



Promoting penal
reform worldwide

Report: Capacity-Building Workshop for Civil Society Monitoring of Detention, Campaigning & Advocacy 26 to 29 March 2012, Kiev/ Ukraine

From 26-29 March 2012, 37 participants from 12 countries gathered in Kiev for a workshop, kindly sponsored by the Open Society Institute and designed to build the capacity of civil society organisations to monitor human rights standards in places of detention, and to advocate and campaign for improvements based on their findings. Penal Reform International and Public Advocate, Ukraine, organised the event jointly.

Day 1 - Monday, 26 March

Introduction

Participants had the chance to introduce themselves and share their hopes and expectations for the week. Objectives raised included:

- Learn how to implement monitoring, investigate cases of mistreatment and make improvements, often in challenging political environments
- Hear about best practice for implementing the Bangkok Rules for the treatment of women offenders
- Learn new advocacy skills
- Establish a network of contacts with whom to share experience

Challenges

The participants elaborated on some of the obstacles they face to monitoring, including:

- How to arrange sudden visits including at weekends and night-time
- Lack of funding available to improve prison conditions
- Prisoners' unwillingness to speak publicly about problems / lack of confidential, unbiased complaints system
- How to follow up on complaints made during monitoring visits

Ukrainian Prison Service

Two representatives from the Prison Service (UPS) spoke about current challenges and plans for Ukraine. The Head of the Department for social and psychological assistance had been at the Service for 19 years and said that even though there had been positive recent developments in the way the UPS cooperated with local NGOs, the level of communication is not ideal and both sides would like it improved. He gave an overview of the three prisons that were due to be visited by the group.

International Standards and Mechanisms

Krassimir Kanev from the Bulgarian Helsinki Committee gave a presentation on the relevant standards for monitoring places of detention, as well as the bodies and mechanisms available for challenging their breach. He asked for contributions relating to specific countries and what legislation is used:

- **Kyrgyzstan** – civil society are the only engine for change, and no understanding of the term 'torture' existed in national legislation before 2007.

- **Azerbaijan** – more commitment to human rights and torture prevention is needed as they are not properly reflected in legislation.

Mr Kanev highlighted that depriving people of rights to anything other than liberty had to be specified in a court judgement, and otherwise prisoners retain all their normal rights. Another very effective piece of information was the standard that each prisoner should have 4m² of living space – each group remembered this on the visits and it was pointed out that prison officials in Russia have been known to claim incorrectly that bathrooms count as living space.

Some participants raised the problem of proving breach of the rules when it had been alleged; Mr Kanev pointed out that this was why prison access was needed by NGOs and lawyers. The group then spent some time looking at case studies to examine which human rights standards were being violated in each given scenario.

Women in detention - the Bangkok Rules

Mary Murphy, former Policy Director of PRI, led an interactive session beginning with a quiz requiring participants to think about the levels of imprisonment of women in their countries; the proportions ranged from 1.7% in **Tajikistan** to 9-10% in **Russia**. The Rules highlight the specific physical and emotional needs of women, and introduce the idea of non-custodial options for sole carers of children, whether they are men or women, and the group spent some time looking through the detail included.

One participant from **Russia** asked if there was a need for a Europe-specific document similar to the Bangkok Rules, but it was felt that there did not seem to be an 'appetite' for new standards at the moment. It was also pointed out that countries could use standards from other parts of the world if they were higher than their own, and that some provisions are made by the European Convention on Human Rights under, for example, the right to family life.

Another participant, from **Georgia**, mentioned a recent hunger strike carried out there by mothers wanting to keep their children in prison with them up to the age of three. Ms Murphy described the vicious circle effect of governments not providing suitable conditions for children to be in prison, but keeping women in prison unnecessarily. There seems to be no easy answer but each case should be looked at separately to assess what is best for the child and its parent.

The group then worked on an exercise putting together policy headings for use in approaching the relevant agency or state department responsible for a particular area of the Bangkok Rules to highlight deficiencies in the system and analyse which Rules were being breached.

Day 2 - Tuesday, 27 March

Campaigning

Martin Clark led the group through a discussion of what campaigning meant, as opposed to individual support; the former involves delayed benefit and helps more people, but is riskier and harder to measure. Participants from **Kazakhstan** felt that if lots of people were in the same situation campaigning was needed in order to change the status quo. Those from **Georgia** felt it was important to know your aim, because sometimes campaigning took more time than it was worth spending.

A participant from **Ukraine** described how it had taken a lot of mass public media campaigning on the subject of political prisoners for them to conclude that a working group involving parliamentarians and government representatives was actually more

The group read a case study encouraging them to decide what to do as a preventive monitor, as opposed to a traditional investigator, on finding a detainee in restraints. This allowed them to be more forward-thinking and analyse the system, rather than thinking about only raising the situation of the individual. It was also pointed out that monitoring could take place for any state institution where people were deprived of their liberty, eg. social care homes. Participants raised the problem of inmates withdrawing their complaint after the event.

Some volunteers then acted out a role play between a detainee and monitor, which showed the audience that the greatest problem was gaining trust but also being clear about what you could do.

Lastly, the groups were briefed on what they were allowed to see the following day on the prison visits, and reminded that it could not be an actual monitoring visit but that they should try to focus on a few things.

Day 3 - Wednesday, 28 March

Monitoring visits to detention facilities

(Summary of points raised during debrief sessions)

1) Cherniyev Women's Colony

This visit lasted about two hours; it was clearly a pre-arranged tour rather than a visit where we could access anything we wanted, and there was not time to see everything we would have liked. There are 750 inmates with a capacity of 802, and all the women are third repeat offenders. There is a mother and baby unit for 11 women, and there were 28 children, so not all women can stay with their children (psychologists decide who can, although they seemed unaware of how many women have a past history of domestic violence).



There was a concern about space – each room had about 34 bunk beds squeezed in - and whilst it was extremely clean and tidy it was clear there was not the minimum space required per person. We were sorry not to be able to see the workshops, bathrooms or medical unit.

It was pointed out that there was no information displayed about how inmates could complain or what the schedule was (although it seemed this would mostly be work, including making clothing). There was concern that 90% of women had no visits, and family have to pay for longer visits. There was no opportunity for home leave despite legislation existing.

2) Cherniyev Men's Colony

The men's prison contains, amongst other things, a library, vocational school and industrial unit, and appeared freshly painted. When asked where all the prisoners were

there was not a straight answer, and there was concern that this (along with the extreme lack of space in the rooms) meant they are not allowed in the rooms during the day but had to stand outside. Some rooms seemed half underground and no obvious heating equipment was viewed. There was concern that there was only one telephone for all the inmates.

Whilst there are sinks in all the rooms, showers are only allowed once every ten days. Toilets are separate, and were not clean – this, coupled with the fact that 75% of inmates have TB, is very worrying. It was also noted that four prisoners registered in the injury journal broken jaws last month, with the cause being 'slipping'.

3) Pryluky Juvenile Facility

This facility holds 243 inmates between the ages of 14 and 22, with a third over 18. There seemed a good atmosphere overall. Visitors saw the school facilities, where students can earn the normal school diploma with no mention of their location, as well as practical skills such as carpentry. The library appeared to have quite old publications in stock, and one reader was unable to comment on what book he was reading, which gave the impression it was very much staged for the visitors. Information on rules and their rights was displayed but too high up to be legible.

Parents can apparently visit regularly, and can take their children out if they have shown good behaviour. No access was granted to the disciplinary area, the reason given being that nobody had been placed there in the last two years. Children cannot go to the bathroom on their own but have to go in groups of six, escorted, marching and singing. There was debate about whether this was fair or breaching their rights – one visitor said the teenagers looked happy and occupied and asked how singing could be construed negatively.

Healthwise, there appeared to be no fresh fruit, vegetables or juice on the canteen menu and no easy access to drinking water; a doctor in the group looked at the medical equipment available and commented that it did not look used. The main cause of illness in the facility was listed as flu.

Day 4 - Thursday, 29 March

Advocacy session

Andrea Huber, Policy Director at Penal Reform International, began the session by asking people to vote for their preferred definition of advocacy; the winner was:

'Advocacy consists of different strategies aimed at influencing decision-making at the local, provincial, national and international levels [...] Policies and decisions are solutions to concrete problems. Effective advocacy requires sharp understanding and analysis of a concrete problem, and a coherent proposal for a solution.' (from the organisation InterAction).

With a view to countering potential arguments given to advocacy attempts, the group thought about the likely obstacles cited by authorities, which included:

- Lack of money
- Everything is fine and you are not well-informed
- These are criminals so why should we help them?
- This is not my job

Participants were then asked to use an issue identified during the previous day's prison visits to put together an advocacy strategy consisting of measured, realistic steps involving specified people. The women's colony group chose the fact that the mother and baby unit had not been officially registered, despite the correct documents having been submitted to the Ministry of Justice, which meant it was only being

funded on the good will of the current prison governor and risked becoming disused should the management change. The necessary steps identified included addressing the children's ombudsman and sending copies of the relevant paperwork to the relevant government bodies, then monitoring and follow-up action by a working group. The group visiting the juvenile facility identified the issue of having to march and sign as inhumane treatment that needed to be addressed; those who had been to the men's colony listed the prison conditions as needing urgent attention.

Conclusions

PRI Moscow's Regional Director Vika Sergeyeva led a wrap-up session. An evaluation form was handed out to the participants to allow them to give feedback, the highlighted of which were:

- Most popular parts of the workshop: advocacy, campaigning and prison visits
- Appropriateness of facilitators' skill, experience and skill: mostly rated high
- Appropriateness of content to participants' needs: mostly rated high
- Areas for improvement: would have liked to see more local trainers and EU representatives

The objectives raised at the beginning were analysed and participants felt that they:

- Gained new knowledge of best practice and issues in other countries
- Shared practical experience with each other and broadened their networks
- Strengthened their enthusiasm for their work

Those from **Kazakhstan** felt they were now able to break their advocacy strategy into smaller interim goals; those from **Georgia** had already identified a technique they were planning to apply in their work.

All in all it was judged a very successful event which was the beginning of a professional network throughout 12 countries. A follow-up webinar is due to be organised to find out how participants have got on since the workshop and how they have been able to use their newfound knowledge.

"Thank you very much for an excellent event!"