolbe’s believe and commitment to the management of prison and the direction it has taken.

II. Staff Development

Attaining the level of success that Dr. Herbert Gayle mentioned in his report was not an easy task. It came as a result of training and getting the staff to embrace the Kolbe vision. Staff training was done in all aspects of prison management and it remains ongoing. Tremendous assistance was provided by the United States Government with regards to educating the trainers. These trainers, after qualifying themselves, assisted in training other staff members. The objective is to professionalize the prison and equip our staff with the necessary knowledge to operate within the confines of the domestic prison rules and in line with international conventions. Currently a large percent of our staff has received some level of training.

In addition to the training of our staff a new unit known as the Quick Response Unit has been set up. This unit is a group of elite Officers selected from among the best within the ranks. They are specifically trained in all aspects of prison management and include the use of non-lethal weapons. The level of professionalism achieved by our staff has changed their perspective. The prisoners now see the officers as one of authority and not as villains. This perception is important to Kolbe as it is indicative of the respect garnered by Prison Officers, who are in control of the Prison.

III. Rehabilitation in Prison

The changing of the inmate’s criminal mentality or behavior begins with the process of rehabilitation. The opportunity or privilege to work, whether in the kitchen, medic centre, industrial zone, chopping gang, or cleaning the bathroom, must be earned. The initial step is to go through the rehabilitation programs. The analogy could be drawn of a sculptor who receives a piece of rough wood and has to work on it to develop something that society would love and buy. The same can be said of a prisoner. When he enters the facility he is society’s reject. Using the time he/she has in the facility, the Foundation will design a course through the classification and assessment system to refine and shape him/her before reentry. At the same time, he/she will be equipped with the necessary skills to survive in society without reoffending.

The Inner Change for Freedom Belize Programme (IFFB) was set up in February 2003; it is a faith based eighteen month program, where inmates are removed from the general population, allowing them to concentrate on the changes they need to make in their lives without the distraction and ridicule from other inmates.

In April of 2006, an Addiction Rehabilitation Centre (ARC) was set up with its curriculum focusing on Intake Orientation, Criminal and Addictive thinking, Drug and Alcohol Education, Socialization, Relapse Prevention, Cognitive Behavior Therapy, Release and Reintegration, and HIV & AIDS Education. Upon completion of the program the inmate is returned into the general population where they are to apply the knowledge gained as they work and interact and with others.

Some inmates who successfully complete the IFFB or ARC program are selected, trained and given the privilege to work within the facility. They serve roles in the electrical department, tailor shop, medical unit, woodwork shop, agriculture department, etc. In addition, their role helps the Foundation as the meager management budget cannot afford the hiring of additional staff to do those jobs. Hence, the captive audience provides a suitable work force to care for the facility.

The Cindy Gregg Prison School was established in 2007 with the aims of giving prisoners an opportunity to improve their academic and vocational education. The curriculum used is similar to that of the Government schools. This makes it easier for a prisoner to enter the mainstream of the education system upon reentry into society. Beside the academic and vocational program, the school also teaches subjects that are geared towards providing inmates with on the job ethics and preparation for job interviews. Keeping in mind that once the inmate leaves the facility all they have is their labor to sell, they must be able to sell that to the employer.

In addition, the practice that has been adopted and has proven successful to us is the way in which the special care and sick inmates are cared for in the facility. Currently on staff is a doctor and three nurses who are assisted by thirty inmates, trained as Medical First Responders and Emergency Medical Technicians. These inmates work at the Prison Clinic and are dispersed throughout the units in the Prison. These inmates are trained to assist with the health care of the mentally challenged, paralyzed, HIV/AIDS and other inmate patients. They are assisted by inmate peer and spiritual counselors.

IV. Challenges

One of the main challenges Kolbe Foundation is experiencing is getting the Belizean society to accept its role in the process of prison management. Many have taken the hard line stance that Kolbe should be tough on these prisoners and rehabilitation should not be the priority. They advocate that Kolbe should be more involved in warehousing of inmates instead of trying to reform them. The general society needs to recognize the change in these individuals and give them an opportunity to prove themselves. Without the opportunity to work and earn a living, the entire process of rehabilitation may mean nothing when the ex-convict is face with the harsh reality of life, especially if he/she has a family to feed.

The recidivism rate for the Belize Central Prison, which stands at 15%, can be reduced further if the opportunity exist for the ex-convict to apply what they have learned during their

incarceration. In a 2010 recidivism study on juveniles in the prison, it was recommended that a strong youth development program be developed by agencies responsible for youths to provide care for juveniles after release from prison. There has also been continuous dialogue with other agencies to recognize these ex-convicts and give them a chance to prove themselves in society.

Finally, as Kolbe works toward its mission of successful reintegration, the setting up of a halfway house has been a topic of interest among the concerned groups. It is believed that this half way house will assist tremendously ex-convicts in coping with the challenges of being out of prison and of being labeled with the stigma of being in prison. However, because of budgetary constraints, this idea has been put on hold.

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DOMINICA

*By Mr. Denis Blanc
Superintendent of Prisons*

I. Prevention of Prison Violence, Challenges, Measures and Best Practices

It is essential that everything possible be done in the quest to prevent, reduce, control and, if possible, rid our prisons of violence. Violence is any physical force exerted for the purpose of violating, damaging or abusing. It may also be a behavior involving physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, underdevelopment or deprivation. Violence may be grouped into four (04) modes:

1. Physical

This is the most visible form of abuse and is any act which results in a non-accidental trauma or physical injury. This kind of violence is usually defined as being unreasonable or unjustifiable punishment. Physical abuse injuries result from burning, punching, kicking, and hitting just to mention a few. All of these situations take place in the prison on a daily basis either from inmates or staff.

2. Sexual

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances directed against a person using coercion by any person, regardless of their relationship to the victim, in any setting including and not limited to home or work. In regions like the ones we live in, where female officers work among the male inmates and officers and where the population is small, one can clearly understand how sexual violence against both staff and inmates can take place.

3. Psychological

Repeatedly attacking someone with the idea that they are cold, arrogant, selfish, anti-social and negative as a way of diverting attention from oneself to another. This kind of violence goes to the core of a person's being. It is said if you continually repeat negative things to someone about themselves, they may/will eventually begin to question the statement; thereby internalizing what may not be true and believing it themselves.

4. Deprivation

The act of depriving, dispossessing or bereaving. This may also take the form of deposing or divesting of some dignity. We now have an idea as to what violence really is. We must now look at prevention so that we may be able to counteract violence. Prevention literally means to keep something from happening. The term prevention is reserved for those interventions that occur before the initial onset of disorder. In prevention we look towards the promotion of constructive

lifestyles and norms that discourage negative behaviors that may in themselves lead to violence. Prevention of violence may be achieved through the application of multiple strategies. It is an ongoing process that must be related to each emerging generation. Therefore, basic strategies must be put in place in helping to curb violence and if possible get rid of it all together. It must be noted that there must be a level of control to violence, especially in prisons.

Let us now look at a few basic strategies for prevention:

- Promoting good parenting skills and strengthening the family is the first level of defense in combating violence in prison. Since the one displaying the violent tendency first came from a home, it would have been beneficial if this home could have provided positive guidance, moral skills, self-esteem to carry the individual through life and thus pass on these positive attributes to their children or those depending on them as mentors. This could assist them in building academic and vocational skills that would allow the individual the potential to develop into a contributing member of society.

When this is not done in the home and that individual comes to prison, we must tailor programmes to suit that individual's needs and give them what is needed to become a better and more productive person both in the prison and upon release.

- We must raise awareness of the dangers that is associated with all the various forms of violence. This could take the form of either individual counseling or group counseling. It may be necessary to use others that have been victims of violence and also those who were the perpetrators of violence and have made a positive change. We ought also to show the benefits that can be derived from constructive behavior.
- Another area that needs to be looked at is in the strengthening of policies that would support the promotion of healthy lifestyles and the changing of prison norms. For too long a number of negative connotations about prison life have gone unchallenged, thus creating negative norms which after some time become negative habits.

It must be noted that every total institution faces its share of challenges and thus the prison is not immune. It must also be mentioned that no single approach works for everyone and so a combination of these strategies may have to be employed.

The main causes of Prison Violence

Empirical studies show that the main causes of prison violence relates to but is not limited to over crowdedness, over use of solitary confinement, inexperienced staff, poor conditions, prisoners' pre-existing violent characteristics and budget cuts.

■ **Over crowdedness:**

Most of our prisons have far surpassed their intended capacity. This has led to poor conditions, whether it be sleeping or their general accommodation. These facilities are now too small to accommodate the influx of inmates of different temperaments staying under one roof. One can understand that this is a recipe for disaster. In recent times, we have experienced an influx of ex-criminals who have been repatriated from the metropolitan countries after serving long sentences for violent crimes committed in those countries. This brings in a new dimension to the kind of organized violence that occurs in the prison. The housing structure that was and is in place is to accommodate a number of inmates in one cell. This poses a problem with the kind of control that is necessary especially with these high level criminals. The more appropriate method of housing these would be in single type cells where more control can be exercised.

Another key area worth noting is the status of staff generally employed at those prisons. Basically, persons are just taken from the streets and are made to be responsible for securing criminals who have violent tendencies. In many instances they provoke, if not directly, inmates to behaving violently. With no or limited training in counseling, anger management, or problem resolution, they are sent to these prisons to work. In every other field of work, some form of training is needed before entering the work place. This training has not been performed for the prisons. This in some instances leads to provocation and bullying of inmates. You can also find this kind of aggression directed towards the quieter and less secure inmates by the other more aggressive inmates. This causes the individual states of mind of the less aggressive prisoners to change, thus becoming violent.

The best practices that should be employed in the prevention of violence in prison should be geared towards reforming the entire individual. In order to transform violent behavior in inmates, inmates need to understand the origin of their anger and be told the truth that violence is learned behavior. No one was ever born with violent tendencies.

Programmes must be developed whereby inmates can develop practical skills to recognize what triggers their violent and destructive behavior and to make alternate choices. They need to learn deep listening skills while recognizing and communicating emotions and needs. In that way, they gain an understanding of how they have confused their authentic sense of self, with a self image of an authoritative male stereo type and that violence against others is a learned behavior that can be unlearned.

Research has proven that programmes, activities, and therapy are most effective when matched with a prison's rehabilitative needs, characteristics and demographics including their cultural backgrounds. This can be assessed during their initial interview on entry.

The need for group based therapy, case management, cultural sessions, educational, and vocational training must be emphasized in altering violent prisoners.

II. Disciplinary regulations

The company has adopted a progressive discipline policy to identify and address employee and employment related problems. This policy applies to any and all employee conduct that the company, in its sole discretion, determines must be addressed by discipline. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the Company takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance or violation of the company's policies, practices or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. Equally important, the company need not resort to progressive discipline, but may take whatever action it deems necessary to address the issue at hand. This may mean that more or less severe discipline is imposed in a given situation. Likewise, some company policies like sexual harassment and attendance, contain specific discipline procedures.

Progressive discipline may be issued on employees even when the conduct that leads to more serious discipline is not the same that resulted in less severe discipline. That is, violations of different rules shall be considered the same as repeated violations of the same rule for purposes of progressive action.

Probationary employees are held to the highest standards for behavior and job performance. Progressive discipline is the exception rather than the rule for probationary employees.

The Company will normally adhere to the following progressive disciplinary process:

1. Verbal caution

An employee will be given a verbal caution when he or she engages in problematic behavior. As the first step in the progressive discipline policy, a verbal caution is meant to alert the employee that a problem may exist or that one has been identified, which must be addressed. Verbal warnings will be documented and maintained by your [designate either appropriate individual (e.g., "your supervisor" or "your manager")]. A verbal caution remains in effect for [specify time (e.g., three months)].

2. Verbal warning

A verbal warning is more serious than a verbal caution. An employee will be given a verbal warning when a problem is identified that justifies a verbal warning or the employee engages in unacceptable behavior during the period a verbal caution is in effect. Verbal warnings are documented and placed in the employee's personnel file and will remain in effect for [specify time (e.g., three months)].

3. Written warning

A written warning is more serious than a verbal warning. A written warning will be given when

an employee engages in conduct that justifies a written warning or the employee engages in unacceptable behavior during the period that a verbal warning is in effect. Written warnings are maintained in an employee's personnel file and remains in effect for [specify time (e.g., three months)].

4. Suspension

A suspension without pay is more serious than a written warning. An employee will be suspended when he or she engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect. An employee's suspension will be documented and, regardless of the length of the suspension issued, will remain in effect for [specify time (e.g., three months)].

5. Decision making leave

Generally following a suspension, an employee will be reprimanded then sent home for the day on decision making leave. This is intended to help the employee decide whether they should continue employment with the company. If the employee returns, they will be expected to work harder than before to follow the Company guidelines and continue their employment without interruption. The other option with this leave is the employee may choose to resign because employment with the Company is not a match.

6. Termination

An employee will be terminated when he or she engages in conduct that justifies termination or does not correct the matter that resulted in less severe discipline. Again, while the Company will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to decide whether and what disciplinary action is necessary.

There is no single correct approach for handling employee discipline. Accordingly, like most personnel policies, discipline policies vary greatly. Competing interests make it important for employers to analyze what they expect a discipline policy to accomplish. Some employers adopt traditional progressive discipline or zero tolerance policies because they are interested in identifying and eliminating the problem employee. Many employment lawyers favor uniformly applied progressive discipline policies because they make a discrimination case easier to defend. These policies, however, do not always protect an employer's investment in its employees, nor does it necessarily foster a positive working environment. Whether altruistic or not, some employers seek to assist employees who experience workplace problems and tailor their discipline policy to achieve this goal. Alternate policies are proposed.

There is no set number of steps for a progressive discipline policy. Typically there are at least three steps: caution, warning & termination. Many policies provide for suspension prior to termination.

Regardless of an employer's choice, a discipline policy should be clear and specific. Likewise, it must be uniformly applied, particularly a progressive discipline policy. Thus, while a progressive discipline policy should allow for employer discretion, employers that adopt such a policy should abide by its terms, except in those rare instances that justify special treatment.

III. Reform and social rehabilitation of prisoner

The Dominica Prison was constructed in October 1954 at its present site at Stock Farm to accommodate eight-four (84) inmates. At that time, persons who were sent to prison came from the lower strata of society, the majority of whom were illiterate. There were no provisions made for white colour crimes. The structures were basic and did not have the provisions as enshrined in the prison regulations then and even now.

In more recent times the young generation has become more sophisticated in their criminal behavior. This has led prison management to adopt new strategies to deal with the internal and external environment. Societal services have failed in its attempt to coerce its charges hence prison population increased.

Prison reform is a significant issue for the commonwealth of Dominica. The prison population has expanded at a phenomenal rate, often beyond the capacity of the existing system to accommodate the swelling ranks of the incarcerated. The focus for many is increasingly on reform and rehabilitation as a means to reduce recidivism. This reduces the number of individuals placed in prisons every year and allows them to return to society where they can contribute more meaningfully to the national economy.

The concept that prison reform should rehabilitate prisoners has a relatively long history in many jurisdictions, including the United States and the United Kingdom, and can be traced back to the early 19th century. During the colonial period in the Americas, prisons were not constructed as permanent detention centers for offenders. Instead, prisons acted as holding tanks for individuals awaiting trial. Sentencing was immediate and usually public. However, in the 19th century, the rehabilitative ideology emerged with the concept that convicts were victims of social and environmental conditions out of their control (Coy 989).

Early prisons that developed in the 19th century as permanent detention centers were constructed on the premise of rehabilitation. This method developed out of the predominant cultural and religious ideals of reformers and social activists (Sullivan 56). Since then, rehabilitation has been a part of the justice system in the entire Commonwealth.

Incarceration has developed over the years into the predominant form of social correction. Rehabilitation is built partially on the idea that individuals are not fully to blame for their circumstances and thus deserve another chance to get it right. More so, however, the legal concept of intent is intimately tied with rehabilitation. This is the idea that an act is criminal if the individual willfully commits the act. Rehabilitation assumes that if one can change the intentions of a prisoner, then the prisoner can be changed as well. In this way, prisons have become a social mechanism by which re-socialization is touted as an ideal.

Within our prison, Officers are expected to reinforce social norms and break down anti- social and criminal behavior. That is the theory behind rehabilitation as an ideal, at least. However, the effectiveness of reforming the person as a rehabilitator has raised much debate among prison officials that the current system is not working and whether or not the current system is even up to this significant task.

A catch and release prison system does very little to positively affect the ability of convicts to be rehabilitated and socialized for reintegration into society.

At the moment, prison reform is high on the agenda of the Ministry of National Security in Dominica. A comprehensive baseline analysis of the Dominica Prison Service is being drawn up with a new mission, vision and goal for reform. This proposal clearly documents and defines the future direction for the prison reform in Dominica which undoubtedly will bring great improvement to the service being currently being undertaken. This reform will involve the changing of the institutions name from Prison to Correctional Facility, broadening the chain of command, increasing and training of staff including specialization, installation of modern facilities and equipment, increasing services and programs for inmates, and the establishment of new policies and procedures taking into consideration the emergence of the Caribbean Single Market and Economy.

Pursuing reform of the prison system in Dominica will involve significantly upgrading some programs currently being undertaken and the introduction of others which will help our charges lead law abiding and useful lives in custody and particularly after release. Additionally, these programs will help to protect the safety of the staff and build their capacity.

The programs will include:

- Counseling
- Psychological Services
- Case Management
- Sentence Planning
- Inmates Support Services
- Pre-release Services
- Chaplainry
- Educational and Vocational Training
 - Construction
 - Carpentry
 - Tailoring
 - Leather Craft
 - Barbering
 - Cosmetology
 - Animal Husbandry
 - Framing
 - Auto Mechanics
 - Arc Welding
 - Academics
 - Landscaping

It is hoped that the true essence of reform and social rehabilitation we seek to achieve will be put in proper perspective as far as the national security and development of Dominica and the wider region is concerned.

IV. Penitentiary legislation and public policies

In any society, governmental entities enact laws, make policies, and allocate resources. This is true at all levels. Public policy can be generally defined as a system of laws, regulatory measures, courses of action, and funding priorities concerning a given topic promulgated by a governmental entity or its representatives.

Individuals and groups often attempt to shape public policy through education, advocacy, or mobilization of interest groups. Shaping public policy is obviously different in Western-style democracies than in other forms of government but it is reasonable to assume that the process always involves efforts by competing interest groups to influence policy makers in their favor.

A major aspect of public policy is law. In a general sense, the law includes specific legislation and more broadly defined provisions of constitutional or international law. There are many ways that the law influences penitentiary administration and how they are treated and the types of services they receive. Likewise, legislation identifies areas in which research grants can be funded and often determines the amount of funding allocated. Thus, it is not surprising that public policy debates occur over proposed legislation and funding.

In the context of the penitentiary framework, advocacy groups can be very influential in attempting to influence public policy through education, lobbying, or political pressure resulting from the ever increasing magnitude of criminological events occurring in our society today. Such attempts to educate the general public and public policy makers about (1) the nature of the problems, (2) what legislation is needed to address the problems, (3) and the funding necessary to provide administrative services for the purpose of conducting relevant research and creating greater transparency and accountability requires tremendous effort. Although advocacy is viewed as unseemly by some, it is clear that public policy priorities are influenced by advocacy.

A few ways in which the legislation directly or indirectly influences the penitentiary framework:

- State and international law provides a framework for identifying basic human rights and for defining violations of these rights.
- The law defines behaviors proscribed by criminal and civil statutes and provides criminal and civil penalties for violations.
- The law establishes eligibility criteria for a host of services including crime victim compensation, and welfare.
- The law has a major impact on the level of funding and other services provided to victims. Public policy makers allocate funding for services through the appropriations process and by enacting laws that establish special service programs for those victims.
- Laws and the governmental appropriations process control funding for penitentiary administration.

V. Selection and training of penitentiary personnel

What are the challenges faced, measures used, and best practices.

The selection and training of employees must play a central role in the plans of any organization. Selecting the right employees is important for three main reasons:

First, your own performance always depends in part on your subordinates. Employees with the right skills and attributes will do a better job for you and the organization. Employees without these skills, or who are abrasive or obstructionist, will be perform effectively and your own performance and the department will suffer.

Second, it is important because it is costly to recruit and train employees.

Third, it is important for all parties involved to know the legal implications of incompetency. The Dominica Prison Service has carefully reviewed the selection and training of persons for employment as Prison Officers.

- Applications are thoroughly scrutinized by an interview committee appointed by the Superintendent of Prison.
- Application forms are forwarded to the Head of the Special Branch of the Commonwealth of Dominica Police Force for vetting.
- A complied report of applicants is sent back to the head of Department. These reports give concise information in relation to any criminal record in regards to the applicants.
- A date is then set for a face to face interview with each applicant.
- A panel of four interviewers directs structural question in relation to the job, public service, skills, and techniques of the interviewee (“See appendix 1”).
- Interviewees are allowed to ask questions on related matters.
- Applicants are evaluated on a score card (“See appendix 2”) on the basis of qualification 10%, skills 15%, experience 15%, and interview 15%. This entails demeanor, knowledge, and communication.
- The score cards of each applicant are tallied and forwarded to the head of the department with a report.
- Applicants selected are sent to the Permanent Secretary for the final comment and approval.
- Selected applicants commence employment.

However, there are challenges faced in the selection and training process:

- Too much time is spent in the approval process;
- No proper base for training of employees;
- Outdated training manual;
- Budgetary constraints for training;
- Opportunities are limited for overseas training;
- More females apply for the position; and
- Limited numbers of people meet the requirements.

Best Possible Practices

- Selection process is excellent;
- Selected applicants should and must not begin employment before initial training;
- Resource trainers must be sourced. This can be from within the Establishment Personnel and Training Department at the Prison Service;
- Any persons trained should be employed unless otherwise;
- A pool of applicants should be trained and training should be an ongoing process;
- Each rank and file should have the advantage of training, compatible with Prison Laws;
- Develop case studies; and
- Strategic planning to ensure that goals and objectives are met.

GUYANA

*By Mr. Malcolm McAndrew,
Deputy Director of Prisons*

I. Purpose

Prisons/Correctional Services were established to safely secure persons who have violated the laws of the land and were convicted by a recognized Court of Law committed to serve a term of imprisonment. During the period of imprisonment, it is intended that prisoners should be involved in retraining activities that can target their deviant behaviors so that on release they can live meaningful lives. In instances where persons are sentenced to death, the prison system is expected to enforce that directive by authorized means.

II. Relevance of Prisons

- Prisons form part of the criminal justice system (judiciary, police, probations);
- Protect society by keeping in custody criminals who violated the laws of the land;
- Retrain criminals to live useful lives on their return to society;
- Provide labor and other services provided by their captive labor force; and
- Creates employment and numerous economic opportunities.

III. Questions of the Relevance of Prisons

- They are failing institutions;
- Breeding ground for criminal behaviors;
- Breeding ground for sexual deviance;
- Breeding ground for the spread of diseases (STD, TB, Pox, HIV/AIDS);
- Use of excessive force and authority; and
- Inequality of judicial sentencing leading to over crowding and a high minority population.

IV. The challenges for the Guyana prison service

1. External Impact

- The culture of organized crime has transcended into the prisoners way of life (Mafia & Cartel);
- Use of phones as effective threats to the security of locations and officers. Institution close nature is eroded;
- Illegal arms smuggling has led to the proliferation of small arms in the prisons;
- The new international fight against crime and terrorism will result in the incarceration of prisoners of a high profile/special nature who require specialized security treatment regime; and
- Issues of organized criminal activities within prisons (riot, drug use, and trafficking) give prisoners a new awareness to defy authority and compromise security.

2. Internal Impact

- Lack of resources (human, financial, and material);
- Poor infrastructure to secure and segregate various types of offenders;
- Inadequate technological infrastructure (security, surveillance systems);
- Poor judicial practices that contribute to overcrowding and perception of injustice;
- Increasing levels of organization among prisoners developing a strong criminal subculture;
- Lack of legislation to support the treatment of prisoners and provide required resources;
- Lack of information sharing in a structured/strategic method;
- Poor public image as a result of a perception of failure and oppression;
- The spread of contagious diseases in the prison and the lack of resources needed to combat same;
- Lack of community support to assist discharged prisoners;
- Inadequate resources to facilitate the provision of retraining programme to target skills/attitudes inadequacies so that prison can function in the open society;
- Lack of corporate involvement in retraining prisoners;

- Buildings weak in structure and inadequate in design;
- High percentage of prisoners on remand for long periods;
- Inexperienced staff members at the subordinate, supervisory and administrative levels;
- The high percentage of female staff members;
- Inadequate medical care for inmates consequent to the lack of sustained visits to the Prisons by Government Medical Officers;
- Inadequate information and technological systems to enhance security; and
- An unstable Judicial System.

3. Countermeasures

- Prisons must be seen as an integral member of the Criminal Justice System notwithstanding its negative images;
- Management must be able to present the challenges of the prison environment in a professional and academic manner to stakeholders in order to position the department more advantageously in order to acquire scarce resources;
- Develop strategic linkages with the security in terms of developing coordinated crime fighting strategies/and information sharing forums;
- Development of the appropriate infrastructure (technological and structural) to minimize the challenges of overcrowding, organized criminal subculture, and separating of special watch prisoners;
- Amending and drafting of new legislations to support strategies to combat crime;
- Developing strategic linkages with key Ministries in order to provide necessary and effective services to the inmate population (human services, health, legal, and education);
- Developing core competences of prison officers to meet their multi-dimensional tasks in the prison environment;
- Control and relocation of prisoners in mass fire scenarios; and
- Measures for the control of prisoners, destruction of buildings and possible relocation of inmates during riots;
- Hostage taking; and

- The spread of contagious diseases, for example Tuberculosis and HIV/AIDS.

The development of the Guyana Prison Service to meet these challenges will necessitate that the Prison Administration collaborate in a sustained and integral manner with Government, other partners of the Criminal Justice Administration and all relevant stakeholders. Collectively, we can provide the necessary structures, resources, facilities, and legislation to ensure the Guyana Prison Service execute its mandate in the most effective and efficient manner.

Best Practice

- Allow free access to calls to admission inmates;
- Inmate continued contact with relatives thru visits and telephone calls;
- Access to worship with their religious denomination;
- Access to Medical services;
- Segregation of narcotic offenders;
- Counseling of substances abuse thru specialized programmes;
- Program for violent offender which is compulsory for parole application;
- Access of inmates to retraining and skill programmes;
- Inmate ability to be released on parole after completion of 12 months or 1/3 of sentence, whichever is greater;
- Remanded inmates' access to Magistrates every seven days;
- Committed prisoner access to High Court Judge on presentation of Jail delivery done at conclusion of April session;
- Inmates ready access to members of Visiting Committee on request;
- Convicted inmates' ability to earn finance to assist their family;
- Provision of special meals and counseling of HIV inmates;
- Establishment of a Sentence Management Board to effectively manage the sentences of convicted prisoners;
- Establishment of a Training Board to plan and manage training of both Officers and Inmates;
- Establishment of a Recruitment Board to ensure qualified staff are recruited; and
- Establishment of Visiting Committees to perform oversight role in ensuring that prisons are managed effectively.

ST. KITTS AND NEVIS

*By Mr. Ashiela Dolphus Connor
Assistant Superintendent of the Prison*

I. Prevention of prison violence

We prevent violence in our Prison by firstly seeking to separate persons who have issues with one another because of gang membership or other reasons. We also at times use confinement as a means to achieve this.

Educational classes are used as a means to prevent violence. We believe that if you teach a man to read, then he learn to reason, if he can reason then he uses his fist as a last resort rather than his first resort. Religious and physiological counseling are used to help the individual in channeling his anger into something positive and encouraging and challenging inmates to use their time doing something positive. A lot of the inmates make and design greeting cards while others do painting.

The selection of inmates for programs such as Alternative to Violence Program, House of Healing and Bible Study has proven helpful. Organizing of games competition once or twice per year where inmates select teams to play against each other in games such as cricket, football, basketball, drafts and dominoes and be rewarded at the end of the competition helps. Knowing that to fight or misbehave one can loose his privileges such as visit, recreation and what we strive to do is reward good behavior.

Challenge:

- The consistence of the over crowding.
- Lack of space
- Staff in consistence to execute or enforce the policy
- Lack of resource, finance and personnel.

II. Disciplinary regulations

There are two types of regulations that which have to do with staff and that which have to do with the inmates.

For staff it is to ensure that their behaviour is governed, so that the best is derived from staff in terms of performance and a level of control is maintained in terms of what they do on the job

to prevent corrupt practices and to ensure fairness to foster and maintain a chain of command and to encourage respect of self and others. To ensure that those that they supervise is in no way taken advantage of and so the system allows for staff to complain inmates and inmates to complain staff. The Regulations provide for checks and balance in the system. Without Regulations there will be no system. Prison rely and depend on Regulation for survival, imagine a Prison without regulations then imagine a Prison with regulations just for staff, now imagine a Prison with Regulations just for inmates see just how vital, necessary and important Regulations for both staff and inmates are we will not survive without guidelines.

Where inmates are concerned it is important for good order, decorum and deportment. Inmates must understand that there are rules that he or she has to adhere to and to infringe the rules has consequences. This becomes or forms part of his/her rehabilitation and if learned and practice could and would result in a different individual. Staff must not use these Regulations to inflict pain but see them as a tool for rehabilitation.

Challenges:

- Staff adherence to the Regulations
- Staff administering the Regulations in a fair and impartial matter
- Superintendent has little power and therefore this threaten his control of staff
- Those with the power or control of staff takes to long to administer justice

III. Reform and social rehabilitation of prisoners

Reform is important for any Prison and so it must be continuous. The prisoners we saw yesterday are not what we are seeing today hence, reform must keep pace with the changing face of Prison. The fundamental remain the same but the problem has gotten bigger and more complex. However, we must always remember the fundamentals in dealing with the problems because that is how we will solve the problems when dealing reformed. We must introduce programs with the aim of reducing the population that is a major part of the fundamental, but we move away from that constructing of bigger Prisons hoping to solve the problems. For us in St. Kitts/Nevis we do need a Prison but it is a necessity but not the answer. We have to find programs and implement them in such away that the end result is yearly target driven reduction in population. Reform must take into account pre-release, sentence planning, career guidance, counseling and some form of assistance and follow up upon release.

Any rehab program must have as it cored physiological and religious counseling and skill training will follow. Teaching the individual to read is a must so that he can grasp or learn and understand the program. Programs must be population reduction based. If we continue to build Prisons we will fill them, the country must get the simple yet important message that rehab is all of us.

Challenge:

- To get the church and civic groups involved
- Introduce programs to assist inmates after leaving prison.
- To encourage the public and private sectors to hire and give these persons a fair chance.

IV. Penitentiary legislation and public policies

Penitentiary Legislation, although staff must or should be aware of what the legislation states, it must not have any affect whatsoever on staff performance. Staff does not make or legislate and should only be concerned with how the legislation impacts the prison in terms of population. However that should not be the focus of the staff but rather what could be done to soften the impact in terms of programs and the focus must be population reduction.

Penitentiary Legislation is for the safety of the population and not to make prison staff duty easier and so staff must pay attention to whatever the regulation is with the aim of doing whatever in their power to minimize its impact. Legislation will impact on our scarce resources for we will spend more on programs, food, equipments and materials.

We should not allow Public Policies to influence our performance and function. We should always remember it is not the public perception of what prison should or should not be that matters but rather for us to understand that the inmates come to prison as a punishment, not for punishment. So, it is never what the public wants it is always what we have to do and that is to be fair, firm and professional at all times. At all times treat the prisoners as a person. Public sentiments should never make us sentimental, emotional, nor sympathetic one way or the other.

Challenges:

- Resources for continuous refreshers training for staff
- To ensure that staff do not be come contaminated by or fall prey to public policies
- To ensure that staff always delivery service to department and public alike of high quality and integrity.

V. Conditions of detention

Conditions of overcrowding should not prevent prison from executing its programs nor should the Regulation be laps or sacrificed because of overcrowding. At all times conditions should remain conducive as far as possible to facilitate the programs for rehabilitation and reform.

The necessary adjustments should be made to allow continuation if not all of the programs most of the programs. Health standards should be enhanced, increased and improved to meet minimum standards at all times. More vigilant attention should be paid to staff behavior and that of the inmates to ensure fairness and professionalism.

Every effort should be made to maintain high nutritious food standards in terms of quality and quantity. The rights and privileges of the inmates should not suffer this puts pressure on staff to strive to arrive at a balance. When officers feel safe and prisoners get or seem to get their due share, for example library time, recreation, visits and other such privileges, time to attend classes and other programs.

Challenges:

- Increase in staff increase
- How staff is developed
- Finance increase in food
- Usage of time
- Staff ability to adapt and be creative
- Inmates readiness to adjust and adapt to the changes that may become necessary
- The involvement of prisoners as a stakeholder in the improvement of conditions so that implementations become easier.
- The public must see improve conditions at the prison as a national issue and as a political issue.

VI. Selection and training of penitentiary staff

Selection of the staff is taken from the applications received. The applications are assessed, persons are then asked write an examination after which an interview is conducted a selection is then made based on the examination results and the interview. The selectees' names are then given to the Special Branch of the police department for back ground checks. Senior members of the prison department go into the selectees' neighborhood to get an assessment and community spirit of the individual. After which the names are then sent to the Ministry for final approval. After all of the above is done the selectees under go an eight (8) weeks essential training where they are taught in a number of different areas including, Prisons subjects matters and weapon training, after which their training continues on the job. After one year of having on the job training, there is a one week refreshers training course for new staff. Staff remains on probation for up to three (3) years before being appointed to the Civil Service.

Challenges:

- Not enough persons apply for the job
- Government takes far too long to approve selectees as a result we lose potentially good candidates.
- Some form of mechanism needs to be put in place to speed up the process

In a small country like ours where everybody knows everybody, where we are all somehow connected or related, persons don't want to become Prison Officers, maybe we need to do a better job of selling the job as a service to the community and country. Showing how our job is related to money in people's pocket, nation building and just how a stable Prison is key to sustainable development, including tourism which is the mainstay of many of our economies.

ST. LUCIA

*By Mr. Hilary Herman
Director of Corrections*

Summary:

1. The challenges faced at the Bordelais Correctional Facility and the Prison Service in Saint Lucia includes outdated prison legislation, overcrowding, high proportion of pre-trial prisoners, punitive criminal justice policies that penalize minor offences and criminalize large numbers of young people and a punitive social environment that supports the death penalty and harsh criminal justice policies. Many progressive efforts have been accomplished at implementing rehabilitative reforms, with the full support of the Ministry of Home Affairs and National Security but there is much needed training for Correctional staff that continues to resist the rehabilitative philosophy. Due to overcrowding some young prisoners are housed with older prisoners while violating the classification policy. Segregation is used frequently as the main disciplinary measure. Prisoners with mental illness are a significant problem at the Bordelais Correctional Facility, due to the inadequate mental health treatment available. Significant efforts are currently being implemented at developing individualized sentence management system and to increase provisions for prisoner education and rehabilitation programmes.
2. A few alternative sentences are provided in the current Criminal Code of Saint Lucia, but they are rarely applied and short prison sentences are used excessively, often because offenders are unable to pay the high fines imposed. For example, in Saint Lucia 42.3% of prisoners are serving sentences of 2 years or below and around 24% are serving sentences of one year or below. Imprisonment is over-used in Saint Lucia and contributes to the current 46% rate of recidivism.
3. Probation and Parole services in Saint Lucia are significantly under-resourced thereby undermines the courts' ability to use non-custodial sanctions and measures that require supervision. Progress is being made slowly on building capacity of the probation services, but much more remains to be done to ensure that a larger number and variety of alternative sentences are applied in practice.
4. Drug related imprisonment: The current provisions of Drugs Acts in Saint Lucia are not covered entirely in line with the spirit of the United Nations Convention against illicit Traffic in Narcotic Drug and Psychotropic Substances of 1988. While Saint Lucia's national laws have been very efficient in integrating the punitive elements of the Convention, they have not taken into account the other components which include provision for the treatment and rehabilitation of offenders. The management of the Bordelais Correctional

Facility has adapted a recent discussion paper published by UNODC, Principles of Drug Dependent Treatment which emphasizes in general, drug use should be seen as a health care condition and drug users should be treated in the health care system rather than in the criminal justice system where possible. Prisoners convicted of drug related offences make up 4.6% of the prison population and those convicted or charged with drugs offences make up 6% of the prison population.

5. Limited drug treatment is available and provided in Saint Lucia. Some drug counseling is provided at the Bordelais Correctional Facility, but these services are very inadequate in number and quality. 89% of the repeat offences are drug related, as prisoners return to their communities without having their health problems addressed while imprisoned. This means that many citizens get a criminal record which prevents them from getting employment, which in turn criminalizes the youth who are most involved in using drugs.
6. Imprisonment of Juveniles and Young people: In Saint Lucia juveniles are referred to as individuals below the age of sixteen (16), contrary to international law which determines the age limit as eighteen (18). In general, younger prisoners up to the age of 25 make up a significant proportion of the prison population, for example; currently there are 162 prisoners (Detainees and Sentenced) which are between the ages of 16 and 25, which make up 31% of the total prison population. When assessing the lifetime impact of a criminal record and imprisonment on these young people, it is important to take account of the stigmatization encountered by ex-prisoners and offenders in Saint Lucia, and how this reduces significantly prospects of employment and destroys positive family relationships.
7. Staffing, recruitment and training: The United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) places great importance on the quality and status of staff assigned to supervise prisoners. Currently Correctional Officer in Saint Lucia are trained at the Royal Saint Lucia Police Academy for six (6) months. Efforts are currently being undertaken to develop a new Initial Training Course (ITC) that is Corrections specific and does not include police training. The new ITC is expected to be implemented in April 2012. The new ITC will emphasize the need to recruit and select staff with integrity, professional capacity and personal suitability to work within the prison environment. It will also highlight the need for continued capacity building of staff with regular in-service training courses. Currently there are inadequate numbers of specialist staff, such as Social Workers, Remedial Teachers, Trade Instructors and Mental Health professionals assigned to the Bordelais Correctional Facility. These provisions are based on the premise that a key requirement for good prison management and proper treatment and rehabilitation of prisoners, is the existence of a well trained cadre of professional staff, who can balance the responsibilities of maintaining order and security with those of contributing to the rehabilitation of prisoners in a positive and constructive manner.
8. The quality of prison healthcare provision in Saint Lucia is inadequate. There are two (2) nurses and three health care assistants employed at the Bordelais Correctional Facility.

However, the scheduled weekly visits by Medical Doctors and Psychiatrist from the Ministry of Health are insufficient to cover the health care needs of the prisoners if the Doctors show up as scheduled. A similar situation exist with dental care treatment, the impact of the poor medical services on prisoners' health is exacerbated by overcrowding. There are currently sixty-four (64) prisoners with mental illness who are not receiving any or adequate treatment. Visits from psychiatrists are insufficient and the treatment provided, if any is symptomatic.

ST. VINCENT AND THE GRANADINES

Challenges, measures and the best practices of penal management

*Mr. Linus Goodluck
Superintendent of Prisons*

Penal management, in general, entails the safe-keeping of criminal offenders in prison with the intent of the successful rehabilitation and re-integration of ex-prisoners into society. As well intentioned as this is, penal management is a monumental task that has yet to have realized any great degree of success in S.V.G. Some of the general major obstacles that penal management encounters are government policies, stipulated laws and regulations governing imprisonment, quality and reliability of prison staff, and the inmates in incarceration. It is with these obstacles in view that some of the challenges, measures and best practices of penal management in S.V.G shall be discussed herein.

I. Overcrowding

The challenge of crowding is a “Thorn in the Flesh” to penal management in S.V.G. The prison, built in the 19th Century was intended to house less than one hundred inmates. Since then, three building have been added to compensate for the increase of inmates. However, the present population of over four hundred has far exceeded the housing ability of the prison. Even in the face of this, no effective measures have been put in place on that compound to reduce the significant overcrowding. Some of the measures and practices that the penal management seek to implement to alleviate the scourge of overcrowding are:

- a) To reduce remand prisoner population;
- b) Recommend the paying of fines instead of imprisonment;
- c) That there be legislated polices for non-custodial sentencing in the form of community services; and
- d) Activities of the “Parole Bill” that has been passed in the parliament since 2000.

II. Drug addicts and offenders

It is documented that over 60 % of Caribbean inmates are drug related offences. In S.V.G this is a true reflection of the prison population. When these people are being imprisoned,

management must find ways to treat drug addictions and prevent addicts from obtaining drugs. Measures and practices put in place to curb this situation are:

- a) Regular monitoring of avenues where drugs enter the prison for the purpose of intercepting and confiscating drugs;
- b) Regular cell patrols and searches to minimize the use of drugs;
- c) Varying disciplinary measures for culprits when caught; and
- d) Monthly visit of the mental health doctor to deal with some drug addicts.

In addition to these, management is recommending that the prison be provided with counselors for drug addicts and that some avenue be made available where inmates could be treated and be rehabilitated from drugs.

III. Prison violence

Wherever people dwell there will be differences in opinion that would lead to friction and altercation. This is highly prevalent in prison, especially with the current overcrowding in S.V.G. In addition to this, the gang violence is making its way into the prison. Measures and practices that are employed by the prison management are:

- a) Vigilance in identifying warring factions and discretely dispersing them through out the prison;
- b) Disciplinary actions as stipulated by prison rules (confinement, suspension of privilege, etc.); and
- c) Encouraging inmates to immediately report all incidences that could cause violence.

IV. Maintenance of inmate / family relationship

The incarceration of a person does not necessitate estrangement. Hence, it is the challenge of the prison to ensure that such friendly, loving relationships are encouraged. Measures and practices to ensure these interactions are:

- a) Unannounced visits twice a week;
- b) Allowing children, from infant to visit;
- c) Occasional physical contact with children;
- d) Censored telephone calls;
- e) Censored letters twice a month;
- f) Attending of funeral of close family members; and
- g) Occasional attending of children graduations.

V. Recidivism

Recidivism is an age old challenge for prison management not only in S.V.G but in the whole region. Contributing factors to such include, lack of professional counseling while in prison, a thorough pre- and post-release program, and, to some extent, societal stigma. Management has instituted certain measures and practices in an effort to reduce the revolving syndrome including:

- a) Trying to secure job placement, where possible, for the inmate on his release;
- b) Giving of tools, according to skill practiced and or attained while in prison as an aid to gainful employment;
- c) Certification of competence for the trade and/or skill acquired in prison; and
- d) Allowing inmates to work with and for civilians as an aid to reduce societal stigma on their release.

VI. Young offenders / first offenders

There will always be young and first offenders. The penal system in S.V.G has a hard time managing these. The problem begins with the physical layout of the prison compound. This makes it totally impossible for these offenders to be kept from hardened and recidivist criminals. Hence, they are schooled in the ways of criminal thinking. Consequently, a high percentage of them simply adopt the revolving door syndrome. Because of limited resources, management is incapable of dealing with the vast number of them. However, management strives to do its best by:

- a) Encouraging them to attend classes while in prison;
- b) Placing them in the trade shop where possible; and
- c) Allocating them to cells where they could get some positive mentorship and minimal criminal schooling.

VII. Contraband

Formerly management had only to deal with cigarette, ganga and the occasional weapon. However, recently the list has grown to include cocaine, alcohol, and cell-phones. Cell-phones are used to make all sorts of illegal contact on the outside, with the edge of obtaining credit. The cell-phone user's main problem is maintaining the charge on his phone. This is done by tampering with the cell lights and by the use of batteries. In an effort to alleviate this, management has:

- a) Removed light switches from cells to one central location;

- b) Permits inmates with radio to get only 2AA batteries;
- c) Give regular rub-down and bunk searches of suspected inmates.

VIII. Religion

- From the inception of the prison, Christianity was the only religion practiced. With the increasing population of deportees and regional inmates the trend begins to change. Some inmates want to practice other religions. This is in an effort, not so much as to be religious, but rather as an act of rebellion against gathering on the parade square. The measures and practices adopted by management are:
 - a) To remove Christian service from the parade square;
 - b) To allocate a specific area of prison for Christian services; and
 - c) Giving seven days a week access to Christians who would like to come and preach.

IX. Disciplinary regulation

- Offenders are sent to prison as punishment, not for punishment. While in prison, inmates are expected to abide by the rules and regulations stipulated by the prison management. Wherever there are rules and laws, there will be instances of infringement. Hence, to prevent anarchy, offenders must be disciplined. The prison rule stipulates disciplinary actions for infringement. These measures and practices guide the management in keeping offenders in check and include:
 - a) Withholding certain privileges;
 - b) Solitary confinement;
 - c) The administration of a certain diet;
 - d) Suspension of work privileges;
 - e) Taking away of remission time; and
 - f) The administration of strokes.

X. Reform and social rehabilitation

- It is expected of the prison not just to hold and secure prisoners, but also to rehabilitate them for reentry into society. The issue of rehabilitation is proving to be a real challenge to the prison management. Until there are certain governmental policies put in place and until society is prepared to give ex-prisoners a second chance, rehabilitation is going to be an uphill climb. As a consequence, society shall continually bear the brunt

of increasing crime and violence. With the ultra-limited resources available, the prison management employ such measures and practices:

- a) Providing skill training as an avenue of rehabilitation;
- b) Providing a school system where inmates can upgrade themselves educationally;
- c) Engage in limited sports activities with the public; and
- d) Staging of a yearly prison week, culminating with a prison concert of which the public is encouraged to be an integral part.

The management is, however, recommending that government policies be put in place where a full fledged counseling program would be made available to the prison. Also, NGOs and society as a whole give their full support to the rehabilitation process and the after-care of ex-prisoners.

XI. Selection and training of staff

■ The two main responsibilities of the penal manager are the safe and secure custody of inmates and their rehabilitation for reintegration into society. To this effect, the penal staff should possess the innate, practical, social, and educational abilities in one or both of these responsibilities. Should they not possess these abilities, the individual must be one who is trainable such that these disciplines can be imparted to them. Management should endeavour to properly balance the staff with the aim of capably dealing and administering the needs of the growing inmate population. It is with this view that management has adopted measures and practices of staff selection and training such as:

- a) Individual interviewing of prospective officers;
- b) Community interviewing to ascertain character, deportment, among other things about the individual;
- c) Administration of written examination;
- d) Probationary employment for a stipulated period;
- e) On the job training of officers; and
- f) Off the job training for a stipulated duration.

In conclusion, it should be noted that with the harsh challenges that keep growing in number and intensity and considering the ultra-limited resources available, these results are not too devastating. It should be heartening to note that schools are making continual request for model prisoners, having the aptitude of mentors, to give lectures and dissuade prospective students from walking the criminal path. Reviews on this program are extremely favourable. It is with this view in mind that the general public continually calls for clemency and release of certain inmates from prison.

TRINIDAD AND TOBAGO

Summary of some of the main challenges, Measures and best practices relative to Trinidad and Tobago Prison Service

By Fize Khan

Assistant Superintendent of Prisons

I. Prevention of Prison Violence

Prisons are not normal environments. They are, as Bottoms (1999) observed, not only total institution in the sense that they encompass inmates lives to an extent qualitatively greater than other social institutions (Goffman 1961), they are physical places (mostly surrounded by high walls) with a specific history and those that are designed to be places of punishment. Prison brings troubled human beings, often with a long history of violence as victim or offender, into confined spaces against their wills. These scarred individuals are brought into close contact with staff whom they greatly outnumber but who must on a daily basis maintain a peaceful and orderly routine. The wonder is that there is not more violence in prison.

A number of factors are found to be related found to be related to prison violence including pre-existing prisoner characteristics (e.g. Prisoner age, Gender, Religion, Ethnicity); structure of prison, architectural design, levels of security, management practices, e.g. staffing models, staff skill and training, prison culture and management styles, outside environmental influences (e.g. political pressures on prison administration) racial tension. In Trinidad and Tobago Prisons, most of the structures date back to the 19th century. Therefore, separation and control are challenging. However, three (3) facilities i.e. the Youth Training Centre, Maximum Security Prison and the Eastern Correctional and Restoration Centre which were constructed in recent time have assisted in alleviating some of the above mentioned restraints.

Other effective preventing strategies of prisons violence includes, improved surveillance of housing units by way of static and dynamic security, manipulation of prisoner privileges, supervision of both staff and inmates, offenders treatment and education programs and some social prevention programs. Overcrowding and prison size are contributing factors in prison violence in Trinidad and Tobago Prison, however with the construction of the Eastern Correctional and Rehabilitative Centre and the transferred of inmates in the existing prison facilities have assisted in reducing some of our overcrowding problems and have enable us to embark on a aggressive program of classification of inmates using the LS/CSM format. The

increase use of single cell accommodation and separation of hardened criminal from first time offenders and younger inmates from older ones have assisted us in reducing prison violence.

II. Disciplinary Regulations

The Public Service Commission has jurisdiction to exercise disciplinary control over public officers in the civil service, the Prison Service and Fire Service by virtue of section 121 of the Constitution of the Republic of Trinidad and Tobago. The procedure for exercising such disciplinary control is set out in Chapter VIII of the Public Service Commission Regulations. The procedure is normally initiated when the Commissioner of Prisons received a report on allegation of misconduct or indiscipline and he reports the matter to the Director of Personnel Administration for the information of the Commission and concurrently warns the officer in writing of the allegation. The Commissioner then appoints an Investigating Officer who would obtain statements from all parties concerned and submit a report to the Commission. The Commission would then lay disciplinary charges if appropriate and would appoint a disciplinary tribunal to hear the evidence and find the facts. The Tribunal prepares a report which is submitted for the consideration of the Commission which then determines the matter and imposes such penalty as it considers fit. This procedure, while appropriate for more serious or complex acts of misconduct or indiscipline, has been found to be inefficient in dealing with minor infractions which can be determined speedily and with less formality. Consequently, on April 16, 1999, the Public Service Commission by Legal Notice No. 60 of 1999 delegated to the Commissioner of Prisons the authority to hear and determine specified acts of misconduct and indiscipline listed below. The Commissioner is thereby empowered to act as "one-man disciplinary tribunals" to hear and determine allegations of misconduct which are relatively minor in nature.

The procedure for the One Man Disciplinary Tribunal is outlined in Regulation 85 of the Public Service Commissions Regulations as amended by the Public Service Commission (Amendment) Regulations 1990.

The process begins when the Commissioner of Prisons receives a report of allegation of misconduct or indiscipline. He appoints an officer to enquire into the allegation, who, if required, prefers a disciplinary charge/s against the officer through the Commissioner of Prisons. The officer charged is then informed of the date, time and place on which the matter will be heard before a One Man Disciplinary Tribunal.

Accordingly, the Investigating Officer and the officer appointed to enquire into the allegation have very important roles in both of the procedures for disciplining officers of the Prison Service.

The requirements for the Investigating Officer are clearly outlined in Regulation 90(3)-(5) of the Public Service Commissions Regulations, Chapter 1:01. However, the Regulations are silent on the procedure for the officer appointed to enquire into the allegation in delegated matters with respect to the conduct of the enquiry.

It should be noted that under the delegated authority the officer conducting the enquiry is required to charge the officer against whom the allegation has been made. The procedure for the Investigating Officer is outlined in Regulation 90 (3) - (5) of the Public Service Commission Regulations; Chapter 1:01.

Inmates Offences against Prison Disciplines

Every offence against prison discipline shall be reported forthwith, and shall be investigated not later than the following day unless that day is a Sunday or a public holiday. No report against a prisoner shall not be dealt with by any prison officer except the Commissioner, the Deputy Commissioner or a Prisons Superintendent. When a prisoner has been reported for an offence, the Commissioner or his Deputy, or a Prisons Superintendent, or a Chief Officer may order him to be kept apart from other prisoners pending adjudication. A prisoner shall, before a report is dealt with, be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defense.

A prisoner shall be guilty of an offence against prison discipline if he: - disobeys any order of any prison officer or any prison rule. Treats with disrespect an officer or servant of the prison, or any person authorized to visit the prison. Is idle, careless, or negligent at work, or refuses to work. Swears, curses, or uses any abusive, insolent, threatening or other improper language. Is indecent in language, act or gesture. Commits any assault. The Commissioner may forthwith report the offence to the Inspector who shall as soon as possible enquire in the report (such enquiry may if he thinks is desirable be on oath) and make one or more of the following awards: Forfeiture of remission of sentence. Forfeiture or postponement of privileges. Cellular confinement on full diet and at work for such a period as may be necessary for the maintenance of good order and discipline. Cellular confinement on Restricted Diet no. 2 and at work for a period not exceeding 42 days. Cellular confinement on Restricted Diet no. 1 for a period not exceeding 28 days.

III. Penitentiary Legislation and Public Policies

At present before our parliament are Laws to establish a Parole Board namely The Rehabilitation and conditional Release Act. The board would be an independent administrative tribunal with exclusive authority to grant, deny, cancel, terminate or revoke day parole or full parole. The board should also be empowered to make recommendation to the Advisory Committee on the Power of Pardon as outline in Section 87 (2) (a) of the Constitution of the Republic of Trinidad and Tobago. The Parole Board will promote and enhance public safety and protection through timely release and implementation of supervision, support and treatment for offenders returning to the community. The Chairman of the Parole will report to Parliament through the Minister of Justice. The function of the board are to accurately identify those offenders who will succeed in the community, conduct quality, case specific risk assessment and risk management based on informed decisions within its legislative frame work, enhance

community supervision to ensure the timely and safe re-integration of offenders, recognize the value of and apply a restorative Justice approach with the emphasis on inclusiveness for victims, offenders and their respective families and the community, deals with all cases in a consistent and equitable manner within agreed time limits, ensure opportunities are taken to promote the role, purpose and achievement of the Board and also consider representation by prisoners who are recalled to prison. In order for this legislation to be successful there must be wide public education and buying by all stakeholders.

IV. Reform and Social Rehabilitation of Prisoners

The Corrections Department of the Prison Service has the responsibility for planning and execution of educational, cultural, sporting and faith based programs in the various institution. The Ministry of Science Technology and Tertiary Education who has partnered with the Prison Service also facilitates the rehabilitation of inmates through training and retraining. This is done through trade, information technology, life skills programs and faith based via the Council of Prison Chaplains and Ministries (COPCAM). These programs are design to keep inmates involved in their faith beliefs that they are accustomed to before they were convicted and incarcerated. The challenge facing inmates on their release are supervision an after care so as to reduce the instances of reoffending. It is the intention of the service to increase these after care centers to facilitate inmates in the long run to reduce overcrowding in our prisons.

V. Conditions of Detention

Having found that retributive system of justice did not benefit the offender, victim, society and studies by various theorist and philosopher found that it was necessary to deal with offending behaviors, the causes of offending criminogenic factors. The restorative justice provided an opportunity for victim/offender intervention. In the new restorative justice approval there is need to improve the living conditions of inmates so as to change their way of thinking. The Restorative Justice Approach adopted by the Trinidad and Tobago Prison Service has the tenants to reform inmates by suing five (5) strategic priorities namely, Correct, Protect, Restore, Relate, and Re-integrate.

VI. Selection and Training of Penitentiary Staff

In the recruitment process of the Prison Service these are the requirements: Males - between 19 and 35 years of age, height 169 cm or taller and chest width of 87cm or more. Females - between 19 and 35 years of age and a height of 163 cm or taller. Additional qualifications and requirements are 3 CXC or GCE passes, English Language is mandatory. Certificate of good character, T & T issued Identification Card, Birth certificate and two testimonials. Also available is specialized training where you have the opportunity to learn and advance quickly to the area

of specialty you want or best suited including Information Technology, Events Management, Communications, Photography, Corrections, Research, Welfare, Infirmary, Emergency Response, Canine and many more. An excellent remuneration package is one of our added benefits along with medicals benefits, uniform, meals and transportation allowances. There are also extracurricular activities and recreational development opportunities to enhance your skills and participation in the Prisons Band, Choir, Cricket Team, Football Team, Netball Team, Sports Club and Youth Club.

VII. Trinidad and Tobago Prison Service mission statement

The Trinidad and Tobago Prison Service as a division of the Ministry of National Security is committed to the protection of society and crime prevention by facilitating opportunities for rehabilitation of offenders while maintaining control under safe, secure and humane conditions.

VIII. Vision

To be a more efficient and effective service committed to protecting society, adhering service committed to protecting society, adhering to the dictates of the court and reduce reoffending.

International experts

**IACHR Regional Conference
on Best Practices of Prison Management
in the Caribbean**

**The situation of persons deprived of their liberty in Jamaica
A response to a report published by
The Independent Jamaican Council for Human Rights
and The Death Penalty Project**

Professor Andrew Coyle

I would like to begin by thanking the Inter-American Commission on Human Rights for inviting me to this conference. The work which the Commission undertakes throughout the Americas is very important on a wide variety of fronts, including that of prison reform. The trenchant reports published by the Commissions' Rapporteur on the Rights of Persons Deprived of Liberty, Sr Rodrigo Gil Escobar follow the tradition established by his predecessor Sr. Florentin Melendez, whom I first met many years ago in his home country of San Salvador.

I would also like to extend my thanks to the Independent Jamaican Council for Human Rights and The Death Penalty Project for inviting me to the launch yesterday evening of their important report on the situation of persons deprived of their liberty in Jamaica.

It is always a pleasure to come to the Caribbean region and particularly to Jamaica. I remember my first visit here over 20 years ago when I had the pleasure to visit such beautiful areas as the Blue Mountains and also the Black River. On that visit I also went to a number of prisons, including those covered in this report. The situation in those prisons all those years ago was truly terrible. One of the great sadnesses of reading this report is that it would appear that little has changed in the last two decades. I will return to these matters in a moment.

I would like to begin by saying a few words about imprisonment in general terms. Around the world today there are over ten million men, women and children in prison, which is a massive increase over the last two decades. At the same time, we have been able to observe many changes, some of them for the better. Twenty years ago the countries of the former Soviet Union were emerging from the terrible legacy of the gulag system of prison camps and colonies which stretched from Kaliningrad on the Baltic Sea to Magadan on the Pacific Ocean. We have also

seen changes in the prisons in southern Africa. In this context one remembers the comment of Nelson Mandela, the most famous prisoner of his generation, that one should judge a country not by how it treats its highest citizens, but by how it treats its lowest ones. From that region also, I will never forget the words of Minister of the Interior of Uganda, speaking at the first Pan African conference on prison reform in 1995. He said, "One day in the distant future, people will probably look back on what happens (in prisons) in most countries today and will wonder how we could do that to our fellow human beings in the name of justice."

There have also been remarkable changes in some prisons in countries in this region. For example, two months ago I was in The Dominican Republic, where I witnessed the transformation which is taking place there in the New Model prisons which are replacing the degrading and inhuman prisons which existed previously in that country.

Sr Escobar Gil has already described many of the problems which are common to prisons in so many countries. The fact that the prison system is often the poor relation in the criminal justice system and that prisons are the last great secret places in our societies, with their walls and fences built not only to keep prisoner inside but also to keep civil society outside. Prisons which are places of overcrowding, ill-health and violence. Prison systems which lack the most basic resources and whose staff are poorly trained, badly paid and who have little respect in their communities. Reference has already been made at this conference to the need for high rates of imprisonment as a response to rising crime rates. There is little if any evidence to make this link and the answer to a rising rate of crime is not to increase the rate of imprisonment. In all societies those who commit serious crimes are invariably sent to prison. Excessive rates of imprisonment are usually an indication of how a society treats those who are at its margins.

Let me now return to the situation in Jamaica. I will not talk about this latest report on prisons and the terrible conditions which it records. These have been explored and commented on fully by others. Instead, let me comment briefly on a few matters which suggest that change may be possible.

The first thing is that over the last 20 or so years the rate of imprisonment in Jamaica has remained remarkably stable. It has not increased in the way that it has done in the United Kingdom or in some other countries in the Caribbean region. It is in fact the third lowest rate in the region. This indicates that the problem of prison conditions is not an acute one caused by external factors. Rather, it is a chronic one which suggests that it is open to internal remedy.

Another factor is the relatively low proportion of pre-trial prisoners. At 15 per cent it is the lowest in the region. In many countries prison overcrowding is caused by delays elsewhere in the criminal justice process, often on the part of the prosecutor or the courts. That does not appear to be the case in Jamaica, which again indicates that the problem of prison conditions should be resolved by initiatives internal to the prison system and its parent government department. At the same time, there should be concern about the relatively high proportion of minors who are held within the prison system, over nine per cent of the total.

Attention is now turning to the need to have a properly trained cadre of professional prison staff. The need for this has been recognised for many years and one can only hope that the present ambition will become a reality. There is no doubt that the key to a modern prison service is having a staff who are professionally trained, paid at an appropriate level and who have the respect of their fellow citizens.

The problem of poor prison conditions can only be resolved if there is political and public will to do so. That desire for reform will not come about by accident. It needs to be nurtured and encouraged. There needs to be transparency in respect of prisons and what happens within them in the name of the public. There needs to be public debate. This is something which senior prison officials might wish to explore with their ministers.

Part of this transparency can come about by independent scrutiny of prisons. There is now a mechanism for achieving this at an international level through the Optional Protocol to the Convention against Torture, usually known by its acronym OPCAT. Member states of the United Nations which ratify OPCAT agree to allow the UN Subcommittee for the Prevention of Torture entry to all its places of detention and also to set up what are known as National Preventive Mechanisms, that is independent groups of citizens who can visit prisons and other places of detention. To date 71 countries have signed the Optional Protocol and 61 of these have ratified it. Many of these are in the Americas but as yet none of the Caribbean countries have done so. It would be marvellous if Jamaica could lead the way on this.

Improvements can also be fostered by greater involvement with regional bodies, such as the Inter-American Commission on Human Rights, bodies who are there to support and encourage and not solely to find fault. In this respect, I would strongly recommend that the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, which was approved by the IACHR in 2008, should be circulated widely within the Department of Corrections.

There are several examples within this region of countries which have successfully begun the process of reforming their prison systems. There is no reason why Jamaica should not join this number. The Commissioner has made clear that this is what he wants. I hope that everyone here will help him to succeed.

Thank you.

Regional Conference on Bests Practices of Prison Management in the Caribbean¹

*By Ms. Sandra Del Pino
Pan American Health Organization (PAHO)*

Article 25. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

—Universal Declaration of Human Rights

The Constitution of the Pan-American Health Organization (hereinafter PAHO), establishes that its fundamental purpose shall be to promote and coordinate efforts of the countries of the Western Hemisphere to combat disease, lengthen life, and promote the physical and mental health of the people. PAHO operates in the Americas since 1902, and has 27 country offices in the territory of its 35 Member States. PAHO works as a specialized agency of the Organization of American States (OAS) and as a regional office of the World Health Organization (WHO); thus, operating within the United Nations System and the Inter-American System.

According to the Director of PAHO, Dr. Mirta Roses, “the use of international human rights principles, treaties and standards is seen in PAHO and WHO not as an optional tool to promote and protect public health, but as an essential strategy to improve the health of the people around the world”². In connection with this, the WHO Constitution lays down that, “[t]he enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social

¹ This information was originally presented as a Power Point Presentation.

² Speech at the Georgetown Law Center, October 2006.

condition...”, which is in accordance with Article 12 of the International Covenant on Economic, Social and Cultural Rights, and the Article 10 of the Protocol of San Salvador.

PAHO’s global mandate of ensuring the health and other related human rights of persons deprived of liberty, also derives from the following universal instruments: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention to Eliminate all Forms of Discrimination against Women; the Convention against Torture, and the Convention on the Rights of Persons with Disabilities. As well as from the following regional instruments: the American Convention on Human Rights, the Additional Protocol to the American Convention on Human Rights in the Areas of Economic, Social and Cultural Rights (Protocol of San Salvador), the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities, and the Inter-American Convention on the Eradication of Violence against Women (Convention of Belem do Para).

Human Rights in PAHO Strategic Plan (2008-2012)

Strategic Objective 7: Addresses social and economic factor that are health determinants and it is intended to pave the way for policies and programs that improve equity in health and incorporate pro-poor, gender sensitive, and human rights based approaches.

Regional Expected Results and indicators

RPR 7.4: Human Rights based approaches promoted in PAHO.

PAHO Indicator 7.4.1: “Number of countries using: 1) international and regional human rights norms and standards; and 2) tools and technical guidance documents produced by PAHO/WHO to review and/or formulate national laws, policies and/or plans that advance health and reduce gaps in health equity and discrimination.”

There are three basic relationships between the health of groups in situation of vulnerability and their exercise of human rights (CD 50/12): violation or failure to enforce human rights can adversely affect the health of individuals and groups; health policy, planning, programs and legislation can serve to protect basic human rights and fundamental freedoms; and the enjoyment of health and the exercise of human rights are synergistic.

In the context of prisons, some of the most significant challenges are: human rights violations; limited knowledge of human rights instruments; formulation of policies, programs and laws in line with human rights instruments; limited participation of civil society; lack of coordination among relevant ministries; and limited implementation of national mechanisms to protect human rights in health services in this context. Some trends that have been identified by PAHO are: growing demand for technical cooperation from the secretariats of health in formulating and reforming policies, plans and health programs to adapt them to

international human rights instruments; growing demand for technical collaboration from the parliaments, courts and human rights offices in quest of specialized information on public health in the context of international human rights instruments; and the fact that the UN/OAS human rights committees, organs and rapporteurships are beginning to include items on the health of certain groups in situation of vulnerability, including persons deprived of liberty, in their agendas, reports and technical cooperation activities³.

PAHO Resolution CD50.R8⁴, Health and Human Rights, calls for, among others, the following actions:

- Strengthen the technical capacity of health authorities to work with the corresponding government human rights entities, such as ombudspersons' offices and human rights secretariats to evaluate and oversee implementation of the applicable international human rights instruments related to health;
- Strengthen the technical capacity of the health authority to provide support for the formulation of health policies and plans consistent with the applicable international human rights instruments related to health;
- Strengthen capacity building for health workers on the international human rights instruments;
- Technical collaboration with national parliaments and courts;
- Promote the dissemination of information among civil society organizations;
- Facilitate PAHO technical cooperation with the human rights committees, organs and rapporteurships of the UN and the Inter-American systems;
- Collaboration and research with academic institutions and the private sector; and
- Promote the sharing of good practices among countries to prevent the stigmatization, discrimination and exclusion.

These are some of the issues that should be addressed in the context of prisons as issues of concern:

- **HIV/AIDS:** discrimination, social isolation, violence and other abuses; lack of information on the disease, stigmatization on certain groups (sexual workers, drug users and LGBTBI); and need to adopt a preventive approach: free treatment, and non-discriminatory measures based on the fact of being infected.

3 Health and Human Rights, Pan American Health Organization, Concept Paper CD50/12, <http://new.paho.org/hq/dmdocuments/2010/CD50-12-e.pdf>

4 The right to health, Pan American Health Organization, Resolution CD50.R8 <http://new.paho.org/hq/dmdocuments/2010/CD50.R8-e.pdf>

- **Tuberculosis:** lack of detailed and complex studies on TB in prisons despite its importance; prisons are not closed settings (custody personnel, visits, etc), thus, this should be considered as a public health issue; discrimination and aggravated situation (TB is not a part of the sentence, nor is the death as a result of not being treated); co-infection TB/HIV: control of TB needs to be considered taking into account prevention and control of HIV; and need to assess the impact of deficiencies of the judicial systems in the context of TB in prisons.
- **Neglected diseases:** lack of accurate information on these diseases (*dengue, leishmaniasis, leprosy, lymphatic filariasis, onchocerciasis, etc*); stigma and discrimination against persons deprived of liberty living with neglected diseases; need to conduct studies analyzing specific circumstances in which these diseases develop in prison settings; and need to promote cooperation among countries to identify best practices on how to combat these diseases.
- **Mental health, alcohol and drug addiction:** lack of mental health personnel; harmful consequences in the health of persons deprived of liberty (HIV, hepatitis and other infections, suicide and injuries, etc.); need to adopt necessary measures to guarantee access to assistance for the treatment of these addictions in prisons; promote information and exchange of good practices and technical cooperation among Member States; need to implement activities and workshops for rehabilitation and for preventing new cases of addiction; and need to involve civil society and other key actors.
- **Youth and adolescents (ref to sexual reproductive health):** vulnerability of youth and adolescents deprived of liberty and the impact of this situation in their mental and physical health; lack of provision of services affecting sexual and reproductive health of adolescents (HIV, pregnancy tests, etc.); special situation of vulnerability of *trans* population in prisons (stigmatization, discrimination, sexual violence, victims of serious human rights violations); and urgent actions needed to avoid critical situations (e.g., minors in adult centers).

Other vulnerable groups in prisons:

- **Women and children:** victims of persecution and violence in prisons; sexual abuse; CRC general debate: important to analyze different situations in countries and learn on best practices (children living with father/mother deprived of liberty).
- **Persons deprived of liberty living with disabilities (including mental health)**
- **LGTBI groups in prison:** high levels of discrimination in prisons because of their sexual orientation, gender identity and gender expression; high level of selective persecution. Limited access to health care services.

It is recommended to:

- Contemplate health in prisons as an issue of public health. Coordinate efforts among different ministries and engage civil society;
- Need for awareness-raising and training on human rights in the context of prisons;
- Legislation, policies and programs should incorporate specific needs in prisons taking into account vulnerable groups;
- Cooperate with human rights UN and Inter-American mechanisms working in the field of persons deprived of liberty;
- Strengthening the implementation of the Istanbul Protocol;
- Promoting studies and analysis that contribute to eliminating discrimination against persons living with communicable diseases in prisons, including neglected diseases;
- Involvement of media, civil society, different organizations and other stakeholders;
- Promoting the studies of the impact of the deficiencies of judicial systems in the health of persons deprived of liberty.



ICRC

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS REGIONAL CONFERENCE ON BEST PRACTICES OF PRISON MANAGEMENT IN THE CARIBBEAN

Kingston, Jamaica

2-3 December 2011

On behalf of the International Committee of the Red Cross (ICRC), we wish to thank the Inter-American Commission on Human Rights (IACHR) for the invitation to participate in this Regional Conference on Best Practices of Prison Management in the Caribbean. In addition, we express our gratitude to the Principal and Staff of the Norman Manley Law School, for their efficient coordination of, and warm welcome to this meeting.

The participation of the ICRC in this forum is consistent with a Memorandum of Understanding for the exchange of non-confidential information and for reciprocal invitations signed in February 2008 between our institutions, with the shared purpose of preserving the fundamental dignity of human beings. This cooperation complements the long-standing relationship between the ICRC and the Organisation of American States (OAS), as codified in a Cooperation Agreement of 1996 and a Memorandum of Understanding of 2003. In fact, we fondly recall the participation of the ICRC in a similar IACHR forum, which was held in November 2007, in Buenos Aires.

The ICRC recognizes the importance of this forum and the usefulness of having a reflection on the subject of Best Practices of Prison Management, as they relate to the Caribbean Community (CARICOM) region. With over 12,700 staff members in approximately 80 delegations around the world is cognisant of the specificities of the environments in which it operates. In this regard, the ICRC appreciates not only the beauty, but also the particular historical, legal and socio-cultural attributes which the CARICOM region possesses. The ICRC is pleased to work in this region, via its Delegation in Port au Prince (which covers Haiti and the Dominican Republic) and Regional Delegation in Caracas (which covers Venezuela, the English-speaking CARICOM region and Suriname).

As you are aware, the ICRC is a neutral, impartial and independent humanitarian organization whose mission is to provide protection and assistance to victims of armed conflicts and other situations of violence. The ICRC also endeavours to prevent the suffering of victims by promoting and strengthening International Humanitarian Law (IHL) and universal humanitarian principles. As part of the Red Cross / Red Crescent Movement, the ICRC undertakes its activities in keeping with the Movement's Fundamental Principles. Such Principles are Humanity, Impartiality, Neutrality, Independence, Voluntary service, Unity and Universality. When working in the domain of Protection (which includes all Detention activities), the ICRC adheres to the strictest levels of confidentiality.

The international community has given the ICRC a mandate, recognized in law and emanating from the Geneva Conventions. The ICRC is therefore mandated to visit prisoners, organise aid operations, reunite separated families and undertake other humanitarian activities during armed conflicts. The Statutes of the International Red Cross and Red Crescent Movement encourage similar activities in situations involving internal strife, where the Geneva Conventions do not apply.

With a few notable exceptions, it may be argued armed conflicts are no longer the norm in the Americas – North, Central, South America and the Caribbean region. This is not to say that serious humanitarian crises no longer exist. In keeping with this reality, the ICRC has expanded its activities beyond the realm of armed conflict, to include internal disturbances and other situations involving internal strife (political or social tensions) or public disturbance. For example, the ICRC would define the May 2010 events in West Kingston as one of "internal disturbances".

Of course, the Geneva Conventions oblige States to provide ICRC access to those persons detained in international armed conflict. In the context of a non-international armed conflict and situation of internal violence, the ICRC proposes an offer of services to access those persons detained. While the latter procedure is based on solid legal ground, the response to such offer remains in the discretion of the requested State.

The ICRC's detention role in international and non-international armed conflict, as well as in situations of internal violence, was recognized by the Inter-American Commission on Human Rights in its publication entitled "*Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas.*" The last paragraph of Principle XXIV upholds the obligation of States Parties to the Geneva Conventions and the Additional Protocols to grant the ICRC access to detainees. Moreover, the same paragraph provides States with the opportunity to authorise the ICRC to visit persons deprived of liberty in situations of internal violence.

Scope and Extent of ICRC Detention Activities

Over the years, the ICRC has gradually extended its scope to include common-law prisoners, whether or not they share the premises with persons detained in connection with armed

conflicts, internal disturbances or internal violence, or they have suffered the direct consequences of such situations. The interventions of the ICRC in relation to the physical and psychological conditions of detention are naturally of concern to all detainees in those places that are visited.

The ICRC deploys considerable efforts to bring a minimum of humanity to places of detention and to ensure that the dignity of detainees is systematically respected. This is a complex task and one that calls for unflinching determination.

The ICRC visited prisoners for the first time in Latin America, during the Chaco War fought between Bolivia and Paraguay (1932-1935). Since the 1950s, the ICRC has been visiting thousands of persons detained in relation to diverse situations prevailing in their countries, be it in connection with armed conflicts, internal disturbances and other situations of internal violence. In Latin America and the Caribbean, the ICRC has carried out detention visits in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

In the 1980s, the ICRC's activities focused on protecting combatants and civilians detained in the context of non-international armed conflicts which affected mainly, but not exclusively, the Central American countries. In 1982, the ICRC also visited prisoners of war who had been detained during the Falklands War between Argentina and the United Kingdom. Subsequent to the armed conflict which took place in Grenada in 1983, the ICRC undertook detention visits to those detained in Richmond Hill Prison. From 1983, until their release in 2010, the ICRC visited those persons known as the "Grenada 17". Since 2002, the ICRC has been visiting internees in Guantanamo Bay. Presently, the ICRC continues to carry out substantial detention activities in some of the above-named countries, such as Colombia, Haiti, Mexico and Peru, where the ICRC shares with the authorities its expertise in health in detention and infrastructural issues.

All ICRC visits follow standardized procedures and are carried out only if certain conditions are met. With the experience gained over the years, the ICRC has developed guidelines that allow it to objectively evaluate the maximum prison system and make concrete and feasible recommendations, taking into account local customs and norms. In sum, the ICRC only visits people deprived of liberty if the following conditions are met: (i) the totality of the premises is open to be visited, (ii) interviews in private with any of the detainees, without witnesses, are allowed, (iii) repeat visits, under the same conditions, are permitted; and iv) the facility to compile a list of prisoners during its visit, whom it considers to come within its mandate, or to receive such a list from the authorities and to check and supplement it, if necessary.

The main objectives of the ICRC's visits are to prevent disappearances, ill-treatment and improve the material and psychological conditions of detention. If the situation so requires, the ICRC can help restore contact between a detainee and his/ her family through written communication (Red Cross Messages). During its visits, the ICRC pays particular attention

to the specific needs of women, children, disabled, sick and elderly members of the detainee population, all of whom are particularly vulnerable groups.

ICRC Modalities

The ICRC maintains a distinctive and unique *modus operandi*. The ICRC never publishes its observations of a detention visit. The ICRC submits its reports – confidentially – to the Authorities concerned, in order to establish and maintain a frank and constructive dialogue on the issues observed. The ICRC's humanitarian work can be considered different, yet complementary, to the activities of other national and international bodies, such as human rights defenders. We wish to underscore, however, that ICRC visits are strictly humanitarian in nature. As such, the ICRC takes no position regarding the reasons for an arrest or capture. While maintaining its own *modus operandi*, the ICRC recognises the immense value of cooperating with national, regional and international organisations in an effort to avoid duplication of efforts and actions undertaken.

After visiting a penal institution, the ICRC endeavours to set up a dialogue, since this will enable it to maintain a flow of objective information based on regular contact with the relevant authorities and the detainees, all of which culminate in concrete recommendations. For this exercise to be constructive and bear fruit, the dialogue that develops is based on a relationship of trust that is established and cultivated, in large part through the confidential nature of the ICRC's work.

It bears repeating that confidentiality is an essential component of the ICRC's detention activities, which enables the organisation to tackle certain issues that may be otherwise very sensitive. Confidentiality allows the ICRC to operate with complete independence and without the pressure exerted by public opinion, the news media or political organizations. That confidentiality is undoubtedly the key that opens doors for the ICRC, especially when the authorities are hesitant about giving outsiders access to certain places

Engaging in dialogue does not mean accepting a compromise. The ICRC will adamantly continue to press for a solution to the humanitarian problems observed, using all possible channels open to it. If the ICRC finds that it is making no headway and concludes that a new approach would be in the interest of the persons it visits, it may decide to suspend or discontinue its activities, or even appeal to the States party to the Geneva Conventions to ensure that IHL is respected, as the case may be.

One of the specific features of the ICRC is that it is both a monitoring mechanism and an operational agency. This means on the one hand, that the organization has a capacity for action which enables it to maintain regular presence at the local level in operational arenas and to entertain ongoing dialogue with the authorities and all actors who can influence the course of events. And on the other hand, the ICRC can make a very real difference by intervening directly in aid of vulnerable persons whenever the circumstances in which they find themselves comprise a risk for their physical or moral integrity.

In view of the needs observed, the ICRC can thus prevail upon the authorities concerned to assume responsibility and can make recommendations and exert pressure by mobilizing influential external factors of change. However, if the situation is serious and requires urgent intervention, the ICRC can also implement its own operational capacities in order to restore a satisfactory state of affairs. Whenever measures taken in a place of detention reveal that some of the detainees are suffering from severe malnutrition, for instance, the ICRC can carry out a therapeutic feeding programme to ensure their survival.

Also, via a system of structural support offered to authorities, the ICRC has adopted operational strategies which seek to address the needs of detainees and Prisons Administrations alike. For instance, the ICRC has developed new policies and guidelines and integrated activities in the fields of health, water and sanitation in detention.

Having been afforded the privilege of addressing this most captive audience - and one capable of influencing positive change in the administration of Prisons throughout the Caribbean region - we wish to assure all stakeholders of the commitment of the ICRC in effectively discharging its mandate in this region and others. Once again, we are grateful to be part of this timely and essential forum, which gives us all an opportunity to engage in meaningful and practical dialogue on enhancing prison management in the Caribbean.

We thank you.

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