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A PRINCIPLED APPROACH TOWARDS A MORE HUMANE CORRECTIONS

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Abstract

Building on the work and observations of the International Committee of the Red Cross (ICRC) in places of detention around the world, this paper argues for the application of a principled approach to the design and implementation of any reform, project or initiative within an individual prison or across a penal system despite the context, challenges or resources. Legislators, policymakers, administrators and civil society can move the bar positively along a continuum towards a more humane prison environment by applying the following five principles: 1. The inclusion of the voice of people with lived experience in detention; 2. Do no harm; 3. Maintain a maximum of normality; 4. Promote health and personal growth and 5. Maintain strong connections to society

Introduction

Imprisonment comes at a high cost. It tears families apart and damages the social fabric of society. It negatively impacts the mental and physical health of people deprived of their liberty. It stigmatizes individuals and will often cut them off from society even more. Positive reintegration in the community is difficult for anyone who has spent time in detention. Further, the increasing challenges of armed conflict and the politicalization of detention are obstacles that need to be grappled with.

In its work around the world for more than 150 years¹, the ICRC seeks to ensure humane treatment for people deprived of liberty regardless of the reasons for their arrest and detention. It seeks to preserve their dignity, physical and psychological integrity and restore the links between them and their relatives². During its visits to places of detention, the ICRC engages primarily with people deprived of liberty to understand their experience and identify potential issues around treatment and prison conditions. The ICRC also engages in a strong dialogue with prison authorities, based on its analysis of the environment, in order to improve systems and ultimately the lives of people deprived of liberty, in line with international legal frameworks.

In 2023, the ICRC conducted 2,617 visits to 885 places of detention in 84 countries. Through its visits, the ICRC is acutely aware of the complex challenges faced by prison administrators, including managing violence and corruption as well as mitigating the effects of armed conflict and environmental hazards while simultaneously coping with a lack of human or financial resources. This paper asserts that from the perspective of the ICRC, the application of a principled approach in the design and implementation of reforms, projects or initiatives within any system of detention can contribute towards a more humane correctional environment despite these challenges. The application of these principles does not require resources, but rather a shift in mindset at both the practitioner and political level, which can contribute to dignified and humane treatment of the people under their care.

A principled approach

In 2018, the ICRC publication '*Towards Humane Prisons: A principled and participatory approach to prison planning and design*' outlined a new and innovative participatory approach to prison planning and design based on four principles that should be applied to any new prison building project: "do no harm"; maintain a maximum of normality; promote health and personal growth; and maintain strong connections to society (ICRC, 2018).

The four principles were designed to support policymakers, administrators and prison staff in fulfilling the dual purpose of prisons; that is, to protect society against crime and to reduce recidivism as

1 The ICRC began working on behalf of people deprived of liberty in 1870 during the Franco-Prussian War, through the coordination of the distribution of letters from families and relief parcels. The first ICRC visit to a place of detention occurred during the First World War.

2 For a detailed account of the history, premise and confidential working methods of the ICRC in places of detention, see "Protection of detainees: ICRC action behind bars" by Alain Aeschlimann, available at: https://international-review.icrc.org/sites/default/files/irrc_857_5.pdf.

outlined in Rule 4.1³ of the United Nations Standard Minimum Rules for the Treatment of Prisoners, otherwise known as the Nelson Mandela Rules (United Nations, 2015). *Towards Humane Prisons* highlights some of the complexity in fulfilling this dual purpose (ICRC, 2018, p. 35):

Depriving people of their liberty to protect society while simultaneously promoting their reform and social integration is a significant challenge. Prison staff and administrations all over the world are deeply aware of the complexity of this challenge and the paradox of separating people from society and depriving them of their liberty while simultaneously expecting them to become more responsible, self-supporting and better integrated into society. For places of detention to fulfil their mission, the maximum must be done – including through appropriate infrastructure and staff support – to provide the conditions, facilities, programmes and services that enable and encourage detainees to make positive changes. At a minimum, the ability of detainees to succeed in life after release must not be lessened by their experience of detention.

Although these principles were focused on prison planning and design, the ICRC believes that they are relevant and applicable to the design and implementation of any initiative within a prison system or individual place of detention. The four principles are derived from international law⁴ and standards as well as evidence from the observations and discussions with detainees and prison staff during decades of ICRC visits to places of detention (ICRC, 2018, p. 34).

Further, although interwoven throughout the *Towards Humane Prisons* approach, and building on the lessons learned globally from the pandemic, the ICRC has also asserted that the inclusion of the voice of people with lived experience in places of detention must be elevated from a best practice to an essential aspect of any initiative or approach affecting people deprived of liberty. In essence, this is a fifth principle overarching and transversal over the other four (Hackett, 2022; Hackett, 2023; ICRC, 2022, p. 39). This principle is also based on aspects of international law and the experience of almost 100,000 ICRC visits to places of detention over the last two decades⁵, which is at the core of the ICRC work on behalf of people deprived of liberty.

These five principles are universal and form a solid foundation of any initiative, from improvement of living conditions to removing barriers, to access to health care and the implementation of new technology, to name a few. They are not only firmly grounded in international norms, but also in a pragmatic approach based on the reality of the impact of detention on people deprived of liberty. The

3 "The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life."

4 See: *Universal Declaration of Human Rights*; *International Covenant on Civil and Political Rights*; *Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment*; *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*; *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*; *Basic Principles for the Treatment of Prisoners*; *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules)*; *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*; and in times of armed conflict, the *Third and Fourth Geneva Conventions and their Additional Protocols*.

5 ICRC conducted 97,846 visits to places of detention globally between 2003 and 2023.

principles can be applied or adapted in any penal system regardless of resources in order to form a basis for reflection in the design of initiatives and solutions that are based on local realities.

The overarching principle: Inclusion of people with lived experience

It is by hearing from those most affected that we can better understand the impact of incarceration on the dignity and humanity of those deprived of liberty. However, some aspects of the nature of imprisonment, including the inherent power imbalance while incarcerated and the deep-seated stigma following release, are often barriers to the inclusion of those who have first-hand experience of the impacts of detention.

The tangible benefit of including this perspective is often overlooked by policymakers or prison administrators when reforming prison systems as well as the wider criminal justice system. This does not mean that the perspective or opinion of people with lived experience is considered in isolation. It needs to be triangulated against other information and analysed against other evidence. However, it must be considered, at a minimum, equally as other perspectives to ensure balanced and informed policy, initiatives or innovations impacting people deprived of liberty that comply with international standards.

Listening to the lived experience of people deprived of liberty is enshrined in international law⁶ in relation to the monitoring of places of detention, both during conflict and in peacetime, and has been adopted in domestic legislation in many States by oversight bodies, ombudsmen or national preventive mechanisms. The intent and purpose of these provisions is to confidentially gather allegations of ill-treatment or concerns in relation to conditions of detention to address them directly with the detaining authority or in publicly in some cases of oversight bodies.

As a result, listening to the voice of people deprived of liberty is at the core of ICRC's mandate in relation to its work in detention, not only to engage with detaining authorities on allegations of ill-treatment and concerns pertaining to the conditions of detention, but to also to work with prison administrators to design responses to prevent ill-treatment and improve the conditions of detention in the future. Through its work on behalf of people deprived of liberty, the ICRC is acutely aware that often the best solutions to bring a more humane environment and treatment within a place of detention come from those who have lived there.

In one country where the ICRC works⁷, teams had heard from both people deprived of liberty and their families that the existing family visiting area was not conducive to meaningful family contact. Through adopting a participatory approach, with not only people deprived of liberty but also their families, the project expanded to include stages to adjust the overall experience including efficiencies in security screening. As a result, the visiting area was renovated to not only improve meaningful family contact, but the registration process and security screening time was also reduced by a third, translating into a more efficient use of prison staff. The model was then replicated elsewhere in the system.

6 See *Third Geneva Convention, Article 126(1) and Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 20.*

7 *Due to the confidential and bilateral nature of the work of the ICRC in relation to the protection of people deprived of liberty, examples within this article have been decontextualized, except those where detaining authorities or the ICRC have mutually agreed to communicate publicly in relation to a project or initiative.*



In another country that is prone to natural disasters, the ICRC and the detaining authority collaborated to conduct a “lessons learned” exercise with people deprived of liberty who had recently experienced a natural disaster such as an earthquake or flooding while incarcerated. Discussions were held with representatives of the people deprived of liberty as well as with members of potentially vulnerable groups to identify specific hazards that occurred with regard to what happened before the disaster in terms of preparation, during and after the disaster, in relation to recovery. People deprived of liberty were then given the opportunity to share what could be improved in terms of preparation, response and communication. Areas of improvement were identified, including addressing the challenges associated with evacuating older people and people with mobility concerns from the upper floors of the facility as well as the importance of immediate headcounts to ensure all are accounted for. This directly contributed to the subsequent mitigation and planning measures of authorities and informed reflections on this issue across the system.

The ICRC has also worked with authorities to ensure the inclusion of people deprived of liberty in the planning and implementation of initiatives to respond to public health emergencies such as scabies outbreaks. This approach helps to not only understand the dynamics and behaviour within the community where the outbreak has occurred, but also to build a sustainable treatment regime that will be accepted and understood by all.

The inclusion of the perspectives of both people deprived of liberty and those with previous lived experience must come with robust and well-thought-out safeguards. In the examples provided above, the ICRC, through its neutral, independent and humanitarian approach, conducted confidential discussions and provided the information collected from people deprived of liberty in a manner that could not be attributed to individuals or, in some cases, a specific place of detention. Similar safeguards utilizing civil society or another independent third party could be employed by prison authorities, depending on the sensitivity of the topic. Conversely, in most situations, direct transparent engagement with strong management oversight could suffice.

The examples above are in no way exhaustive. Other projects or initiatives where ICRC has worked with local authorities to include the voice of people deprived of liberty include development of correctional officer staffing standards, national policy and legislation development, as well as prison planning and design. From the perspective of the ICRC, if a system is truly seeking to make corrections humane, there cannot be limits on what topics include the voice of people with lived experience. Inclusion of this key concerned category of people must be the norm, a starting point, and where possible and relevant, continue through the life cycle of a project or initiative and not just be a one-off occurrence at the front end of consultations (ICRC, 2022, p. 39). Further, it has been recently recommended by global experts in health in detention that the application of this principle should be extended beyond correctional systems to that of independent monitoring bodies, with people with lived experience in detention being included in inspection teams (ICRC, 2022, p. 39).

In reality, given that imprisonment is involuntary, it is not designed in a manner that is conducive to hearing the voice of people deprived of liberty. Compounding this fact is that it is difficult to hear someone whose voice is lost within a severely overcrowded cell, or when someone is too weak to speak up due to malnutrition or sickness, or when there is fear of reprisal if they do speak up. Therefore, the application of the other four remaining principles, with a strong focus on “do no harm”,

is essential.

Ensuring “do no harm” at all times

The principle of “do no harm” implies that the prison environment should not add to the suffering inherent in the deprivation of liberty. As a basic foundation, the positive obligation of humane treatment under international law⁸ includes taking all necessary steps to prevent and reduce ill-treatment through robust legislation, policy, training and independent monitoring mechanisms. The same provisions also require that living conditions must respect human dignity as well as preserve the physical and psychological integrity of people deprived of liberty.

Although the principle of “do no harm” should be the foundation of any reform of a penal or criminal justice system, it is rarely the case. All too often, reforms are designed without ensuring the fundamentals of the positive obligation of humane treatment are at a minimum being tackled both at the policy and operational level. As a result, when new initiatives or solutions are developed, they do not always begin with the principle of “do no harm” as the fundamental starting point. There is a risk that a well-intended solution could result in unintended harm when initiatives are designed out of goodwill but without considering how it could also negatively impact people deprived of liberty at the onset.

As an example, the ICRC has witnessed access to water being improved through the installation of taps inside cells to replace taps located in the courtyard. The objective was to provide unlimited and easy access to water by ensuring that people deprived of liberty did not have to fill in large quantities of containers outside to be brought inside. This had the unintended result of limiting access to open air as they no longer had to leave the cell to fetch water outside and other opportunities to access open air was extremely limited. Although this is an example at the most basic level, it illustrates the unintended negative impact of a solution when designed without a thorough understanding of the prison environment and without consulting with the people who are most affected.

Overcrowding and its impact on treatment and living conditions

There is an urgent need to ensure that a solution or initiative is not overlooking a root cause of a problem that begins outside of a correctional system. Globally, prison populations continue to rise with a 24 per cent increase since 2000 (Fair and Walmsley, 2021) and an even more alarming 60 per cent growth rate for the incarceration of women and girls over the same period (Fair and Walmsley, 2022). The overall reliance on incarceration combined with a lack of investment in capacity has resulted in 59 per cent⁹ of prison systems around the world exceeding their rated capacity in 2023 (World Prison Brief, 2024). Since 2020, the rate of people at the pretrial stage has grown by 30 per cent (United Nations, 2021), signalling a continued renewal of the incarceration cycle rather than an exit towards more humane alternatives.

Detention must be a last resort. This is simply because prisons can harm the mental and physical integrity of those detained, and the risks are much higher in overcrowded and under-resourced systems. The ICRC has witnessed cells exceeding 2,000 per cent capacity; where the heat combined

⁸ See, e.g. *International Covenant on Civil and Political Rights, Article 10 of and common Geneva Conventions, Article 3, which are applicable during conflicts of a non-international character.*

⁹ According to the World Prison Brief, 123 out of 207 jurisdictions exceed rated capacity as at March 2024.



with the lack of ventilation makes those cells suffocating. The ICRC has visited places of detention where malnutrition due to lack of resources or corruption is prevalent, and where the lack of capacity and oversight of prison staff and management often results in inhumane treatment. It has also witnessed situations where access to health care is blocked due to lack of resources or overly restrictive security regimes. All of these are fundamental issues that must be addressed if there is any hope of designing larger, more innovative and humane solutions pertaining to desistance, reintegration or public safety. The constant and steady rise of the overall prison population, including pretrial detention, will impede any efforts by governments to reduce and overcome overcrowding, even with a significant investment in capacity and resources. In the meantime, dignified treatment of people deprived of liberty and prison conditions aligned with international standards cannot be ensured in an overcrowded environment.

Further, the common position of the United Nations on incarceration stresses (United Nations, 2021):
Prior to any decision to expand prison capacity, States that are confronted with prison overcrowding should first explore and exhaust opportunities to reduce the prison population, and then conduct a comprehensive and realistic assessment of remaining needs.

This requires evidence-based, clear, reliable and transparent data, if decision makers and civil society are able to bring informed policy options to be considered and implemented. The solution to overcrowding lies outside the correctional system, with policymakers and legislators, in relation to larger criminal justice reforms. Alternatives to detention that find the balance between victims' rights and public safety must be explored, funded and implemented, based on evidence.

The approaches outlined by the United Nations Office on Drugs and Crime in collaboration with the ICRC in 2013, including reducing the scope of imprisonment and developing fair sentencing policies as well as improving the efficiency of the criminal justice system, remain valid but require political will to implement (United Nations Office on Drugs and Crime, 2013, p. 40). A collective design linked to reducing incarceration and strengthening investments in prison conditions is urgently needed for the principle of "do no harm" to be realized alongside other innovative approaches to make prisons more humane.

Mitigating the impact of crisis on people deprived of liberty

Places of detention have been facing and will continue to face unprecedented crisis. Over the years, the ICRC has observed the toll that armed conflicts, public health emergencies and climate events have had and is increasingly having on prison environments. Therefore, there is a need to improve the way prisons as well as the specific needs and unique vulnerabilities faced by people deprived of liberty are factored in when planning and responding to such crises.

The experience of the pandemic outlined how unprepared prison systems were for a crisis of this magnitude. The speed at which solutions were needed did not allow for a reflection in relation of the possible negative impacts they might have on those detained (Patterson, 2020, pp. 9–10). Further, Van Hout *et al.* 2023 stated, "During COVID-19, many domestic policies and responses either excluded or failed to adequately include people living and working in prisons, and the prison systems themselves."

In addition, many jurisdictions implemented sets of measures that prevented and limited, for

prolonged periods of time, face-to-face family contacts, access to open air and access to oversight bodies. This resulted in unintended and negative consequences on people deprived of liberty including but not limited to social isolation and negative health impacts (Hackett, 2022). In 2022, the ICRC called for the need to use the experience of the pandemic as a catalyst for change through the application of the principled approach outlined in this paper, including the principle of “do no harm” (Hackett, 2022).

From a natural disaster and climate change perspective, 30 per cent of the global prison population lives in the 12 most exposed countries to natural hazards, with disaster risk reduction initiatives not always being a primary concern (Penal Reform International, 2021). Another statistic worth keeping in mind is that more than 50% of people affected by disasters between 2005 and 2009 lived in fragile and conflict-affected areas, a percentage that continues to increase (Vivekananda, 2020). Although this figure does not strictly apply to the prison population, it is very likely that by extension, people deprived of liberty are as negatively impacted as the larger community, if not more so, due to the inherent risks attached to imprisonment.

The starting point of mitigating any natural hazard is understanding the risk. This is why the ICRC has begun to pilot an innovative initiative, in partnership with several correctional systems in Asia, to develop a Climate Risk Mapping Approach and Tool for places of detention (ICRC, 2023). The tool applies climate and risk screenings to detention settings to identify the most at-risk places of detention and then to apply mitigation measures (ICRC, 2023). This or a similar approach could be utilized in all prison systems to understand the risk of natural hazards prior to selection of a building site and when necessary, apply mitigating measures to existing places of detention.

Applying the principle of normality to the prison environment

When applied to the prison environment, the principle of normality implies minimizing any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings” (United Nations, 2015, Rule 5.1). By supporting autonomy and promoting responsibility, people deprived of liberty can exert a sense of control over their lives, actively engage during their time in detention and prepare for a successful return to the community (van de Rijt, van Ginneken and Boone, 2023, pp. 768–769). Promoting normality means that the level of security within the prison environment and the related constraints are adapted to the risks posed and progress made by each person who has been deprived of liberty, with increasingly fewer restrictions as they move towards release (ICRC, 2018, p. 38). Restrictions should not exceed what is reasonable and necessary to ensure safety, maintain order and security (United Nations, 2015, Rule 5.1).

Where the ICRC visits, far too often, people deprived of liberty spend long hours in overcrowded spaces. Access to the outdoors is often limited. The lack of opportunities means that life inside is more about passing time rather than engaging meaningfully and constructively with the ultimate goal of preparing for a successful return to the community. People deprived of liberty should be allowed to maintain a sense of self-sufficiency, making choices and decisions for themselves, and assuming daily tasks and responsibilities, with a fair and appropriate balance between privacy and socialization, security and freedom of movement, and supervision and autonomy (ICRC, 2018, pp. 38–39).

This means being able to go about their everyday life in prison and engaging in activities

autonomously, such as doing their own laundry, cleaning their cell, cooking a meal, recreating similar routines to the community and maintaining a minimum level of autonomy and decision-making. People deprived of liberty should be able to access open space freely and do so with effective supervision in place (ICRC, 2018, pp. 169–170). Such supervision requires not only that sufficient numbers of staff are deployed, but also managerial oversight and staff training are in place to ensure staff members have the skills to communicate well with those under their care, in living areas designed to provide easy, open, visible and regular contact, and in an atmosphere that is as close to a normal residential setting as possible (ICRC, 2018, pp. 169–170).

Meeting the needs of people deprived of liberty in situations of vulnerability

Many people deprived of their liberty found themselves in situations of vulnerability in places of detention. This may be, among others, the case for women with young children, people who identify as LGBTQIA+, detainees with mental health disorders, people with disabilities and older people. Engaging safely and constructively for people in such situations will only be possible if prison authorities proactively respond their specific and often complex needs (United Nations, 2015. Rule 2.2). Access to specific services will have to be tailored to their specific needs based on an assessment of individual needs.

Building on the principle of inclusion of the voice of people deprived of liberty, it is also key to engage with the concerned category, either on an individual and/or when appropriate, collective basis, to decide how to best tailor services in the most suitable way. For instance, the needs of the older people and people with disabilities need to be proactively addressed and planned for. This includes the design of the prison environment, ensuring that it is adapted to their needs including accessibility and having appropriate health services in place. Further, the promotion of early release on humanitarian grounds can ensure that older people and others are released when their health is no longer compatible with a stay in detention. In line with the principle of normalization, such initiatives can ensure that the person will have access to more appropriate health care and social services, as well as ensure that the person is surrounded by loved ones, especially when reaching the end of their life.

The exceptional nature of restrictive regimes

Within prison systems, restrictive regimes¹⁰ should be used as a last resort and for the shortest time possible. There is a wealth of evidence demonstrating the negative impact they have on the physical and mental health of people deprived of liberty, including a rise in self-harm and suicide¹¹ (Scharff Smith, 2006; Shalev, 2014). The longer the period of solitary confinement, the more serious the health effects (Shalev, 2008, p. 9). People in solitary confinement can experience, among others, psychotic illness and hallucinations as well as difficulties concentrating and memory loss (Shalev, 2008, p. 11).

In between 2018 and 2020, the ICRC conducted research into the use of restrictive regimes and its

10 *The ICRC describes a restrictive a regime as combining: 1. Separation from the general prison population whether temporarily or permanently; 2. Controlled movement, whereby a person's movement is restricted; 3. Heightened physical security measures applied to the person; and 4. Severe limitations on the daily life of a person.*

11 *In addition, see World Medical Association, "WMA Statement on solitary confinement", World Medical Association, 28 September 2020: <https://www.wma.net/policies-post/wma-statement-on-solitary-confinement/>, accessed 24 April 2024 and International Psychological Trauma Symposium, Istanbul, "The Istanbul statement on the use and effects of solitary confinement", *Torture*, Vol. 18, No. 1, 2008, pp. 63 – 66: <https://drive.reindex.net/RCT/101/TORT2008.18.pdf>.*

humanitarian impact in Europe and Asia. Its study *Restrictive Regimes in Places of Detention* (2020) shows that, far from being exceptional, restrictive detention regimes were used and applied for protracted periods of time to a wide range of people deprived of liberty. People held under restrictive regimes had not always been risk-assessed and when assessed, they did not necessarily pose a risk. They experienced a combination of solitude, enforced idleness and deprivation of social interaction, and they found it difficult to subsequently reintegrate into the general population. The regime often relied on long periods of lockdown, on average 22 hours and up to 23 hours, with limited social interaction in an impoverished and unstimulating environment. The study identified that there was a lack of common understanding among prison authorities on what constitutes a restrictive regime. Further, the ICRC noted that authorities often failed to acknowledge restrictive regimes as such even when they amounted to solitary confinement¹². These findings combined with inconsistencies in data collection and gaps in information meant that it was very difficult to quantify situations of restrictive regimes.

People held under restrictive regimes are as far away as one can be from the principle of normalization. In its study, the ICRC explores ways of moving away from such regimes and calls for States to review and reduce their use of restrictive regimes. When people are placed under these conditions, it is crucial to have a set of procedural safeguards in place to ensure the shortest stay possible and facilitate a swift return to the general population where the person can be more actively engaged and stands a better chance of a positive return to the community when released.

Information, communication and technology in relation to normality

Access to technology is a key element of the principle of normalization. The aftermath of the COVID-19 pandemic saw the expedited development of information and communication technology in prison. In some countries, people deprived of liberty can now use digital technology to communicate with their families, lawyers and other service providers, including social workers and future employers, as well as have access to services such as distant learning. Technology is available within some places of detention to provide instant language translation, which is particularly useful for people isolated due to a language barrier. Access to technologies can support and enhance the acquisition of new set of skills, which are key in ensuring a successful return to the community. It is also paramount in order to prevent digital divide and inequality upon return (Järveläinen and Rantanen, 2023, p. 2). Studies have also highlighted the link between access to technology and improved social relationship between staff and people deprived of their liberty (Järveläinen and Rantanen, 2021, p. 241).

If digitalization can facilitate contact and sometimes speed up processes, it is essential to ensure face-to-face and meaningful contact with as wide a range of people and services as possible to limit the risk of social isolation. Digitalization should increase the opportunity for those incarcerated to connect in an autonomous and secure fashion, but this cannot happen at the expense of actual meaningful human interactions.

Digital technologies have also expanded to services such as access to health and access to court (such as court hearings), with the goal of making services more accessible in a timely manner. Besides some of the advantages it brings, any engagement in these specific areas requires extensive

¹² *Solitary confinement is defined by Rule 44 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (United Nations, 2015) as "the confinement of prisoners for 22 hours or more a day without meaningful human contact".*

risk assessment and having a strong set of safeguards in place framed within the applicable legal framework. Technology must not be used when there is the risk of harming people deprived of liberty. This is why the detainee has the right to appear in person before the court, especially where such presence would serve the inquiry into the lawfulness of detention or where questions regarding ill-treatment of the detainee arise, as highlighted by the Human Rights Committee (Human Rights Committee, 2014, p. 13). When considering the use of technology, the principle of “do no harm” must apply at all times, and it is key to consult with those deprived of their liberty to understand the impact technology has on their access to services and understand potential misuse.

Promoting health and personal growth

Prisons must promote health and personal growth through a positive and healthy living environment as much as is possible. Prisons need to also meet the basic needs of the people deprived of liberty entrusted to their care and provide conditions, programmes and services that promote their overall health and well-being to encourage positive change (ICRC, 2018, p. 40). When considering health in detention, it is paramount to highlight that people deprived of liberty have specific and complex needs, are some of the most vulnerable and disadvantaged people in society, and that individuals with poor health are also overrepresented in prison populations (Groenewegen *et al.*, 2022, 1–2).

Effectively responding to health needs and protecting the right to health in detention remains challenging. The ICRC often observes that people deprived of liberty frequently struggle to have access to health services, let alone quality of care. Health services are often inadequately staffed and access to specialists are almost inexistent in some contexts. General conditions and prison management can also negatively affect health as well as limit access to such services.

Following the First World Conference on Health in Detention in 2022, the ICRC issued a set of recommendations (ICRC, 2022, p. 38–40) prepared by global experts with a view to improving health outcomes in detention settings. In line with the principle of prison health as part of public health (World Health Organization, 2003), the recommendations highlight the right to access health care services for all people deprived of their liberty. It stresses the right to access free, comprehensive, physical and mental health care of a quality equivalent to that provided to the general public. It reiterates the need for initial medical assessments, which contribute to identifying exposure to torture and ill-treatment. It insists on the continuum of care and the needs to implement effective coordination between health care in prisons and community health care services. It highlights that health in detention requires sufficient human resources as well as the allocation of a sufficient and dedicated budget. Finally, it recommends meaningful engagement with people with lived experience when drawing up road maps for health care in detention.

The promotion of a positive and healthy environment is also about personal growth and ensuring that people deprived of liberty can spend their time meaningfully, grow by learning and working, and develop social and professional skills. In line with the principle of normality, providing opportunities for constructive activities, be they occupational or recreational, is essential. This ensures that people deprived of liberty remain active, keep busy during the day and engage in a meaningful manner. This may sometimes imply that they participate in the life of the prison in a positive manner, either through maintenance of cleanliness or the preparation of meals for the community. In line with international standards (United Nations, 2015, Rules 96–105), the ICRC recommends that occupational

activities in prison are framed within the local labour law, be consented to by the people deprived of liberty, comply with health and safety regulations, provide some form of compensation, and ideally ensure the skills acquired through work can increase the chance of securing a job prior to or during release. Partnerships with the community outside of prisons can help in this endeavour.

Finally, people deprived of liberty can engage meaningfully and constructively when well-trained prison staff is in sufficient numbers to supervise and positively engage with them. Well-managed prisons need to be efficiently supervised and have a clear set of rules and procedures in place to function well. When insufficient resources are invested in staff and without strong leadership, the space left tends to be disproportionately occupied by those detained, and this can cause serious harm to people deprived of liberty and especially those in situations of vulnerability.

The importance of connecting with the outside world and especially with family

It is essential that people deprived of liberty and the institutions they are held in maintain strong connections with their family and the outside world. These strong connections are key in lessening the differences between a person's life in and outside of prison, and are paramount to ensure a successful return to the community.

Families tend to be the first and only source of support for someone being detained. Often in under-resourced systems, families are the only connection with the outside world. They ensure contact and follow-up with legal and social services when available as well as contacts with potential future employers. They bring clothes, food, medication and money to the loved one to augment the meagre prison supplies. They are usually an essential source of emotional support to their incarcerated loved one and can help reduce anxiety.

Far too often, places of detention make it difficult to establish and maintain relationships with family including partners, children, parents and friends. The ICRC frequently observes that prison authorities do not notify the families of the arrest and/or transfer of a person deprived of their liberty to another place of detention. Prisons are often located far away from the family home with limited public transport options, rendering a visit difficult, time-consuming and costly. When available, visiting areas are not always adapted to accommodate family needs. The lack of visiting areas means that in many countries, visits will take place directly in the blocks of prisons, unsupervised, bringing a significant risk of sexual violence.

In order to strengthen family connection as well as promote personal growth and autonomy, it is key to ensure that people deprived of liberty are being regarded as social beings who are part of a community, and they should be able to play an active role as a parent, partner and friend (Snacken, 2022; van de Rijt, van Ginneken and Boone, 2023, p. 768). Abundant and quality communication is necessary. This means that prison authorities should allow people deprived of liberty to notify their family promptly about their imprisonment and communicate regularly with their loved ones. Phones should be placed in specifically designated and stress-free areas that are conducive for private and, if needed, lengthy communications. Well-resourced places of detention are beginning to invest in in-cell telephony, but this should not increase the time people are locked up in their cells. Initiatives to provide free or significantly subsidized calls during a pandemic must become the norm. Families should not have to bear the burden of high costs of calls to their loved ones. This particularly affects



foreign nationals who are already at a considerable disadvantage in the prisons of a country that is not their own.

The ICRC recommends several strategies to encourage frequent visits (ICRC, 2018, pp. 124–125). It includes, but is not limited to, making access to the facility and through security as easy and accessible as possible by being connected to public transportation. This is about providing a comfortable and welcoming visitor centre that accommodates visitors' basic needs, including providing toilets, storage for belongings and protection from the elements. It should offer as normal an environment as possible to make everyone comfortable by providing spaces for interactions that reflect similar spaces in the wider community.

In any prison system, there are groups of people deprived of liberty who do not receive any family support. They can often find themselves socially isolated or in the case of foreigners, unable to communicate with family or receive family visits. It is paramount to ensure that those vulnerable people are provided with extra support by prison authorities and by the community such as external non-governmental organizations and/or volunteer visitors. Enrolling them in occupational activities as a priority so that they can earn a salary will ease the hardship in prison. The ICRC often works alongside detaining authorities to develop specific projects for foreigners who are deprived of liberty with the view of re-establishing and maintaining family links. Often this is done through the use of Voice over Internet Protocol, a low-cost solution that offers an immeasurable amount of emotional support to a person who has not heard a familiar voice for a very long time.

Community engagement is yet another key element to enhance the social fabric and successful re-entry into society. Therefore, civil society's role within places of detention should be seen as essential and not as a burden. Prison authorities should encourage their presence in prison and ensure that the activities they carry out are helpful to people deprived of liberty. Often, non-governmental organizations and community groups can augment or complement structured activities offered by prison authorities to bring added benefit to people deprived of liberty and the overall prison environment.

Finally, ensuring the regular visits of independent oversight bodies is essential for prisons to function in a healthy and transparent manner (United Nations, 2015, Rules 83 - 85). Experts from those mechanisms can ensure the prevention of torture and other forms of ill-treatment, and promote prison management in line with international standards. Oversight bodies ensure that prisons are, through their monitoring, more open to and fully part of the community. As mentioned in the first section on the inclusion of people with lived experience, it has been recommended that independent monitoring bodies and national prevention mechanisms consider including people with lived experience of detention in their teams (ICRC, 2022, p. 39). This is an important element to be considered in order to ensure the perspectives of people deprived of liberty is fully captured and understood in their work.

Conclusion

Applying a principled approach towards humane corrections requires a mindset shift for decision makers, administrators and prison staff globally. Further, the five principles are universal and designed to be applied without additional resources in even the most challenging of contexts. This approach is by no way a guarantee or panacea to making a place of detention more humane. Rather,

the holistic application of these principles, underpinned with strong political will, can positively contribute to efforts to meet the dual purpose of prisons through the lens of humane treatment.

In conclusion, we call for all detaining authorities to incorporate this principled approach into new or ongoing reform processes. We also encourage detaining authorities to share their practices to improve knowledge and build evidence in this regard. Further, we would encourage practitioners, academics and civil society to continue to build momentum surrounding aspects outlined in this article in order to exchange ideas and practices, and to further develop the principles. Finally, it is our hope that by applying and building on these principles, the voices around humane treatment are heard and international standards are complied with despite the increasing challenges of armed conflict and the politicalization of detention.

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