



A Training Manual for

Independent Monitors of

Juvenile Detention Facilities

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Module 1: Introduction to Inspections

"There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services."

Standard Minimum Rules for the Treatment of Prisoners, Rule 55

States should: "establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment"

OPCAT, General Principles, Article 1

"Establish, support and strengthen independent national institutions such as human rights commissions, ombudspersons and commissions of parliamentarians, with the mandate to conduct visits to all places of detention and to generally address the issue of the prevention of torture, cruel, inhuman or degrading treatment or punishment, guided by the UN Paris Principles Relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights."

African Commission on Human and Peoples' Rights, Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), 2002

Objectives of Independent Inspections

When the state deprives a person of their liberty the security and well-being of that person becomes the responsibility of the detaining authority. Because of this, they are often in a vulnerable position and at particular risk of having their human rights violated.

Inspections of detention facilities and continuous monitoring are vital in ensuring that standards of detention are in accordance with national and international standards, and prisoners' human rights are upheld.

Inspections achieve these aims in a number of ways:

- Prevention. Sometimes just the knowledge that an institution will be inspected and reported on is enough to encourage authorities to improve the conditions in their facility.
- Documentation. By recording the conditions of different aspects of detention it is possible to compare between institutions, against international and national standards and against previous inspection records.
- Reporting. Effective reporting, recommendations and follow up to the correct level of authority – prison governors, local government, central government – can ensure that issues identified are addressed seriously.



- Serious incidents. Monitoring bodies should be allowed full access to evidence, records and be allowed to interview staff and detainees after a serious incident or riot to ensure that human rights are still being upheld and that reprisals are not occurring.

Key Principles for Inspecting Places of Detention

- 1. Do no harm.** Often when inspecting a place of detention there is a conflict of interest between needing to obtain information and the safety of those detained, for example, the risk of reprisals for those detainees who may be interviewed. This is especially true for juveniles. When carrying out inspections, the safety of those in the facility must be kept in mind at all times and no action by the visiting body should jeopardize this.
- 2. Know the standards.** It is important for all inspectors to have a good knowledge of the international and national standards, both those which give them their mandate to inspect, and those which set out the standards for conditions of detention.
- 3. Respect the authorities.** Remember that your role is to ultimately get the authorities to change their behaviour – and this is best done by establishing a minimum basis of mutual respect. Inspectors should respect the functioning of the authorities and try to highlight the hierarchical levels and their responsibilities so that problems can be addressed at the right level.
- 4. Credibility.** Credibility is crucial to monitoring successfully and therefore inspectors should not make any promises they cannot keep or any action they cannot follow through. When interviewing children, it is especially important to ensure that the child knows the limitations of what an inspector can achieve and also that any information given is done anonymously and confidentially.
- 5. Confidentiality.** Following from point 4. any information given to you must be treated confidentially as to do otherwise can have serious consequences for the person interviewed and inspectors' credibility and safety. Special measures should be taken to keep recorded information confidential, e.g. identities of victims etc, for example by using coded language.
- 6. Security.** Inspectors must be aware of both their own security, the security of those they come in to contact with and the security of the institution as a whole.
- 7. Sensitivity.** When interviewing juveniles in detention it is imperative that inspectors be sensitive to the traumatic effect that recalling certain events may have on them.
- 8. Objectivity.** Inspectors should work to record actual facts and work to provide a report of the facility that is objective and free from feelings or preconceived ideas.
- 9. Visibility.** Inspectors should be sure that the authorities know of their methodology and mandate for monitoring the institution. The work of inspectors should be publicised through their written reports and careful use of the media to inform local communities of their work.



Types of Independent Monitoring

Independent inspections should, by definition, be undertaken by a body that is not under the same administrative authority as the detaining institution. The inspection body should have the mandate to have full access to all parts of the institution, all available evidence, interview the detainees and report to a part of government who has the power to act on their recommendations and report.

- **Judicial Monitoring.** Often judges can have a formal role of prison oversight, visit places of detention and can hear prisoners' complaints.
- **Inspections.** They should have full access to all detention facilities and produce reports to an authority that can implement their recommendations. However, their reports can often be ignored, especially when prison reform is not a government priority.
- **Complaints mechanisms.** Prisoners should have the right to complain when they feel they have been ill-treated by authorities without reprisals. Complaints mechanisms should be at the prison level and, especially important in regards to children; they should be accessible regardless of literacy levels.
- **Civil society monitoring.** In some countries independent monitoring boards made up of members of the local community regularly make visits to a prison and report back to the authorities and the community. A good example of this is the UK's IMB.
- **Regional mechanisms.** Some regional bodies have the mandate to visit places of detention and report to governments on their findings. These can provide a standard against which newly established domestic inspection mechanisms can be measured. E.g. Special Rapporteur on Prison Conditions in Africa and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment.
- **International mechanisms.** OPCAT came into force in 2006 and is ratified by 56 states (as of 2011) and states that ratifying countries must set up independent national monitoring bodies to carry out inspections. It also has the authorities to visit places of detention in ratifying countries.

Further reading:

APT (2004) *Monitoring Places of Detention, a practical guide* [Chapter 1].

ICPS (2004) *Guidance Notes on Prison Reform* [Chapter 11]

ICPS (2009, 2nd ed) *Human Rights Approach to Prison Management* [Chapter 10]

UN (2001) *Training Manual on Human Rights Monitoring* [Chapter 5]





Module 2: International Guidelines

This section will introduce the international standards on the topic of independent monitoring mechanisms. Where possible, they will be taken from guidelines specifically on the detention of juveniles but where taken from general standards it is important to note that these also refer to all detainees under the age of 18. Inspectors should have a good knowledge of all of the following and use them to guide how they undertake their inspections.

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

This is the main international standard relating to the standards of detention for juveniles and the use of inspection.

- “Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.”
- “Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the ...conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.”
- “After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.”
- “Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.”

(Articles 72, 73, 74, 76)

UN Committee on the Rights of the Child ‘General Comment No.10’

“Independent and qualified inspectors should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative; they should



place special emphasis on holding conversations with children in the facilities in a confidential setting” (*Paragraph 89*)

UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders

- “In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members” (*Rule 25*)

Other international standards and rules that have articles on the independent inspections include:

- 1955 Standard Minimum Rules for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- 1966 International Covenant on Civil and Political Rights (ICCPR)
- 1985 UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- 1990 UN Convention on the Rights of the Child
- 1990 UN Basic Principles for the Treatment of Prisoners
- 2002 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading treatment or punishment (OPCAT)
- Istanbul Protocol
- Robben Island Guidelines (regional)



Module 3: Preparing for an Inspection Visit

The following module looks at how to prepare for an inspection visit, including choosing which places of detention to inspect, frequency of visits, composing an inspection team and what information to gather before the visit.

Where to Inspect?

A visiting body has a number of criteria to examine to decide which are the places of detention that are most urgent to visit.

Firstly, the levels of risks to which juveniles are exposed. This can be ascertained by whether complaints or allegations of torture, cruel, inhuman or degrading treatment have taken place, or information gathered from other sources, such as NGOs.

Other criteria to look at when deciding where to visit include the number of detained juveniles in an institution, the levels of overcrowding believed to occur, and places deemed to be a representative sample of the conditions of detention for juveniles nationally.

A lack of any information on a juvenile facility may also be a reason to prioritise an investigation there.

Type of Visits

It is also important to decide what kind of inspections your team will undertake.

Announced or unannounced visits? Announced visits can allow for greater information gathering from the prison authorities and children before hand, but unannounced visits can ensure prison authorities won't have had time to possibly intimidate child interviewees or change any information to provide a more positive view of the conditions of detention.

Length of Visits: A visit should be an adequate length for the visiting team to talk with all necessary members of the prison authorities, staff and any children they wish to interview, and to fully inspect the detention facilities. Visits where little is known about the detention facility may take longer to inspect as basic information gathering (e.g. how many children are detained, what category of crime they are accused/convicted of, how many are on remand etc) will also need to be undertaken. Follow-up visits or visits to places that have been inspected relatively recently are likely to take shorter amounts of time.

Frequency: Frequent inspections are more effective at preventing ill-treatment and improving conditions. While it is important to ensure that the visits are not so frequent that they disrupt the running of the establishment, visits should take place more frequently to facilities where poor conditions or ill-treatment have either been witnessed by the visiting team or alleged by NGOs or other bodies.



Visiting Team

The composition of a visiting team can be important. It can be of great benefit to have a member of medical personnel on your team. This is especially important if you suspect, or there have been allegations, of torture. They can also be useful in inspecting the medical care and facilities provided for juveniles in detention and comparing them to conditions in the rest of the country.

It is also important for your team to contain both male and female members. Where girls are held in detention, a female team is especially important particularly when interviewing them. If a number of languages are spoken in your country, an interpreter or bilingual member of the team can also be a big benefit as interviewing minorities or foreign prisoners can identify if discrimination against them is occurring.

Members of the team should be fully trained in the national and international standards regarding prisoners and juveniles in detention, the key issues for juveniles deprived of their liberty, how to conduct interviews with children, what to inspect, how to address prison authorities and how to write up their findings.

Work to undertake before the Visit

Information Gathering

You should work to gather as much information as possible about the institution you are about to inspect. This can be information gathered by the visiting body on previous inspections or other sources including NGOs, the media, or ex-detainees. Information about the institution should include where possible:

- The number of children detained;
- The ages of the children;
- The category of crimes they are detained for;
- The status of detainees, e.g. pre-trial detention, convicted
- Who the senior officials in the detention facility are and the responsibilities of individuals;
- The capacity of the facility;
- Any allegations of torture or ill-treatment, or any complaints received (if a complaints mechanism is in place).

Visit Objectives

Is the visit a full inspection, a follow-up visit, or looking into a specific aspect of conditions or the regime?

Further Reading:

APT (2004) *Monitoring places of detention: A Practical Guide*

UN (2001) *Training Manual on Human Rights Monitoring* (Chapter 9)



Module 4: Aspects of Detention to Inspect

The following outlines the different aspects of detention to inspect and the international standards relating to juveniles that account for them. Inspectors should examine the following by both observation and by undertaking interviews with the juveniles and prison staff.

Material Conditions

Accommodation

"Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards." *JDL 33*

Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness. *JDL 33*

Are cells properly ventilated?

Is the temperature in the cells appropriate (for all seasons)?

Do juveniles have access to daylight whilst in their cells?

Can juveniles regulate the heat/light themselves (i.e. open windows, use electric lights)?

Are cells cleaned and disinfected regularly?

Does each juvenile have their own bed and bedding?

Does every juvenile able to sleep on a mattress (or similar)?

How often are juveniles blankets/pillows/bed sheets changed?

Food

Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time. *JDL 37*

Are there any signs that children are malnourished?

Do children have free access to clean drinking water throughout the prison?

Is the kitchen clean and food preparation hygienic?

Is the quantity of food sufficient?

Who decides on menus and ensures children receive a balanced diet?

What is the annual budget for food? (and therefore, the amount per detainee per day)

Are considerations made for religious dietary requirements?

Clothing

To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing. *JDL 36*



Is juvenile clothing appropriate for the climate and season?
Are juveniles allowed to wash their clothing?

Personal Property

The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. *JDL 35*

Hygiene

Are juveniles supplied regularly with soap?
How much access do they have to washing facilities, i.e. showers? Are these clean and sufficient in number?
Is there a good sanitation system with suitable and clean toilet facilities for the number of residents?
Do children have access to toilet facilities at all times of the day? And night?

Educational/Vocational Work

Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education. *JDL 38*

Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized. *JDL 40*

How much education for juveniles is on offer? Daily, weekly etc...
Is the quality similar to that found in the community?
Are the children able to work toward national qualifications?
What percentage of juveniles/of school age juveniles participate in educational courses?
Are teachers recruited from outside the prison?

Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment. *JDL 42*

Is vocational training for juveniles offered in the facility? If so, what kind, how often and for how long?

Recreation



Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. *JDL 47*

Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination...Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination. *JDL 48*

What size is the area allocated for exercise and recreation?

Is there exercise/recreational equipment they can use in this area?

Does the area offer a sheltered part as well?

Does each juvenile receive one hour of physical recreation (in the open air) every day?

How many hours does a child spend out of his/her cell daily? (Observation of a timetable if possible)

Are a) sporting b) cultural c) other activities available and can all children take part?

When, how often, and where are religious services or meetings conducted? Are all children who wish to allowed to attend?

Contact with the Outside World

Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel. *JDL 60*

Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence. *JDL 61*

Do juveniles have free access to correspondence materials? (letters, telephone usage) Is this unrestricted? Is correspondence censored?

How often are juveniles allowed visits? What is the length of these visits?

Are visits ever withheld as a disciplinary measure?

Where do visits take place, is there an allocated visiting area?

Is there a certain amount of privacy allowed?

Can juveniles correspond (via letter, telephone, visits) freely and in privacy with legal counsel?

Protection

Using restraint

Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time...to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. *JDL 64*



Is restraint only used in exceptional cases? What constitutes an 'exceptional case'?
How often do incidents of restraint occur? How long does each incident normally occur for?
Are all cases of restraint recorded?

Disciplinary measures

All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour...should not be imposed as a disciplinary sanction. *JDL 67*

Who is responsible for imposing disciplinary sanctions? What is the procedure for imposing them?

What are the disciplinary measures available to prison staff/authorities?

Are all cases where disciplinary measures used recorded?

Complaints mechanisms

Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay. *JDL 76*

Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints. *JDL 78*

How accessible is the complaints mechanism to juveniles?

Is confidentiality of complaints ensured?

Is a response to the complaint provided in a timely manner?

Is the complaints mechanism used? How many complaints have been submitted in the last six months? How many have been responded to?

Are there any allegations of juveniles facing reprisals for submitting a complaint

Medical Services

Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention. *JDL 50*

The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer. *JDL 51*



Can sick detainees be taken to a hospital?

Where do medical examinations of juveniles take place?

How long does a juvenile wait to see medical personnel after asking?

Is there access to a psychologist available? If so, how often? And how is access organised?

Do medical personnel have appropriate qualifications (the same standards as for medical personnel working outside detention facilities)?

Gender Specific Aspects

Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured. *Beijing Rules 26.4*

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating. *Bangkok Rules, Rule 5*

If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination. *Bangkok Rules, Rule 10*

Do girls have the same access to education as boys? Is this of the same quality?

Do girls have the same opportunities for vocational training as boys? Is this of the same quality?

Are the special needs of pregnant girls addressed properly? Are they given appropriate medical care?

Do girls have the same access (and same quality) of healthcare as boys?

Do girls have access to female sanitary products free of charge?

Are girls able to request medical examination by a female physician?

Preparation for Release

All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end. *JDL 79*

Personnel

Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists...Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles. *JDL 81*

The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career. *JDL 85*



How many staff are there? What is the ratio of staff (who are in contact with juveniles) to children?

What is level of initial and continuous training is required?

How many female members of staff are there? (especially in the girls' wing/girls' facility)

Have all staff in contact with juveniles been given specialised training?

Have staff in contact with female juveniles been given specialised training in gender issues?

Further Reading

ICRC (2005) *Water, Sanitation, Hygiene and Habitat in Prisons*

APT (2004) *Monitoring Places of Detention: A Practical Guide*

AMIMB (2010) *A Practical Guide to Monitoring Prisons*

HMIP (2009) *Expectations: Criteria for Assessing the Treatment and Conditions for Children and Young People held in Custody*



Module 5: Interviews with Children

Young children can provide useful information; however, often interviewers are unsure how to let them do it.

Interviewing detained children can give valuable insights into a prison regime and provide the inspector with additional, qualitative data to report on. However, working with children who are vulnerable is a delicate process and should be done following a set of guidelines. Where possible, the interviews should be done by someone with specific training in child issues.

There's some general agreement about the way to conduct an interview with a child to ensure that the inspector obtains unbiased information and that the child feels safe and able to express themselves fully.

Preparing for the Interview

- First decide which children you will be interviewing, they should be a representative sample including children of different ages and different category of prisoner. Should not just interview those who approach them or those proposed by the prison authorities.
- Choose a location where there is as much privacy as possible, there are few distractions and the child feels safe and comfortable.
- Choose how the interview will be recorded and how these records will be kept confidential – i.e. two interviewers (one note-taking, one using recording device).
- If interviewing girls there should be a female inspector available to undertake the interviews where necessary.

Common problems

- Children answering questions to which they don't know the answer;
- Children telling the interviewer what they believe the interviewer wants to hear;
- Fear that any information they disclose will result in reprisals once the inspection team has gone;

Making the child feel safe:

- Introduce themselves properly before the interview.
- Explain the purpose of the interview, what the information they give will be used for and the limitations of the things you can change.
- Explain why you are taking notes/using a recorder during the interview and how it will be kept confidential.



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- Start with conversational or non-controversial questions and work towards more sensitive issues.
 - Use an informal and relaxed approach to help the child feel at ease. Understand that it may take some time for the child to become relaxed enough to be comfortable talking, especially if the events they are recalling are traumatic ones.

Getting unbiased information

- Explain that it is acceptable to tell the inspector if they do not know the answer to a question.
- Explain that they should correct the interviewer if s/he is mistaken or incorrect.
- Ask open-ended questions and encourage the child to tell the story in their own words.
- Avoid leading questions or comments that may make the child feel coerced or pressured into giving a certain answer.
- Avoid repeated questions as it may lead the child to believe their previous answer was ‘wrong’.
- Use simple, age-appropriate language and ensure that the child understands the correct meaning of the question.
- Use short interviews (or multiple ones where necessary) to allow for a child’s short attention span, dependent on their age/maturity.
- To get more detail use follow-up questions, e.g. “And then what happened?”.

Finishing the Interview

- Ask the child if they have any questions for you or anything else they’d like to tell you.
- Explain again the limitations of your work and avoid raising false hopes.
- Complete your notes immediately after the interview has finished to ensure the most accurate representation of the meeting as possible.

Further Reading:

United Nations (2001) *Training Manual on Human Rights Monitoring*
APT (2004) *Monitoring Places of Detention: A Practical Guide*



Module 6: Following Up Inspection Visits

After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution. *JDL 74*

Following up an inspection visit correctly and in a timely manner can ensure that changes and improvements to a place of detention can occur. Sustained inspection and follow-up can lead to important action that can improve the lives of those children deprived of their liberty.

Finishing the Visit

The end of an inspection visit should finish with a meeting of the inspection team with the prison governor. This is to report back immediately on the concerns and findings from your visit and in order to create a greater dialogue and respect between the two parties.

Writing an Inspection Reports

Internal Report

Inspectors should keep their own internal records of detention facilities in good order so that future visits can be compared to previous ones. Information from each visit should be analysed, organised and filed properly so as to be used when needed.

The information collected should include the number of juveniles; their status (remand, convicted); their gender; their ages; the number of staff in contact with juveniles; the main concerns highlighted in the visit; and the recommendations mentioned in the visit report.

Visit Report

Visit reports should cover all concerns or issues identified in the visit and recommendations for their improvement. They should also include any improvements that have been observed since the previous visit.

They should be addressed to the authorities in charge of the detention facilities and should be sent as soon after the visit as is possible. The report should cover all aspects of detention that it feels improvements could be made in (following the JDLs and Module 3) and these should be ranked in an order that identifies the most serious areas of concern first.



Where information has been gathered from individual interviews with juveniles inspectors should ensure that it is not possible to identify the individuals from their report.

Annual Report

Inspection bodies can also choose to present an annual report to provide a more comprehensive review of its monitoring activity, often covering wide reaching issues that have been identified in more than one institution.

The recommendations in the annual report may be targeted at a different level of authority than that of the visit reports, perhaps highlighting thematic issues that need higher level action in order for improvements to be made.

If a country has ratified OPCAT then the inspecting body is required to produce an annual report which the State then makes public and disseminates.

Making Effective Recommendations

Publishing or preparing a report is not the final process of inspections. Once recommendations have been made it is important to follow these through and ensure that they are being implemented. Further reports should comment on the extent to which their previous recommendations have been/are being implemented.

Recommendations should be aimed at the level of authority that has the power to make the appropriate change or decision. Most recommendations should be made directly to the authority in charge of the prison but if the root cause of an issue lies outside their jurisdiction, the recommendation should be addressed to a different level of authority and in a separate report.

The way recommendations are written can often have an effect on how successfully they are implemented. Following these guidelines will help ensure that recommendations are met most effectively:

- Each recommendation should only refer to one *specific* issue, which will help the authorities to understand the suggestions and also assist follow-up at future visits. In turn, the recommendations should be specific solutions and not merely calls for 'change'.
- Recommendations should also be *measurable*. This is so that future inspections or follow-up by other agencies can assess for certainty if a recommendation has been implemented.
- Recommendations need to be *achievable*, although this doesn't include accounting for financial resource capacity as it is the State's responsibility to assign adequate resources to achieve it.



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- Recommendations should include a *realistic time-frame* for completion. This will help the authorities in prioritising the recommendations.
 - Recommendations should target the *root cause* of the issues and not just the symptoms of the problem.
 - Recommendations should be *targeted* at the correct level of authority that has the power to implement the changes identified.

Going beyond the inspection process

Reports and information regarding the conditions of detention facilities should also be made available to the public and civil society groups who may be able to help monitor or influence the implementation of recommendations.

Depending on the position of the media, the report should also be made available to them.

Further Reading:

APT (2004) *Monitoring Places of Detention: A Practical Guide*

APT (2008) *Briefing No.1: Making Effective Recommendations*



Module 7: Examples of Good Practice

UNITED KINGDOM

Her Majesty's Inspectorate of Prisons (HMIP)
www.justice.gov.uk/inspectorates/hmi-prisons/

HMIP is an independent inspectorate that reports on conditions in and treatment of those in prisons, Young Offenders Institutions (YOIs), and immigration detention centres. HMIP reports directly to the UK government.

It comprises of 6 inspection teams throughout UK, one of which specialises in the inspection of juvenile facilities. On the inspection team there includes healthcare inspectors, drug inspectors, researchers and administrative staff. It works alongside other inspecting bodies e.g. Ofsted (who inspect the privately run juvenile detention centres) and the Royal Pharmaceutical Society.

Some of their inspections are announced and the prison is informed in advance of the visit while others are unannounced and the inspection team visits without notifying the establishment beforehand. Inspectors cannot be refused entry by the established and have access to all relevant documents they may need and any prisoners they wish to interview.

Full Inspections occur at least once every 5 years and are announced visits. The Inspectorate collects information from, among others: staff; those imprisoned or detained there; and visitors or others with an interest in the establishment.

If the visit is announced prior to the full inspection an inspector will request a range of information from the institution and researchers will conduct a confidential survey or a representative sample of the prisoner population. The full inspection is then carried out and conducted against HMIPs published inspection criteria. Inspection findings are reported back to the prison authorities and reports are then published within 16 weeks of inspection. The establishment is then expected to produce an action plan, based on the recommendations made within the report, within a short period following publication.

Unannounced follow-up inspections are also carried out and assess progress made since the full inspection and carry out an in-depth analysis of any areas of serious concern that were raised in the original inspection.

Independent Monitoring Board (IMB)
www.justice.gov.uk/about/imb.htm

The UK also has legislation that states every prison must have an IMB. Until 2003 these were known as Board of Visitors. They are made up from members of the community who have applied and then undertake a full training programme. Like HMIP they have unrestricted access to the institution at any time and can talk to any prisoner or detainee they wish to and the Board produces an annual report on the establishment they oversee.



AFRICA

South Africa

South Africa is one of only two African countries that make reference to the state as provider for the welfare of detainees. Article 35 of the constitution notes

“Everyone who is detained, including every sentenced prisoner, has the right to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment.”

The Judicial Inspectorate of Prisons

The Judicial Inspectorate of Prisons (JIP) is a statutory independent body under the control of the Inspecting Judge and separate from the Department of Correctional Services. They have access to any part of the prison estate and to any document or record they wish.

The Correctional Services Act (1998) also places statutory responsibility on Heads of Prisons to report to the Inspecting Judge all cases of solitary confinement, segregation, use of mechanical restraints and deaths in prison.

Independent Prison Visitors (IPVs)

Since July 2002 South Africa’s Judicial Inspectorate of Prisons (JIP) has had IPVs (similar to the UK’s Independent Monitoring Board) set up in each of its nine provinces, with 187 IPVs in total. They are there to facilitate the humane treatment of prisoners and the improvement of prison conditions.

Most IPVs have no prior knowledge of the prison environment and the Judicial Inspectorate has noted the need to increase resources and efforts in order to fully support the work of the IPVs. They have also highlighted how the support of Area Managers, Heads of Prisons and other officials of the Department of Correctional Services for the IPVs has been an important factor in ensuring the IPVs can work successfully for the humane treatment and improvement of conditions for prisoners.

Regional Coordinators have recently been appointed in each of the provinces from the ranks of IPVs to closer support IPVs as well as to improve auditing and accountability.

Since 2001 the JIP has attempted to introduce an online system for its IPVs where by the dispersed IPVs can submit electronic reports and prisoner complaints directly to the JIP. This speeds up the reporting and also allows for two way messaging between the JIP’s office and IPVs.



Uganda

Uganda Human Rights Commission

www.uhrc.ug

The Commission was set up under the provisions of the Constitution of Uganda 1995. One of its functions is to visit all places of detention to assess the condition of inmates and make recommendations for its improvement.

The visits to places of detention are followed by reports and special letters to relevant authorities about the findings and recommending measures to improve the situation.

Even though the Commission has the constitutional right to visit any place of detention without notice, this is hampered by a requirement of the army of giving them prior notice. A further issue in Uganda is that the Commission has no access to 'safe houses', which house hard core criminals involved in terrorist activities before taken to court and where it is believed torture occurs unabated and human rights are frequently violated.

ASIA

Bangladesh

Roy, N. (2002) *Bangladesh Jail Visitor's Manual* (available on request from PRI)

The Jail Code of Bangladesh has incorporated provision for official jail visitors to inspect and monitor prisons. There is also a provision for the appointment of non-official visitors to oversee conditions in jails and to insure the human rights of inmates. These non-official visitors have the power to visit the jail at any time, talk to prisoners, see relevant documents and recommend actions to improve conditions.

In every jail a visitor's Minute Book is kept, which every official or non-official visitor must make any remarks they have about their visit in on completion of their inspection. The Superintendent notes this action and must forward copies to the Inspector General for any further orders that may be given on the remarks made.

India

www.nhrc.nic.in

India's National Human Rights Commission has developed a checklist for Lay Visitors inspecting prisons to ensure basic human rights of those detained are protected. One of the functions of the Commission is to visit the prisons and examine the living conditions of the inmates in order to ensure that they are consistent with human rights standards and make recommendations for their improvement. They are empowered to see any document that they may wish regarding the prison or prisoners

The Commission is a statutory autonomous body, with its functions and powers set out under the Protection of Human Rights Act 1993.