

Training Resources on Penal Reform and Gender

**Gender and Security Sector Reform
Training Resource Package**



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

Authors and Editor

The Training Exercises and Topics for Discussion were developed by Agneta M. Johannsen. Agneta M. Johannsen has extensive experience in peacebuilding, gender and post-conflict transition. Agneta worked as advisor, staff and consultant with several international organisations, including the United Nations Development Programme, the United Nations High Commissioner for Refugees, the United Nations Population Fund, the United Nations Human Settlements Programme and the Japan International Cooperation Agency. She was Deputy to the Director of the War-torn Societies Project at the United Nations Research Institute for Social Development and led a research, training and evaluation team for the project's successor organisation, WSP International. She has also worked for several non-governmental organisations.

Agneta has also been Faculty Member at Webster University in Geneva and is a psychological counsellor. Combining her interests in international relations, psychology and anthropology, Agneta's professional orientation has recently focused on cross-cultural communication, learning/training and trauma response.

The Examples from the Ground were compiled by Beatrice Mosello and Ana Dangova of DCAF.

This part of the *Gender and SSR Training Resource Package* was edited by Megan Bastick.

Acknowledgements

DCAF would like to thank the following members of the Gender and SSR Training Resource Package Project Advisory Board for their contributions to these training resources: Rob Allen, Corey Barr, Paul Biddle, Andrew Coyle, Lucia Dammert, Gabriela Elroy, Helen Fair, Mel James, Ingrid Jeunhomme, Richard Kuuire, Mary Murphy, Esther Omolara Ojeah, Dean Peacock, Jayadev Sarangi, Mia Spolander, Daniel de Torres and Kathrin Quesada.

In addition, we would like to thank Audrey Reeves and Beverly Youmans for editing assistance.

The Gender and Security Sector Reform Training Resource Package

The *Gender and Security Sector Reform Training Resource Package* is a companion to the *Gender and SSR Toolkit* (DCAF, OSCE/ODIHR and UN-INSTRAW, 2008). Copies of the *Gender and SSR Toolkit* can be downloaded or ordered at <http://www.dcaf.ch/gssrtoolkit>

The *Gender and SSR Training Resource Package* is a series of practical training materials to help trainers integrate gender in SSR training, and to deliver effective gender training to SSR audiences.

The first part of the Training Package is a "Guide to Integrating Gender in SSR Training", which provides useful information on how to take into account gender issues throughout the SSR training cycle.

The rest of the Training Resource Package is focused on particular SSR topics:

- Security Sector Reform and Gender
- Police Reform and Gender
- Defence Reform and Gender
- Parliamentary Oversight of the Security Sector and Gender
- Civil Society Oversight of the Security Sector and Gender
- National Security Policy-Making and Gender
- Justice Reform and Gender
- Border Management and Gender
- **Penal Reform and Gender**
- SSR Assessment, Monitoring and Evaluation and Gender

DCAF gratefully acknowledges the support of the Norwegian Ministry of Foreign Affairs for the production of the *Gender and SSR Training Resource Package*.

DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military.



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

© DCAF, 2010.
All rights reserved.
ISBN 978-92-9222-100-3

Cite as: Agneta M. Johannsen. "Training Resources on Border Management and Gender." In *Gender and Security Sector Reform Training Resource Package*, edited by Megan Bastick. Geneva: DCAF, 2010.

Contents

USING THE GENDER AND SSR TRAINING RESOURCE PACKAGE	1
KEY MESSAGES	4
TRAINING EXERCISES	8
Exercise 1 Why gender is important to penal reform.....	8
Exercise 2 The particular needs of women in prison.....	9
Exercise 3 Gender-sensitive needs assessment.....	11
Exercise 4 Gender-responsive penal policies.....	12
Exercise 5 Role play to address manhood and violence in men’s prisons.....	17
Exercise 6 Prison oversight mechanisms.....	21
Exercise 7 The balloon role-play: challenges and pressures of reform.....	23
Exercise 8 Debate: Mixed sex staffing for prisons?.....	25
Exercise 9 Gender-responsive penal reform policies in a post-conflict context.....	27
Exercise 10 Role-play: Non-custodial responses to offending.....	29
Exercise 11 Prison management’s approach to CSO collaboration.....	34
DISCUSSIONS	38
TRAINING CHALLENGES TO CONSIDER	40
EXAMPLES FROM THE GROUND	41
ADDITIONAL TRAINING RESOURCES	53

Using the Gender and SSR Training Resource Package

Gender-responsive penal reform seeks to:

- » Develop responses to offending by men, women, boys and girls, including non-custodial measures carried out in the community that consider their different needs and characteristics
- » Improve the planning and delivery of services in prisons (including accommodation, healthcare, security and preparation for release) in a manner that is responsive to the different needs and characteristics of men, women, boys and girls
- » Train penal staff in gender issues and human rights in policy and practice
- » Strengthen complaint and oversight mechanisms within the penal system by including a gender-responsive approach
- » Strengthen collaboration with civil society organisations, including women's groups, in both service and oversight functions

Security sector reform (SSR) transforms security policies, institutions and programmes. The integration of gender issues in SSR—by taking into consideration the different security and justice needs of women, men, boys and girls and strengthening the participation of women and men in security decision-making—is increasingly being recognised as key to operational effectiveness, local ownership and oversight. As a result, countries undergoing SSR, as well as donor nations and international organisations supporting SSR processes, have committed to implementing SSR in a gender-responsive way.

In order to support gender-responsive SSR, DCAF, OSCE/ODIHR and UN-INSTRAW published, in 2008, the **Gender and Security Sector Reform Toolkit**.^{*} The Toolkit is a practical introduction to gender and SSR issues for policymakers and practitioners. It sets out why gender is important to SSR processes and gives concrete recommendations and examples. The Toolkit is composed of 12 Tools and 12 Practice Notes on different SSR topics, such as police reform, defence reform, parliamentary oversight and civil society oversight.

The publication of the *Gender and SSR Toolkit* prompted a strong demand for materials to support training on gender and SSR issues. This **Gender and SSR Training Resource Package** has thus been developed as a companion to the *Gender and SSR Toolkit*. The *Training Resource Package* is a series of practical training materials to help trainers integrate gender in SSR training, and deliver effective gender training to SSR audiences.

The Training Resource Package

The first part of the *Gender and SSR Training Resource Package* is the **Guide to Integrating Gender in SSR Training**. This Guide provides useful information on how to take into account gender issues throughout the SSR training cycle: in training needs assessment, learning objectives, design and development of training, implementation, monitoring, evaluation and follow up.

The rest of the *Gender and SSR Training Resource Package* is divided into sets of resources focused on particular SSR topics:

- **Security Sector Reform and Gender**
- **Police Reform and Gender**
- **Defence Reform and Gender**
- **Parliamentary Oversight of the Security Sector and Gender**
- **Civil Society Oversight of the Security Sector and Gender**
- **National Security Policy-Making and Gender**
- **Justice Reform and Gender**
- **Border Management and Gender**
- **Penal Reform and Gender**
- **SSR Assessment, Monitoring and Evaluation and Gender**

Copies of the *Gender and SSR Toolkit* can be downloaded or ordered, on CD ROM or in print, at: <http://www.dcaf.ch/gssrtoolkit>

^{*} DCAF is the Geneva Centre for the Democratic Control of Armed Forces

^{*} OSCE/ODIHR is the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights

^{*} UN-INSTRAW is the United Nations International Research and Training Institution for the Advancement of Women

Using the Gender and SSR Training Resource Package

Each set of training resources contains the following:

Key messages: taken from the companion tool in the *Gender and SSR Toolkit*.

Training exercises: 10–19 exercises covering a range of possible subjects, methodologies, audiences and durations. Each exercise is organised under the following headings:

- *Type of exercise*
- *Audience*
- *Time required*
- *Intended group size*
- *Supplies*
- *Guidance to trainers*
- *Learning objectives*
- *Exercise instructions*
- *Handouts, worksheets and trainer's cheat sheets (if applicable)*
- *Possible variations (if applicable)*

Discussions: possible gender and SSR discussion topics, and tips on how to make discussions effective.

Training challenges to consider: additional challenges to those discussed in the *Guide to Integrating Gender in SSR Training*.

Examples from the ground: short case studies that can be used as a resource for training.

Additional training resources.

The trainees

These training resources take into account the many different types of audiences for SSR training. Your trainees might be from a country undergoing SSR or a donor country supporting SSR, or from different countries. They may be from the same institution or from many. They may be experienced in SSR or not.

Your SSR trainees might include, for example, representatives of:

- Ministries of Defence, Justice, Interior or Foreign Affairs
- Security sector institutions, e.g., police services, armed forces, border management services, justice and penal institutions
- Parliaments, including both parliamentarians and parliamentary staff
- Security sector oversight bodies, e.g., office of the ombudsperson and national security advisory bodies
- Civil society organisations (CSOs), including international, national and local organisations and research institutions that focus on security sector oversight and/or gender, including women's organisations
- Donors, international and regional organisations such as the United Nations, Organization for Security and Co-operation in Europe, European Union or African Union

Each set of training resources contains exercises suitable for different types of audience. Many of the training exercises can also be adapted to fit your specific group of trainees.

Using the training exercises

The greater part of the *Gender and SSR Training Resource Package* is made up of training exercises. These exercises are designed to help you to deliver training on gender and SSR issues in an engaging and interactive manner. You will find exercises in the form

Using the Gender and SSR Training Resource Package

of action planning, role plays, stakeholder analysis, SWOT analysis, case studies, gaps identification, mapping, and many other formats. Icebreakers, energisers and introductory exercises on gender are in the *Training Resources on SSR and Gender*.

The exercises focus on either one or a number of SSR issues. Some focus on particular gender issues (such as recruitment of women or addressing gender-based violence). Others are on general SSR issues in which skills to integrate gender are needed (such as consultation or project planning). The exercises can therefore be used either in a:

- Gender and SSR training session, e.g., Police Reform & Gender, Parliamentary Oversight of the Security Sector & Gender; or
- SSR training session not explicitly focused on gender.

A sample outline of a gender and SSR session and a sample schedule for a two day gender and SSR training are included in the *Guide to Integrating Gender in SSR Training*.

The exercise formats are not designed to be prescriptive but to spark your creativity as a trainer. We encourage you to adapt them to meet your training objectives, audience, subject matter emphasis, available time and your own needs. You can use the *Gender and SSR Toolkit* to provide background information on a wide range of gender and SSR-related topics.

The exercises are not designed to be used “in order” or as a “module.” Instead, the *Training Resource Package* is designed to provide you with a diverse set of exercises that you can combine and adapt to suit your particular training needs.

When selecting an exercise, keep in mind:

- What are your learning objectives? Which exercise best meets these objectives?
- Who are your trainees? How many are there? Is this exercise appropriate for their level of experience?
- Does this exercise fit your timeframe?
- How could you modify the exercise to better fit your learning objectives, trainees and available time?

The exercises are organised in three categories: (1) application-in-context, (2) conceptual and (3) topic-specific.

- *Application-in-context exercises* are designed to allow trainees to apply the principles of SSR and gender to their own real world organisations, or to real or simulated cases that are used as learning aids. In general, these exercises are best suited to audiences with broad policy-level responsibilities and experience; however, depending on the subject matter and training needs and objectives, any audience could benefit from participation in these exercise formats. From a pedagogical viewpoint they are probably the most effective exercises (fastest learning), as the primary goal of each exercise is to allow trainees to explore and internalise key concepts by applying them to their own contexts.
- *Conceptual exercises* focus on wider concepts and theories, aiming for a broad understanding of the key message being pursued. These exercises are best suited to audiences with detailed programme-level responsibilities and experience (in order to broaden their perspective), or those with more senior-level policy responsibilities.
- *Topic-specific exercises* focus on a particular key point which requires training. These types of exercises would be best suited to an audience that has a specific training need or is composed largely of trainees who are new to the concepts of gender and SSR.

The point of this *Training Resource Package* is to help you to improve your gender and SSR training while being creative with the materials presented. Used together with the *Gender and SSR Toolkit*, we hope that it will encourage you to include gender as a key aspect of all your SSR training.

Key Messages

As a trainer you must consider how best to provide essential content to your audience. Any training exercise will generally need to be preceded by a brief lecture conveying key points and ensuring that all in your audience share the required knowledge base. Refer to the sample session outlines in the *Guide to Integrating Gender in SSR Training*.

The following key messages are drawn from the *Penal Reform and Gender Tool*. In planning your session, consider selecting a few key messages and re-phrasing and shortening them to PowerPoint slides or some other form of learning aid.

These key messages are designed to help you formulate training content. They do not substitute for reading the companion tool itself. Each trainee must be encouraged to read the *Penal Reform and Gender Tool* and/or *Practice Note* before undergoing the training in question.

Penal reform

Penal reform aims to build effective and accountable penal systems that operate within the rule of law and uphold human rights. Reform efforts include a wide range of activities, such as:

- Working with prison authorities to improve conditions, healthcare and security management in prisons
- Transferring control of the prison from the military or the police to civilian authorities
- Training prison staff to adopt a human rights approach to prison management
- Strengthening both internal and external monitoring and oversight of prisons, including independent monitoring
- Encouraging civil society involvement in penal processes
- Promoting the use of imprisonment as the last resort
- Developing non-custodial responses to offending
- Improving services for prisoner rehabilitation and preparation for release
- Introducing community prisons and restorative justice principles within prisons

The penal system, as well as prisons, includes non-custodial measures, parole boards, probationary services and inspectorates.

Gender and penal reform

Gender must be integrated into penal reform to:

- Ensure that penal policies and procedures, including rehabilitation and treatment programmes, address the different needs and characteristics of men and women
- Meet international and national human rights standards
- Prevent and respond to sexual violence and other forms of gender-based violence (GBV) experienced or perpetrated by prisoners and prison staff
- Provide appropriate health services to prisoners, including women and girls who are pregnant or nursing
- Promote public health by addressing sexually-transmitted disease
- Support families when either parent is in prison
- Address the challenges of children accompanying their mothers into prison
- Address discrimination against lesbian, gay, bisexual and transgender (LGBT) prisoners
- Address the multiple forms of discrimination women experience in the penal system when they are indigenous, from a minority group, are foreign nationals or have disabilities
- Promote the full participation of both male and female prison staff

See section 2 of the *Penal Reform and Gender Tool*.

Some of the international and human rights standards applicable to penal reform and gender can be found in the *Annex of International and Regional Laws and Instruments related to SSR and Gender*.

See section 3 of the *Penal Reform and Gender Tool*.

Key Messages

Strategies for the integration of gender in penal reform

Before engaging in the reform process:

- Conduct a gender assessment of the penal system, making sure to disaggregate all data by sex, age, ethnicity and other relevant factors. The assessment should look at aspects such as:
 - Applicable legislation (domestic and international law, primary and secondary legislation, as well as standard-setting “soft” laws)
 - Trends in the male and female penal populations, including granting of bail, types of offences each is convicted for, imprisonment rates and trends, patterns of the use of non-custodial measures, rehabilitation outcomes and reintegration
 - How police practices and court practices (e.g. sentencing) affect the penal population
 - Numbers and treatment of pre-trial detainees
 - Security classification procedures
 - Prison regime
 - Conditions in prisons such as sanitation, water, food and medical needs
 - Access to treatment, rehabilitation, education and vocational programmes and other activities
 - Access to health services, including those for pregnant and nursing women
 - Reports of GBV
 - Family contact, including the treatment of families of prisoners
 - Treatment of children, minorities and foreign prisoners
 - Treatment of male and female juveniles
 - Parity between male and female prison personnel
 - Recruitment and training of prison staff
 - Involvement of civil society organisations
 - Complaint, inspection and oversight mechanisms
 - Availability of resources for the reform process

During the reform process:

- Coordinate penal reform with reform of justice and policing, with respect to legislation, police practice, court practice, sentencing etc.
- Develop gender-responsive policies and procedures, e.g.:
 - Develop different rules for men’s and women’s prisons that reflect the particular security profile of each prison population, e.g. regarding:
 - Security measures in the buildings and around the perimeter
 - Physical searches
 - Treatment of visitors and arrangements for family visits
 - Day release, home leave and parole
 - Ensure that females do not face discrimination in pre-trial detention and security classification
 - Ensure that male and female prisoners are imprisoned close to their families and mechanisms are in place to support regular family contact
 - Ensure that people visiting prisons are treated with respect
 - Provide educational, vocational and treatment programmes designed for men, women, boys and girls
 - Ensure access to health care for male and female prisoners, including access to reproductive health care and mental health services
 - Provide for the hygiene needs of female prisoners as well as the physical and mental health needs of pregnant women, nursing mothers and children
- Prevent and respond to GBV, including male rape, e.g.:
 - Ensure that female prisoners are supervised by female staff
 - Establish legislation, protocols and procedures for dealing with GBV among prisoners, including preventive and punitive measures, as well as

See section 4 of the *Penal Reform and Gender Tool*.

See sections 4.1, 4.3, 4.4, 4.6 and 4.7 of the *Penal Reform and Gender Tool*.

Key Messages

See section 4.5 of the *Penal Reform and Gender Tool*.

See section 4.2 of the *Penal Reform and Gender Tool*.

See section 4.8 of the *Penal Reform and Gender Tool*.

See section 4.8 of the *Penal Reform and Gender Tool*.

See sections 4.9 and 4.10 of the *Penal Reform and Gender Tool*.

- o protocols for the care and referral of victims
 - o Ensure that all prisoners, especially male and female juveniles, are protected from sexual abuse and exploitation by prison staff
 - o Establish codes of conduct for prison staff with respect to sexual harassment, discrimination and GBV against prisoners and their visitors, and develop mechanisms to ensure confidential reporting
 - o Promote a culture of respect for the rights of prisoners and their families
 - Establish and support mechanisms for providing oversight and registering complaints, e.g.:
 - o Establish internal and external oversight mechanisms and bodies including independent inspection systems
 - o Include males, females and inspectors with gender expertise on the inspection teams
 - o Create gender-responsive complaint mechanisms that are well-publicised, accessible to both literate and non-literate prisoners, and confidential
 - o Ensure an independent review of complaints that will protect male and female prisoners from human rights abuses, and protect prison staff from false accusations
 - Provide gender training to all prison personnel and inspection teams on topics such as:
 - o Human rights of prisoners and appropriate treatment of men, women, boys and girls
 - o Prevention of and response to GBV, including male rape
 - o HIV/AIDS issues
 - o Specific healthcare and hygiene needs of female prisoners
 - o Special needs of vulnerable groups such as children and pregnant women, as well as gay, lesbian, bisexual and transgender prisoners
 - o Treatment of babies living in prison with their mothers
 - o Specific needs of males and females before and on release from prison
 - Promote appropriate recruitment, e.g.:
 - o Revise job descriptions, recruitment procedures and criteria for advancement to optimise staffing and reflect the human service requirements of a prison officer's role
 - o Institute family-friendly employment policies
 - o Ensure the hiring of sufficient numbers of female prison officers to supervise the female prison population
 - o Monitor and promote the retention and advancement of female staff
 - o Support female staff associations
 - Promote the participation of civil society organisations, e.g. engage civil society, including women's organisations and LGBT organisations, to:
 - o Build media and public support for penal reform
 - o Provide services and support to prisoners
 - o Monitor the penal system from a gender perspective, including the impact of changes to policies
 - o Raise awareness and build the penal system's capacity to address gender concerns
- After the (formal) reform process:**
- Conduct a gender evaluation
 - o Ensure appropriate bodies are tasked with continuing gender-responsive reform and monitoring and reporting progress
 - Continue to engage with the media and public on penal issues

Key Messages

In post-conflict contexts

In post-conflict contexts, prisons have often been destroyed or abandoned, and prisoners are often left in urgent need of care. Prison services are likely to be depleted and may have a negative image amongst the community. Re-establishing the penal system is therefore an urgent priority for stabilisation and peacebuilding.

Post-conflict contexts can offer the opportunity to establish a penal system that is more gender responsive and more trusted by the people than before, with chances for creating new and improved recruitment and training programmes and procedures.

In addition to the general strategies mentioned above, a gender perspective can be integrated into post-conflict penal reform by:

- Providing (if necessary) potential female recruits with access to education programmes to help them meet recruitment requirements, or putting in place affirmative action policies that modify entry requirements to enable more women to join penal institutions
- Vetting existing and potential prison staff for alleged human rights violations
- Providing counselling services to address conflict-related trauma amongst prisoners and prison staff
- Involving women's civil society groups and ministries responsible for gender, women's issues and/or children in developing penal policies and procedures, training prison staff, designing appropriate activities for prisoners and their children, and monitoring prison practices
- Ensuring eligible male and female prisoners' access to disarmament, demobilisation and reintegration programmes
- Ensuring that men and women who are selected to manage prisons in the transitional phase have the requisite experience to deal appropriately with female prisoners
- Providing cultural awareness and gender sensitivity training to foreign personnel and international bodies coming into a post-conflict situation to support penal reform
- Coordinating penal reform with other gender-responsive SSR initiatives

See also section 5.1 of the *Justice Reform and Gender Tool* for discussion of challenges and opportunities for gender-responsive justice reform in post-conflict contexts.

See section 5.1 of the *Penal Reform and Gender Tool*.

1

Why gender is important to penal reform

Type of exercise: Conceptual
Audience: Any
Time required: 20-25 minutes

Intended group size 10 - 20

Supplies Flipchart or white board
Penal Reform and Gender Tool

Guidance to trainers This overview exercise is a good discussion starter because it focuses immediately on the key training subject and allows everyone equal talking time.

Learning objectives After completing this exercise, trainees will be able to:

- Identify key arguments for why gender is important to penal reform

Exercise instructions Write the following terms in big letters on a flip chart or whiteboard:

1. Human rights
2. Non-discrimination
3. Rehabilitation
4. Public health
5. Participation of both women and men as penal sector staff

Assign one term to each person in your audience by counting people from 1-5. Ask each person to think about the assigned term as a response to the question “Why is gender important to penal reform?”, and prepare a 1 minute statement which she/he will later be invited to make. Encourage people to use notes when making their statements, if they wish (5 minutes).

In plenary start with the first term (human rights) and invite each person assigned that term to make a statement. Stop each speaker after 1 minute of talking. Then do the same thing with the second term, and so on. Finish by thanking everyone for their contributions.

Possible variations You can use this exercise format with other “why” questions (such as “Why is training in gender-sensitivity important for prison staff?” or “Why should CSOs play a role as service providers in the penal system?”).

2 The particular needs of women in prison

Type of exercise:	Conceptual
Audience:	Prison reformers, prison inspectors, prison administrators
Time required:	45-75 minutes (depending on audience size)

Intended group size

20-40

Supplies

Handouts
Flipchart or whiteboard
Penal Reform and Gender Tool

Guidance to trainers

This exercise is focused on providing both an overview and an opportunity for in-depth work on the particular needs of women in prison. If your audience is fairly inexperienced, they might find it difficult to think up more than one policy or practice which addresses the issue. You might wish to have a resource person available who could speak first-hand from experience in a women's prison. An experienced audience should have no problem coming up with particular needs of female prisoners.

Learning objectives

After completing this exercise, trainees will be able to:

- Identify key issues in prison management and gender
- Develop policies and practices sensitive to the particular needs of female prisoners

Exercise instructions

Your audience will work in pairs (if you have more than ten pairs, they can work in groups of three). Provide the handout to everyone (because it will be useful for everyone to see that issues are interlinked), but make it clear that each pair/small group will only work on one problem. Assign one problem to each pair/group by using a simple counting method.

Instruct each pair/group to consider the following questions (15 minutes):

1. What is the issue or issues raised by the problem? (They can be specific or general issues).
2. What steps must be taken by whom to address this issue/these issues? Think of policies as well as practices.

(Have these questions written up on a large flipchart or whiteboard for easy reference.)

In plenary ask each pair/group to report on its ideas in 3 minutes. To conclude (another 3 minutes) group all the issues together under headings on the flipchart, such as: healthcare, welfare and services, violence, staff/prisoner relations, family and community and security. Commend your audience for having generated ideas about policies and practices in prisons that are sensitive to the special needs of female prisoners.

Possible variations

Do this exercise using other issues such as access to bail, vocational training, and pregnancy in prisons. Or, do a "mirror" exercise focusing on the special needs of male prisoners.

HANDOUT

The particular needs of women in prison

Scenario description

You are two members of an inspection team who have just visited a women's prison for the first time. On the basis of your visit and a number of staff notes, reports and inspection documents that you have consulted, you have made a list of problems that you think need further investigation. See this list below.

You now want to consider what exactly the issue is for each problem, who might need to address it, and what measures might need to be taken.

Out of the ten problems outlined below, one problem will be assigned to each pair or group. Read through the whole handout, but focus your work only on the problem assigned to your pair/group.

1. Recently, one female prisoner classified as "presenting a special security risk" was transferred to a men's maximum security prison. No other female prisoners are held there.
2. One female prisoner arrived from court with her baby; the court had ordered the baby to go into prison with her mother. The prison has no special facilities for babies. The mother had her baby in her cell with her, but was anxious that the baby was not feeding properly.
3. Thirty percent of prison staff in supervisory positions are male. Rude expressions and/or sexual remarks by prison staff are frequent on some of the corridors.
4. A female prisoner complained that she was strip-searched, which intimidated her. Since she was convicted of a fairly minor crime, she questioned why this was done.
5. One high security female prisoner was not permitted to embrace her children during a family visit. However, the criteria upon which she had been assessed as 'high security' did not suggest that she was any security risk to her family.
6. A prisoner is pregnant and is expected to deliver soon. The prison has no qualified midwives and no facilities for delivering babies.
7. Health care staff often focus on gynaecological problems, while ignoring mental health and other health problems.
8. Several female prisoners are in arrears with paying rent on their homes outside of prison. Others want to change their housing area, either because they want to escape an abusive partner or break away from friends who are part of a drug-dependent culture. They do not know how to go about dealing with their rental and housing problems from inside prison.
9. Visitors usually arrive after a long, expensive and difficult journey. Visiting areas are crowded, with no private areas for couples or families.
10. Many women, when they first come into prison from the courts, are in a confused and highly anxious state; and many are in poor health due to substance abuse. They continue to worry about dependent children left on the outside, other relatives or their homes.

3

Gender-sensitive needs assessment

Type of exercise:	Application-in-context
Audience:	Policy-makers, penal administrators
Time required:	About 30 minutes

Intended group size Up to 30

Supplies Flipcharts and markers
Penal Reform and Gender Tool

Guidance to trainers For this exercise, trainees need to have some basic knowledge of what a needs assessment is, thus it may be necessary to precede this exercise by a general session on needs assessments. In addition, as the exercise practices only one element of a gender-sensitive needs assessment, you could begin by giving a presentation of the key features of gender-sensitive needs assessments (see the *Security Sector Reform Assessment, Monitoring and Evaluation and Gender Tool*) as well as returning to this in the exercise conclusion.

Should you have difficulties coming up with gender-sensitive assessment questions, use the relevant section in the *Penal Reform and Gender Practice Note* as a resource.

Learning objectives After completing this exercise, trainees will be able to:

- Name areas for assessment of the penal system
- Identify gender-sensitive questions in each area

Exercise instructions Tell your audience that they are charged with carrying out a gender-sensitive needs assessment of the penal system. Offer the categories listed below as starting points for such an assessment and explain that for each category questions must be developed that address gender-sensitivity.

Organise this exercise as follows: Prepare flipcharts with categories and space for questions in advance. Hang these flipcharts around the room. Invite your audience to go to whichever flipchart arouses their interest and begin working on developing the questions. Instruct that each participant must visit at least three flipcharts. Participants should not repeat the questions on different flipcharts. Allow 15 minutes for this phase of the exercise.

Once everyone is back in their place, read through the questions, comment and conclude by providing a broader outlook on what gender-sensitive needs assessments normally entail (15 minutes). Provide the information transcribed from the flipcharts to the audience at the end of the training, if possible.

Proposed categories:

1. Legislation
2. Penal policies and procedures
3. Adequacy of prison infrastructure
4. Prison security
5. Welfare and treatment programmes
6. (Re)integration into the community
7. Gender-based violence in prisons
8. Male and female personnel
9. Juveniles
10. Non-custodial measures (alternatives to prison)
11. Civil society involvement
12. Complaint, inspection and oversight mechanisms.

Possible variations You could make this an assessment of only one aspect of the penal system, for example a prison or a community service programme. Change the categories accordingly.

4

Gender-responsive penal policies

Type of exercise:	Conceptual
Audience:	Policy-makers; persons with some knowledge of the differing needs of men, women, boys and girls vis-à-vis the penal system, such as penal administrators or civil society organisations
Time required:	About 80 minutes

Intended group size Up to 21

Supplies Handout
Penal Reform and Gender Tool

Guidance to trainers This exercise requires some experience in your audience related to dealing with the concerns of male, female and juvenile offenders. Should this expertise not be available, you could invite resource persons (for example from civil society) who could provide some information before the exercise is carried out. It might also be useful to precede this exercise with Exercise 2 — The particular needs of women, which helps to clarify key points at least from the perspective of female offenders.

The sample handout provided here is an extract of a statement of United Kingdom penal policy from 2005. If possible, instead use an example of local penal policy that is relevant for the particular context(s) of your trainees.

Learning objectives After completing this exercise, trainees will be able to:

- Show that broad penal policies might need to be further elaborated to adequately respond to the needs of different population groups
- Make concrete suggestions for how to address the needs of different population groups

Exercise instructions Explain that this exercise is about reflecting on penal policies, and how they can take into account the differing needs and concerns of women, men, girls and boys. Clarify that 'boys' and 'girls' refer to juvenile or youth offenders (not young children who might be in prison with an imprisoned parent or prisoners' children who live outside the prison).

Split your audience into four groups. The first group will take on the concerns of women, the second the concerns of men, the third the concerns of girls and the fourth the concerns of boys. Each group is given the handout and has 30 minutes to read through the policies and note down concerns that arise from the perspective of their assigned group. Explain that the exercise is NOT concerned with changing the wording of the policies themselves. Instead, trainees are meant simply to raise issues that could eventually lead to the formulation of more gender-responsive policies.

Allow 5 minutes to clarify any questions trainees might have concerning the content of the policy (for example on terminology).

Ask each group to elect a group facilitator to guide discussions and a note taker to summarise the group's key points noted on their handouts. The handout lists all four groups on the same sheet so that additional notes can be taken during the debriefing if particular policy issues raised by one group may require reference to another group.

In plenary request the note takers to report back, taking turns so that the first policy issue is discussed from all four perspectives before moving on to the second policy issue. This process is likely to take 40 minutes.

Close by inviting comments on whether there are missing elements in the policies, and if

Possible variations

so, list them on a flipchart to provide a more complete picture (5 minutes). Strive to provide trainees with a copy of all collected ideas at the end of the training.

Should you have more time, you could ask the trainees to make suggestions of additional sentences that could be inserted into the policy statements to better reflect all four perspectives. Count on an additional 20 minutes for this work.

Alternatively, you could use certain parts of the handout to discuss particular aspects in more depth.

HANDOUT

Gender-responsive penal policies

Exercise instructions

The penal policies described in the first column are taken from a speech that the United Kingdom Government’s Home Secretary made in 2005. Consider these policies critically. Note down concerns that arise from the perspective of your assigned group: women, men, boys or girls. When each group reports back, you may wish to take note of issues of concern to other groups.

Source: Adapted from UK Government, *Where Next for Penal Policy?* (speech by the Home Secretary to the Prison Reform Trust in September 2005), <http://press.homeoffice.gov.uk/Speeches/sp-prison-reform-0905>.

PENAL POLICIES	WOMEN'S SPECIAL NEEDS/ CONSIDERATIONS	MEN'S SPECIAL NEEDS/ CONSIDERATIONS	GIRLS' SPECIAL NEEDS/ CONSIDERATIONS	BOYS' SPECIAL NEEDS/ CONSIDERATIONS
Our penal policy is geared towards making offenders working and productive members of society.				
Health - Many offenders have serious health problems, such as mental health, drug or alcohol problems. We must raise standards of health care for offenders and put more resources into exploring diversion schemes, particularly for the mentally ill.				
Education - Offenders very often have a history of early educational failure, including long periods of non-attendance at school and very low levels of educational achievement. We need to equip offenders with the basic numeracy and literacy skills that they need to be productive members of society.				

HANDOUT

Gender-responsive penal policies

<p>Employment prospects - It is our aim that those leaving prison have a job on release, and that those on non-custodial programmes find employment</p>				
<p>Social and family links - Family, friends and community play a vital role in avoiding re-offending. We endeavour to support and strengthen offenders' links with family, appropriate friends and community.</p>				
<p>Housing - No ex-offender can really hope to be fully rehabilitated without a home, a physical base which gives them security and stability. Our goal is that every individual who leaves the prison gates should have planned and guaranteed accommodation, which in the vast majority of places is proper housing rather than a hostel or temporary bed.</p>				
<p>Supporting Officers within prisons and probation - We must focus more on developing the skills and talents of the individuals who work within the prison and probation services.</p>				

HANDOUT

Gender-responsive penal policies

<p>Prison estate – Remand (pre-trial) prisoners should wherever possible be held separately from sentenced prisoners. The different needs of those on remand should be given special attention since they are often very vulnerable.</p>				
<p>We should aim to provide good local community prisons which allow individuals to maintain family and community ties and provide support and interventions. These prisons should become more engaged with their local communities, and better at building relationships with a wide variety of other organisations.</p>				
<p>Our priority must be to locate remand prisoners and those with sentences of less than 4 years in such local community or remand prisons, and to target those with lower sentences for receiving individualised support packages.</p>				
<p>Partnership - We need to work in close partnership with a wide range of other statutory, voluntary and community organisations.</p>				

5

Role play to address manhood and violence in men's prisons

Type of exercise:	Application-in-context
Audience:	Policy-makers, parliamentarians, members of oversight/inspection mechanisms, prison staff, staff of advocacy organisations
Time required:	About 65 minutes

Intended group size	Up to 25
Supplies	Handout Room large enough to move around and hold conversations without disturbing each other Sticky labels/identification tags <i>Penal Reform and Gender Tool</i>
Guidance to trainers	<p>This exercise is cast for an audience that has quite a high level of responsibility regarding penal reform, but who are perhaps not so experienced in the topic of violence in men's prisons. Know your audience well and make adjustments, such as selecting particular individuals for particular roles during the role-play or adding resource persons to help inform the discussions. In addition, during the role play go around the room and encourage less forthcoming trainees to contribute their ideas.</p> <p>Here is a time-saving tip: since this exercise simulates a coffee break during a conference, you could easily structure this exercise around your own coffee break, i.e. serve real refreshments during the exercise and do not stop for another break later. If your trainees appear to be falling out of role too easily, remind them that they will be expected to participate actively in the plenary afterwards.</p>
Learning objectives	<p>After completing this exercise, trainees will be able to:</p> <ul style="list-style-type: none"> • Speak about the topic of violence in men's prisons and connect this issue with a wider discourse on masculinity in society • Suggest some remedial actions from several perspectives.
Exercise instructions	<p>Explain to your audience that this exercise will focus on sexual violence in a men's prison. The scenario will be a conference where a presentation will be given on a topic to which many in the audience will have a strong reaction. With an assigned role to play and through speaking to others during a conference break, each person will seek to clarify how to address the issue from his or her own perspective. Point out that this exercise does not require trainees to develop strategies as outcomes.</p> <p>The following roles will require role-playing:</p> <ul style="list-style-type: none"> • Parliamentarians • Management staff in the Department of Correctional Services of your country • Prison staff • Members of oversight/inspection mechanisms • Representatives of a penal reform advocacy group • Members of an association of former prisoners • Human rights organisations <p>Ensure that an equal number of people are signed up for each role. Hand out some identification tags (on big sticky paper to be put on the chest) that clearly label each person's role. Allot 10 minutes for reading and thinking about the handout, followed by a 30 minute "break" during which each person in his or her role is supposed to walk around the room initiating conversations with other participants at the conference. In plenary, collect ideas from each trainee on how to address violence in men's prisons (25 minutes). Commend everyone for participating actively in this exercise.</p>

Possible variations

The exercise could be changed into a role-played meeting at the invitation of the Centre for the Study of Violence and Reconciliation after the conference. However, this requires an audience quite familiar with the topic and thus ready to outline concrete steps for action, including policy proposals. In addition, since the topic requires a complex response, care must be taken that such a meeting would be well-chaired (see Exercise 12 of the *Parliamentary Oversight of the Security Sector and Gender Training Guide* for some tips).

HANDOUT

Gender-responsive penal policies

Exercise instructions

You are at a conference in South Africa organised by the Centre for the Study of Violence and Reconciliation. The conference attendees are a mix of:

- Parliamentarians
- Management staff in the Department of Correctional Services
- Prison staff
- Members of oversight/inspection mechanisms
- Representatives of a penal reform advocacy group
- Members of an association of former prisoners
- Human rights organisations

You hear a presentation made by a researcher from the Centre for the Study of Violence and Reconciliation, parts of which are set out below.

In the coffee break, you talk to other conference participants (in the roles identified above) about the presentation and what your respective responses might be. Aim to clarify in your mind what you in your role could contribute to ameliorating the situation described. You do not need to develop fully-fledged strategies.

**Presentation on
“Manhood, Violence
and Coercive
Sexualities in Men’s
Prisons...”**

Sexual violence in prisons is prevalent in South Africa. Prison culture normalises sexual violence while making it invisible. How so?

The predominant culture in South African prisons is influenced by “gangsterism” which uses sexual violence to initiate new prisoners into gang hierarchies. Sexual violence is normalised through forced partnerings, often referred to as prison “marriages”. The majority of rape victims end up being taken as “wives” or “wyfies” by their rapists in these forced “marriage” relationships. The dominant inmate culture identifies the rapists as “men”. The wyfies have a feminised identity imposed on them – they are no longer acknowledged as men, but as “women,” and are seen as the means to the “men’s” sexual gratification. In the vast majority of cases, these “marriages” become the place of ongoing sexual abuse. Violence is so wrapped up with “manhood” that if someone who has been made into a “woman” through being a wife or rape victim wants to escape the abuse and be promoted to “manhood” he can only prove his worthiness by committing violence.

And how is this sexual violence in prisons invisible? In the prison records maintained by the Department of Correctional Services no category for “rape” or “sexual assault” exists. If a prisoner is raped it is recorded under the general category of “assault,” thus making it invisible as a sexual offence. In addition, prison policies do not differentiate between consensual and forced sex between two male prisoners, thus keeping sexual violence hidden in the prison setting. The Department of Correctional Services and prison management lack the capacity and services to deal with sexual violence.

In prison culture, victims of sexual violence go unrecognised or receive only humiliating attention, while perpetrators go unchallenged and receive respect for their violence. These distorted expressions of manhood may be particularly exaggerated in prison, but in fact also exist in the larger society. The strong linkage between manhood and violence feeds South Africa’s extreme levels of gender-based violence. Solutions to gender-based violence in the society at large are only going to come about with the celebration of alternative ideas of manhood that do not link respect with violence. Fundamentally alternative notions of

Source: Adapted from Gear, Sasha, “Manhood, Violence and Coercive Sexualities in Men’s Prisons: Dynamics and Consequences behind Bars and Beyond,” ACAS Bulletin 83: Sexual and Gender based Violence in Africa, September 16, 2009, <http://concernedafricascholars.org/manhood-violence-and-coercive-sexualities-in-mens-prisons/>.

HANDOUT

Gender-responsive penal policies

masculinity need to also acknowledge male vulnerability. These are two sides of the same masculinity coin.

Some activists have attempted to bring more attention to the needs of the victims of prison rape. Some argue that there is the potential for male rape victims to themselves become violent in the future unless they are given the help they need now. They go so far as to suggest that perhaps these victims will become rapists on the outside in an attempt to “regain their manhood”. This argument can be damaging – as it could stigmatise male victims of rape even more by suggesting that rape victims are future rapists.

6

Prison oversight mechanisms

Type of exercise:	Topical
Audience:	Policy-makers, parliamentarians, ministry staff, prison staff, representatives of civil society organisations, including human rights organisations
Time required:	35-40 minutes

Intended group size Up to 20

Supplies Handouts
Penal Reform and Gender Tool

Guidance to trainers As this exercise only addresses one prison oversight mechanism as an example, it should be preceded by a presentation of the full range of oversight mechanisms involved in prisons, such as inspectors, parliamentary bodies, ombudspersons, human rights commissions, international monitoring bodies, civil society organisations and the media. Draw on information in section 4.2 of the *Penal Reform and Gender Tool*, and if necessary conduct additional research on prison oversight mechanisms in the jurisdiction you are training in.

Point out that this exercise is not concerned with simulating exactly how a real ombudsperson's office functions. Ombudspersons in different countries work according to different rules and procedures. The point of the exercise is rather to reflect on how a penal oversight mechanism can be gender-sensitive.

Learning objectives After completing this exercise, trainees will be able to:

- Determine a response by the Prison Ombudsperson to a particular complaint that addresses the complaint's gender dimensions
- Describe ways in which penal oversight mechanisms can promote responsiveness to gender issues and concerns in the penal system

Exercise instructions Tell your audience that they are the Prison Ombudsperson, providing one element of oversight of the prison system in country X. They have received a complaint from a female prisoner. Distribute the handout and allow a few minutes of reading time.

Penal policy in country X aims to be gender-sensitive and to protect women and men from human rights abuses. With this context in mind, trainees should answer the following questions, first each by him or herself, and then later, in plenary:

- Who will you include in your enquiries in this case?
- What will be your recommendations, and to whom?
- Which principles or existing practice will you base these recommendations on?

This individual work should take approximately 20 minutes.

In plenary, invite contributions related to each of the three questions. Compare and contrast different solutions. Does your audience agree on one particular approach? Why/why not? (10 minutes).

Close by bringing the discussion back to the broader question of how this example can demonstrate the way oversight bodies can play an important role in promoting responsiveness to gender issues and concerns in the penal system (5 minutes).

Possible variations This exercise is focused on a female offender, but the subject could be adapted to suit the particular issue you wish to examine (e.g. sexual harassment of males, bullying, and lack of appropriate services).

HANDOUT

Prison oversight mechanisms

PRISONS OMBUDSPERSON
Independent complaints investigation

Prison complaints form

Your personal details

Surname: Jones

Title (Mr, Mrs, Ms, Miss): Ms

First name: Melinda

Prison number: KL3547

Date of birth: 11 February 1978 (32 years old)

Please give the name of the prison and the wing where you are held, or your home address if you have been released

Women's Correctional facility KL

Please give details of any special needs we need to bear in mind when we are dealing with your complaint or communicating with you.

None

If you are still in prison, what is your release date?

5 November 2014

Your complaint

Which prison were you in when the matter you are complaining about happened?

Women's correctional facility KL

Have the Prison Service considered your complaint? Yes

Have you appealed to the Prison Service? Yes

If your complaint is about lost or damaged property, please send us a full description of the items, information about when and where they were bought, and any receipts.

If your complaint is about an adjudication please give the charge number.

Charge number:

Date:

What is your complaint about?

I had to attend a gynaecological appointment at the hospital. I was handcuffed to a male officer. I said I wanted a female officer to come with me, but was told none were available. I was very uncomfortable during the appointment because the male officer was there. The next day this officer made an obscene gesture at me.

When did it happen?

On 15 December 2009

What do you think should be done to put things right?

I want an apology and for him to be punished.

Date 20 February 2010

Signature Melinda Jones

7

The balloon role-play: challenges and pressures of reform

Type of exercise:	Topical
Audience:	Prison staff, staff of relevant ministries, judiciary, representatives of civil society organisations
Time required:	About 45 minutes

Intended group size 20-30

Supplies
Balloons
Copies of the suggested phrases
Flipchart

Guidance to trainers This exercise is useful for explaining the pressures and challenges of reform by using the visual aid of a balloon. The balloon helps to make thoughts more memorable. Make sure your balloons are of good quality and will not pop prematurely, as this would spoil the game.

To avoid any risk of overly rough play, strictly enforce the rule that no one is allowed to touch the balloon holder; they should only touch the balloon. If trainees do not adhere to this rule, stop the exercise.

This exercise is fairly open-ended; thus do not channel your audience too much into arriving at a particular result. However, be careful not to cut short the discussion about how it felt to play the various roles.

Learning objectives After completing this exercise, trainees will be able to:

- Identify challenges of pursuing successful gender-responsive penal reform

Exercise instructions Explain to your audience that this exercise will demonstrate some of the pressures encountered by penal reformers.

Divide your audience into groups of four and ask the groups to spread out. Give each group a blown-up balloon and three cards, with each containing one of the following lists of suggested phrases:

Suggested phrases for male prisoners:

The system is unjust. It makes me so angry.
Where will I live when I get out of here?
I am afraid to be attacked by these other men.
The guard beat me today.
When my family visits, I don't know how to talk to my children.

Suggested phrases for female prisoners:

Strip-searching is humiliating.
My children are so far away.
This male guard watched me undress last night.
The bathroom is so dirty. Give me a clean bucket.
I am in pain. I want to see a female doctor.

Suggested phrases for the voice of society:

Male or female, young or old – once they are in prison, they better stay there.
Most female prisoners would be better off in the community.
Families must be able to visit prisoners in decent circumstances.
We MUST uphold law and order.
Prisoners need treatment rather than punishment.

Assign each person within each group one of the following four roles:

- The balloon holder - symbolically upholding gender-responsive standards of penal reform
- The balloon popper - symbolising forces contrary to gender-responsive penal reform
- A female or male prisoner (depending on whether a man or a woman plays the role)
- The voice of society

If necessary, you can have more than one person playing the prisoner and/or voice of society.

The job of the balloon holder is to hold the balloon and keep it safe. The job of the balloon popper is to pop the balloon. The popper is given no tools to pop the balloon (no pins or pencils, just hands and body) and s/he is not allowed to touch the balloon holder, only the balloon itself. Emphasise that this is a strict rule: no one is allowed to touch the balloon holder, only her or his balloon.

The role of the prisoner and the role of the voice of society are to call out demands for attention while the balloon popper is trying to pop the balloon. They should use the phrases on their card, but can add any other phrases that might occur to them as appropriate,

Once everyone understands what their roles are, say, "One, two, ready, go!" (or something similar to start the game). Everyone begins at the same time. Once a group's balloon has been popped, the group sits in silence and waits for everyone else to finish. Usually this takes about 5 minutes. If some balloons have not been popped after 7 minutes, stop the exercise anyway.

Begin a discussion (40 minutes):

- Ask the balloon holders how it felt to be under attack from the poppers while trying to uphold gender-responsive standards of penal reform.
- Ask the poppers what they were thinking of as they were trying to pop the balloons - that is, attack the reform.
- Ask the prisoners whether they felt that their statements were heard.
- Ask the voices of society what effect their words may have had.

Ensure during this debrief that everyone has the opportunity to share his or her experience. Experiences may be vastly different. It is likely that all groups will conclude that holding up standards of gender-responsive reform while being pressured by others is challenging. If some found it was not too challenging, focus on a discussion of the ways the various pressures might be mitigated. For example: what are existing forces contrary to reform, and how can these forces be turned into support or made less potent? What voices in society support penal reform, which ones don't? Can one listen selectively? Which statements did the balloon holders react to strongly, which ones did they hardly react to at all? How can the prisoners' perspectives be used to move towards positive reform? Collect all ideas on flipcharts or electronically so that they can be provided to trainees later. Bring the discussion to a conclusion about how standards of gender-responsive penal reform can be upheld.

Thank everyone for their willingness to work experientially.

Possible variations

By changing the roles and/or phrases you can broaden or narrow the topics under exploration. For example, you could explore gender-based violence or human rights abuses in prisons.

8

Debate: Mixed sex staffing for prisons?

Type of exercise:	Topical
Audience:	Policy-makers in relevant ministries, representatives of civil society organisations, prison staff
Time required:	About 55 minutes

Intended group size Up to 20

Supplies Large Board
Penal Reform and Gender Tool

Guidance to trainers Guidance to trainers
This exercise uses a debate format and aims to get trainees thinking about new trends in mixed sex staffing in prisons which are not yet accepted policy everywhere. It is assumed that trainees will be able to come up with arguments for or against the debated issue without further information provided. However, should you judge it necessary, you could mention that:

- the key arguments for having mixed sex staff are grounded in the belief that it will create more normal social environments in prisons; and
- the key arguments against having mixed sex staff are grounded in the concern that it will lead to inappropriate staff deployments for gender-sensitive tasks (such as personal searches) and increase the risk of sexual exploitation, harassment and abuse.

Learning objectives After completing this exercise, trainees will be able to:

- Argue for or against mixed sex staffing of prisons

Exercise instructions This exercise takes the form of a debate. Split your audience into two groups. One will prepare arguments for and the other group against the proposal of prisons having mixed sex staffing. Put the key question “Should prisons have mixed sex staffing?” on a large board for all to see. Allow the two groups 15 minutes to prepare their arguments. Tell the groups to select two debaters each (the rest of the group will become the “audience”). You will act as the judge of the debate.

The rules of the debate are as follows:

1. The first affirmative debater puts forward arguments for mixed sex staffing of prisons in 3 minutes.
2. The first negative debater puts forward arguments against mixed sex staffing of prisons in 3 minutes.
3. The second affirmative debater puts forward arguments for mixed sex staffing of prisons in 3 minutes.
4. The second negative debater puts forward arguments against mixed sex staffing of prisons in 3 minutes.
5. The first negative debater has 1 minute for rebuttal (no new arguments allowed).
6. The first affirmative debater has 1 minute for rebuttal (no new arguments allowed). The debate is then closed.
7. The audience can intervene on points of information (if some argument is unclear) or on points of order (if the debaters don't observe the rules, such as if they go overtime or bring up a new argument during the rebuttal period). The judge decides whether the point of order is valid or not.

The debate should take no more than 20 minutes.

After the debate, discuss which team has won, if either. Can a motion be passed that combines various arguments? Do not press the group for a resolution, however, if none can be found, as the exercise is not intended to have a right or wrong answer. Allow 10 minutes for this discussion.

Possible variations

Use the format of a “continuous debate”: split the audience into two groups, put two chairs in the middle of the room and have two debaters start off and debate for 2 minutes each. After the second one finishes his or her argument, replace the first one with a new debater, and after he or she finishes, the second debater will be replaced. Continue in this format until the subject is exhausted (no new arguments are thought of). Close in the same way as described above.

These debating formats can be used for any topic that lends itself to ‘for’ and ‘against’ arguments.

9

Gender-responsive penal reform policies in a post-conflict context

Type of exercise:	Conceptual
Audience:	Any audience familiar with at least one post-conflict setting
Time required:	About 65 minutes

Intended group size Any, but ideally large enough for seven sub-groups to be formed

Supplies Flipcharts
Penal Reform and Gender Tool

Guidance to trainers This exercise focuses on enumerating potential obstacles and opportunities in the process of implementing gender-sensitive penal reform policies. Because this exercise does not provide descriptive background information, all trainees need to be familiar with at least one post-conflict context. If all trainees are from (or working in) one particular country, you can focus the exercise on that country. Alternatively, you can focus it on post-conflict contexts more broadly.

Attempt to move your audience in the direction of enumerating as many opportunities as obstacles so that you end on a positive note. If this is difficult, have a story of successful exploitation of opportunities ready to share.

Learning objectives After completing this exercise, trainees will be able to:

- Identify a gender perspective in developing penal reform policies in a post-conflict context
- Enumerate obstacles and opportunities in the process of implementing such policies
- Describe why it is important to integrate a gender perspective early on in the process of developing penal reform policies

Exercise instructions Display seven large flip charts and write one of the following policy proposals on each chart:

1. Vet existing and potential prison staff for alleged human rights violations.
2. Provide counselling services to address conflict-related trauma amongst prisoners and prison staff.
3. Involve women's civil society groups and the ministry responsible for gender or women's issues in the development of penal policies and procedures, training of prison staff, activities for prisoners and their children, and monitoring of prison practices.
4. Ensure access of eligible male and female prisoners to disarmament, demobilisation and reintegration programmes.
5. Ensure that the men and women selected for managing prisons in the transitional phase have the requisite experience to deal appropriately with female prisoners.
6. Provide cultural awareness and gender sensitivity training to foreign personnel and international bodies coming into a post-conflict situation to support penal reform.
7. Coordinate penal reform with other gender-responsive SSR initiatives.

Split your audience into seven sub-groups. Assign each group one suggested policy to work on. Request that each group discuss potential obstacles and opportunities in the process of implementing the policy, drawing on their experiences in a post-conflict setting (or settings). Ask each group to designate a facilitator to lead group discussions and a rapporteur to report back to the plenary a list of both obstacles and opportunities (15 minutes).

In plenary, each rapporteur has 5 minutes to report the group's findings. After all the groups have reported, allow an additional 10 minutes for questions, answers and discussion. Conclude by highlighting the importance of having a good process for integrating a gender perspective early on in the development and implementation of penal reform policies: post-conflict contexts, with all their challenges, can provide an excellent opportunity for "doing it right" from the beginning.

Possible variations

If you have a small group, you could do the whole exercise in plenary, taking each heading in turn and inviting suggestions on obstacles and opportunities for each policy proposal.

10

Role-play: Non-custodial responses to offending

Type of exercise:	Application-in-context
Audience:	Donor representatives, policy-makers in relevant ministries/government, judges, representatives of civil society organisations
Time required:	55 minutes

Intended group size	15-30
Supplies	Handouts Notepads for group work <i>Penal Reform and Gender Tool</i>
Guidance to trainers	This role-play works best with an informed audience. When introducing the exercise, make the point that for simplicity's sake only two actor groups (donors and Ministry of Justice officials) are portrayed, while in reality other stakeholders, such as civil society groups and Ministry of Interior officials, would also take part in such a discussion.
Learning objectives	After completing this exercise, trainees will be able to: <ul style="list-style-type: none"> • Describe some policies concerning “non-custodial measures”¹ • Identify gender-responsive aspects of non-custodial measures • Understand the challenges for donors of supporting reform processes whilst promoting ownership of them by national authorities
Exercise instructions	<p>Explain to your audience that this exercise is a role-play of a meeting between donor representatives and Ministry of Justice officials about non-custodial measures. It is set in the hypothetical country of Mumpana. The situation in Mumpana is described in handout A, and should be given to each member of the audience. The purpose of the meeting is to discuss the idea of emphasising gender-sensitive non-custodial measures in the country's penal reform efforts, which the donor wishes to support.</p> <p>Split your audience into two groups: the donor group and the Ministry of Justice group. Each group will select a group facilitator, responsible for guiding group discussions, and three representatives who will role-play the meeting in plenary. The Ministry of Justice group must also assign one of its three representatives to act as the chair of the meeting. During the preparation time, provide the chairperson with tips on how to chair a meeting (see Exercise 12 of the Parliamentary Oversight of the Security Sector and Gender Training Guide). Each group prepares its substantive role in 20 minutes, the donor group using handout B and the Ministry of Justice group using handout C.</p> <p>Reassemble the audience and commence the role-play. The role play will take the form of a discussion aimed at determining the support for a proposed non-custodial measures project. One of the Ministry of Justice officials will set the context, open the meeting and chair it. Then, arguments will be exchanged. Explain that the meeting will last 20 minutes, which means that the chair must ensure that conclusions emerge, at the latest, 5 minutes before the time is up.</p> <p>Those who are not role-playing the meeting will observe. After the role play, ask the observers to share their reflections on the conclusions reached. How do those conclusions compare with real-life experiences? What works in reality? What doesn't work? (10 minutes) If possible, wrap up with your own real-life story of successful exploration of gender-sensitivity in the pursuit of non-custodial measures (5 minutes).</p>

¹ Non-custodial measures are alternatives to imprisonment. These include processes such as mediation and diversion, and sanctions such as warnings, compensation orders, suspended or deferred sentence, probation, community service, fines and house arrest.

Possible variations

It is possible to carry out this exercise using additional roles, as appropriate in the context you train in.

HANDOUT A

Role-play: Non-custodial responses to offending

Prisons in Mumpana

Background

Mumpana is a developing country which struggles to provide its citizens with basic services, such as healthcare, education and housing.

The situation in Mumpana's prisons is difficult, and conditions are poor. The penal system is in need of systematic reform to improve management, staffing and conditions. There are approximately 10,000 men, 800 women, 500 boys and 40 girls in prison as convicted offenders, and a further 6,000 men, 500 women and 300 juveniles in pre-trial detention. Mumpana's imprisonment rate is high by regional and international standards and increasing every year. Prisons are extremely overcrowded, some at over 150% of their capacity.

People sometimes spend several years in overcrowded pre-trial detention centres waiting for their sentences to be passed. While some of the detainees are charged with or convicted of serious violent crimes, increasingly the prisons are filled with people charged with possession of small amounts of drugs and theft motivated by poverty. Many detainees thus do not pose a great danger to society, and alternative measures of restraint could be applied to them. Many could be released on bail, but either are unaware of their right to bail and/or have no means of communicating with those who could pay the bail charge on their behalf.

The women's prison contains many children who have accompanied their mother into prison. These children are not recorded on the prison register, and there are no budgetary allocations for them within the prison system. The children are not offered schooling, nor is there any attention to their diet or healthcare needs. Both the female prisoners and their children are at risk of sexual exploitation and abuse by prison staff. Many of the women will be rejected by their husbands and communities on release; such is the stigma of imprisonment.

Overcrowding causes a rise in infectious diseases, including HIV/AIDS and tuberculosis; prevents working towards rehabilitation; and has a negative impact on security. In addition, the available budget is less than half a Mumpana dollar per prisoner per day. This has serious impacts on nutrition, health, hygiene and living conditions of prisoners. Meaningful occupation and education are very rare for men and nonexistent for women. Low pay for prison staff has led to corrupt practices. As a result, many prisoners are not aware of their rights to, among others things, meetings with their families, talking to lawyers and consideration for bail or early release.

Families of prisoners also suffer, as imprisonment of a breadwinner often leaves their dependents destitute.

With the recent shift of responsibility for penal policy from the Ministry of Interior to the Ministry of Justice the penal system is becoming more open to public scrutiny.

Task

You will role-play an initial meeting between donor representatives and the Ministry of Justice officials responsible for penal policy. During this first meeting, donor and ministry officials want to get to know each other and determine whether they can find common ground for working together. The donor is particularly keen on promoting the development of gender-sensitive non-custodial measures as a solution to the overcrowded prisons. The Ministry of Justice wants to develop non-custodial measures, but its foremost concerns are the safety and security of its law abiding citizens and attracting funding to build new prisons.

If your assigned role is that of the donor, prepare your role by using handout B.

If your assigned role is that of a Ministry of Justice official, prepare your role by using handout C.

HANDOUT B

Role-play: Non-custodial responses to offending

As a donor, you wish to support the Government of Mumpana's penal reform efforts. You particularly wish to encourage them to implement gender-sensitive **non-custodial measures**, and have developed a proposal for engagement towards this end.

You want to convince the Ministry of Justice officials to adopt an approach that includes the following:

- Using prisons as a last resort, particularly for juveniles and parents of young children
- Making bail more accessible to the poorest people, including women
- Using community service as a substitute for the detention of people convicted of minor offences as well as juveniles and parents of young children where possible
- Making non-custodial measures accessible to both male and female offenders
- Providing compulsory training for judges on the impacts of applying non-custodial measures
- Developing programmes to increase public support of the use of non-custodial measures
- Developing programmes to counter the public's stigmatisation of female offenders, who risk being rejected by their families and communities
- Identifying and building community-based resources to help incorporate and emphasise gender-sensitive aspects in non-custodial responses to offending

At this stage, your proposed support is toward the following goals:

- Work with government authorities and national NGOs to create platforms for research, analysis and public discussion on gender-responsive non-custodial measures
- Work with government authorities and national NGOs to implement a programme to counter stigmatisation of female offenders
- Encourage judges to periodically visit prisons to help build their awareness of the need for applying non-custodial measures as an alternative to imprisonment
- Work with government authorities and national or international NGOs to develop a gender-sensitive training programme for local government bodies and NGOs who will potentially be involved in the application of non-custodial measures

HANDOUT C

Role-play: Non-custodial responses to offending

As Ministry of Justice officials who are responsible for penal policy you are in principle open to a proposal of donor support in the area of non-custodial measures. Your main concerns are:

- Keeping dangerous criminals off the street
- Keeping the appearance in the community of accountability for violent and serious crime
- Keeping persons legally detained in safe custody
- Minimising overcrowding in prisons
- Addressing the challenges of prolonged pre-trial detention
- Reforming criminals towards the goals of successfully reintegrating them into their communities on release and reducing re-offending

You have very limited funds to ensure an effective prison system, address the glaring problem of overcrowding and fight the spread of infectious disease in prisons. Hence, public awareness and training programmes are not your highest priorities.

You want to see proposals for providing direct assistance to your national prison authorities rather than more involvement of NGOs. You are sceptical about the capacity of civil society in your country to deliver services.

11

Prison management's approach to CSO collaboration

Type of exercise:	Application-in-context
Audience:	Prison managers, policy-makers, representatives of civil society organisations (CSOs)
Time required:	About 60 minutes

Intended group size Not more than 15

Supplies
Handout
4 Flipcharts
Penal Reform and Gender Tool

Guidance to trainers Prepare in advance four flipcharts labelled 'Objectives', 'Activities', 'Responsibilities' and 'Results' for the role-played meeting with the CSO representatives. Consider using a volunteer or co-facilitator to assist you by recording ideas on the flipcharts during this role-play.

For general background information on civil society involvement in prison services, review section 4.9 of the *Penal Reform and Gender Tool*.

Learning objectives After completing this exercise, trainees will be able to:

- Describe achievements and challenges of collaboration between prison management and a CSO
- Outline a gender-responsive collaborative approach from the perspective of the prison management

Exercise instructions Explain that this exercise aims to help persons managing prisons to reflect on the achievements and challenges involved in collaboration with CSOs. Describe the scenario as follows: a health CSO and the prison system have been collaborating for a couple of years, but now need to reaffirm their commitment and gender-sensitive operating modalities, and clarify the details of how they will continue to collaborate.

The exercise has two parts:

Part 1: A meeting among the members of a prison management team who are trying to develop a harmonised approach to collaboration with a CSO. Three such meetings run in parallel.

Part 2: A role play during which conclusions from each of the prison management team's meetings will be discussed with representatives of the CSO.

Part 1: Split the group into three sub-groups. Each group takes on the role of a prison management team discussing a Power Point presentation given to them earlier in the day by the CSO "Health for Prisoners". Provide each group with the handout. Each group must discuss their team's approach to collaboration with this CSO in 20 minutes, using the questions on the handout. Each group must nominate one group member to be their Prison Governor, the person who will present their team's approach in a subsequent meeting with a representative of the CSO.

Part 2: After time is up, ask for the three Prison Governors to come forward and for two volunteers to role play the representatives of the CSO. (The CSO role can easily be carried out without preparation because the focus will be on the Prison Governors' presentations of their approaches). Appoint one of the Prison Governors to chair the meeting.

A 20 minute meeting is now role-played between the three Prison Governors and the two CSO representatives. During the meeting, the chairperson guides discussion through each of the four categories worked on by each group during the previous part of the exercise: 'Objectives', 'Activities', 'Responsibilities' and 'Results'. Each of the three prison

management teams will have developed different ideas about how collaboration between their prison and the CSO should proceed, making this a dynamic discussion. The CSO representatives base their responses on the information in the PowerPoint slides, improvising as needed.

Record strategies/points made on four flipcharts labelled 'Objectives', 'Activities', 'Responsibilities' and 'Results'. No particular conclusion of this meeting is necessary. To conclude, use the flipcharts to summarise the various points made (5 minutes).

Possible variations

You could split the audience into one group representing the CSO and one group representing prison management and role play a meeting between these two groups. In this case, to be balanced, you would provide less information on the CSO approach and more on the prison management approach in the handout.

HANDOUT

Prison management’s approach to CSO collaboration

You work as part of the management team of a prison. You have just attended a Power Point presentation by the CSO “Health for Prisoners” (shown below). You now have a follow-on meeting with colleagues during which you want to agree on a common approach to the CSO’s involvement in your prison. You are in principle convinced that the collaboration should continue, and even be expanded to encompass the whole prison system.

In your meeting, consider the following four questions:

- On what *gender-sensitive* objectives would you like to collaborate with the CSO?
- What *activities* can you collaborate on, keeping in mind gender-sensitivity? (e.g. Do the modalities of collaboration need to be different in men’s and women’s prisons?)
- Who should have what *responsibilities* among CSO and prison management staff?
- What *results* might prison management hope for?

Slide 1

« Health for Prisoners »

Overview of achievements and challenges to date

Slide 2

Situation in Men’s Prison K

- 65% of inmates have been convicted of drug offences
- HIV high risk practices: share injecting equipment (drugs, tattoo, piercing), male genital accessories, unprotected sex
- Limited budget for health: \$1 per inmate annually
- Limited human resources and programme capacity

Slide 3

Collaboration with Prison System

So far and ongoing:

- Technical assistance in developing National Strategy on Health in Prisons (2008-2009)
- Development of training module

Envisaged:

- Facilitate training for prison staff on harm reduction, HIV/AIDS & addiction counselling
- Support for developing national and regional CSO working groups for health in prison

HANDOUT

Prison management's approach to CSO collaboration

Slide 4

GOAL/ACTIVITIES/OUTPUTS MATRIX FOR COLLABORATION WITH PRISON K

GOALS	ACTIVITIES	OUTPUTS
Strengthen prison authorities' institutional capacity	Workshop on strategic planning, coordination, HIV/AIDS education, drug dependency	More attention to the issue, more funding, more capacity
Capacity building for prison staff	Training	Improved case management, ability to run prisoner education workshops, reduced HIV/AIDS in prisons
Networking/ referral system	Establish system, service provider groups	Improved services, also after release
Resource mobilization	Advocacy, external funding drives	Improved capacity

Slide 5

Lessons learned so far

- Demand on health services is high: existing work must be extended
- Involvement of inmates and prison staff in the programme is crucial
- Support from Prison Governors and prison staff critical to program implementation

Slide 6

Challenges

- Prison health budget is continually too low
- Commitment to programme implementation on the part of the prison services not always ensured (sometimes prison directors less supportive than hoped for: e.g. rooms for workshops not prepared, excessive bureaucracy for entering prison, inmates not prepared)
- Collaboration/referral to external health service not always smooth

Discussions

Suggested discussion procedures

Certain training events might involve facilitated discussion, either as a part of and/or instead of exercises. Here are a few examples of ways to get your audience to engage well in a discussion.

- Each trainee brainstorms individually on sticky notes, which are later posted to a large flipchart and discussed.
- Split the audience into “buzz groups” of two to three people. Most often used for introductory exercises, a buzz group is a small discussion group formed for a specific task, such as generating ideas or reaching a common viewpoint on a topic within a specific period of time. Hence, you would use the buzz group to discuss the chosen topic during a pre-defined timeframe and then have them report back to the plenary.
- Write four different answers to a question on four large sheets of paper and post one in each corner of the room. Each trainee is asked to go to the answer s/he most agrees with, and each group is asked to present their point of view most persuasively.
- Write four quotations that sum up particular aspects of the question you are discussing on large flipchart paper, and then post one in each corner of the room. Assign trainees numbers from one to four. Ask trainees to move to the flipchart paper on which their number is written. Have trainees discuss their group’s quotation and write down responses on the flipchart. Stop discussion after a few minutes. Ask trainees to move to the next piece of flipchart paper, so that each group will be facing a new quotation. Repeat the process until all groups have discussed and responded to all quotations –then have the groups move back to their original quotation. Ask each group to read the responses of the other groups and to compare those responses with their initial answers.
- List four to six statements relating to a theme you are discussing on a large sheet of paper or whiteboard. Pass out note cards to the trainees, on which they write ideas or reflections on each statement. Collect these cards and sort them according to the statement they relate to. Assign groups to each stack of cards. Request that trainees (a) make a presentation to the plenary, (b) organise the cards into challenges and opportunities, or (c) find another way of creatively reporting back on what the group read on the cards.
- “Annual fair”: Split trainees into groups of no more than six people. Assign the groups some time to work on a particular aspect of the question you are discussing, to write down their responses on a flipchart and to post their flipchart in a corner of the room. One or two (depending on group size) member(s) of each group then presents their group’s flipchart (aspect of the question, responses, arguments etc.) to trainees of other groups, who will be moving around the room. The rest of their group will be moving from one flipchart to another, listening to presentations of other groups. Every presentation should take an allocated short amount of time (e.g. three minutes), followed by questions. After one round of presentations is finished, instruct trainees to switch their tasks until each trainee has presented his/her group’s flipchart and listened to the presentations of other groups.

Discussions

Topics for discussion

The following twenty suggested topics for discussion are loosely organised around key themes elaborated in the *Penal Reform and Gender Tool*.

1. Why must gender be integrated into penal reform?
2. What are the benefits of making penal policies gender-sensitive? For whom would there be advantages?
3. What actions can policy-makers take to ensure that penal reform is gender-sensitive?
4. What are the specific issues facing male and female prisoners? How do they differ?
5. What particular health issues arise for men and women in prison?
6. What can prison management do to effectively prevent, respond to and sanction gender-based violence in prisons?
7. How should the issues of incarcerating mothers who are breastfeeding or have young children be addressed?
8. What could be the role of women's organisations in exercising oversight with regard to gender issues in the penal system?
9. In what ways can civil society organisations support attention to gender issues in the penal system?
10. How should prison complaint mechanisms address gender-based violence?
11. How can those responsible for penal policy better link up with civil society organisations on gender issues?
12. Should women's prisons only have female staff and men's prisons only male staff? Debate.
13. What could be elements of a gender-sensitive, family-friendly recruitment and retention policy for penal staff?
14. What can parliament do to promote gender-sensitive penal reform?
15. What could be the role of media in promoting gender-sensitive penal reform?
16. Describe three key elements of a public awareness raising campaign on the penal system and human rights.
17. If you had to design gender training for prison staff in your country, what issues would you highlight?
18. What special challenges and opportunities could a post-conflict country face in (re) establishing a gender-sensitive penal system?
19. If you had to commission a research project on penal reform and gender, what would you focus on and why?

Training challenges to consider

The *Guide to Integrating Gender in Security Sector Reform Training* discusses challenges to implementing gender-responsive SSR training. While training on issues related to penal reform and gender you might also come across the following challenges:

- You might be faced with an assumption that it is not necessary to include gender considerations in penal reform, as separation of male and female prisoners and provision of appropriate-sex prison guards already addresses the issues. Have some persuasive points ready for the opening of your training to illustrate why attention to gender requires a much more comprehensive and integrated approach (see for example section 3 of the *Penal Reform and Gender Tool*).
- Prison staff often feel the services they provide to society are undervalued, and are often the focus of criticism rather than respect. If your trainees include prison staff, be careful to present the training in a positive way - as an opportunity for learning new skills and discussing new ideas, rather than criticism of existing practices.
- If your audience is quite diverse (e.g. including staff from various branches of government concerned with penal reform, international actors, prison management staff, individuals from different countries) consider the possibility that your audience may not share the same values regarding justice, punishment and the proper role of the penal system. This might lead them to make negative evaluations of each other during the training – to the detriment of the training environment. In such cases, it is best to make value differences explicit (when they become apparent) and offer the solution of “agree to disagree”, so that the issue is on the table and people can refer to their differences without being ashamed of them.
- You might be confronted with the argument that making prisons gender-sensitive, including providing facilities for women and children, requires modification of the prison infrastructure, and in a post-conflict setting or in a resource-poor country funds are not available for this. Governments and donors are usually reluctant to invest in prison infrastructure. You can invite trainees to share ideas about responses to this challenge, for example, engaging in sensitisation programmes to build political will, involving the media, opening the prisons up for interested groups to visit, and linking infrastructural improvement with improvement of human rights in prisons.

AFGHANISTAN

Addressing the needs of women in prison

Afghanistan's prison population has exploded since 2001. In 2001 there were only 600 prisoners; by March 2005, there were 5,500 recorded prisoners; by March 2007, 10,400.

Afghan law provides that each provincial centre should have a prison and a detention centre, with prisons under the jurisdiction of the Ministry of Justice and detention centres under the Ministry of Interior. Currently, there are 34 provincial prisons, in addition to Pul-e-Charkhi in Kabul. Many are in deplorable condition and do not respect international standards for the treatment of prisoners. In addition, there are 242 district detention centres.¹

Many people are detained illegally and the lack of an independent bar or state-subsidised legal aid system impedes their access to justice. Individuals, adult and child, are often held in prison for months before having the legality of their detention determined by a judge.

At the same time, informal, traditional justice mechanisms, which are the de facto legal system throughout most of Afghanistan, are frequently discriminatory towards women and children.² In this traditional justice system, disputes and crimes are tried and resolved by a council of elders (*jirgas* or *shuras*). These councils are composed exclusively of men. Women are unable to approach the informal justice mechanisms without the assistance of a male relative, limiting their ability to raise certain issues even if they wish to do so.³ In addition, a number of matters relating to marriage, abduction and adultery may be dealt with by the *jirgas* in a discriminatory way. It can be difficult to differentiate between rape and consensual sex as dealt with in the *jirgas* because all sexual relationships outside of marriage are referred to as *zina*. For example, in Nuristan region when a girl is taken by force the *jirga* puts pressure on the family of the man to bring the woman back and then 'asks' the girl to marry the man.⁴ If she accepts, the dowry is paid and she is married. While in some cases acts of abduction may be consensual, in others, the girl, having been shamed by the abduction and possible rape ("adultery"), has little choice but to marry her abductor. Any other future for her would be bleak, with little or no prospect of marriage to someone else. Thus, the settlements concluded by the *jirgas* in such cases of "abduction" or "adultery" often amount to forcing a girl to marry her rapist.⁵

The female prison population

As with the male prison population, the number of female prisoners has increased over the last five years. Female prisoners rose from 86 in December 2004 to 275 in 2008, imprisoned along with 175 of their children.⁶ The majority of women prisoners are from 18 to 25 years of age.⁷ The number of female prisoners is expected to grow even further as the capacity of the formal justice system is developed and begins to prevail over traditional justice mechanisms.

The majority of female prisoners are being held for violating social, behavioural and religious norms, so-called "moral crimes". These crimes of morality are considered crimes against the dignity of the family, and include adultery, running away from a husband after abuse, having a relationship without being married and refusal to marry. There are also cases of women being imprisoned for having publicly reported rape, and who have been placed in

1 Christine C. Fair and Seth G. Jones, *Securing Afghanistan: Getting on Track* (United States Institute for Peace, January 23, 2009).

2 Jill McGiverin, "Rough justice for Afghan women inmates," *BBC News*, November 12, 2008, http://news.bbc.co.uk/2/hi/south_asia/7719686.stm (accessed February 8, 2010); Fair and Jones, *Securing Afghanistan: Getting on Track*.

3 United Nations Office on Drugs and Crime (UNODC), *Afghanistan: Female prisoners and their social reintegration*, March 2007.

4 International Legal Foundation, *The Customary Laws of Afghanistan*, 2004, 43.

5 UNODC, *Afghanistan: Female prisoners and their social reintegration*.

6 Reuters AlertNet, "Afghanistan sets up a prison for women," January 24, 2008, <http://www.alertnet.org/thenews/newsdesk/ISL294947.htm> (accessed February 5, 2010).

7 Jill McGiverin, "Rough justice for Afghan women inmates."

AFGHANISTAN

Addressing the needs of women in prison

the same detention facility as their rapist.⁸ (However, it should be remembered that women in Afghan prisons represent only a very small percentage of women who are being punished for violating such codes: most of them are tried in the traditional justice system.)

Conditions in women's prisons

In 2008, the first women's prison, with a capacity of 330 prisoners, was established in Kabul.⁹ Although the government plans to build 15 such facilities, as of March 2009 this was the only dedicated women's prison and was holding about 90 prisoners with their children. In the rest of the country men and women are incarcerated in one detention facility. According to the project manager for prisons working for the United Nations Office on Drugs and Crime, the female prison is built up to international standards and is considered the best ever built in Kabul.¹⁰ The women share rooms of three to four bunk beds and undertake different educational classes, such as learning the local Dari language as well as taking classes in geography, English, sewing and computer technology.

However, not all women prisoners in the country are incarcerated under conditions that meet international standards. Between 2007 and 2009, the Corrections Advisor for the United Nations Assistance Mission to Afghanistan (UNAMA) visited a number of prisons in different parts of the country, including the ones in Bamyan, Daikundi, Khost, Gardez, Balkh/Mazar-e-Sharif, Maimana, Jawzjan, Samangan, Takhar and Pul-Khombri. These prison visits revealed the following problems:¹¹

- In some prisons security is poor, and there are insufficient numbers of female prison guards.
- In some prisons the conditions for women are poor, with lack of water and poor sanitary facilities which may cause considerable health risks.
- Supplies of medicine and female hygiene/sanitation products are generally inadequate. In some female prisons, stocks of drugs and medicines are expired.

Furthermore, the Ministry of Women's Affairs and NGOs have reported cases of rape of female detainees by police.¹²

The UNAMA Corrections Advisor also visited a number of juvenile detention centres (Bamyan, Kabul, Jawzjan, Samangan, Takhar, Pul-Khombri and Kunduz) and rehabilitation facilities (Balkh/Mazar-e-Sharif and Maimana). His visits revealed that:¹³

- Structures are often in a derelict state, and prisoners are held in inhumane conditions with no water, electricity or sewage system (e.g. in Pul-Khombri).
- Girls and boys are generally detained together in the same building, often without adequate medical supplies or facilities for fresh air, exercise, sport or education and training (e.g. in Junduz, Takhar and Balkh/Mazar e-Sharif juvenile facilities).
- Overcrowding can be a major issue for both girls and boys. Classes are often held within cells. In summer, overcrowding poses serious health risks (e.g. in Kabul).
- Rape of both female and male detainees has occurred (e.g. in Bamyan).

On release, female prisoners also face significant difficulties. Their full reintegration into the community may be hampered by prejudice and rejection from their family and society, especially in the case of those detained for 'moral crimes'. In these cases, women find themselves completely isolated once out of prison, lacking any form of economic support and housing and excluded from their families and villages. This has meant that in some

8 Lys Anzia, "Women's Prisons – A Global State of Crisis," Women News Network (WNN), September 9, 2008, <http://womennewsnetwork.net/2008/09/09/prisoncrisiswomen8005/> (accessed November 26, 2009).

9 Reuters AlertNet, "Afghanistan sets up a prison for women."

10 Ibid.

11 Personal communication with Paul Biddle (former UNAMA Corrections Advisor), December 2, 2009.

12 US Department of State, "2008 Human Rights Report: Afghanistan," February 25, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119131.htm> (accessed November 26, 2009).

13 Personal communication with Paul Biddle, 2009.

AFGHANISTAN

Addressing the needs of women in prison

cases female prisoners are kept in prison even after 'release', as they have nowhere else to go. In 2006, the authorities initiated the development of a policy to guide the establishment and implementation of transitional houses for released female prisoners in need of protection and assistance.¹⁴

NGO support for women prisoners

The interaction between civil society organisations and female prisoners in Afghanistan provides much needed services to prisoners, as well as contact with the outside world. The Afghan Women's Education Centre (AWEC), for example, has been working with women prisoners in different detention centres in Kabul since 2004. AWEC's doctors regularly visit prison facilities. AWEC also provides social workers to support women inside the Kabul and Mazaar prisons and facilitate their re-entry into society on their release. These social workers facilitate awareness-raising workshops within the prisons on issues such as prisoners' rights, human rights, civil rights, women's rights and Islam, gender, violence against women, peace and conflict resolution, health and HIV/AIDS prevention measures. Classes are held five days a week and include basic health education, literacy, first aid, handicrafts and tailoring. 146 female prisoners and their children took part in AWEC's education and vocational training in the Kabul prisons between August 2007 and July 2008.¹⁵ Since most of the women in prison cannot afford to hire a lawyer for the follow-up of their cases, AWEC provides a legal assistant to look over their cases and assist them.¹⁶ AWEC's social workers also visit prisoners' family members and arrange family visits with the women, helping women to be reaccepted into their families after release.

Other civil society organisations striving towards prison reform in Afghanistan include Medica Mondiale, Voice of Women and the Afghan Women's Organisation. They provide social, medical and legal assistance to women in prison; organise drama and art workshops, and handicrafts and tailoring classes that teach detainees a profession to continue after release; and conduct training for women on various issues. With support from the United Nations, some of these organisations are working on the reconstruction of some prison facilities, improving the rooms where women live and establishing child care facilities.

Diverting women from prison

In an attempt to address the problem at its roots, given that most women are imprisoned for "moral crimes", organisations such as Women Living Under Muslim Laws and Rights & Democracy are working to support initiatives for the adoption of a separate family code.¹⁷ The Ministry of Women's Affairs has also, in partnership with UNIFEM, established referral centres in Jalalabad and Parwan to try to divert cases relating to women and girls "running away from home" from the police and subsequent imprisonment. Although running away from home is not an offence according to Afghan law, a woman who runs away is often detained during the period in which the prosecution determines whether or not she has committed *zina*, and in practice women are often detained for long periods and sometimes sentenced to imprisonment for running away from home. Since the establishment of the first referral centre in Jalalabad only one case relating to elopement that was dealt with by the police resulted in detention. The referral centre also has a shelter capacity for victims of violence, which allows for a woman to be accommodated for 72 hours during the investigation of her case. It is envisaged that referral centres will be established in all 34 provinces.¹⁸ These referral centres work in collaboration with the six Family Response Units that have been

14 UNODC, *Afghanistan: Female prisoners and their social reintegration*.

15 See Afghan Women's Education Centre, Annual Report 2007, http://www.awec.info/index.php?option=com_content&view=article&id=56&Itemid=78 (accessed February 4, 2010).

16 See Afghan Women's Education Centre's web-page: http://www.awec.info/index.php?option=com_content&view=category&layout=blog&id=41&Itemid=64.

17 Women Living Under Muslim Laws, "Afghanistan: Afghan Women and Children in Prison," June 25, 2004, <http://www.wluml.org/node/1521> (accessed November 26, 2009). For a brief historical overview of the changes in the family law in Afghanistan, see For Equality in the Family web-page: http://www.musawah.org/np_afghanistan.asp (accessed February 8, 2010).

18 United Nations Office on Drugs and Crime, *Implementing Alternatives to Imprisonment, in line with International Standards and National Legislation*, May 2008, 69-70.

AFGHANISTAN

Addressing the needs of women in prison

established in police stations since 2006, dealing with cases of family violence, children in trouble and female victims of crime.

Ongoing justice and penal reform

While a process of restructuring of the prison administration has been underway since 2004, it was only in January 2006, with the endorsement of the Afghanistan Compact (a political agreement between the international community and the Government of Afghanistan), that the formal criminal justice system of Afghanistan was submitted to a process of extensive reform. With the support of the United Nations, other international agencies and donor nations, penal legislation is being reviewed and revised, judges and prosecutors are receiving training, detainees' access to legal counsel is improving, courthouses and prisons are being constructed and the capacity of justice institutions is being developed.¹⁹

- ▶ The importance of integrating gender in penal reform processes is discussed in section 3 of the *Penal Reform and Gender Tool*.
- ▶ The importance of ensuring that prison treatment is appropriate to the particular needs of men and women is discussed in section 4.4 of the *Penal Reform and Gender Tool*.
- ▶ The ways in which the needs of pregnant women and mothers of young children can be met in prisons is discussed in section 4.7 of the *Penal Reform and Gender Tool*.
- ▶ The importance of engaging civil society organisations in penal reform is discussed in section 4.9 of the *Penal Reform and Gender Tool*.
- ▶ The specific challenges of integrating gender into penal reform in post-conflict countries are discussed in section 5.1 of the *Penal Reform and Gender Tool*.

19 United Nations Assistance Mission in Afghanistan, *Afghanistan's Justice Sector Overview*, November 2006, 1.

RUSSIAN FEDERATION

Improving living conditions for female prisoners

The Russian Federation represents a useful case study in terms of the measures that have been taken for reforming the prison system in such a way as to address the specific needs of female detainees within a broader process of developing a more human-rights based prison system. In particular, efforts have been made towards addressing the needs of pregnant women and mothers of young children in prison facilities, as well as ensuring access to health care for female prisoners.

In the Russian Federation, female prisoners constitute 8 percent of the total prison population. Of 197 countries and territories for which data is available, Russia has, as of January 2010, the 29th highest proportion of female prisoners.¹ As of 2005, 80 percent of convicted women were mothers.² Typically, women's prisons hold between 500 and 2,000 inmates, who are an average age of 36 years old. Theft is the most common offence, with increasing numbers of women sent to prison for drug offences, murder and grievous bodily harm.³ Convicted prisoners are entitled to a minimum of six family visits a year. Only immediate family members may visit – parents, grandparents, siblings, children, grandchildren and spouses. In a number of colonies there are facilities for joint accommodation for mothers with babies.

Special legal provisions for mothers and pregnant women

The criminal laws and regulations of the Russian Federation contain provisions specific to mothers and pregnant women convicted of a criminal offence. A prison sentence for a pregnant woman or a woman with a young child convicted of a minor offence may be suspended until the child reaches the age of 14. If the woman concerned is not re-convicted in the interim period, the sentence is not activated.⁴

The Criminal Code accepts that in other circumstances pregnant women may be imprisoned and that babies born in prison may stay with their mothers. The following allowances are made for such women and for other mothers of young children:

- A woman in pre-trial detention who has children under three years of age may bring them with her. Such women are entitled to better living conditions, specialised medical services, increased rations and clothing, a longer time out of their cells and are not to be put into punishment cells.
- Nurseries may be set up where children of female prisoners can be provided care until they reach the age of three.
- Female prisoners with infants in the prison nursery and female prisoners relieved from work because of their pregnancy or because they have recently given birth may not be placed in punishment cells.
- Pregnant women and women with children have the right to extra food donations via mail or provided during visits and to specialised medical services.
- Pregnant female prisoners or those with children in the nurseries receive at least 50% of their wages, pensions or other incomes in their personal accounts.⁵

General conditions for women prisoners

Despite such reforms, major problems in the treatment of women prisoners remain. The 89 regions of the Russian Federation have a total of just 45 female penal colonies and only three colonies for underage girls. This means that women from every second region have to be taken to a different region. Only if they are lucky will this be to an adjacent region.

¹ As of January 1, 2010: International Centre for Prison Studies, Prison Brief for Russian Federation, http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=118. Also see the full list of female prisoners' percentages out of the total prison population at the International Centre for Prison Studies' web-site: http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_female (accessed February 8, 2010).

² Megan Bastick and Lauren Townhead, *Women in Prison: A commentary on the UN Standard Minimum Rules for the Treatment of Prisoners*, Quaker United Nations Office (QUONO), June 2008.

³ International Centre for Prison Studies, "International profile of women's prisons," April 2008, http://www.hmprisonservice.gov.uk/assets/documents/10003BB3womens_prisons_int_review_final_report.pdf (accessed November 12, 2009).

⁴ Moscow Helsinki Group, "Situation of Prisoners in Contemporary Russia," MHG: Moscow, 2003, <http://www.mhg.ru/english/1E7AF09> (accessed November 12, 2009).

⁵ Ibid.

RUSSIAN FEDERATION

Improving living conditions for female prisoners

Often, a convicted woman is simply taken to a facility that is less overpopulated, regardless of whether the facility is near to or extremely remote from her home town. After receiving their sentences, many female prisoners hence have to travel thousands of kilometres to the place where they will serve their prison terms. Sometimes travel to prison takes up to two months, with a number of stop-overs in transit prisons on the way. Transit prisons have dirty and overcrowded cells, with neither individual sleeping spaces nor adequate meals and medical services. Prisoners can be located in the same cell as prisoners suffering from contagious diseases. In both transit and in faraway prisons, visits from family are extremely difficult.⁶

According to a study undertaken by the Center for Assistance to Criminal Justice Reform, the conditions under which women serve their sentence reflect neither psychological nor physiological features characteristic of women; that is, women are kept as men or, more precisely, as certain averaged-out human beings without regard to sexual, age-related or other individual characteristics.⁷ This is manifested in a host of ways. For instance, prison regulations do not provide for the issuance to women of the hygienic items that they need during menstruation. In some prisons officials make attempts to redress this oversight, but they are hardly ever capable of coping with the problem.

Between one third and one half of women arrive in prisons infected with sexually transmitted disease, syphilis in particular. Over five per cent of female prisoners are HIV positive, with HIV often accompanied by Hepatitis C. Three to five per cent of women suffer from active forms of tuberculosis. Other widespread health conditions include alcoholism, drug addiction, and cardiovascular and gynaecological problems.⁸ Medical services in the prison system are scarce and often unable to effectively treat these health problems. Prisons get their supplies of pharmaceuticals in a centralised way, but these supplies are insufficient. In addition, many prison doctors either have insufficient qualifications or overlook serious diseases and grave health conditions. In recent years, there have been some improvements in prison medical care, particularly in the treatment of tuberculosis, thanks to the resources and support of international organisations like the World Health Organisation, Médecins Sans Frontières and the International Committee of the Red Cross.⁹

Penal Reform International's programmes with Russian women's prisons

In order to better address these and other issues affecting women prisoners in the Russian Federation, Penal Reform International (PRI), an international non-governmental organisation working on penal and criminal justice reform, has started working with governmental and civil society organisations to raise awareness of the problems facing female prisoners, promote specialist mother and baby units within prisons and improve living conditions for female prisoners. Some of the gender-responsive penal reform initiatives supported by PRI include:

- Better accommodation for female prisoners (e.g. better health services, meals and hygienic facilities)
- Creation of mother and baby units
- Development of procedures to regulate the conduct of health, social care and legal professionals working with female prisoners who have children either inside or outside prison
- Theatre therapy
- Programmes to prepare female prisoners for release by teaching them social skills and the skills to access social services and employment¹⁰

6 L. Alpern and A. Antonov et al., *Prisons Are Not for Women: Monitoring Findings, Essays, Interviews on the Situation of Women in Russia's Institutions of Confinement* (Moscow: Center for Assistance to Criminal Justice Reform, 2000).

7 Study undertaken in 1999 cited in Alpern and Antonov et al.

8 The study states that the figures are estimated, since precise data on diseases of female prisoners in Russia are not available. See United Nations Office on Drugs and Crime (UNODC), *Handbook for prison managers and policymakers on Women and Imprisonment*, Criminal Justice Handbook Series, 2008, 11-12, <https://www.unodc.org/documents/justice-and-prison-reform/women-and-imprisonment.pdf> (accessed February 8, 2010).

9 Alpern and Antonov et al., *Prisons Are Not for Women*.

10 See Penal Reform International (PRI) web-site: *Women in Prison*, <http://www.penalreform.org/women-in-prison.html> (accessed November 11, 2009); PRI, "Women in Prison", *Penal Reform Briefing* No. 3, 2008, <http://www.penalreform.org/resources/brf-03-2008-women-in-prison-en.pdf> (accessed November 12, 2009).

RUSSIAN
FEDERATION

Improving living conditions for female prisoners

The attention of both government and civil society organisations has also focused on the development of rehabilitation and educational services for female offenders at the juvenile colonies for girls. With help from PRI:

- Creative study groups have been established in the juvenile colonies for girls, including drama, sport, needlework and flower-growing
- Ongoing research with the girls is helping to identify their support needs on release and the availability of appropriate services in the community
- Meetings and conferences for prison staff and NGO representatives have been held to improve communication between correctional institutions and community-based services working with young offenders

PRI has been monitoring living conditions for women prisoners in Colony No.2 in Mordovia, in particular conditions of detention for women imprisoned with their babies. It has noted that while it is vitally important to allow children to stay with their mothers, both the mothers and babies have specific health and other requirements that need to be addressed. This demands that prisons have adequate facilities and programmes to this end. Working with the prison department and local prison administrations, PRI advocates for non-custodial responses to offending whenever it is appropriate, in particular where the custody clearly does not meet the best interest of the child, and for women's increased access to their babies.

Developments in standards and recommendations

Meeting the needs of imprisoned babies and small children was one of the problems addressed at a regional conference on women in prison that took place in Gomel, Belarus in October 2007. The conference gathered together prison staff, social workers, medical professionals, NGO representatives and government officials from Russia, Belarus and Ukraine. It resulted in the *Gomel Declaration on the Execution of Punishments for Women*, which outlines a series of recommendations for prison systems.¹¹

Gomel Declaration on the Execution of Punishments for Women (2007)

Key recommendations:

1. Establish a special department at a high level of the penitentiary system responsible for the implementation of criminal punishments for women
2. Improve the status of educational, psychological and social services staff within the penitentiary system, recognising their key role in social integration and the preparation of offenders for release
3. Improve the legal basis relating to the sentencing and carrying out of punishments for women including criminal and criminal-executive legislation
4. Enhance the legal protection of imprisoned women
5. Reduce the application of custodial punishments for women; extending the application of alternative punishments within the community
6. Develop and improve a system of preparation for release, social rehabilitation and follow-up programmes for women released from places of detention
7. Give special attention to young girls in places of detention
8. Adopt a national plan of action with regard to babies and young children accompanying their mothers in places of detention

¹¹ PRI, "Women in Prison", *Penal Reform Briefing* No. 3, 2008.

RUSSIAN
FEDERATION

Improving living conditions for female prisoners

The challenges discussed above are not a peculiarity of the Russian penal system: the fair and equal treatment of women in prisons is a matter of concern for penal systems all over the world because of the specific needs and vulnerabilities that women have. To address this question, the international community is now in the process of preparing *Rules for the Specific Treatment of Women Prisoners and Women in Custodial and Non-custodial Settings*, to supplement the *Standard Minimum Rules for the Treatment of Prisoners* and the *Standard Minimum Rules for Non-custodial Measures* in connection with the treatment of women prisoners and alternatives to imprisonment for women offenders.¹² These rules would become an important standard for gender-sensitive prison reform processes.

- ▶ The importance of integrating gender in penal reform processes is discussed in chapter 3 of the *Penal Reform and Gender Tool*.
- ▶ The importance of ensuring that prison treatment is appropriate to the particular needs of men and women is discussed in section 4.4 of the *Penal Reform and Gender Tool*.
- ▶ The importance of ensuring access to health care for male and female prisoners is discussed in section 4.6 of the *Penal Reform and Gender Tool*.
- ▶ Ways in which the needs of pregnant women and mothers of young children can be met in prisons is discussed in section 4.7 of the *Penal Reform and Gender Tool*.
- ▶ The specific challenges of integrating gender into penal reform in transitional countries are discussed in section 5.2 of the *Penal Reform and Gender Tool*.

¹² A draft of the *Rules for the Specific Treatment of Women Prisoners and Women in Custodial and Non-custodial Settings* is available at: http://www.unodc.org/documents/justice-and-prison-reform/Expert-group-meeting-Bangkok/ECN152009_CRP8.pdf (accessed February 5, 2010). Most recently at the time of writing, a paper on the new rules was endorsed by an intergovernmental expert group meeting held from 23 to 26 November 2009 in Bangkok.

SOUTH AFRICA

Addressing HIV/AIDS in prisons

Penal reform occupied an important position in the South African process of reforming its security sector after the end of apartheid. The new government of South Africa signed and ratified numerous regional and international treaties and declarations relating to the treatment of offenders and detainees. Government policy seeks to turn all prisons into correctional centres and all prison officials into rehabilitators. The government adopted an open door policy to international, regional and domestic human rights bodies to visit the country and make concrete proposals.¹

According to the 2008-2009 Annual Report of the Judicial Inspectorate of Prisons, there are 237 prisons in South Africa, which collectively have the capacity to house 114,822 inmates. Eight prisons accommodate only female inmates, 130 only male inmates and 86 accommodate both male and female inmates. In addition there are 13 centres specifically for male juvenile inmates (including children younger than 18 years of age). The official capacity of different prisons varies from 31 to 3,024 inmates. Overcrowding is a problem in most of the prisons to varying degrees depending upon factors such as geographical location and security classification. 49 prisons are occupied at levels below 100%, 107 at levels between 100% and 150%, 62 at levels of 150% to 200% and 19 at levels more than 200%.²

As of December 2009, the total number of prisoners in custody was 161,320. Men constituted 97% of the total prison population and women 2.2%, a percentage similar to other countries in the region, such as Malawi (1,7%), Swaziland and Zambia (2,6%), Namibia (2,7%) and Angola (3,3%).³

Sexual violence and HIV/AIDS in prisons

A litany of scandals emanating from the Department of Correctional Services in the late 1990s and early 2000s drew public attention to the dismal state of South Africa's prisons. In 2001, the Government appointed the Jali Commission of Inquiry to investigate prison conditions and to issue recommendations for improvement. As part of its mandate, the Jali Commission was tasked with examining sexual violence in prisons. Its report presented evidence of rape being rampant in prisons, shedding light on a number of stories of pervasive prison rape – including of some prisoners deliberately raping others to infect them with HIV/AIDS.⁴ The Jali Commission used strong words to highlight the seriousness of the problem and the authorities' responsibility:

*'... if the Department [of Correctional Services] keeps on ignoring the fact that sexual abuse is rife in our Prisons and that there is an extreme likelihood that prisoners who are exposed to violent unprotected sex will in all likelihood contract AIDS, then it is effectively, by omission, imposing a death sentence on vulnerable prisoners.'*⁵

Another key finding of the Jali Commission was that prison warders were homophobic towards gay and transsexual prisoners. The Commission found that prisoners had lost faith in the Judicial Inspectorate and Independent Prison Visitors complaints system, as their complaints were not dealt with effectively and offending warders remained on duty without being punished.⁶

1 United Nations, *Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa*, Mission to the Republic of South Africa, June 14-30, 2004, 10, http://www.achpr.org/english/Mission_reports/South%20Africa/Special%20Rap_Prisons_South%20Africa.pdf (accessed November 24, 2009).

2 Judicial Inspectorate of Prisons, *2008-2009 Annual Report for the Period 1 April 2008 to 31 March 2009*, Judicial Inspectorate of Prisons, Republic of South Africa, March 31, 2009, <http://judicialinsp.dcs.gov.za/Annualreports/Annual%20Report%202008%20-%202009.pdf> (accessed December 1, 2009).

3 Ibid; International Centre for Prisons Studies web-site: http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_female (accessed February 8, 2010).

4 Commission of Inquiry into Alleged Incidents of Corruption, Maladministration, Violence or Intimidation into the Department of Correctional Services Appointed by Order of the President of the Republic of South Africa in Terms of Proclamation No. 135 of 2001, as Amended: Final Report, December 2005, 166-7, http://www.info.gov.za/otherdocs/2006/jali/jali_comm_full.pdf (accessed February 2, 2010).

5 Ibid., 446-447.

6 Ibid., 568-90.

SOUTH AFRICA

Addressing HIV/AIDS in prisons

The African Commission's Special Rapporteur on Prisons and Conditions of Detention in Africa, on visiting South Africa's detention facilities in 2004, noted that one of the major concerns was the burden of HIV/AIDS.⁷ According to an Institute of Security Studies study carried out in 2003, HIV prevalence in South Africa's prisons is approximately 41% and 90-95% of deaths are AIDS-related. The risk of transmission of HIV is extremely high in prisons: high-risk sex is commonplace, usually in the form of unprotected anal sex, rape and sexual assault; gang violence is common, with sex innately intertwined with gang life.⁸ The two most powerful gangs are the 26s and 28s, with the latter's power structure being based on 'homosexual partnerships and the prostitution of designated male inmates'. Rape victims tend to be reluctant to report perpetrators. Tattooing is a key activity in gang membership, and unsterilised needles and instruments are shared.⁹

Civil society programme to address HIV in prisons and on release

In 2006, the Sonke Gender Justice Network (SGJ) started a 'prisons transformation' project with men and boys. The project aims to reduce new HIV infections and increase positive living amongst staff and prisoners both while in prison and upon release through increasing knowledge of HIV prevention strategies and advocating for the necessary prevention and treatment services. SGJ particularly strives to address the needs of awaiting-trial prisoners, given that young people are disproportionately represented among this group and that HIV/AIDS infection rates are highest among the young. In 2007, SGJ worked in four prisons in the Western Cape and in 2008 the project was extended to four other prison facilities.¹⁰

During the initial phase, SGJ developed partnerships with the involved prisons by organising meetings with the Department of Correctional Services personnel in each prison, including management staff, general support staff and prison heads, to discuss and agree on work plans and implementation dates. In addition, it conducted a needs assessment to identify potential points of entry and issues to be addressed. For example, as part of the needs assessment conducted in Pollsmoor and Goodwood prisons SGJ held two focus group discussions with prisoners and six in-depth interviews with key staff; conducted an analysis of available health data to better understand the nature, quality and availability of HIV treatment in prisons; and reviewed HIV related policies and reports available from the Department of Correctional Services.

From the needs assessment, it emerged that there was an extremely low level of knowledge about HIV and AIDS amongst most staff and prisoners, and that information was best communicated to the groups via illustrations rather than written material or lectures due to the low levels of literacy amongst group members and their limited familiarity with HIV related terms and concepts. The assessment also revealed that most staff and prisoners were not aware of programmes within and outside prisons on HIV and AIDS, and that the stigma attached to being HIV-positive often constituted an important barrier to accessing services.¹¹

SGJ then carried out capacity building workshops with prisoners and staff. Intensive five-day 'Men as Partners' workshops were conducted, focusing on issues of HIV/AIDS and gender-based violence, and participants were trained on the 'One Man Can' themes of ending domestic and sexual violence. The training included interactive sessions in which participants were encouraged to discuss among themselves issues of HIV/AIDS and gender-based violence. SGJ also conducted one-day workshops with senior management

7 African Commission on Human and Peoples' Rights, *Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa*. Mission to the Republic of South Africa, June 14-30, 2004.

8 See SGJ web-site: <http://www.genderjustice.org.za/projects/prisons-transformation> (accessed February 2, 2010).

9 African Commission on Human and Peoples' Rights, *Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa*, 56.

10 SGJ web-site: <http://www.genderjustice.org.za/about-us/about-us.html> (accessed November 17, 2009); SGJ, *Prisons Transformation Project: Working with men and boys in Western Cape prisons to reduce the spread and impact of HIV and AIDS*, SGJ Proposal to the Elton John AIDS Foundation, January 11, 2008.

11 SGJ, Needs Assessment Report to the Elton John AIDS Foundation: *Ensuring Access to Treatment for Inmates in Pollsmoor and Goodwood Prisons and Upon Their Release*, November 10, 2008.

SOUTH AFRICA

Addressing HIV/AIDS in prisons

and support staff at two of the prisons to improve staff knowledge and awareness of HIV/AIDS and violence, to better enable staff to protect themselves from HIV/AIDS and to better serve the needs of prison prisoners. In addition, partnerships were established with other organisations working with recently released former prisoners so as to ensure continuity with the work conducted within prisons after prisoners are released.¹²

Another activity initiated by SGJ was the development of murals at each training site to help spread awareness of issues relating to violence, drugs and HIV/AIDS. In each prison, a two-day skills development workshop was carried out with prisoners who discussed and agreed upon mural themes relevant to the prison population. Those involved in the painting of the murals became very engaged in the issues, giving themselves a group name and developing original and innovative designs.

The SGJ's prisons project was successful in that both staff and prisoners participating in the workshops were receptive to the issues and the training, and a good proportion of the prisoners within each of the prisons showed a commitment to implementing further HIV prevention activities. However, some challenges were encountered in the implementation phase of the project and have served as lessons learned for future projects of a similar nature:

- Challenges related to access: The Department of Correctional Services had a quite restrictive policy in relation to access to prisons for civil society organisations. In addition, it made it clear to SGJ that its access to prisons would have been curtailed and possibly revoked if the organisation made statements to the media that criticised the Department without the latter's approval. This limited SGJ's scope for using the media as a means to demand improved HIV/AIDS service delivery in prisons, and actually forced SGJ to choose between prison-based trainings and advocacy.
- Ensuring buy-in of Prison Head: In one instance, SGJ experienced difficulties with the point of contact at a prison who at times proved unreliable. This impacted on the project work plan, delaying the implementation of capacity building workshops. To deal with this, SGJ established a working relationship with the Prison Head who proved to be extremely supportive of the project and facilitated the appointment of a new point of contact for SGJ. This highlights the value of achieving the buy-in and commitment of senior management staff.
- Working within prisons' timetables: Fitting in with prison schedules proved to be a challenge as there were frequently other Department of Correctional Services educational programmes taking place. It was crucial to schedule workshops and obtain requests well in advance.
- Challenges related to programme design: There is a need to individually assess each prisoner's specific characteristics and try to address and reflect them in the most comprehensive way possible in training design and delivery. As the literacy level of prisoners is generally low, SGJ should develop low-literacy materials and approaches for training sessions. Focus should also be placed upon personal development so as to help address the other needs prisoners will have after they are released, such as education, employment opportunities and emotional support.¹³

¹² In parallel with the 'HIV prevention in prisons' initiative, SGJ run the 'One Man Can' campaign in eight South African provinces, as well as in Burundi, Kenya, Malawi, Mozambique, Namibia and Uganda. The Campaign, started in November 2006, aims to support men and boys to take action to end domestic and sexual violence to promote healthy, equitable relationships that men and women can enjoy. SGJ web-site: <http://www.genderjustice.org.za/projects/one-man-can-campaign> (accessed November 17, 2009); Partner organisations are Civil Society Prison Reform Initiative, the National Institute for Crime Prevention and Rehabilitation of Offenders, the Department of Health and the Treatment Action Campaign; Sonke Gender Justice Project, *Accelerated HIV/AIDS Prevention Response in the Western Cape: Working with Men in Prisons and in Khayelitsha to reduce the spread and impact of HIV and AIDS*, Narrative Report to the Western Cape Department of Health Project Period: January 3rd– March 31st 2007, Proposal to the Elton John AIDS Foundation, January 11, 2008.

¹³ SGJ, Needs Assessment Report to the Elton John AIDS Foundation: *Ensuring Access to Treatment for Inmates in Pollsmoor and Goodwood Prisons and Upon Their Release and Ensuring Access to Treatment for Inmates in Pollsmoor and Goodwood Prisons and Upon Their Release*, November 10, 2008.

SOUTH AFRICA

Addressing HIV/AIDS in prisons

- Human resources: The human resources demands of the project were high. Workshop activities needed to be in both Afrikaans and Xhosa, and the nature and content of the training was such that prisoners required immediate and supplementary follow-up and support to enable them to implement their own HIV/AIDS prevention activities.

Today, SGJ has expanded its work (thanks to funding from the Elton John AIDS Foundation) and started a new project focused on men living with HIV/AIDS in prisons. This project aims to build the capacity of correctional staff to create a supportive environment for prisoners infected with and affected by HIV/AIDS and violence, and support prison officials and prisoners in carrying out HIV/AIDS prevention activities. Furthermore, training will be conducted for prisoners to provide them with the skills and commitment necessary to continue their health-seeking behaviour upon release, including the giving them needed information and contacts for accessing community support mechanisms. An assessment process aimed at identifying the concrete impacts of these activities on case officers and prisoners' attitudes and practices towards reducing HIV/AIDS is planned to take place in February 2010. In particular, monitoring will focus on identifying changed attitudes with reference to stigma, use of HIV services, condom availability and involvement in pre-release and post-release programmes.¹⁴

Local and international civil society organisations have played and still play a fundamental role in addressing human rights-related issues in prisons in South Africa. In its latest report, the Judicial Inspectorate has noted the major contribution of such key stakeholders and collaborative partners in correctional services. Organisations such as SGJ, to cite one among many examples, are recognised as actors with which “unconditional cooperation” is necessary as the only concrete solution for the “community's collective efforts at improving the situation in our correctional centres [to] have any chance of success”.¹⁵

- ▶ The importance of integrating gender into penal reform is discussed in section 3 of the *Penal Reform and Gender Tool*.
- ▶ Measures to prevent and respond to gender-based violence in prison are discussed in section 4.5 of the *Penal Reform and Gender Tool*.
- ▶ Training of prison staff is discussed in section 4.8 of the *Penal Reform and Gender Tool*.

¹⁴ SGJ, *Prisons Transformation Project: Working with men and boys in Western Cape prisons to reduce the spread and impact of HIV and AIDS*, SGJ Proposal to the Elton John AIDS Foundation, January 11, 2008.

¹⁵ Judicial Inspectorate of Prisons, *2008-2009 Annual Report for the Period 1 April 2008 to 31 March 2009*, Judicial Inspectorate of Prisons, Republic of South Africa, March 31, 2009, 41, <http://judicialinsp.dcs.gov.za/Annualreports/Annual%20Report%202008%20-%202009.pdf> (accessed December 1, 2009).

Additional training resources

Coyle, A., *A Human Rights Approach to Prison Management*, 2nd edition, London: International Centre for Prison Studies, 2009.
http://www.kcl.ac.uk/depsta/law/research/icps/downloads/handbook_2nd_ed_eng_8.pdf

Penal Reform International, *Human Rights and Vulnerable Prisoners*, Training Manual No.1, 2003.
<http://www.penalreform.org/resources/man-hr1-2003-vulnerable-prisoners-en.pdf>

UNODC, *HIV and AIDS in Places of Detention: A Toolkit for Policymakers, Programme Managers, Prison Officers and Health Care Providers in Prison Settings*, 2008.
<http://www.unodc.org/documents/hiv-aids/HIV-toolkit-Dec08.pdf>

UNODC, *Handbook for Prison Managers and Policymakers on Women and Imprisonment*, 2008.
<http://www.unodc.org/documents/justice-and-prison-reform/women-and-imprisonment.pdf>

Zweig, J., Naser, R., Blackmore, J. & Schaffer, M., *Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies*, 2006.
http://www.urban.org/UploadedPDF/411367_psv_programs.pdf