

Current Issues and Good Practices in Prison Management

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Dr Alice Jill Edwards, Special Rapporteur on Torture and Other
Cruel, Inhuman or Degrading Treatment or Punishment

Introduction – global themes in prison management

Far too often States neglect prisons and prisoners. This short-term approach leads to repeat re-offending. It does not keep communities safe and it often results in inhuman and degrading conditions. This latest report by the Special Rapporteur on Torture examines recurring challenges in prison management, alongside emerging issues that demand strategic planning.

It provides recommendations to help align current prison practices with human rights standards, while also equipping States to navigate future environmental and health shocks such as pandemics. The report assesses the diverse needs of specific segments within prison populations including female detainees, young offenders and marginalized groups such as indigenous peoples. It also examines the complexities of accommodating high levels of neurodiversity within the prison population.

In this time of civil and international conflict in many regions, as well as considerable economic pressures, there are consistent challenges in prisons across the world:

Key Takeaways

- Too many people are imprisoned for too long, especially during pre-trial detention
- Many prisons – in all regions – do not meet minimum international standards
- Severe over-crowding is common, driven by over-incarceration and insufficient investment in infrastructure
- There is a clear link between poverty and imprisonment, with poor individuals and members

of marginalized communities over-represented in prison populations

- Authorities do not focus enough or at all on rehabilitation, with many detainees facing excessively long sentences that lack meaningful activities
- Need to be prepared for global emergencies

The Special Rapporteur warns that either alone or in combination these challenges significantly increase the risk of torture, or other cruel, inhuman or degrading treatment or punishment. She also highlights that many States have not fully implemented the wide range of international legal standards in this area which further increases the risk of torture. New or clearer international guidance is overdue in some areas.

The Special Rapporteur calls on States to undertake reform urgently. Such reforms should include the full engagement of the wider criminal justice system

Challenges in prisons across the world



- 1 Too many people are imprisoned for too long, especially during pre-trial detention



Prison Report Recommendations: Managing Prisons – today and in the future

Human rights-compliant management

Well-managed and adequately resourced prisons are essential in a functioning society. With financial and managerial neglect, prisons become incubators for violence, further crime and corruption. This leads to high reoffending rates and associated societal issues. Recommendations include:

- Prison reforms carried out as part of broader reviews of criminal justice systems
- Reframing policy to focus primarily on prisons positively correcting criminal behaviour to ensure rehabilitation and reintegration into society
- Medical staff in prisons to be recruited by health administration and paid accordingly
- Active recruitment and appropriate training of prison staff who should also reflect the diversity of the local population. Salaries and benefits should compare to those for social services and the military
- If outsourcing of prison management takes place, private sector contracts must reinforce human rights and avoid incentivizing below-standard conditions
- Improve staff to prisoner ratios

Challenges in prisons across the world



2 Many prisons – in all regions – do not meet minimum international standards

Reducing overcrowding

With under-resourcing and high incarceration rates, comes overcrowding. The Special Rapporteur has personally witnessed extreme overcrowding in prison visits, especially in dormitory-style cells which can be breeding grounds for violence. Some prisons are so beyond capacity that detainees sleep in shifts on the floor or under beds. Others sleep standing up, kneeling or in the toilet. The struggle for space within prisons creates environments in which torture, violence and corruption can thrive. Recommendations include:

- Accurate, regular and transparent reporting of prison numbers including over-crowding levels
- Sentencing decisions that are based on transparent information about actual capacities and conditions in prisons, as well as trends in prison populations. This should include an alert system when prisons are close or at capacity
- Judges, prosecutors and decision-makers to regularly visit prisons to see overcrowding and conditions first-hand

Challenges in prisons across the world



3 Authorities do not focus enough or at all on rehabilitation

Opportunities for rehabilitation

Imprisonment is the penalty for serious criminal offences. Imprisonment is not intended – nor is a State permitted – to treat detainees cruelly or inhumanely. Rehabilitation is essential to prevent repeat re-offending.

The Special Rapporteur has met many prisoners, including children, who pleaded for work or training opportunities that would prepare them for a crime-free life after prison. Prisoners are being let down when they are locked in their cells for almost the entire day and when they have close to no activities. There is little incentive to get out of bed. When they are available, work and education programs often only provide basic skills that do not provide an income on release. Dignity-led rehabilitation does not require extensive resources. Recommendations include:

- States to ensure that all prisoners spend a reasonable part of their day outside cells, engaged in meaningful activities, by allocating appropriate resources within prison budgets
- Rehabilitation to be included in State policies and laws, as well as in planning

Safeguarding prisons and prisoners against climate change and natural hazards

The climate crisis is being felt across the globe and it affects all aspects of life. States must be vigilant to its impacts in prisons, to ensure humane treatment and dignity for all prisoners. When natural disasters take

place prisoners are entirely reliant on authorities. Too often inadequate mitigation and adaptation measures have left detainees stranded or neglected during hurricanes, cyclones and earthquakes. States must fulfill their obligation to safeguard prisoners and facilities from extreme conditions. Recommendations include:

- Inclusion of prisons in national disaster risk reduction and response plans, integrating all prisons into climate change mitigation and adaptation strategies and plans
- Establishment of early warning systems, operating procedures and evacuation drills.
- Construction or renovation of prisons to withstand climate disasters, incorporating materials and design that ensure resilience
- Mapping of prisons situated in high hazard exposure areas to facilitate preparedness, crisis response and to inform the development of new facilities

Preparing for future global pandemics and other health emergencies

Prisons are hotspots for infectious disease contamination and must be included in national pandemic preparedness planning. The World Health Organization (WHO) predicts future pandemics will emerge more rapidly and will be more virulent. Prisoners should receive the same standard of health care that is available to the broader population. Pandemic planning also requires existing weaknesses like overcrowding to be addressed. Recommendations include:

- States and the WHO to consider the unique circumstances in prisons when they are drafting and negotiating the new pandemic agreement
- States should review and update their pandemic preparedness plans to include prisons and other places where people are deprived of their liberty
- States to create protocols for a safe environment so visitors, monitors and officials can continue to see detainees and facilities during any future pandemic

Challenges in prisons across the world



4 Prisons are hotspots for infectious disease contamination

Report Recommendations: The prison population

The majority of individuals in prisons still come from economically disadvantaged backgrounds and marginalized communities. Among them are many convicted of low-level drug offenses or related crimes. While systemic issues affect all inmates, certain challenges disproportionately affect segments of the prison population.

Challenges in prisons across the world



5 Inadequate measures have left detainees stranded or neglected during natural disasters

Women and girls

Women and girls represent a small fraction of the global prison population (6.9%) but are being incarcerated at a faster rate than men. They frequently endure harsh conditions and face limited opportunities for rehabilitation, often because of their small numbers. Many are imprisoned for non-violent offences or ‘moral crimes’ and receive higher penalties than men for similar offences. Female prisoners are often victims of domestic and sexual violence. Their role as primary caregivers to children can lead to adverse consequences for them and their children. Recommendations include:

- States should promote gender-responsive diversionary measures and sentencing options
- Prison authorities must provide gender-sensitive and trauma-informed health services and rehabilitation programs
- Health services in prisons should address women’s specific health needs
- Non-custodial sentences should be preferred when appropriate, and decisions about children staying with mothers in detention should prioritize the child’s best interests
- Factors such as pregnancy, impact on children and age-related health issues (like peri- and menopause) should be considered when assessing the appropriateness of imprisonment. Where needed, adjustments should be made to the standards of health care and conditions of incarceration

Children and Juveniles

The first goal should always be to keep children out of prison. Preventive measures are critical and can be educational, economic, familial, social and psychological. Legal interventions can also be effective. Detention should be a last resort and if needed, it must be proportionate and unavoidable. Youth detention facilities often fail to meet basic standards, which can damage the physical and mental health of detained children. Incarcerating girls poses additional challenges, with many facilities ill-equipped to address their unique needs. Girls often end up being jailed in adult facilities. Recommendations include:

- Where the age of criminal responsibility is lower, the Special Rapporteur urges states to increase this age to at least 14
- For children who must be incarcerated, place them in residential facilities near their family homes to facilitate family and community contact, if this is in the child's best interests
- Ensure incarcerated children have access to continuous education within the relevant State curriculum. For older children there should be opportunities for future work-related activities and courses
- Develop national action plans to reduce the number of detained children

Indigenous People

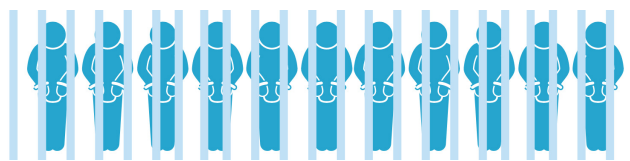
Indigenous imprisonment rates remain high and are increasing in some States. This reflects systemic issues in criminal justice systems that exacerbate discrimination and marginalization. Indigenous prisoners face a heightened risk of mistreatment. They experience disproportionate solitary confinement, higher security classifications and harsher disciplinary measures. Some countries have recorded higher incidences of deaths in custody and higher rates of suicide. Indigenous women and youth are particularly overrepresented in prison populations. The Special Rapporteur reminds States that, under the obligation of non-discrimination, they must address the unique needs and vulnerabilities of

Challenges in prisons across the world



6 There is a clear link between poverty and marginalized communities and imprisonment

Challenges in prisons across the world



7 Severe overcrowding is common

indigenous prisoners. Recommendations include:

- States to consider adopting the comprehensive approach of the Inter-American Court of Human Rights, which adjudicates claims of human rights abuses in South and Central America. This emphasized that indigenous peoples should be consulted in prison reforms, that deprivation of liberty should be the exception for indigenous prisoners and cultural identity should be preserved
- Prison authorities to improve the employment rates and representation of indigenous staff and those with specialist expertise in indigenous affairs
- Prison authorities to provide culturally appropriate training, health care, rehabilitation and reintegration programs, as well as respect for the right to practice indigenous customs and traditions

Prisoners with neurodivergent conditions

High numbers of prisoners have neurodivergent conditions. The sights, sounds and smells of prisons can be startling and triggering for these prisoners. Their response to this environment can be misunderstood as aggression, indifference or intoxication, which can lead to unfair treatment or punishment. The Special Rapporteur notes that because of their medical conditions, the threshold for ill-treatment may be lower for neurodivergent prisoners. Accommodations need not be financially burdensome if the rest of the prison is well managed. Recommendations include:

- States to undertake research on neurodiversity and prisons to ensure guidelines are in line with best practice
- Prison authorities to include neurodiversity screening as part of individual assessments, sentence planning and rehabilitative programming
- Prison authorities to consider introducing measures to reduce sensory stimuli and overload for neurodivergent individuals. Examples include dimmable light bulbs, using earplugs, allowing sensory items and using appropriate communication techniques

The Special Rapporteur has also provided the Human Rights Council with the official report of her visit to Ukraine in September 2023.

The Special Rapporteur's visit had two main focuses:

- To review national investigations and prosecutions of allegations of crimes of torture and other cruel, inhuman or degrading treatment or punishment, including sexual torture, following Russia's full-scale invasion of Ukraine
- To assess the conditions and standards of treatment of Russian prisoners of war being detained by Ukraine, as well as other conflict-related detainees

Dr Edwards met government officials and civil society. She interviewed Ukrainian civilians and former soldiers who had been detained by the Russian armed forces or other associated actors in Russian temporarily occupied areas of Ukraine. She conducted inspections of two facilities, in L'viv and Kyiv, interviewing inmates and prisoners of war.

'After my visit to Ukraine I am of the view that the volume of credible allegations of torture and other inhumane acts that are being perpetrated against Ukrainian civilians and prisoners of war by Russian forces and other associated actors appears to be unabating. These grievous crimes appear neither random nor incidental, but rather orchestrated as part of a State policy to intimidate, to instil fear, to punish, or to extract information, intelligence and confessions.'

(Alice Jill Edwards, UN Special Rapporteur on Torture)

Allegations of torture and other ill-treatment or punishment

In her interviews with Ukrainian civilians and prisoners of war, Dr Edwards heard credible and distressing allegations of physical and psychological torture. Electric charges being applied to ears and genitals was reported as a common form of torture.

Other forms of torture and inhuman treatment ranged from verbal abuse and beatings to mock executions at gunpoint and simulated drowning. Individuals were required to hold stress positions, threatened with rape or death, or filmed while being forced to confess to crimes or allegiance to Ukraine.

The use of "humiliation ceremonies" in which captives were abused and ridiculed appeared common place. One individual described how he was required to run "the gauntlet", a corridor about 70 metres long, while being punched and beaten by Russian personnel. Another individual recalled how he and other prisoners were set upon by dogs, while Russian officials laughed and filmed them.

Detainees were crowded into basements and cells including unofficial facilities. Many described being constantly cold. They were given small amounts of poor food. Some of those interviewed had lost dangerous levels of weight, which was consistent with starvation.

The Special Rapporteur also heard reports of threats of sexual torture, as well as alleged sexual torture perpetrated by Russian soldiers and other personnel against both men and women. Several male former prisoners of war reported they had electrodes attached to their testicles. One described being beaten in his anus. Another said he had been beaten on the genitals and sprayed with pepper spray in his eyes and mouth.

Many recounted hearing women screaming and crying. The Special Rapporteur also heard that many women were allegedly subjected to violence at home by Russian personnel or those cooperating with Russia.

Dr Edwards wishes to advance her inquiries into allegations of sexual torture and other forms of sexual violence. She expresses her readiness to undertake a further technical visit to Ukraine focused on sexual torture to assist the authorities and victims and survivors deal with these issues.

The accounts of torture by Russian forces within Ukraine appear reliable. Torture has been carried out in an organized and systematic manner. The same practices were allegedly carried out across different temporarily occupied regions. This further indicates that torture is part of Russian State war policy.

Dr Alice Edwards biography

Dr Alice Edwards was appointed in July 2022 by the UN Human Rights Council to the position of UN Special Rapporteur on Torture and Other Cruel, Inhuman Treatment or Punishment. She took office on 1 August 2022. Dr Edwards is an established human rights lawyer and academic.

She is the seventh Special Rapporteur on Torture, and the first woman to hold the post.

As the UN's leading expert on torture, Dr Edwards is at the forefront of global efforts to combat torture. Her role includes conducting fact-finding country visits and pursuing justice for victims of state-sanctioned violence.

Between 2016 and 2021 Dr Edwards headed the Secretariat of the Convention against Torture Initiative (CTI), an initiative of the governments of Chile, Denmark, Fiji, Ghana, Indonesia and Morocco, which aims at achieving universal ratification and implementation of the UN Convention against Torture (UNCAT).

Prior to this, Dr Edwards was Chief of Protection Policy and Legal Advice Section at the UN Refugee Agency (UNHCR), making her the principal legal adviser in the Organization. She was responsible for initiating and leading the implementation of the UNHCR's Global Strategy – Beyond Detention, a blueprint for action to support governments to end the routine detention of asylum seekers through constructive dialogue, technical advice and capacity building. Dr Edwards drafted the first set of guidelines on gender-related persecution and the current guidelines on detention and alternatives to detention.

Dr Edwards has spent her twenty-five-year career working for the rights of victims of human rights violations, including in the major conflict situations of Bosnia and Herzegovina, Mozambique and Rwanda. Among her achievements is the now globally recognised doctrine that rape and sexual violence are forms of torture and persecution, meriting international refugee protection. Her book, *Violence Against Women under International Human Rights Law* has influenced policies in a number of countries. She was also responsible for initiatives in advising States on reforming domestic laws to include torture as a prosecutable offence.

If journalists would like to interview Dr Edwards about her report to the HRC or other aspects of her work please contact:

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Note on the mandate of the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

The mandate of the Special Rapporteur covers any act or omission amounting to torture and ill-treatment under applicable international customary and treaty law. The Special Rapporteur is authorised to examine questions relating to the prohibition, prevention, investigation and redress of such abuse in all current and aspiring member States of the United Nations, regardless of their treaty obligations.

The three-year mandate, established in 1985 by a resolution of the UN Commission on Human Rights, is the UN's second oldest. In fulfilling the mandate, the Special Rapporteur conducts country visits, communicates with governments concerning information and complaints about alleged cases of torture, legislation or policies that might be in breach of certain human rights. The Special Rapporteur also submits activity and thematic reports to the UN General Assembly and Human Rights Council.

The UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment is one of the thematic special procedures which are independent human rights experts appointed by the UN Human Rights Council. The position is honorary and she does not receive any remuneration for her work.