

Report of a Functional Analysis of the Ministry of Justice and Public Order, Republic of Cyprus

Final Report

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Report of a Functional Analysis of the Ministry of Justice and Public Order, Republic of Cyprus

Executive Summary

This report details the findings, conclusions and recommendations of a functional review on the Ministry of Justice and Public Order (MoJPO) carried out by the National School of Government International (NSGI) on behalf of the Government of Cyprus.

The institutional arrangements for the governance and conduct of the study are set out in Section 1 (Introduction). The overall reform context within which the review is set and on which many of the recommendations of this report depend is described in Section 2 (The Cross-cutting Reforms and their Impact on MoJPO). The vision and objectives of the Ministry are set out in Section 3 (Context and Vision).

The report goes on to discuss the major functional areas of MoJPO's mandate which are within the scope of the study. It is important to note that the main delivery functions overseen by the Ministry – Police and Fire – were ruled outside the scope of the review. In addition, it was agreed with the Government of Cyprus that a detailed operational review of the Prisons would not form part of the review. We have therefore confined our remarks in Section 4 (Prisons) to an examination of how the policy-making and monitoring role of the Ministry operates alongside the operational delivery role of the Prison. Section 5 (the Prisons Board) considers how the Prisons Board fits into this picture.

The effect of the above exclusions from the study has meant that effectively only 1% by value of the Ministry's operations has been reviewed. In addition the operation of the courts system lies outside MoJPO's mandate and budgetary provision for the delivery aspects of the justice system is held by the Supreme Court, although policy aspects do fall to the Minister of Justice. This review provides therefore far from a holistic evaluation of the justice and public order system in Cyprus and should not be viewed as such.

The report then discusses in Section 6 the State Archives which is a discrete delivery function within MoJPO and which consumes 0.2% of the Ministry's annual budget. A further discrete entity, but which operates more as a cross-government policy coordination mechanism, the Commissioner for Gender Equality, is dealt with in Section 7. Section 8 contains an examination of the role of the Anti-Crime Council. Both these latter two entities come under the purview of the Ministry but have no independent budget of their own.

As can be seen from the above MoJPO is a highly federated Ministry with a small policy-making core. Much of the operational delivery carried out under the Ministry's banner is conducted by "agencies" which have a looser or closer connection to the policy making core. They are not organisationally or

legally independent of the Ministry but the nature of the connection and the relationships between the “core” and the “agencies” are a matter which is addressed at several points within this report.

As part of our Terms of Reference we were required to recommend a revised structure for the “core” Ministry. This structure needs to take into account the Public Financial Management (PFM) reform that is currently being implemented across the Government of Cyprus, including the requirement for line Ministries to establish Strategic Planning Units. The proposed new structure also takes cognisance of the cross-cutting Human Resource Management (HRM) reforms which at the time of writing are still being considered by the Government. Our proposed structure makes certain assumptions about the extent to which the Government will endorse the proposals on HRM reforms. This is further explained in Section 9 which contains our recommendation for a revised structure for the Ministry.

Our ToRs also require us to provide an action plan for the implementation of the recommendations in the report. A draft Action Plan is contained as Annex 8.

Given the federated nature of the Ministry and the fact that much of its service delivery is outside the scope of the study it is not felt appropriate to include our conclusions and recommendations in an executive summary. Accordingly conclusions and recommendations are contained within each section of the report.

Introduction

The Government of Cyprus (GoC) is implementing a set of fiscal consolidation reforms aimed to overcome short and medium-term financial, fiscal and structural challenges. For this purpose the GoC has agreed with EC/ECB/IMF a Memo of Understanding on Specific Economic Policy Conditionality (MoU). Both parties agreed in Section 3.9. of the MoU to launch an independent external review of the public administration which includes a horizontal and a sectoral element.

The sectoral element of which this review forms a part will examine the role, competences, organisational structure, size and staffing of relevant ministries, services and independent authorities. The GoC’s main objective is that the independent external review will contribute to identify reforms aimed to improve the operation and delivery functions of public institutions.

A first phase of reviews covering vertical studies of the agriculture, education and health sectors has been concluded, as well as a study on the local government reform and the Department of Registrar of Companies and Official Receiver (part of Ministry of Energy, Commerce, Industry and Tourism) with the final reports been submitted, while a review of cross-cutting human resource management policies and practices is currently being conducted. According to the MoU the reforms of this first phase will start to be implemented by Q4 2014.

In accordance with paragraph 3.9. of the MoU, a second phase of the reviews, with a scheduled start in Q3 2014 and completion in Q4 2015, will cover the remaining seven Ministries, separated in two categories: (a) the “political” Ministries, i.e. Defence / Justice and Public Order / Foreign Affairs, and (b) the “economic” Ministries, i.e. Interior / Labour, Welfare and Social Insurance / Transport, Communications and Works / Energy, Commerce, Industry and Tourism). The results of the second batch will be presented by Q4-2015. They will include implementation timelines with detailed intermediate steps. The reform will start to be implemented by Q3 2016.

The National School of Government International (NSGI)¹, under a Service Level Agreement between the Government of Cyprus (GoC), the British High Commission (BHC) in Nicosia and NSGI, has been contracted to carry out reviews of the three “political” Ministries (Defence, Justice and Public Order and Foreign Affairs). The full Terms of Reference (ToRs) for these studies are contained in Annex 1 to this report.

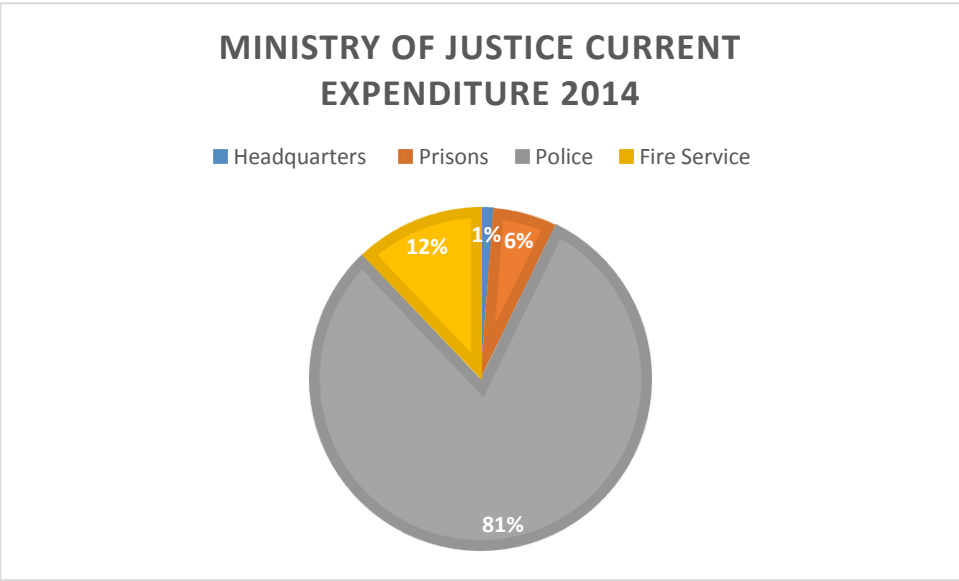
The ToRs for the three ministries are generic in nature. Specifically, in respect of the Ministry of Justice and Public Order (MoJPO), the ToRs stated, among others, as follows:

“Reorganization and staffing of the Ministry’s central administration and subordinate services according to the Ministry’s strategic vision and objectives. Functional review of the Prisons and the Prison System. The MoJPO currently consists of: a) three Directorates, which include the Justice Directorate, the Public Order, Gender Equality and EU Affairs Directorate, and the Administration Directorate, b) the State’s Archive (reports directly to the Permanent Secretary) and c) the Prisons Department. The Police and the Fire Brigade Service, which fall under the competence of the MJPO, are excluded from this study.”

During an initial scoping study carried out in July 2014 it became apparent that, since the original ToRs had been drafted, the Ministry had made considerable progress in reviewing and reforming the Prison System. It was therefore agreed that NSGI would not conduct a detailed review of the Prison and the Prison system. NSGI would confine itself to examining further some remaining issues identified (such as the role of the Prisons Board and further opportunities for “civilianisation” of posts within the Prisons Department). NSGI would also continue to explore how the Ministry’s strategic policy making and monitoring of the Prison can be further improved and sustained. These issues are dealt with in Section 4 below. The full text of the amendment to the ToRs is contained at Annex 2.

It should be noted that the study concentrates on the central administration of MoJPO, which although it represents 1% of the current budget, has a significant role in supervising and coordinating the bodies under its competences.

¹ The National School of Government International is an arm of Her Majesty’s Government. It has a cross-government mandate to support public service capacity-building in overseas countries and thereby contribute to HMG’s international priorities.



Section 1. The Cross-cutting Reforms and their Impact on MoJPO

Public Financial Management (PFM) Reform

The PFM reforms that are currently being implemented will support aggregate control, flexibility, prioritization, accountability and efficiency in the management of public resources and delivery of services, which are critical to the achievement of public policy objectives. To this end, the Government has put into effect a Fiscal Responsibility and Budget Systems Law (FRBSL) as the legislative framework for the implementation of PFM in the public sector.

As part of the PFM reforms line Ministries will be asked to prepare medium-term strategic/business plan. A single strategic plan for each ministry will guide allocation of both financial and human resources within each ministry. In the same way, there will be a single set of objectives for the line ministries against which their performance would be monitored for the purpose of resource allocation (budget decisions) as well as for the purpose of human resource management (performance evaluation). The main sectoral objectives can be broken down to more specific performance criteria (KPIs) for budget and HR purposes.

Our understanding is that the strategic planning process was piloted in five Ministries (Agriculture, Finance, Transport, Communications and Works, Energy, Commerce, Industry and Tourism and Education) in 2014. The remaining Ministries (including the MoJPO) have started their strategic planning process in 2015. It is acknowledged that the new emphasis on strategic planning and the greater flexibility, responsibility and accountability that will accrue to line Ministries as a result of developed budget planning and execution will require new structures and capacity building measures. These will include the creation of a Directorate/Unit in each line Ministry to take on this responsibility, in no small part to ensure that somebody is actually the champion of the Strategic Planning process and its outputs. Currently, the Strategic Planning is dealt on a temporary basis by

the Task Force, which needs to transform itself into a Unit/Directorate with a more permanent existence.

It was acknowledged that it would not be possible to have these directorates/units implemented in the line ministries in time for the 2015 budget cycle (for the pilot Ministries). Therefore, it was suggested that the initial strategic plans could be prepared by task forces that would be established by each line ministry. The reorganisation of line ministries following the functional reviews should however establish these directorates/units as soon as possible with a view to consistency with and reinforcement of an approach which integrates strategic planning, PFM and HRM. Our proposed revised structure for the Ministry, described at section 8, takes into account the requirement to achieve this integration².

Beyond the broad principles above there is no detailed prescription for these directorates/units and how they should relate to the rest of the Ministry. This was intended to be one of the outputs of the functional review. In respect of the MoJPO we were initially concerned to note the general lack of awareness that existed at all levels of the general principles of the PFM reforms and the lack of thinking that had gone into how the Ministry should respond to the new requirements of PFM which were clearly laid out by the Ministry of Finance, viz:

- formulate strategic plans from which comprehensive statement of the strategic objectives are derived
- translate strategic objectives into key performance indicators (KPIs)
- allocating and managing resources to achieve objectives
- deliver on KPI against which outcomes will be assessed and funding for programs will be allocated³

During the course of this study several training workshops have been provided by the Ministry of Finance in order to raise awareness of PFM within MoJPO. In addition support has been provided on the development of the Ministry's Strategic Plan.

Human Resource Management Reform

The sectoral reviews of ministries, of which this is one, were preceded by a review of the Human Resource Management (HRM) policies and processes which are applicable across the whole of the civil service in Cyprus. The Review examined the whole range of HRM policies including recruitment, remuneration, promotion, performance appraisal, mobility and exit mechanisms. The Review found

² A proposal is to be submitted to the Council of Ministers to be discussed and decided upon in June 2015. The proposal will require all ministries to put in place Strategic Planning Units and will describe the role and functions of these Units. The Units, apart from taking over issues of strategic planning, will also be in charge of the reform process in each Ministry as well as other horizontal issues relating to growth initiatives. The proposal provides the flexibility for each Ministry to determine if administrative and accounting functions will also be included in the Strategic Planning Unit, based on the size, particularities and structure of each Ministry.

³ "Implementation of our PFM Reform Strategy", Budget Directorate of the Ministry of Finance, November 2013.

that the HRM systems are highly centralised with control over both policies and transactions held centrally by the Public Administration and Personnel Department (PAPD) and monitored closely by the Public Service Commission (PSC). Managers in government entities – even at the highest level – have little discretion to deploy staff in the most effective manner to deliver the objectives of the entity. The flexibility to deploy staff is limited to reallocating resources internally (flexibility to transfer interchangeable staff within each Ministry, and assign duties in the case of entry-level, non-interchangeable permanent staff).

The HRM report recommended wide-ranging reforms to HRM policies and processes the detail of which need not concern us here. However, underpinning all the recommended reforms was an overall emphasis on the delegation of responsibility for many HRM transactions to managers in ministries and other government entities with the PAPD and the PSC assuming more policy formulation and monitoring roles. This is wholly consistent with the changes that are being introduced as part of the Public Financial Management (PFM) reform. Indeed, the PFM reform team are on record as asserting that, “Without public administration reform, PFM reform will be severely hampered and we will not enjoy the full benefits of these reforms.”⁴

A similar argument applies in respect of the reviews of the sectoral ministries including the MoJPO. This report recommends a range of structural and organisational changes which will not deliver the full benefits envisaged unless concomitant cross-cutting reforms to HRM systems are implemented. Key among those enabling reforms are the increased delegation to managers of greater control over financial and human resources. In this sense our recommendations are both consistent with, yet dependent upon, wider reforms of the civil service.

Currently, the GoC is considering the recommendations provided by the independent reviewers in the HRM report. Based on the final political decisions, a Reform Plan is expected to be approved by the Council of Ministers (CoM) in June 2015. The decisions to be taken by the CoM will critically impact on the degree to which many of the recommendations in this report can be acted upon.

Section 2. Context and Vision

The Ministry of Justice and Public Order’s vision is contained within its statement of vision and strategic objectives. The Ministry’s vision has recently been revised as part of its work on the development of a new strategic plan and now reads as follows:

the establishment of an efficient and cost-effective justice system, which ensures the protection of citizens without any discrimination, with respect of fundamental freedoms and rights, and the rehabilitation of prisoners.

Its Strategic Objectives are:

- The modernization of the branches of the law within the competence of the Ministry and to promote legislation aiming at the prevention of delinquent behaviour, the effective suppression of crime, the fight against serious transnational crime, criminal treatment with respect to human rights, rapid and smooth operation of the courts and the harmonization of legislation with the *acquis*.

⁴ “Implementation of our PFM Reform Strategy”, Budget Directorate of the Ministry of Finance, November 2013.

- The application of the organization of preventive programs and training seminars aiming at informing the public about the prevention of delinquent behaviour.
- The implementation of the National Action Plan for Gender Equality covering measures for economic empowerment and reconciliation of work and family life for women.
- Promoting new infrastructure and upgrading of existing infrastructure of Police, the Prisons Department, the Fire Service and the State Archives and the continuous improvement of human resources, staffing the various Departments / Services for effective performance of their obligations in relation and with the commitments arising from the participation of our country in the European Union.
- Transparency of process and access of citizens.
- Serving the public and responding to requests.
- An easier access of citizens to justice and ensuring of rapid and effective justice.
- Modernisation of structures, procedures and function of the courts.
- Simplification and review processes - structures of justice.
- Effective enforcement of the decisions of judges and compliance with them.
- Establishment of a system for updating the rule of law.

In common with other jurisdictions government's vision for the justice sector is not one which can be achieved within the competence of the Ministry of Justice alone. The MoJPO needs to work with many other entities – both within government and outside – in furtherance of the GoC's aims for the effective administration of justice and maintenance of public order.

Section 3. Prisons

The Department of Prisons is a separate area of delivery within the MoJPO organisational structure. The Central Jail in Nicosia is the only prison and it is responsible for the detention of both convicted and unconvicted prisoners of both sexes over the age of 16 years.

The prison's mission statement in June 2014 was renewed to;

The secure detention of individuals, safeguarding human dignity, equal treatment irrespective of race, sex, etc enhancing the sense of responsibility through training and rehabilitation.

This statement provides greater emphasis on rehabilitation and is more in line with the reforms which the MoJPO has been undertaking towards a more offender-focussed and improved regime since the beginning of 2014.

The Prison objectives are:

- Ensure safety and health conditions for both staff and prisoners

- Upgrading of services to prisoners and refurbishment of detention facilities and hygiene
- Upgrading of security systems with the installation of modern electronic security systems
- Implementations of programs for the re-integration in to society and the labour market of ex-prisoners
- Encouraging self-esteem and sense of responsibility of prisoners by providing educational opportunities, vocational training, creative recreation, reflection, self-criticism, and self-awareness
- The modernization of the prison system, both in terms of the legislative framework, and in relation to the operating rules and discipline. The study has been assigned to a committee of experts
- Psychological support and monitoring of prisoners and their submission to the required protective intervention
- The operation of an appropriate rehabilitation programme for drug users.

In 2012 the capacity of the prison was reported to be 340 inmates although according to the Council of Europe’s statistic the average population for that year was 694. In 2013 there was said to be provision for 413 inmates and more recently the prison has further increased its capacity to 469 prisoners though at the time of the first mission in June 2014 it was reported to be holding 550. This is a decrease in the recent population although overcrowding continues to be an issue. The prison has three main areas which includes a closed section and a centre of guidance and out of prison employment. Women and young prisoners (between 16 – 21 years) are held separately. The regime within the prison is set by the Prison Law, 1997 which provides the regulations defined by the Council of Ministers (CoM) in Cyprus. These are said to be outdated and an independent committee has now been appointed to complete a fundamental review of the Law and regulations to ensure they are in line with international human rights standards and case law. It was anticipated that their work would be completed by early 2015. However, during our visit in February this year it was reported that there had been an unexpected delay in this important area of work.

Functional Review

As stated earlier in this report the terms of reference originally proposed for this phase suggested a functional review of the Prison and the prison system. However, our initial findings demonstrated that the Ministry has made considerable progress in changing and reforming the Prison System. After our first mission we reported as follows:

“The Minister and the Ministry are to be congratulated on the reforms that have been put in place in the past year. Our impression is that the reforms are going very much in the right direction towards transforming the prison regime into one which is more offender-focused and rehabilitative. Firmer control has been established at the level of the Ministry in policy-making and monitoring of the Prisons Department and progress has been made on establishing inter-ministerial coordination mechanisms to ensure that resources can be leveraged from other parts of the public service to assist, in particular, with welfare and rehabilitation. The role of the Prisons Board seems ill-defined

and the team were not convinced that it is providing effective “value added” to the delivery of the prisons system.”

On the basis of what we heard about progress with prisons reform since the Terms of Reference were drafted and before, we agreed with the GoC that we would not conduct a separate study on the detailed internal operation of the Prison. We agreed however, that we would explore further the issues identified above but from the perspective of improving the Ministry’s strategic policy making and monitoring of the Prison. The remainder of this section of the report therefore briefly reviews the current situation with the Prisons and draws upon recent reports from the Office of the Commissioner of Administration (Ombudsman) which confirms that improvements are being implemented. The section goes on to comment upon the opportunities for improving policy coherence between the Ministry and the Prison and to examine the role of the Prisons Board in the overall governance of the prison system.

It is recognised that the internal operation of the prison and ongoing areas for improvement remain a priority for the MoJPO. We are aware that there has been contact through the British High Commission with the International Team of the National Offender Management Service (NOMS - a delivery branch of the UK’s MOJ responsible for prisons and probation services). There has been an initial scoping visit and a subsequent proposal outlining the support which the UK could provide to the Prison and its present and future staff.

Issues Arising in the Prison

There have been a number of triggers to the programme of reform the Ministry has in progress. From the detrimental impact of overcrowding, the high number of suicides and suicide attempts in 2013 and early 2014 to what is reported to have been an over-controlling approach in its policies and procedures. In addition there had been a continuing history of recommendations for improvements made by the Ombudsman which had not been acted on.

The issues raised in the Ombudsman’s reports in 2011 and 2012 included a number of areas which were contrary to a safe and decent regime, for example, overcrowding, isolation, wing conditions and incidents of abuse or staff not intervening to ensure the protection of prisoners. We met with the Ombudsman and her office in February 2015 and it was confirmed that the recent reforms have now addressed a number of the recommendation made in her reports. To oversee the implementation of the reforms to the prison system, the Minister had appointed an expert on detention matters in 2014 which would be the equivalent of a specialist advisor in the UK and this was welcomed and said to have enabled the improvements in conditions made to date.

Overcrowding & Penal Policy

In relation to overcrowding in 2012 the prisons capacity was approximately 340 and at year end there was an average population of 694 inmates. Although the capacity was increased in 2013 and again in early 2014, the overcrowding continues. It is reported that there have been a number of measures introduced to reduce the prison population which include;

- The use of suspended sentences
- Pardoned sentences

- Transfer of prisoners either to serve their sentence in their country of origin or to psychiatric premises or a specialist unit for those at risk of suicide or with psychiatric needs
- The use of electronic monitoring which was being implemented in 2014

It is claimed that these measures have significantly reduced the overcrowding in the prison and currently there is ongoing monitoring to ensure the population does not exceed 70 inmates over the normal capacity. However, in December 2014 the Council of Europe Annual Penal Statistics latest report was published⁵. A full copy of the statistics related to prison populations and prison density is contained in Annex 3. The report highlights that despite the efforts to reduce overcrowding Cyprus continues to have the 3rd highest prison density with 131.9 prisoners per 100 prison places on 1st January 2014. Italy at 143.1 and Hungary at 141.8 are the only two European countries reporting higher prison density.

The World Health Organisation is one of many bodies that have completed studies on the impact of overcrowding in prisons. They cite overcrowding as *“being the obvious cause or contributing factor to many of the health problems in prisons, most notably communicable diseases and mental health issues”*. The high level of overcrowding in the prison may well be contributing to the incidents of self-harm and suicides reported in 2013 and early 2014. It is worth noting also that in December 2014 the Council of Europe’s Anti-Torture Unit reported on the detention conditions in Cyprus and included in its recommendations was that, *“It also urges the authorities to “implement a coherent strategy” to combat overcrowding at Nicosia Central Prison”*.

Further exploration of the causes of the ongoing overcrowding in the prison suggests that there are a high number of people detained for financial debts or non-payment. In addition concerns were raised about the current immigration policy which results in the detention of individuals who have entered or remained illegally into Cyprus. Whilst the number of such detainees has not been available, the MoJPO state they are working on a proposal to deal with such cases in a different manner. Clearly this is dependent on the influence which can be achieved on other Ministries or Government departments.

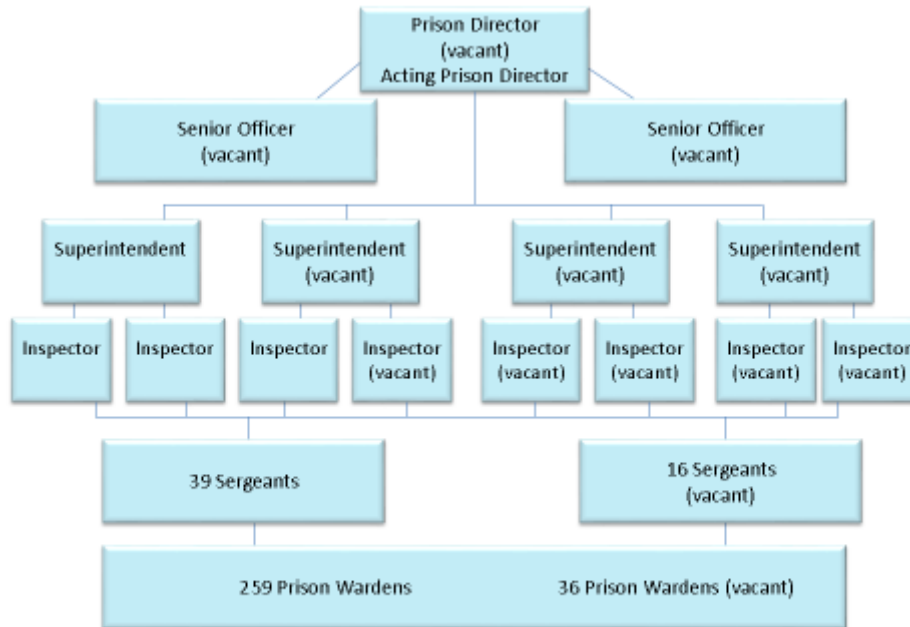
Management and Staffing Vacancies

In addition to the overcrowding another factor affecting the prison prior to the appointment of the specialist advisor was that there had been a history of the Acting Prison Director considering his remit as quasi-independent of the MoJPO. It is said that there was a lack of accountability or reporting to the Minister and that little contribution was sought in decision-making for the prison. It appears this contributed to what has been described as an “over-controlling approach”. The previous Acting Director left the post in early 2014 and with the recruitment freeze the Senior Superintendent Officer subsequently assumed the role. This resulted in a number of vacancies in the senior management team posts.

The approved staffing structure for the prison is; 1 Director; 2 Senior Prison Officers; 4 Prison Officers (Superintendent as referenced below); 8 Inspectors; 55 Senior Wardens (Sergeants as referenced

⁵ Known as SPACE (*Statistiques Pénales Annuelles du Conseil de l’Europe*), the Council reports on two related projects. SPACE I provides data on imprisonment and penal institutions in Council of Europe Member States. SPACE II reports on non-custodial sanctions and measures.

below) and 295 Wardens. The diagram below shows the vacancies in the Management Team and staff in April 2015. In spring 2015 approval was given by the House of Representatives for the hiring of 36 people at the level of Warden, whilst the decision on the appointment of a new Director is still pending at the House of Representatives. . The procedures for the hiring of the abovementioned staff are expected to be completed within the next months.



In the UK the promotion of staff especially within the Senior Manager roles is based on the individual’s level of skills and competence. If a senior management post becomes available staff from a suitable lower management grade are invited to apply. However, the applicant will need to have passed pre-selection training such as Job Simulation Assessment Centres. For example, “Suitable to be in Charge” is a pre-requisite for any grade within a prison leadership team. The candidates will be tested equally by a number of different methods including having to sit promotional boards. The appointment will be dependent on being successful at interview and demonstrating the range of skills and required competencies.

The European Prison Rules agreed by the Council of Europe in 2006 has a specific section on the Management and Staff requirements (Part V). The first principle within the section on **Prison Work as a Public Service** states that, “Prisons shall be the responsibility of public authorities separate from military, police or criminal investigation services”. Given that it seems there has been a history of appointments to the post of Prison Director from a police background, the MoJPO may need to consider how they ensure that the Director appointed or any future appointments to the senior management team have the necessary competencies and/or are provided opportunities to develop the skills necessary.

We should emphasise that the above observations should not be taken as criticism of the current management of the prisons. We have noted elsewhere in this report the good progress that has been made in reforming the prison regime since the ToRs were drafted. Nor do we assert that future Prison Directors should **never** come from a police background. We further recognise that, in

a small public service the pool of suitably qualified and experienced candidates for the position of Prisons Director may be limited. However, this does raise the challenge of how a career path for prisons staff can be created which allows the prospect of future Directors being appointed from within the pool of prisons staff.

Deployment of Staff

In view of the vacancies and other factors there are ongoing concerns about understaffing in the prison especially on the wings. It is estimated that a third of staff who are in post are absent on illness related leave. There are also a high number of prison guards in “back office” roles or on non-shift/day duties. During our visits there have been concerns reported that the current Human Resources policies do not support managers or enable effective practice to address absenteeism. In addition it is said that the incentives such as reward or promotions are not directly linked by staff attendance or performance. This is a common factor across the whole of the public service. Issues of performance appraisal and promotions and related rewards or sanctions are being discussed as part of the cross-cutting study on Human Resource Management. As we note above in Section 2, the decisions yet to be taken regarding the HRM study will determine how much reform can be achieved in the staff management of prison officers.

The number of prisons guards reported to be employed in back office roles is high. Figures of up to 150 trained prison guards working in administrative roles were quoted. In the prisons in England and Wales there have been a number of reviews completed to ensure that staff are employed in work which is appropriate to their grade. With the investment in prison officer training and ongoing professional development for this dedicated role the UK has increasingly used civilian staff for jobs which do not require a specialism. For example the administrative functions and some ancillary roles are provided by civilian staff. This does not only represent a saving in costs but it does ensure the use of prison officers on dedicated wing-based duties or those dealing directly with prisoners. The reform programme would benefit from considering the civilianisation of some of the functions in the prison. An example identified during our visit in June was the Admission and Release Section where Prison Officers perform a mainly administrative function though further exploration of other areas of work in the prison is needed.

Prison Officer Training

Within the last year it is acknowledged that there has been a significant focus on training for prison guards which had not been available previously. Currently the MoJPO, in cooperation with the Cyprus Police Academy, the Ombudsman, Psychiatric Service and Prison Administration have designed and now deliver a regular introductory course for prison staff. To date it is reported that 180 prison guards have participated in this training. In addition further modules of training are being developed in cooperation with the University of Cyprus. It is also recognised that other positive initiatives have been implemented such as the participation of prison staff in the prevention of torture programme in May 2014 and a practical manual has been developed - “Guiding Principles for the prevention of suicides in prisons and detention places” - including a short guide for staff which is in line with the guidelines from the World Health Organisation’s guidance and has been disseminated to all officers on the wings. Clearly all of these improvements are not just aimed at improving staff’s professionalism and confidence in dealing with the prisoners but also to promote a safe and decent environment for prisoners.

Within the timeframe of this study the Prisons Department has made further progress in improving the professionalism of its staff. From November 2014 to date, 180 prison guards participated in new programs delivered by the Cyprus Academy of the Public Administration, Psychiatrist services, Intervention Unit (Police), Psychologists, etc. in order to enhance their negotiating, communication, management, and stress management skills. Moreover, two prison guards participated (May 2015) in a European Program (funded by the European Commission) delivered in Scotland. In England and Wales all prison officers on appointment are required to complete a week of familiarisation at the establishment to which they are appointed prior to completing a 6 week training programme. However, the current programme is under review and is due to be extended to 10 weeks. There are formal tests and examinations which officers have to pass in preparation for practice. It is only after the training is successfully passed that prison officers are allowed to work on the wings and with prisoners. This training is usually delivered at the main Prison Service College. The College also provides a range of development courses and programmes both aimed at main grade officers and aimed at developing potential and management skills. The developmental training and courses can also be provided to other countries which the MoJPO may wish to explore in the future. We understand the issue of training will be a significant part of the scope of support that NOMS is addressing as outlined above.

Dependencies on Other Ministries & Government Departments

The provision of a safe and decent regime which addresses the personal and rehabilitative needs of the prisoners cannot be delivered by the MoJPO in isolation. There are a number of dependencies on other Ministries such as Health and Education and other government departments. This is again an area which has benefitted from the programme of reform. Having a more coordinated approach and greater engagement through the Ministry itself has enabled the prison to gain an increase in educational and other resources. From September 2014 there was an increase in the teaching staff and there is better access to psychiatric assessment and health care staff for prisoners with a dedicated unit planned. Further developments are also planned with the alignment of the new program from September 2015 which will enable prisoners to continue educational and vocational training following their release. From September 2015 new educational programmes will be delivered according to article 28.7 of the EPR, where the prisoners may continue their educational and vocational training without any difficulty after their release. With this in mind the Prisons Department's programmes are being revised to align with the educational and vocational system of the country.

There have been issues in the past that impact on the retention of staff from other Ministries or disciplines, in part due to environmental factors, for example it can be a challenge working with prisoners or in a closed prison setting. Direct support or management for staff from other disciplines can also prove difficult and may leave the individual feeling isolated or unsupported. The MoJPO should review its strategy for engaging and retaining staff from other disciplines.

Accountability and Governance of the Prison to the Ministry

Prior to the appointment of the specialist advisor, it was reported that the Prison's Director was responsible for all the policies and decision making which affected the prison and its functioning. A review of the policies has been completed and there is now more accountability to the Ministry. The Prison Board is chaired by the Permanent Secretary of MoJPO and should provide the main source of

governance, subject to the recommendations made about its independence and function discussed later in this report. This should provide the strategic direction for the prison and ratify the policies and procedures. With the correct membership it should also be able to ensure that the prison has access to, or is about to negotiate to gain, additional resources needed to deliver its vision and strategic aims for the rehabilitation of prisoners. The role and functioning of the Prisons Board is considered in detail in a separate section below.

It is clear that the progress made by the MoPJO in the delivery of the programme of reform is good and reflects movement in the right direction. The MoJPO needs to ensure that the investment made in the changes is not lost either through a change in the management of the prison or through the absence of the necessary recognition of the ministerial responsibility and oversight. This relates to two separate aspects. Firstly the governance and formal reporting requirements for the prison and its staff need to be clarified.

In England and Wales, the Ministry of Justice holds all prisons to account through a number of relevant Key Performance Indicators (KPIs). There are formal targets and measures which address the all aspects of service delivery and prison function from prisoner behaviour, absconds or escapes, to staff attendance and sickness rates, through to prison costs and projected expenditure. During our visits it has been unclear whether the prison has established any clear reporting requirements and measures in place to provide assurance about the prison's performance to the Ministry on a regular basis. With the advent of the PFM reforms (see section 2 above) there will a requirement for the Ministry and the prison to design KPIs which reflect the organisational objectives of the prison and the Ministry more widely.

The second aspect relates to the appointment of the special advisor and the progress which has been made during the programme of reform. It is important that this role and the reform is not dependent on the individual or the Minister but is clearly embedded and institutionalised within the Ministry. The benefit of the special advisor role has meant that there is better integration of the prison and its senior management team to the Ministry; there is a single point of contact with sufficient seniority to influence and advise on all aspects of service delivery and who can engage constructively with other Ministries or agencies on whom the prison is dependent to ensure a safe and decent regime.

Conclusion & Recommendations

A review of the Prison Law and regulation for the prison is being completed and should remain a priority. It is imperative that any recommendations or changes support the prison in providing a regime which adheres to the international human rights legislation and case law and the European Prison Rules as a minimum.

It is recommended that the Ministry works with the Prison Senior Management Team to develop and deliver an implementation plan for the continuing reform programme and revised Prison Law and regulations when they are available. The MoJPO needs to establish a formal reporting structure to ensure that all aspects of the implementation plan identifies who is accountable for the improvements and that the actions are delivered to time and within budget by the prison. The proposal which is being developed by NOMS in the UK will look at specific key priorities and objectives for the ongoing prison reform in greater detail.

The issue of overcrowding within the prison has received significant attention and whilst there has been progress in this area, it is apparent from the recent reports from the Council of Europe that this remains a challenge for the Ministry. It is recommended that the MoJPO leads a further review with the Attorney General Office, the Supreme Court, the Ministry of Welfare and other relevant ministries or agencies to consider the sentencing policies and the use of custody, that alternative sanctions such as electronic monitoring are used where they may be appropriate. This would fulfil the recommendation by the European Council's Anti-Torture Unit report for the implementation of a coherent strategy to address overcrowding.

Linked to the recommendation above, the evidence presented during our visit suggested that should the imprisonment of people due to financial issues or on an immigration basis be dealt differently from imprisonment, this would reduce the prisons overcrowding significantly. The MoJPO needs to ensure that the proposal they develop for changes in penal policy and the use of alternative sanctions contains sufficient detail to bring the requisite influence on other Ministries or government departments.

The European Prison Rules contain a significant section about Management and Staff (part V). The rules are clear that there should be a separation from the Military, Police or Criminal Investigation Services. This should be considered in any appointments to the prison senior management team and the MoJPO should ensure that any person appointed, "shall be adequately qualified for that post by character, administrative ability, suitable professional training and experience".

It is clear that the combined effect of centralised control over HRM policies and processes and the hiring freeze has had a profound impact on the senior management cadre in the prisons resulting in an unsustainable number of vacant posts, for which the unfreezing process requires approval by the Council of Ministers and House of Representatives. The increased freedoms which the PFM reforms will bring should allow this issue to be addressed but only if concomitant freedoms over human resource management are also granted. As Section 2 makes clear this issue is yet to be resolved.

During our visits and exploration of the issues affecting the prison, it is clear that the HR policies do not support the prison management team in the development of staff and ensuring promotional or specialist opportunities are provided to staff on a merit basis. There needs to be policies in place to support the management team and address issues such as absence and performance. We have attached three of the HR policies from the prison service in the UK (as Annexes 5, 6 and 7) which cover these important areas as models which may assist in the development of such policies.

There are opportunities for the prison to explore the use of prison officers and increase the numbers available for service delivery on the wings which would address some of the front line staffing concerns. It is recommended that the prison develops the use of civilian staff in areas of work which do not require prison officer training. Some areas have been identified in this report such as the admissions and release office. However, a more comprehensive study should be conducted. The NOMS Team have recently been engaged in the benchmarking work for the UKs prisons and should be well placed to provide additional support which may enable savings for the prison and the MoJPO.

MoJPO has recognised that Prison Officers do require suitable and appropriate training to deliver a safe and decent regime. The introduction of some training is welcomed and it is considered important that this has included specific areas which are relevant to the prison, an example being the guidance on the prevention of suicide. Initially there was a plan to consider further development of training with the Police Academy. Whilst there may be common areas between

police and prison it is recommended that the full training requirement for prison officers is explored independently and the benefits of different model examined. It is understood that there are now plans to have a Prison College which is a significant focus for the ongoing action plan being developed between the MoJPO and NOMS. The provision of a separate facility for prison officer training is considered a further reflection of the progress being made in the prison reform and again would fulfil the requirement set out within European Prison Rules.

The prison is dependent on staff from other professions or disciplines to support all areas of services delivery. Work in a prison can be challenging and minority staff from other ministries or agencies can feel isolated or marginalised. It is important that the prison develops strategies and practice to support all staff and identifies methods to ensure that the contributions of minority staff are recognised and valued by all grades. There is the opportunity to learn from the UK experience and this may be a further area which could be explored with NOMS. Such development should increase the retention of minority staff and provide greater consistency in provision of all services.

The issue of governance for the prison is unclear and discussed further in the section on the Prison Board below. However, the MoJPO does need to establish formal Key Performance Indicators and reporting requirements which will hold the Prison, the Director and staff to account for the service delivery and the provision of a safe and decent regime.

The final recommendation for the MoJPO is to ensure that the role of the special advisor is institutionalised within the ministry. This would ensure the reform and progress which has been achieved to date is maintained and the improvement in service delivery for the prison, and ultimately the prisoners, continues.

Section 4. The Prisons Board (PB)

Current Legislative Framework

The PB was established in accordance with Section 22 of The Prisons Law 1967 which states:

“There shall be established a Prison Board which will be concerned with the good functioning of the Prisons in relation to the application of the Law and the Regulations made thereunder.”

This appears to be a broad remit; however, Section 25 of the Law further defines the powers of the PB as:

- Hear and investigate any application or complaint submitted to it by prisoners, and, if it deems necessary, shall forward the complaint with its remarks to the Minister and the Director.
- Examine the condition of the prisons’ buildings and submit a report to the Minister regarding any repairs, additions or alterations which it may deem necessary.
- Enquire into the state of the prisoners’ accommodation and labour.

- Examine whether the educational programmes, the employment, the vocational training and the general education provided to the prisoners is sufficient and appropriate.
- Submit to the Minister and the Director either ex proprio motu or on instructions of the Minister reports and views, concerning matters and events.
- Co-operate with the Director in matters relating to the welfare of the prisoners, as well as in matters in which the assistance and the contribution of the Director may be useful to the Board.
- Notify to the Director its remarks and suggestions regarding the state of the prisons, as well as any other matter which it may deem necessary.
- Ensure that any abuse of power, in relation to the prisoner's treatment, coming to its knowledge, is reported to the Minister and the Director.
- Conduct within the prisons research or inquiries which it may deem necessary.

In addition the Law provides the PB Members with powers to:

- enter the Prisons at any time,
- inspect any records,
- hear any complaints and investigate/review such matters as Disciplinary Punishments, food, treatment, health.

Membership of the PB is by appointment of the Council of Ministers (CoM) including the Chairman. The CoM shall also decide the number of members and their term of office. The Board is quorate when at least 5 members are present and the PB should meet in the Prisons at least once every 3 months and minutes of each meeting to be produced and presented to the Minister.

Issues Arising regarding the role and functioning of the Prisons Board

Concern was raised as to the independence of the PB. The Chairman (President) of the Board and the Executive Secretary are both Civil Servants within the MoJPO and this was seen as limiting the objectivity of the PB.

The members agreed that the independence of the PB was compromised by the MoJPO presence. All of the Board members are appointed by the CoM, however, the reality was that the MoJPO nominated members and put them forward for CoM approval. It was also unclear, even to the Board members, if they were appointed in a truly individual capacity or because of the organisations they represent. The process of nominating members appears to start from the MoJPO approaching individuals and organisations and then presenting the selection to the CoM for approval. The law does not specify the make-up of the membership or the individuals' term of office. This is left to the CoM to determine as is the power to terminate membership at any time.

Certain members expressed concern over the ability of the board to exercise its role effectively. An example given was the limited access granted to Board members to the prison to check upon prisoner complaints and general welfare issues such as the quality of food. In theory the members

should be able to visit at any time and without prior notice but on several occasions when one member had attempted early morning visits to check food deliveries he was refused entry.

Individual board members visit the prison frequently to examine prisoner complaints. Every complaint is thoroughly investigated and some of the Board members see their role as one of advocacy for the prisoner's welfare.

Only those members who were not representing another part of Government felt they could provide independent challenge to the Ministry on behalf of the prisoners. The other Board members felt constrained by their positions as representatives of different parts of government.

Detailed reports of all prison visits are made by the individual members and circulated to the Board for discussion at the next meeting. However, it was felt that no further action is often taken and this was disheartening for members. They felt the Prison Service and the previous Prison Director in particular did not respect their role and/or take it seriously.

Many complaints were related to a lack of application of prison rules. This could be because they were not widely published and implemented. There is no Code of Conduct for Prison Staff and no Prisoner Rights Charter to determine what was appropriate behaviour and standards of welfare. This may be in contravention of the European Prison Rule (see paragraphs 30.1 – 30.3 of the Rule (which is attached as Appendix 4)

Members had previously tried to resolve such issues with the previous Prisons Director. Sometimes the Director had agreed with the issue and had promised the Board he would resolve the matter with the Ministry only to subsequently report back that the Ministry had refused his request. The Board feel they do not have any further avenue to address their concerns. A recent example was given whereby a prisoner complained that he was being punished twice for the same disciplinary matter. The Board investigated and referred the matter to the Attorney General and have waited two years so far for a response. Members felt there was very little follow-through on complaints and very little feedback to the Board or the prisoner concerned.

Ministry Response

In response to this feedback which was included in our first draft the Ministry made the following observations:

- Changes introduced since 2014 to the management and administration of the Prison has resulted in improved access for PB visitors. Members should now find they are able to conduct visits at any time in accordance with the PB laws.
- There is a Prisoner's Rights Charter which was published in 2011 and translated into several languages.
- All prison staff are Civil Servants and are therefore governed by the GoC Civil Service Code of Conduct.
- The Ministry would welcome the views of NSGI in defining the most appropriate role for the PB.

At a meeting in February 2015 with the Minister and the Permanent Secretary to present the conclusions contained in our first draft we re-iterated our view that it remains a matter of concern that there is a lack of clarity as to the exact purpose of the PB and the governance framework that drives the overall operation of the Board and how it makes decisions and communicates these. Furthermore, the Board is heavily influenced by the Ministry in terms of its membership, secretarial support and the setting of the direction and agendas and minutes. And we felt the PB would benefit from a much clearer framework with a vision statement and a set of objectives.

The Minister stated that with regard to separation of Prison governance, reporting and communication from the Ministry, the Ministry had established a priority agenda with the Prison Management team and were promoting prison independence so that there is stronger communication between the Prison Director, the PS and the Minister. External communications would depend upon the nature and severity of the issue and who should have an input e.g. if a social welfare issue (policy) requires the Ministry of Labour, Welfare and Social Insurance to comment it will be via the MoJPO; less important issues (operational) will be handled by the Permanent Secretary.

These effective communication networks rely heavily upon personal interventions and investment. In the past such mechanisms did not exist because the previous Minister did not take an interest and the previous Prison Director did not keep the Minister informed of issues that arose.

The Minister further stated that the Ministry needed to renew the Prison Board, develop a vision and align it with the changed way in which the Prison is intended to operate. The way the previous relationship between the PB and the Prison operated was not effective and he agreed that the role of the PB members was unclear. For this reason the Ministry plans to clarify their role and independence.

The Minister made it clear that the PB should have complete and independent access to the Prison at all times, but they also have a specific role and should not consider issues outside of their responsibility, such as the treatment of inmates and the operation of prison programmes.

In relation to reviewing the Prison legislation this will extend to the future role of the PB in order to clarify their roles and responsibilities and the extent of their role in the Prison. Their involvement in issues such as the administration of the prison also contributed to the recent problems. This has included favouritism towards specific prisoners resulting in negative feelings elsewhere. The PB has tried to exert an executive role where it does not have one. The Minister did not accept that the PB is not sufficiently independent because of the presence of the PS and/or other Ministry staff. At present the PB just investigate whatever they wish regardless if they have the mandate to do so.

The investigative committee looking at the future operation of the Prison will consider also the PB, its function, membership, role and remit to ensure it is focussed on making improvements and advising the Ministry.

UK Context and Approach

We agree with the Minister that the PB is an important component in the effective operation of the Prison. It can provide valuable oversight, hold to account the executive and give the Minister independent assurance that the Prison is being effectively managed. It can also contribute to the positive welfare of the prison population. Much has been done to bring about necessary improvements to the management of the Prison and to address previously identified serious

deficiencies, with the recognition that there is still much to be done. Reform of the PB should rightly be undertaken in parallel to the changes being introduced within the Prison. The scope of the PB is broadly set out in existing legislation, and this does provide the PB with a high degree of latitude to consider issues and make recommendations.

What NSGI has recommended and continues to advocate is for the operation of the PB to be clearly defined and reflected in transparent, open and visible Terms of Reference, comprises of members that can positively contribute to the effectiveness of the PB by having appropriate skills and experience coupled with the capacity and commitment to fully undertake the role. These “personal qualities” are perhaps more important and valuable than seeking to ensure a balanced representation of different organisations on the PB.

It may help to consider how within the UK context how oversight and reform of prisons is undertaken.

The primary responsibility for prison conditions and the treatment of prisoners is undertaken by Her Majesty’s Inspectorate of Prisons (HMIP):

<https://www.justiceinspectorates.gov.uk/hmiprison/#.VWN8lnz3fIU>

HMIP is a statutory quasi-independent body and the Chief Inspector is appointed by the Ministry of Justice but the appointee is an external appointment who reports directly to the Justice Secretary and to Ministers. The Chief Inspector is appointed for a period of 5 years.

HMIP’s stated role is:

“The Chief Inspector reports directly to the Justice Secretary and Ministers on the treatment of prisoners, conditions in prisons, young offender institutions, court custody and other matters in England and Wales as directed by the Justice Secretary. The Chief Inspector also has a statutory responsibility to inspect and report to the Home Secretary on conditions for and treatment of detainees in all places of immigration detention in the United Kingdom.”

“The Inspectorate’s work constitutes an important part of the United Kingdom’s obligations under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment. This Protocol requires signatory states to have in place regular independent inspection of places of detention”.

As well as HMIP within the UK there are a number of NGO/Charities which provide advocacy services for prisoners as well as seeking reforms to the way prisons are managed by making recommendations to the government.

Two leading examples are the Prison Reform Trust (PRT) <http://www.prisonreformtrust.org.uk/> and the Howard League for Penal Reform <http://www.howardleague.org/> the latter being the oldest prison reform body in the world.

Both bodies have a wide range of members/trustees drawn from academia, justice and health sectors. They both provide policy advice to government and are invited to input on relevant government legislation.

Conclusions and Recommendations

Having weighed the different views, NSGI's independent conclusions and recommendations divide into two sections – those that relate to how the PB exercises its governance role alongside the MoJPO, and more operational issues.

However, our overriding conclusion is that the PB is currently not fit for purpose and requires major reform. Before any reform takes place it is essential to establish the future role and function of the PB.

It is NSGI's opinion that the PB should have an independent oversight role both in relation to prison conditions and the treatment of prisoners in a similar fashion to the UK HMIP.

Governance Related

Purpose of the Board. It is still not clear what the purpose of the Board is i.e. is it an advisory board for the MoJPO, is it supposed to provide advocacy services for prisoners or is it looking to evaluate the performance of the prison?

The Minister has stated that the investigative committee should help determine this future role and the Ministry and the Board should then agree a clear set of objectives and these will then inform the following:

Terms of Reference. Whilst the legislation provides the authority and high-level remit for the Board, it would be helpful to establish detailed Terms of Reference (ToRs) to articulate in more detail the collective and individual roles and responsibilities of Board members and how the Board's activities should be conducted, recorded and reported upon. This should include role descriptors for Board members.

Selection of Members. Having established the Board's purpose and ToRs this will help identify the desired skills and experience members are required to possess to effectively support the Board. Members should also have the capacity as well as competencies to be able to commit to the work of the Board e.g. the ability to undertake out-of-hours visits to the Prison on a regular basis and potentially at short notice. Individual membership should be time-limited to a defined period of five years.

Independence and Reporting Mechanism. The Board currently consists of a large percentage of members from within Government and this could be seen to bias any decisions or recommendations, particularly when considering prisoner complaints and/or welfare issues. Consideration should be given to recruiting more independent members and also to having an independent secretariat and reporting mechanism into the MoJPO.

Relationship with MoJPO and Others. The Board has legislative authority to submit reports either at the request of the Minister or at the Board's own volition (*ex proprio motu*). At present however, it would seem the Board is strictly controlled by the MoJPO in terms of meeting agendas and the focus of activity.

Operational Related:

Prison Inspections. Some Board members expressed concern that they were not always offered unrestricted access to the Prison, particularly when undertaking welfare inspections out of hours. These related to routine issues such as inspecting the preparation of meals. There were also more serious concerns where the Board had not been able to participate in the recent tragic events involving prisoner suicides and incidents of self-harm. To remain effective the Board should be given unrestricted access in accordance with the legislative framework.

The Ministry responded that changes in the management of the prison have enabled the PB to have greater access. Enshrining this in published Terms of Reference would ensure this is openly recognised.

Dealing with Prisoner Complaints. In reviewing the matter of prisoner complaints, there is ambiguity in the relationship between the roles of the Board, the Prison and the Ombudsman – all three bodies can review prisoner complaints and often a prisoner will submit the same complaint to all three bodies leading to confusion and duplication of effort. There should be a single unified complaints system with the ability to escalate or submit appeals to another body if the response is not deemed satisfactory by the complainant.

Action Plans. As well as the specific issues recorded above there is a general observation that the Board lacks a coherent plan of action and focus. It is recommended the Board set an annual work plan to review all aspects of the operation of the prison (the physical upkeep of infrastructure, staffing arrangements and the treatment of prisoners) in addition to responding to ad hoc issues. There should also be regularly planned and unannounced prison visits to verify the position.

Code of Conduct/Charter. A prison staff code of conduct as well as a prisoners' rights charter should be developed. The Board are ideally placed to help develop these and monitor them once implemented. The Code and Charter would provide a very clear set of standards for welfare and behaviour (both staff and prisoner) to enable the Board to better manage complaints and to review the conditions within the prison generally. Over time this could lead to the establishment of a positive performance management culture whereby the Board review different aspects of the prison operation and make appropriate recommendations to the MoJPO and other bodies as necessary.

The Minister has clearly expressed his desire for the PB remit to be reviewed and re-focused and the respective responsibilities of the PB, the Ministry and the Prison Management team to be better defined. We feel strongly that the PB can make an effective contribution to the overall governance arrangements by having an appropriate oversight role and making recommendations to improve service delivery.

With regard to the Prisoner's Rights Charter, when originally discussing this suggestion with the PB there did not appear to be awareness amongst Board members. What role, if any, the PB should have in maintaining oversight of the Charter should form part of the review process into the future role and operation of the PB.

Code of Conduct for Prison Staff. The specialist function and unique nature and environment of delivering a prison service requires a more robust arrangement than the broadly generic code of conduct for Civil Servants across government. The Minister recognises and strongly endorses the need to improve the training of prison staff and raising the overall operational standards of the prison service over time. A dedicated staff code of conduct would be very helpful in modelling and

supporting the professionalization of staff and demonstrating and reinforcing the sense of accountability for their actions. How the PB might be involved in assessing compliance should also be considered when reviewing the PB future role. It is not suggested the PB will directly review individual prison staff performance, for that is clearly an executive function of the Prison management. However, the PB might have an overview and reporting function to highlight how overall standards are being met.

Section 5. State Archives

Vision and Mission

The State Archives sits under the Administration Section of the Ministry. The vision for the State Archives, which is currently under revision, is:

The preservation of archetypal sources of the history and heritage of the people of Cyprus.

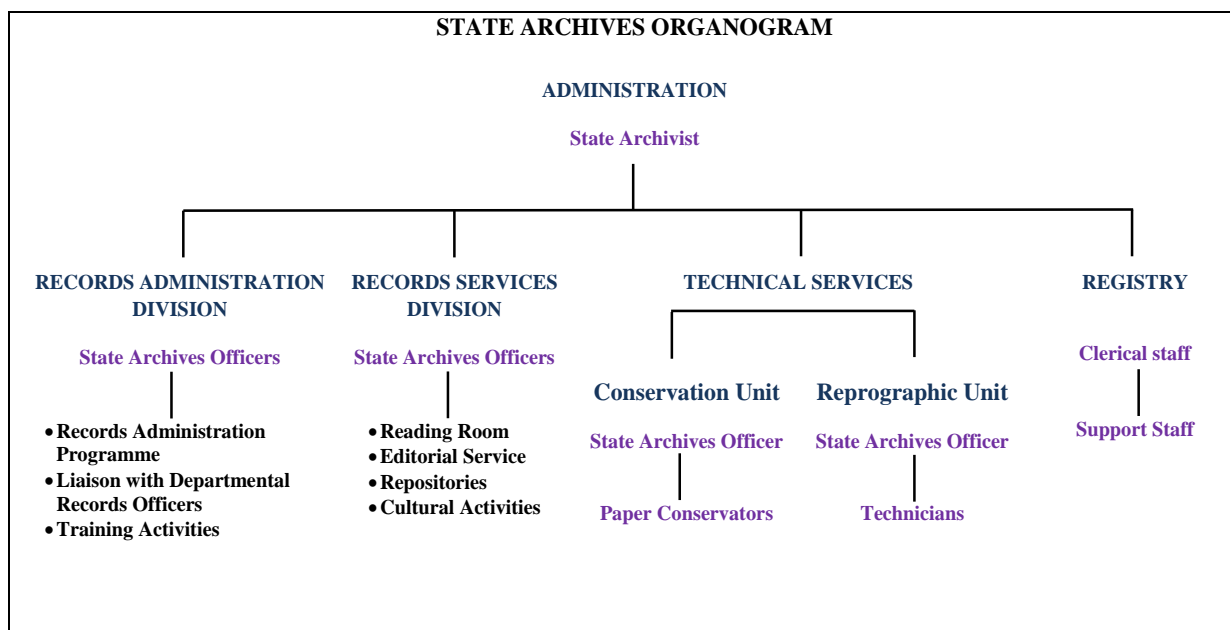
The main mission of the State Archives is the storage of those public records received from government departments and other bodies subject to The State Archives Law (no. 208 of 1991) which need to be stored permanently and retained for official use. Thus it provides services to all Ministries and Departments. A further role of the State Archives is to retain records for inspection by the public.

In furtherance of this mission the main functions of the State Archives are:

- To collect all the closed archives of government
- To decide on the length of time of retention and destruction of records
- To provide training on records management systems to other government departments.
- To provide specific training in record keeping for police and nurses and civil servants
- To promote cultural activities and publications
- To preserve important historical documents and records placed in the care of the State Archives (including non-public documents)
- To provide access for the public to inspect and view archived material and facilitate research

Organogram

The current organogram of the State Archives is shown below:



Staffing

The current staffing of the State Archives, as at 31.12.2014, is as follows:

State Archivist

State Archives Officers (6)

Paper Conservators (3 of which one post is currently vacant)

Clerical staff (6)

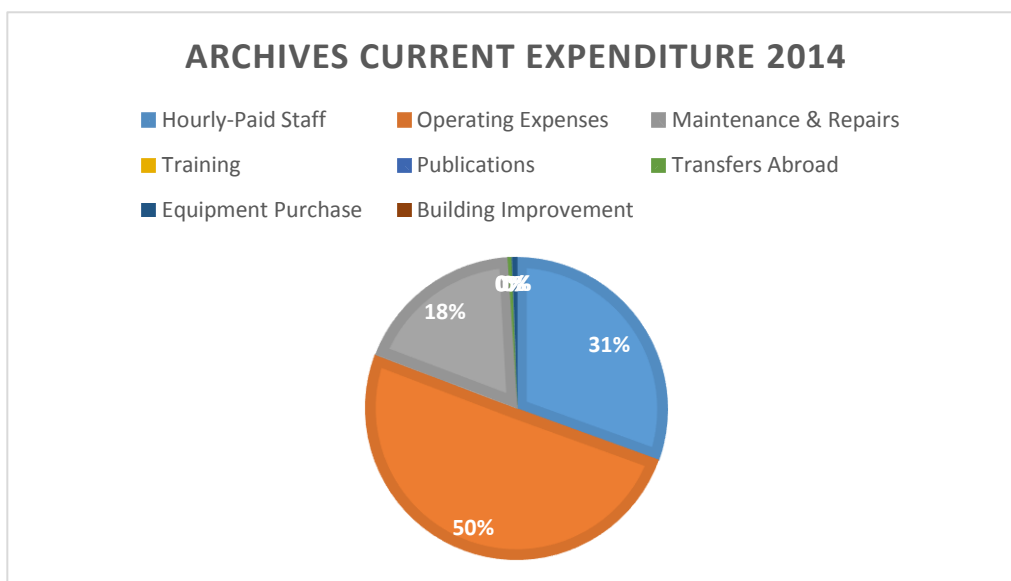
Technicians (3)

Support Staff (Hourly paid staff) (7 of which 2 posts are currently vacant)

Budget

The current budget of the State Archives for 2014 is €436,000 which is a 13% reduction in the sum appropriated in 2013 (€503,000) but a 12% increase over the actual expenditure in 2012 (€388,000). The budget appropriated for 2014 represents 13% of the MJPO Headquarters budget and approximately 0.2% of the overall budget for MJPO.

The breakdown of the State Archives budget for 2014 is shown in the following diagram:



However, in common with budgeting and financial accounting practice across the GoC, the State Archives published budget does not present the full picture of resources consumed by the State Archives. The salaries and allowances of those staff classified as State Officers are contained within the main headquarters budget. Hence the salaries and allowances of the majority of the staff listed above are not included in the budget of the State Archives. Given that the multiple allowances and salary-related costs are analysed separately from the basic salaries it is not possible to calculate the full staffing costs of the State Archives. However, if the basic salaries and contributions to social funds of the State Officers employed in the State Archives were to be added this would increase the cost of the State Archives by approximately €435,000 (114%).

The fact that the full staffing cost of the State Archives may be understated by 114% raises a wider issue which the current Public Financial Management (PFM) reforms seek to address. In common with other functions across GoC it is not currently possible to gain a full picture of the resources consumed in delivering the services that the State Archives provide. A simple example will suffice to illustrate this point. The biggest single item within the operating expenses of the State Archives is rents (€144,000 budgeted in 2014). However, this figure does not include the costs associated with occupying space which is owned by GoC⁶ (the State Archives has five depositories scattered across Nicosia in addition to its Headquarters building which also serves as its “shop window” and which is commercially rented). The PFM reforms will, we understand, make such costs more transparent and along with the apportionment of other non-cash resources (such as depreciation, cost of capital etc.) will enable a fuller picture to be given of the total resources consumed by the State Archives.

While such a discussion may seem like a largely academic argument it does have serious consequences both for accountability and decision-making. First, of primary concern, the budgeting and accounting system leads to the full cost of the State Archives being understated, perhaps by as

⁶ In strict economic terminology these are opportunity costs. However, modern government accounting and budgeting practice seeks to monetise these costs and to “hard-charge” them to the function that benefits from the resource.

much as 130%⁷. Thus a misleading picture is being presented to the legislature and ultimately the taxpayer of what it costs to run – not just the State Archives – but other government functions. Second, this makes it impossible to judge the value for money – another key aspect of accountability – provided by the State Archives. This, in turn means it is not possible to benchmark the current means of provision of the service with other possible means of delivery (e.g contracting out) because a full cost/benefit analysis is impeded by incomplete information on costs. On a micro level the current debate about whether the State Archives should be housed in custom-built premises which would consolidate the current six locations into one is not informed by adequate information on current costs.

Current Issues Impacting on the State Archives

Accommodation.

As noted above there is a current debate about whether the State Archives would benefit from being housed in single custom-built premises. This was the original intention but it has been abandoned as a result of the fiscal crisis. In the light of the current situation it is unlikely to be revived as a proposal in the near future. If it is revived any proposal will need to be justified by a comprehensive Cost Benefit Analysis (CBA) which yields a positive Net Present Value with a relatively short pay-back period.

It is not part of the ToRs for this study to provide such a comprehensive CBA and in the light of the current fiscal position it would probably be pointless to do so. However, the following guidance should be taken into account should any proposal be considered in the future:

The proposal will need to be considered in the context of an overall GoC-wide strategy for records management. In turn this will need to be viewed in the light of the current government-wide automation of electronic records which has been in progress for some time with varying degrees of success⁸. While the current division of responsibilities between Ministries and the State Archives in respect of records management appears reasonable there has not been a recent government-wide review of the whole records management policy with the objective of assessing whether current policy is still fit for purpose in the light of technological change.

Any proposal should be preceded by a review of the current legislation which was framed in 1991 and has not been updated.⁹ Significant technological change has occurred since then and it is not clear that the 1991 legislation is still appropriate to an age where information can be stored in many different forms. The legislation also predates Cyprus' entry into the European Union.

⁷ This estimate is contested by the State Archivist. But the fact that it can be disputed proves the point – nobody knows what it costs to run the State Archives.

⁸ NSGI functional reviews of other Ministries have revealed anecdotal evidence to suggest that automation has not delivered what might be seen as the intuitively expected results of reductions in volumes of paper and fewer resources in departmental registries.

⁹ It is noted that the policy as regards access to information is currently changing. There are two initiatives towards this direction that will be implemented in the public sector: I) the drafting of the Freedom of Information (FOI), which is done by MJPO, and II) the Re-use of PSI (Public Sector Information) legislation, which is done by PAPD, in cooperation with the State Archives (expected to be in place within 2015). Consequently, the State Archives legislation is currently undergoing amendment.

The Ministry of Finance has requested the MJPO to explore options for contracting out document storage and other services currently provided “in-house” by the State Archives and the PAPD . The PAPD’s view is that contracting out is possible, provided that an examination of the legal framework takes place to ensure that any legal obstacles are overcome and that a cost/benefit analysis is conducted. MJPO/State Archives points out that there are legal considerations that will limit the extent to which certain information can be handled by non-state actors. A review of the legislation governing classified government information would help to clarify this matter¹⁰.

Any proposal would need to be supported by a more accurate and comprehensive analysis of the current costs of operating across the different locations. This would need to include robust projections of the savings (including realisable savings in staffing costs) that would be generated. The PFM reforms – with their emphasis on activity-based budgeting and accounting – should help to generate more easily the required information on current costs. However, this does not substitute for realistic and prudent estimation of savings and benefits and the avoidance of “appraisal optimism”.

Income Generation.

Greater attention should be paid to opportunities to generate income from the services provided by the State Archives. The budgeted income from State Archive Fees in 2014 is €5,500¹¹ (approximately 1% of appropriated expenditure) which is generated by charging commercial firms for the provision of small-scale services such as photocopies of documents, search fees etc. It is not clear why charges are not made to individuals who request similar services. If the State Archives has commodities which its customers value then they should be made to pay a reasonable fee, thus off-setting the cost of the State Archives to the taxpayer. Further opportunities should be explored to market, exploit and add value to the national treasures that are maintained by the State Archives. For example, the UK National Archives generates approximately 25% of its gross annual costs by charging for a variety of services it provides to the public.

An Autonomous State Archive Service?

The question of whether the State Archives should be established as a more autonomous institution is being debated within GoC. The debate is generated by the trend in many jurisdictions for government institutions whose primary function is service delivery to be more or less separated from core government ministries and granted to a greater or lesser extent freedoms to operate more as businesses. Delegations to operate with more flexible human resource and financial management processes are often part of the “deal” struck with the sponsoring government ministry in return for which the quasi-independent institution contracts to deliver certain pre-determined services to defined standards of quality, quantity and net cost.

¹⁰ There is growing trend in other jurisdictions towards more open access to government information and Public Access to Information (PATI)/Freedom of Information (FOI) legislation is common across EU Member States. This trend has implications for data storage.

¹¹ It is not clear whether certain other Consolidated Fund revenue allocated to MJPO HQ may be in respect of State Archive services.

Frequently, a key criterion in deciding whether a government service would benefit from a more independent status is whether the service could reasonably be expected, by utilising the freedoms to operate outside of government processes, “to stand on its own two feet” i.e. to move to a more self-sustaining position both financially and managerially. Independent or quasi-independent status can involve additional costs to the organisation such as increased expenditure of establishing its own governance, finance and human resources functions. Generally, these additional overheads can only be sustained if the organisation is big enough to absorb these extra costs. For example, the UK National Archives, which is often cited as an exemplar of the benefits of quasi-independent status, is a €55 million business and as such can generate the economies of scale that make greater autonomy from its sponsor UK Ministry feasible and cost-effective.

It is highly unlikely that the State Archives, with a “turnover” of, say, €450,000 would be able to generate the economies of scale necessary for it to become self-sustaining. It is simply too small to consider as a independent or quasi-independent institution. Moreover, the current trend in the GoC, and also a requirement of the MoU, is to consolidate and reduce the number of State-owned Enterprises (SOEs) following the generally poor record of performance of SOEs as measured both by financial sustainability and quality of governance. Furthermore, no new SOEs will be established until the Law on SOEs is enacted.

However, it should be recognised that the PFM reforms do offer the promise of greater delegation of human resource and financial management both from the MoF to MJPO and from MJPO to the State Archives (and the other MJPO service delivery functions). While some way from full operational independence the PFM reforms do offer the State Archives the prospect of fewer detailed controls over resource inputs and greater autonomy to allocate resources in ways which meet the needs of the business. In return the State Archives will be required to demonstrate greater accountability for the delivery of defined outputs and results and a sharper focus on achieving performance targets.

Section 6. Gender Equality

Current Status

The Gender Equality Unit is a small unit (three staff) sited within the MoJPO. Its functions are reported to include¹²;

- Contributing to law reform, particularly in the area of family law
- Development of government policies and strategies in the field of gender equality
- Support and subsidisation of women’s organisations
- International and European relations in the field of gender equality
- Promotion of gender mainstreaming in public policies and action plans

¹² Answers to issues/questions submitted to the Government of Cyprus regarding the combined sixth and seventh periodic report (2004-2010), Office of the Law Commissioner, Nicosia November 2012.

- Provision of secretariat and scientific support to the National Machinery for Women's Rights (NMWR)
- Publications on the issue of gender equality

The provision of the secretariat and scientific support to the NMWR has been one of the unit's areas of responsibility. The NMWR was set up in 1989 though it was reformed in 1994. It consists of four bodies including the Council, the National Committee, the Interministerial Committee and the Secretariat General. There is representation from different women's organisation on both the Council and the National Committee. The NMWR plays a leading role in ensuring the introduction of gender mainstreaming in all national policies and programmes.

The NMWR was responsible for the development of the National Action Plan for Gender Equality (2007-2013) (NAPGE) which was adopted by the Council of Ministers in 2007. The NAPGE was developed with the collaboration of all government departments, the Union of Municipalities, women's organisations, NGOs, academic institutions and human rights bodies. The plan demonstrated a holistic approach to improvements in service delivery and enhanced gender equality in the six priority areas set by the United Nations - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which are employment, education, decision making, social rights, violence and gender stereo typing.

In addition to providing support to the NMWR the Gender Equality Unit has a budget to support NGOs and women's organisation delivery the NAPGE through specific projects. In 2008 the budget was 980,000 euros however this has been reduced on an annual basis and the budget for 2014 was 400,000 euros. However, other government departments (for example the Ministry of Labour, Welfare and Social Insurance) also provide subsidies to support gender equality initiatives and projects that may actually be to the same organisations. The point has been highlighted that in accordance with the Revised Regulations for the Subsidisation of NGOs by the NMWR (approved by the Council of Ministers on 30/07/2014) it is possible to get funding from other government agencies, provided that the total funding does not exceed the overall cost of the project. However, it is at present unclear how this is coordinated and what oversight there is of the subsidies awarded to different projects.

The Gender Equality Unit collaborates closely with other equality bodies such as the Commissioner for Administration and Human Rights, the Parliamentary Committee on Human Rights and on Equal Opportunities for Women and Men and the Gender Equality Committee in Employment and Vocational Training. The Unit also contributes to the Advisory Committee on the Prevention and Combating of Domestic Violence, the Multidisciplinary Coordinating Group for Combating Trafficking in Human Beings, the National Agency for Population and Family Policy. They provide internal briefings for Ministers and represent Cyprus on Gender Equality issues in Europe and internationally.

External Review

In 2013 the report -Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Cyprus from the UN CEDAW- was published. It reviewed all areas of delivery including the work of the Gender Equality Unit and the progress of the NMWR. The conclusions provided positive feedback in relation to the progress made to the legislative reforms being;

- The enactment, in 2007, of the Combating of Trafficking and Exploitation of Human Being and the Protection of Victims Law; and
- Amendments, in 2009, to the Laws on Equal Treatment of Men and Women in Employment and Vocational Training and the Equal Pay between Men and Women for the Same Work or for Work of Equal Value.

The report also commended the State party for improvements made to the institutional and policy frameworks in promoting gender equality such as:

- The adoption of the National Action Plan on Gender Equality (2007 – 2013) in 2007 as well as the establishment of the Human Rights and Equal Opportunities for Men and Women Parliamentary Committee and the Gender Equality Committee in Employment and Vocational Training;
- The Adoption of the National Action Plan on Prevention and Handling of Family Violence (2010 – 2013) in 2009, and the establishment of the Advisory Committee for the Prevention and Combating of Domestic Violence; and
- The Adoption of the National Action Plan against Trafficking in Human Beings (2013 – 2015) in 2013, and the establishment of a Multidisciplinary Coordinating Group for Combating Trafficking in Human Beings.

It also welcomed the fact that the State had ratified or acceded a number of international and regional instruments being;

- The Convention on the Rights of Persons with Disabilities (2011);
- The Optional Protocol to the Convention on the Rights of Persons with Disabilities (2011);
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- The Optional Protocol to the Convention against Torture and other Cruel, or Inhuman or Degrading Treatment or Punishment (2009); and
- The Council of Europe Convention on Action against Trafficking in Human Beings (2006).

However, the report also outlined a significant issue in its “principle areas of concern and recommendations” in relation to the NMWR. It says “While commending the state party for having established a number of equality bodies... the Committee is concerned that the National Machinery for Women’s Rights, which consists of four different bodies, is fragmented and lacks sufficient authority and visibility. And that the Equality Unit lacks adequate human and financial resources, as well as technical capacity, to effectively carry out its mandate. The Committee is also particularly concerned about the lack of coordination among the existing entities, resulting in overlapping responsibilities”. It recommended that, “the state party strengthen the existing national machinery, by providing it with adequate authority and visibility, as well as human, financial and technical resources, to establish effective coordination among all the existing bodies”.

Response to the External Review

In March 2014, the President appointed a Commissioner for Gender Equality. The Commissioner was situated within the MoJPO although the role is directly accountable to the President. We understand that this situation has now changed and in February the Council of Ministers sanctioned that all Commissioners will be directly under the Office of the President. It is unclear what the implication of this change has been so this report addresses the situation prior to the change. On her appointment the Commissioner commenced presiding over and coordinating the NMWR. The Commissioner does not hold a budget or have any independent access to additional financial or other resources. However, the Equality Unit supports the Commissioner and continues to provide a secretariat role for the NMWR.

The Commissioner has set one of her main priorities as the strengthening of the NMWR and the implementation of the Strategic Action Plan for Gender Equality 2014 – 2017 (replacing the NAPGE) which has been developed by the Gender Equality Unit, made available to the Commissioner and NMWR for comments in November and was adopted by the Council of Ministers in December 2014. The six key objectives of the Strategic Action Plan are;

- A balanced participation of women and men in decision making posts;
- Eliminating / combating / facing violence against women and combating the trafficking of persons as well as the protection of victims;
- Updating / improving the legislative framework;
- Economic empowerment of women;
- Elimination of stereotypes and social prejudices against women; and
- Effective promotion of equality between men and women / Administrative Reform.

The Commissioner has identified some early stage recommendations reflecting the findings of the CEDAW report which include that, “there are many institutions or Equality Bodies (in Cyprus), each covering separate areas. A study should be made to show whether it is possible to join together all of the equalities bodies..... to reduce government expenditure and strengthen the bodies.... There is a need for cooperation and coordination, so it is necessary to appoint a coordinator”. However, it is difficult to see how this would be achievable without the Commissioner having greater independence and the recommended additional human, financial and technical resources.

The UK Experience

In the UK we have the Government’s Equality Office which has a wide remit. It is responsible for equality strategy and legislation across government and leading on removing barriers to equality and addressing issues related to gender, sexual orientation and transgender equality. The Government’s Equality Office sponsors the Equality and Human Rights Commission which is a non-departmental government body (NDGB). The Commission’s mandate is to challenge discrimination, and to promote human rights. The non-departmental status provides a freedom and flexibility for the Commission to be independent and, as their mission statement sets out, be a “catalyst for change and improvement on equality and human rights” based on being an “outcome focussed strategic regulator” able to promote “standards and good practice”.

Both the Government's Equality Office and the Equality and Human Rights Commission are separate entities and work across all government departments, NGOs and voluntary and community sector providers. It would seem that the appointment of the Commissioner was a step toward having an identified lead and implementing the recommendations of the CEDAW report to achieve greater coordination. However, being sited with the Gender Equality Unit within the MoJPO may limit the influence it can exert over other Ministries and organisations.

It is clear there is a commitment in Cyprus to address and promote gender equality. In order to do so it may be that a radical review, as identified by the Commissioner, needs to be completed. The review should not only focus on greater coordination of the NMWR but seek to address the different bodies involved in this work and the resultant fragmentation. The priority should be not just the mainlining of this important issue but also the streamlining and reduction of duplication within the gender equality bodies.

Conclusion and Recommendations

The appointment of the Commissioner is evidence that the Presidency and the State have a commitment to address the issue of gender equality. There has been significant work achieved in this area with the support of the Gender Equality Unit. There has been concern about the Commissioner's ability to be effective in the promotion of gender equality across all government departments whilst sited within the MoJPO. However, the decision to have all Commissioners under the Office of the President may provide greater independence and provide for a wider sphere of influence.

Whilst the above change to the Commissioner's position appears positive, it remains unclear what resources have been allocated. The remit of the Gender Equality Unit in providing support and the secretariat function to the NMWR is important. We would recommend that the GEU remains a resource for the Commissioner with equal independence and ability to hold other government departments to account in the promotion of equality in all six areas identified in the Strategic Action Plan.

The Concluding Comments of the CEDAW Committee include a number of recommendations which even with the appointment of the Commissioner continue to be relevant. It describes how the Gender Equality Unit lacks adequate human and financial resources. The recommendation above would give the Commissioner some support. However, there remains a significant need for a full review of this area which if it is to be effective it will require clear leadership with a commitment to provide sufficient resources.

The recommendations above reflect feedback and observations which have been reported previously about the number of areas of duplication and overlap within the area of Gender Equality and hence, we would continue to support the recommendations made in 2013 for;

The Strengthening of the existing National Machinery;

- The review of the existing equality bodies to reduce overlapping responsibilities. The potential reduction in duplication between the bodies may allow for the realignment of resources which could prevent increased costs; and

- That the National Machinery is provided with adequate authority and visibility, including resources, to ensure it effectively carries out its mandate for the advancement of women and promotion of gender equality.

Section 7. The Anti-Crime Council

Current Operational Framework

The stated Mission for the Anti-Crime Council (ACC) is:

- The design, development and implementation of a Nationwide Strategy and Policy for the prevention of Criminality and the Treatment of Offenders based on European and International Strategies (European Union, Council of Europe, United Nations Organisations etc.).
- The coordination and cooperation of all services and organisations which are involved in the prevention of criminality and treatment of offenders.
- The promotion of scientific criminological research projects which will gradually improve the knowledge and understanding of certain criminal behaviours.
- The promotion of training programmes/workshops for public and private sector employees who are related to criminological issues.
- The establishment of ad hoc scientific committees or workshops in order to study specialised criminological issues.

The current Membership (2012 – 2015) of the ACC comprises the President - Minister of Justice & Public Order, the Acting President – MoJPO Permanent Secretary, 8 other members drawn from various government departments, 1 representative from the Cyprus Radio Television Authority, 1 from the Cyprus Youth Organisation, 1 from the Union of Cyprus Municipalities, 1 from the University of Cyprus and 1 from the Pan Cyprian Volunteerism Coordinate Council. The scientific, administrative and secretariat support is provided by the Criminological Officer of the Ministry of Justice (Criminological Unit) who is also a member of Anti-Crime Council. In order to broaden membership, the Council has recently appointed one additional member who is the Commissioner for Volunteering and Non-Governmental Organisations. Another two members will be appointed from two private universities.

Feedback from the Members of the ACC:

We met with four members of the ACC in the presence of the Executive Secretary. The members present outlined their roles and responsibilities. They all articulated from an individual organisational perspective and generally expressed points of view on behalf of those organisations. Most felt their role was to represent their organisations viewpoint and to feedback on discussions and decisions that were made.

The ACC does have an outline 5-year plan that is described as semi-flexible and semi-responsive, although not necessarily linked to or informed by available data (the most up to date data presented was from 2010).

A publication entitled “Criminal Statistics 2010” was presented. This is a bound set of data published in November 2013 but relates to the year 2010, the latest for which there appears to be a complete data set. The data is an amalgamation from the MoJPO, Police, Prison and the Courts Service. It includes details on offenders (gender and age), offences (type, location and time). It seeks to provide long term trend analysis (1976 – 2010) and is published annually.

The ACC has indicated a desire to improve their research capability and to move toward more up to date and potentially real-time data capture and analysis.

Potential Alternative Models

The stated mission of the ACC provides a strong steer for the council to support the prevention of criminality and the treatment of offenders based on identified best practice from the EU and elsewhere. The current ACC approach appears to prioritise the development of long-term strategy and associated policies. Whilst this is desirable in terms of having in place a range of proven solutions to tackle different issues, the ACC is doing so at the expense of having an up to date understanding of crime and disorder and offender behaviour and as a result risks basing its strategy on outdated data. The time lag in available data will direct the ACC to look at long term trend analysis at the expense of monitoring and addressing of current real time issues. Adopting a preventative culture requires an agile and highly responsive approach where available resources are directed toward the cessation of crime or ideally preventing crime from occurring in the first place. A preventative approach can only succeed if the ACC adopts an intelligence-led model of working and is built upon reliable contemporaneous data and this is further explored in the two case studies below.

The UK Approach

The UK has over the past 15 years developed a comprehensive crime reduction and prevention strategy driven from the centre but delivered at the local level. Central government provides strategy and policy guidance and this has led to the creation of statutory local partnerships that engage with local communities and the full range of local service providers; police and justice sectors, fire and rescue services, local government, social and educational services, probation services and the voluntary and community sectors. Each partnership has a published annual action plan that is constantly kept under review and is sufficiently dynamic so as to be able to adapt to any sudden change in local events. The plan has clear targets and focus and partners are held to account for their performance by committing time and resources to meeting specific targets both individually as organisations and collectively as a partnership.

Each partnership will cover a defined geographic area of approximately 100,000- 200,000 residents in the UK. Each partnership is supported by detailed and real-time data, not just Police data detailing reported crimes but also reinforced with reports from all partner agencies such as data from fire and rescue services, youth offending and probation services, social, educational and welfare services working together to create an holistic rich picture of the local community. The data is de-personalised so that it can be openly shared and is focussed upon identifying crime hot spots

and providing an understanding of offender behaviour. Partner agencies can use this information to develop local solutions. This might include re-focussing local police patrols to specific locations at specific times when incidents occur. It may include undertaking environmental improvements to design out the likelihood of crime.

Partnerships also have well developed communication networks so that they can utilise local media services to inform local communities of their actions and to promote initiatives and to provide public reassurance. In many instances the perception of crime is often out of alignment with reality. Partnerships will usually have access to a dedicated data analysis (mostly Police employed) that can collate all local data from the different agencies and provide sanitised reports at a partnership or even at a street level to help the partnership make informed decisions. This information is often provided on a weekly basis illustrating the data from the previous week as well as providing long term trend analysis and reflecting seasonal adjustments. The wider public also have access to local crime data through an online portal (www.police.uk). Searches can be made at the neighbourhood level simply by entering a postcode to provide a detailed picture of crime and disorder in a given area.

As well as addressing crime reduction, local partnerships are focussed on addressing and preventing low level anti-social behaviour (ASB) as this can often negatively impact upon the quality of life for local communities. Examples of ASB include graffiti, fly-tipped waste, drunken/noisy behaviour, minor criminal damage (broken windows and damage to public property) etc. It is widely recognised that ASB can become a gateway to more serious offending and that communities that suffer from wide-scale and prolonged ASB can attract more serious crime.

This approach of addressing low level crime and ASB in order to prevent more serious issues from arising is often referred to as the “broken window theory” that emerged in the 1990’s in USA and was developed into a model by two Harvard Academics (Wilson & Keeling et al) and has since also been referred to as zero tolerance policing where minor issues of crime and ASB are addressed speedily to prevent more serious events from developing. This was the driver for the UK crime reduction strategy and many similar models adopted worldwide.

The USA CompStat System

Closely associated with the broken windows theory is the successful data driven management model “CompStat” system adopted in New York City in 1994: (http://www.nyc.gov/html/nypd/downloads/pdf/crime_statistics/cscity.pdf) developed by the Police Commissioner William Bratton. CompStat data analysing and reporting system builds on the Broken Windows theory. CompStat advocates a 4 stage approach to crime reduction. It has developed over the past 20 years to become a major driver of policing reform in the USA and elsewhere based on a problem driven and solution approach. The following explanation of CompStat is reproduced from the US State of Maryland University when recently assessing the model:

- Accurate and timely intelligence (i.e., “Know what is happening.” (Godown, 2009)): In this context, crime intelligence relies on data primarily from official sources, such as calls for service, crime, and arrest data. This data should be accurate and available as close to real-time as possible. This crime and disorder data is used to produce crime maps, trends, and other analysis

products. Subsequently, command staff uses these information products to identify crime problems to be addressed.

- Effective tactics (i.e., “Have a plan.” (Godown, 2009)): Relying on past successes and appropriate resources, command staff and officers plan tactics that will respond fully to the identified problem. These tactics may include law enforcement, government, and community partners at the local, state, and federal levels. A CompStat meeting provides a collective process for developing tactics as well as accountability for developing these tactics.
- Rapid deployment (i.e., “Do it quickly.” (Godown, 2009)): Contrary to the reactive policing model, the CompStat model strives to deploy resources to where there is a crime problem now, as a means of heading off the problem before it continues or escalates. As such, the tactics should be deployed in a timely manner.
- Relentless follow-up and assessment (i.e., “If it works, do more. If not, do something else.” (Godown, 2009)): The CompStat meeting provides the forum to “check-in” on the success of current and past strategies in addressing identified problems. Problem-focused strategies are normally judged a success by a reduction in or absence of the initial crime problem. This success or lack thereof, provides knowledge of how to improve current and future planning and deployment of resources.

What is the Way Forward?

The limited observations of the ACC gives rise to the question:

“What does the ACC really want to achieve?”

In terms of structure, governance and operation the membership appears heavily predicated towards government departments and the ACC does not appear to have a clear corporate identity and common sense of purpose. Members appear to solely represent their own organisations and do not seem to have an agreed shared or common ownership. As such it is unclear as to the level of delegated authority that members possess in terms of being able to commit their individual organisations to support the work of the Council.

Does the ACC see itself as a high level think tank that should focus entirely on developing strategy and policy, or does it want to have a more “hands on” role in driving crime reduction and prevention, to address issues of both national and local concern?

The current 3/4 year time lag in information considered by the ACC does not provide the ACC with meaningful up-to-date information that can be used to focus attention and allow the ACC to make strategic recommendations to reduce crime effectively. Crime data should drive the strategic focus of the ACC to prioritise its response according to changes in the types and levels of crime to direct attention and corresponding available resources.

Crime levels are also highly responsive to changes in social, economic and environmental factors. There is often direct correlation between changes in these existential factors and crime levels. For example, increasing unemployment rates can lead to increased levels of theft/burglary. There is no

evidence to show the ACC has taken these wider factors into account when considering crime reduction.

Certain crime types are also subject to seasonal patterns, such as burglary increasing during warmer weather when houses are less secure (doors and windows left open). Crime mapping at a street or neighbourhood level would also likely reveal very localised issues, it may identify crime “hot spots” and also lead to the better profiling of repeat and prolific offenders so that they can be targeted more effectively.

In summary:

The current data analysis available to the ACC can only serve to provide historical trend analysis. The Ministry noted in response that in addition to the Annual Statistics report, the ACC does have access to other data from Partner Agencies such as Police statistics and these are more up to date and help provide a more detailed picture

The ACC does maintain community links to municipalities and through the neighbourhood watch scheme, but the ACC does not operate at locality level and is focussed on a strategic overview.

There do not appear to be strong links between the ACC and other relevant bodies such as the Prisons Board or the Anti-Narcotics Council.

Whilst the ACC has identified the need to develop improved analytical and research capability (this is not currently stated as a priority) linked to identifying best practice solutions to address specific crime issues, it does not state this as being a real-time capability.

In response to the above the Ministry reported that the ACC does have a National Action Plan for the prevention of criminality and the treatment of offenders which covers the period 2012-2017. It includes 200 specific measures and programmes for which all the relevant agencies are involved. This plan is not only linked to or informed by data of "Criminal Statistics 2010" but also by Statistic Data from various department services which are updated every year or every month (e.g. Police Statistic, Prison Statistic etc)

In addition the Minister stated that with regard to the ACC he was looking forward to seeing what information they have to provide other than the 2010 data. He mentioned that he had met 3 times with members of the ACC and had asked for information about how they were meeting the Strategic Plan objectives. He had asked for information as to how they are helping the delivery of agreed activities.

The Minister’s view was that the ACC is a co-ordinating body only. A new research body will be established to look at criminal behaviours and cultures on the Island. It will involve academics and scientists to profile the issues. At present the ACC does not undertake such research or studies and has to outsource this. The Minister felt that the Government does not currently have capacity to monitor criminal behaviour to the level it would like. The Minister plans to establish local community level Crime prevention Councils to involve the Police, local authorities and others to prevent crime at the local level. The Minister does not intend to involve the Police because he sees the preventative role as requiring community trust that the Police will not use any such forum to target individuals as this is potentially a negative position. The Minister is also keen to adopt the UK Crime Mapping approach to identify the local picture.

Conclusions

The experience in the UK and elsewhere is that reducing crime is most effectively achieved by local communities finding solutions to local issues and partner agencies (Police, Local Government, Youth Services, Probation Services) working with those local communities at the local level. The current emphasis of the ACC is on developing a high level strategic overview of crime levels and to develop a broad range of actions to tackle them. The Minister has rightly identified the need to ensure that the ACC actions are achieving the desired outcomes and that they are having a positive effect in reducing crime levels. Establishing an academic “think tank” to develop policy solutions and initiatives to tackle different crime types will provide valuable support to the ACC and to the proposed local crime prevention councils. Within the UK crime reduction has been achieved through a broad range of actions and partners working together in different ways. Partnership working can break down cultural barriers between organisations and can lead to innovative solutions and encourage self-accountability. Police working with local crime reduction councils has had a positive outcome in the UK rather than discouraging engagement with communities, as may be first thought.

The general direction set for the creation of the think tank and the establishment of local crime reduction councils is a positive and logical way forward. However, in order to support the structural reform, it is essential that there are effective governance arrangements put in place so that the role, purpose and inter-relationship of the different bodies is clearly defined, understood and effectively communicated. If it is envisaged that the ACC will maintain an overall co-ordinating role and potentially an expanded role to coordinate between the Think Tank and the Local Crime Reduction Councils, it will be essential that the ACC is “fit for purpose” in terms of membership and structure and that it has appropriate terms of reference to clearly articulate the purpose and objectives.

Recommendations

The ACC, in conjunction with MoJPO, should review the purpose and objectives of the ACC as either a high-level research and information sharing forum or to move toward a more hands on strategic partnership to directly address real-time issues of crime and improve offender management. If the latter is adopted consideration should also be given to establishing sub-national partnerships that operate at the local community level and report to the ACC upon performance.

The ACC should develop a detailed Terms of Reference (ToR) to reflect the outcome of the previous recommendation and also review the constituent membership to reflect the future direction of the ACC.

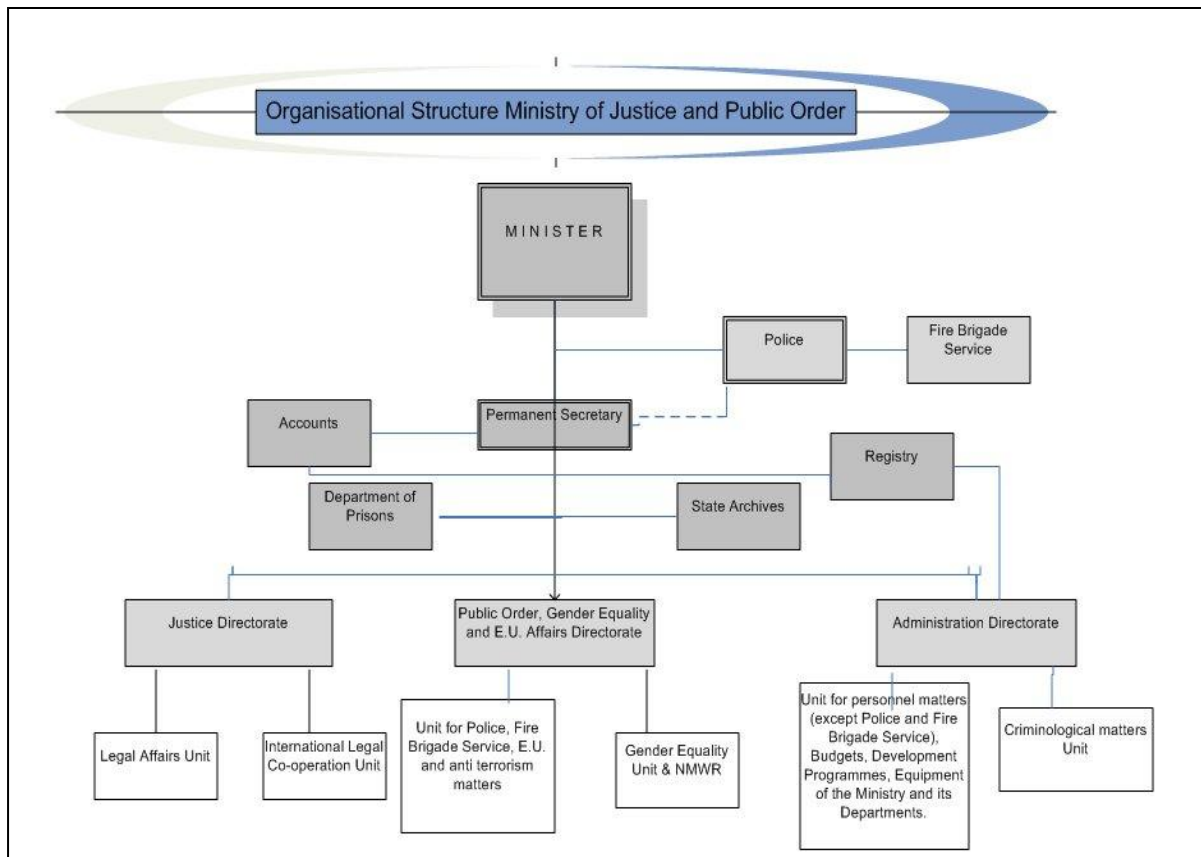
Consideration should be given to establishing a real-time crime and disorder data observatory to undertake data mapping from the widest range of sources. This can be then used to provide a more comprehensive and user-friendly picture of crime and disorder and can help to identify crime hot spots and the underlying causes of crime.

The ACC should consider the establishment of thematic Sub-Groups such as Youth Crime, ASB, Management of Prolific and & Priority Offenders etc. This should allow for more in depth and informed discussion on specialist areas where a wider range of partner agencies and other bodies can provide valuable input to the ACC in terms of shaping strategy and policy development.

Section 8. Organisational Structure of the Ministry

Introduction

The ToRs for this study require us to recommend a revised organisational structure for the Ministry. The existing structure which is drawn from the Ministry's website is as follows:



The presentation of the organisation structure included in the Ministry's external website is not very helpful as a starting point for the design of a new structure. It is not clear that the reporting lines as set out in the above diagram do, in reality, represent a true picture of the actual reporting and accountability relationships that have developed in the Ministry over time. In addition the organogram appears out of date and does not reflect recent changes in the mandate of the Ministry and the cross-cutting reforms that have been introduced e.g. the creation of Internal Audit Units and Strategic Planning Units.

Approaching the task of designing a new structure is therefore a complicated and speculative endeavour. Any new design will need to incorporate a number of factors both internal and external to the Ministry. Many of these factors, particularly the external cross-cutting reforms, have yet to take final shape, either because they are still being tested or because the Government has yet to decide whether to implement them in part or in full or nor at all.

In proposing a new structure we have had therefore to make a number of assumptions about the principles and practices that should and will be followed in the future across the Government of Cyprus and within MoJPO. We set out these principles and practices below in order that the underpinning rationale for our proposed organisational structure is clear.

Underpinning Principles - Cross-cutting Reforms

First, in respect of broader cross-cutting reforms we need to bear in mind the Public Financial Management (PFM) reforms which are described elsewhere in this report but which, in terms of an organisational structure for each Ministry, require the establishment of a Strategic Planning Unit. Additionally, the increased delegation of financial management responsibility and resource control and the requirement for greater accountability for the achievement of outcomes will have implications for organisational structures and reporting lines.

It is less clear at the time of writing what Human Resource Management (HRM) reforms will be implemented. However, the joint World Bank/NSGI report on cross-cutting HRM makes clear that radical and far-reaching reforms are necessary for the efficient and effective performance of the public service. The report also makes clear that the PFM and HRM reforms are inter-dependent i.e. that the objectives of the PFM reform will not be achieved if the proposed HRM reforms are not undertaken, a view which is supported by the Budget Department of the Ministry of Finance. Accordingly, in designing a new organisation structure for the MoJPO we have assumed that the broad principles behind the PFM and proposed HRM reforms will be respected and implemented fully.

Related to the underpinning principles of the above cross-cutting reforms is the issue of how the relationships between core Ministries and “agencies” of Ministries should be handled. In this context we use the term “agency” to encompass a wide range of different arrangements which have been put in place in GoC to distinguish between the role of the “principal” (the core Ministry which supports the Minister in his/her policy-making, monitoring and democratic accountability roles) and the role of the “agent” in implementing and delivering the Minister’s policies. This principal/agent relationship within GoC is a confused one with a multiplicity of different and not well understood arrangements in place leading to a lack of accountability and – in some notable instances – breakdowns in proper governance. Greater clarity on this may be on the way in the shape of the draft Bill on State-owned Enterprises (SOEs). However, this will not address the matter of other “agency-type” (using the term “agency” in its widest possible sense) arrangements that are in place. Specifically in the case of MoJPO, we are concerned with the Prisons and the State Archives (which have the status of departments of the Ministry) and the Police and Fire Brigade (which have more independent status but which are under the Ministry’s policy mandate and are accountable to the Minister for policy matters and to the Permanent Secretary in his capacity as Controlling Officer). In re-designing the organisation structure for MoJPO we have sought to strike a balance between the PFM imperative to delegate greater operational freedoms and the need for more effective governance and accountability.

Recent legislation has also introduced the requirement for each Ministry to establish an Internal Audit Unit and this is not reflected in the current published structure of the Ministry. The legislation stipulates that the Internal Audit Unit reports to and is under the direction of the Minister. International best practice states that internal audit is part of the internal control system and, as such, should report to the Permanent Secretary in his/her capacity as Controlling Officer

accountable for the expenditure of the Ministry and the controls thereon. Our proposed organisational structure reflects the existing practice and recently enacted legislation. However, we recommend that this cross-cutting issue should be re-examined at a later date - once experience of operating the current system has been gleaned – with a view to harmonising with international best practice.

Underpinning Principles – Specific to MoJPO

In our meetings with the Minister he has repeatedly made clear to us his concerns about the unnecessarily bureaucratic processes and practices of the Ministry. This is a complaint that we have heard frequently in other Ministries as well. More specifically the Minister is concerned about the protracted arrangements for dealing with (largely paper-based) correspondence and the associated filing and distribution arrangements which are thought to slow down decision-making. Additionally the Minister and his Permanent Secretary are concerned about the volume of seemingly small and unimportant matters that arrive on their desks for decision.

While we have classified these matters as MoJPO-specific (because they were raised by the Minister as his personal concerns) they do, of course, have a cross-cutting aspect and will need to be addressed largely by cross-cutting initiatives and wider cultural and behavioural changes. For example, the reliance on circulating paper files can only be addressed by a more general move towards an electronic document storage and transmission accompanied by a change management programme which seeks to wean public officials off their attachment to working on paper (and changes in legislation which give electronically-transmitted documents the same status as paper documents). We are aware of previous attempts at introducing an electronic document storage and transmission systems and that there is currently a rolling programme to introduce a new system across the GoC but that this is being introduced ministry by ministry. It is not within our ToRs to address this matter other than to observe that: a) GoC lags well behind modern public administrations in its document storage policy and practices; b) this causes unnecessary delays, waste of human resources and frustration; c) effective reform is long overdue; and, d) reform will have profound effects on the structures and staffing of Registries (with opportunities for re-deploying human resources).

Likewise the phenomenon of too many decisions landing on the Minister's and/or Permanent Secretary's desk is common across all Ministries. Full and successful implementation of both the PFM and HRM reforms should help to address this as more operational decision-making is delegated downwards through the system and, as a consequence, staff feel empowered to make their own decisions without reference to higher authority. However, the effort and time that will need to be put in to engineer the required cultural and behavioural change, to complement the "systems-fix", should not be underestimated. Our proposed organisational structure is designed to support delegated decision-making by better alignment of functional responsibilities and greater clarity about accountability for delivery. However, this is only a partial solution to problems which are more systemically widespread.

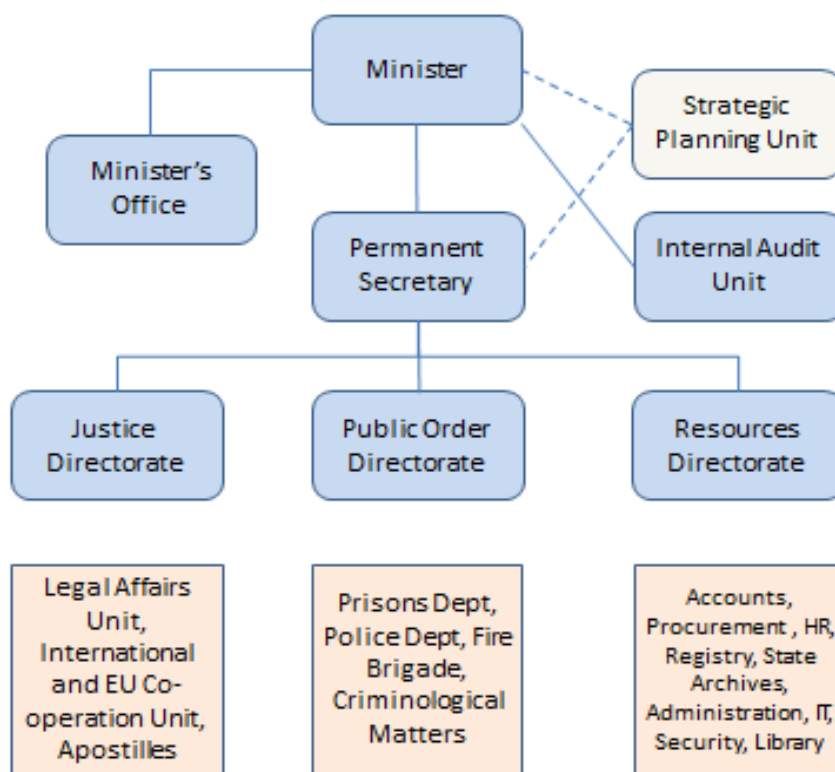
Finally in terms of the specific matters that have informed our design of the organisational structure, we have recommended elsewhere in this report that the Commissioner for Gender Equality should, in common with all the other "political" Commissioners come under the President's Office. The reasons for this recommendation are contained in Section 6. For the purposes of the proposed

organisation chart we have assumed that the administrative support to the Commissioner and the NMWR (the Gender Equality Unit) would also transfer to the President’s Office.

The Proposed Top-level Structure for MoJPO

The following diagram represents in outline our proposed top-level structure for the Ministry taking into account the above issues and informed by the discussions that we have had during our missions. Explanatory notes to the proposal follow.

Proposed Top-level Organisational Structure for the Ministry of Justice and Public Order



Minister’s Office

This office comprises the Minister’s private staff including such special advisers as he/she deems to be necessary to provide policy advice on specialised issues. The office also includes the Press and Information Officer and clerical/secretarial staff.

Strategic Planning Unit (SPU)

The SPU reports jointly to the Minister and the Permanent Secretary who jointly will provide political direction and guidance to the Unit. The function of the SPU will not only be the preparation of the Ministry’s strategic plan but also monitoring and evaluating the implementation of the strategic plan throughout the annual budget cycle and accordingly making adjustments to the multi-annual aspects of the plan. In the light of the anticipated decision by the Council of Ministers referred to above in

footnote 2 it is expected that the Strategic Planning Unit will also assume responsibility for the reform process in each Ministry.

In view of the responsibilities that are likely to be assigned to the SPU it is recommended that a single officer should be appointed to a full-time role to provide a secretariat function for the SPU. However, in order to give the SPU the necessary high-level profile the members of the SPU should be the Minister, the Permanent Secretary and the Heads of the three Directorates (Justice, Public Order and Resources) who should meet on a regular basis to provide a visible and senior impetus to the strategic planning, monitoring and reform processes. In due course Terms of Reference for the SPU should be drawn up so that the role and remit of the SPU is effectively communicated and understood within the Ministry and its “agencies”.

The remainder of the Ministry is organised under three directorates – two policy directorates which reflect the major sectoral responsibilities embodied in the Ministry’s title and one directorate which combines all the support functions necessary for the effective and efficient operation of the Ministry.

Justice Directorate

This Directorate comprises the existing Legal Affairs Unit and the International Legal Co-operation Unit. It is recommended that it also assumes responsibility for EU Affairs which is currently within the Public Order Directorate.

Public Order Directorate (possibly to be renamed Public Order and Safety Directorate)

This Directorate becomes the main engine of policy advice and monitoring for all aspects of public order and safety as well as assuming responsibility for the Criminological Matters Unit where there is a clear link to policing policy. The Directorate should also be the first point of contact for the main service delivery “agencies” under the Ministry’s purview i.e. Police, Prisons and Fire Brigade and should provide the conduit through which all policy and operational matters arising within the “agencies” which require the intervention of the Ministry are dealt with. With the implementation of the PFM and HRM reforms over time the Directorate will play a key role in planning and monitoring the organisational performance of the “agencies” and advising the Minister on objective-setting, targets and KPIs and their achievement. This will contribute to the success of the PFM/HRM reforms and should also prevent minor issues rising to the level of the Minister/Permanent Secretary.

Resources Directorate

In contrast to the two “policy” directorates described above the Resources Directorate fulfils the role of supporting and facilitating the delivery of the rest of the Ministry’s activity. This Directorate subsumes the roles formerly played by the Administrative Directorate and the Accounts function and, with the anticipated devolution of responsibility envisaged under PFM and HRM should become in time the focal point for all resource planning, monitoring and control; playing a key role in advising the Permanent Secretary on his/her responsibilities as Controlling Officer and acting as an expert resource to, and member of, the Strategic Planning Unit. The Directorate would also be responsible for the other support functions of the Ministry – estates, registry, security, IT – liaising as appropriate with other parts of Government which provide central support functions – DITS, Ministry of Transport, Communications and Works, PAPD etc. – to ensure that all the Ministry’s resources - financial and human – and its assets, are efficiently and effectively managed to support the delivery of the Ministry’s objectives. The Directorate would also be the single point of contact, as described above, for the State Archives on the basis that the Archives is a small function by

comparison with Police, Prisons etc. which does not fit neatly in either of the other two policy sectors.

Recommendations

The proposed revised structure represents a radical change when compared with the existing structure and it may take time to implement fully. The timing will be heavily dependent on the degree to which other cross-cutting reforms are progressed by the GoC. However, the proposed structure fully takes into account both the principles embodied in the cross-cutting reforms and the Minister's desire for a structure which minimises duplication and overlap and facilitates faster information flow, greater delegation and speedier decision-making. We therefore recommend that the new structure is implemented over a 12 month period beginning in July 2015.

Of itself the proposed new structure does not identify any significant savings in posts or other costs. This was unlikely to be the case in a Ministry which has a small core and in which the majority of the resources are consumed by "agencies" which are excluded from the study. However, in due course the proposed structure, allied to successful implementation of the PFM and HRM reforms, should make it easier to identify savings and opportunities to redeploy staff to higher priority tasks.

Annex 1 – NSGI ToR

TERMS OF REFERENCE FOR ACTIVITIES TO BE IMPLEMENTED BY THE NATIONAL SCHOOL OF GOVERNMENT INTERNATIONAL (UK)

to conduct functional reviews under Phase II of

**“Cyprus: Strengthening Efficiency, Effectiveness and Responsiveness of the
Public Sector”**

in the framework of

**the Joint Communiqué between the Governments of the Republic of Cyprus
and the United Kingdom¹³**

PROJECT BACKGROUND

1. The Government of Cyprus (GoC) is implementing a set of fiscal consolidation reforms aimed to overcome short and medium-term financial, fiscal and structural challenges. For this purpose the GoC has agreed with EC/ECB/IMF a Memo of Understanding on Specific Economic Policy Conditionality (MoU). Both parties agreed in Section 3.9. of the MoU to launch an independent external review of the public administration which includes a horizontal and a sectoral element.

The sectoral element will examine:

- the role, competences, organisational structure, size and staffing of relevant ministries, services and independent authorities;
 - the possibility of abolishing, merging or consolidating non-profit organisations or companies and state-owned enterprises; and
 - the possibilities for the re-organisation and re-structuring of local government.
2. The GoC’s main objective is that the independent external review will contribute to identify reforms aimed to improve the operation and delivery functions of public institutions. The World

¹³ NSGI’s advisory services will be provided under the authority of the “Joint Communiqué” issued on 15th January 2014 by the Prime Minister of United Kingdom and the President of the Republic of Cyprus. This Joint Communiqué committed both parties to establishment of a programme of bilateral cooperation on a range of priority issues. The cooperation is to be developed through the exchange of best practice and the sectors to be covered are to be identified by the diplomatic representatives in London and Nicosia.

Bank (WB) and the UK National School of Government International (NSGI)¹⁴ are already offering technical advice on these reviews.

3. A first phase of reviews covering vertical studies of the agriculture, education and health sectors has been concluded with the final reports been submitted, while a review of cross-cutting human resource management policies and practices is currently being conducted. NSGI has also concluded the review of the local government system and that of the Department of the Registrar of Companies and Official Receiver and submitted the final report. According to the MoU the reforms of this first phase will start to be implemented by Q4 2014.
4. As per par. 3.9. of the MoU, a second phase of the reviews, with a scheduled start in Q3 2014 and completion in Q4 2015, will cover the remaining seven Ministries, separated in two categories: (a) the “political” Ministries, i.e. Defence / Justice and Public Order / Foreign Affairs, and (b) the “economic” Ministries, i.e. Interior / Labour, Welfare and Social Insurance / Communications and Works / Energy, Commerce, Industry and Tourism). The results of the second batch will be presented by Q4-2015. They will include cost estimates and implementation timelines with detailed intermediate steps. The reform will start to be implemented by Q3 2016.

GENERAL PROJECT OBJECTIVE

5. NSGI will provide advisory services to the GoC to conduct three separate reviews as follows:
 - 5.1. **Foreign Affairs:** Reorganization and staffing of the Ministry’s central administration and subordinate services and the Diplomatic Missions abroad, according to the Ministry’s strategic vision and objectives. Diplomatic personnel training in promotion of diplomacy on specialized sectors of interest to the GoC. The Ministry’s central administration currently consists of ten Divisions – namely (a) European Union, (b) Cyprus Question & Turkey (c) Energy and Marine Policy & Policy Planning, (d) Political, (e) Middle East and North Africa, (f) Protocol, (g) Schengen and Consular Affairs, (h) Overseas and Repatriated Cypriots, (i) Communications Policy, (j) Administrative Affairs. The Ministry’s functions are supported by the Administration Unit, the Accounts Unit, the Central Registry and the Archives and Communication Unit. The Diplomatic Missions abroad report directly to the Permanent Secretary.
 - 5.2. **Defence:** Reorganization and staffing of the Ministry’s central administration and subordinate services according to the Ministry’s strategic vision and objectives. The Ministry currently consists of three Directorates – namely (a) the Administration, Recruitment and Personnel, (b) the Armaments and (c) the Financial and Budget Management. In addition, there are three separate sections – namely (a) the Tenders, (b) the Projects and (c) the Technical Services. The Minister is supported by the Minister’s General Staff Office. The National Guard and the Cyprus Army are excluded from this study.
 - 5.3. **Justice and Public Order:** Reorganization and staffing of the Ministry’s central administration and subordinate services according to the Ministry’s strategic vision and objectives. Functional review of the Prisons and the Prison System. The MJPO currently consists of: a) three Directorates, which include the Justice Directorate, the Public Order, Gender Equality and EU

¹⁴ The National School of Government International is an arm of Her Majesty’s Government. It has a cross-government mandate to support public service capacity-building in overseas countries and thereby contribute to HMG’s international priorities.

Affairs Directorate, and the Administration Directorate, b) the State's Archive (reports directly to the Permanent Secretary) and c) the Prisons Department. The Police & Fire Brigade Service, which fall under the competence of the MJPO, are excluded from this study.

6. Overall, the review will aim to examine the role for each of the three Ministries and their subordinate structures, more closely aligned with modern principles of institutional efficiency and effectiveness. In doing so, the review will analyze some of the pre-identified factors assumed to limit the efficiency and effectiveness of the delivery of policies falling under the mandate of the said Ministries in Cyprus, and will provide practical recommendations on how to address constraints. The pre-identified factors include:
 - Institutional arrangements: (i) legal form and objectives; (ii) management principles and decision making process; and (iii) relationship with stakeholders.
 - Organisational arrangements: (i) organisational structure, (ii) competences, (iii) appropriate size and staffing and (iv) simplification of procedures.
 - Accountability arrangements: (i) supervisory arrangements (role, size, composition, appointments), (ii) reporting arrangements (completeness, transparency and timing) and (iii) performance improvement.
7. The review will take into consideration the national context, legal framework, political economy and culture including factors ranging from workforce capacity and availability and the country's overall fiscal condition.

PROJECT ORGANISATIONAL ARRANGEMENTS

8. The GoC has established a Steering Committee to oversee the implementation of the advisory services. The Steering Committee is co-chaired by the Permanent Secretary of the Ministry of Finance, or his representative, and the Commissioner for the Reform of the Civil Service (CRCS) on behalf of the Presidency. Its members are the Director of Budget and Fiscal Policy, Ministry of Finance, the Director of Public Administration and Personnel Department (PAPD) or their representatives and a representative of the Ministry of Finance¹⁵, and independent experts appointed in agreement with the EC/ECB/IMF, and officials from the EC/ECB/IMF. The Steering Committee will give its approval for the set up of a Task Force Team within each of the above mentioned Ministries. These teams will include representatives of the Ministry of Finance's budget, the CRCS, the PAPD, staff identified by the respective Ministries, and may be supported by a representative of the Directorate General for European Programmes, Coordination and Development (DGEPD) and the Department of Information Technology Services (DITS). A Change Management Team, supported by the Press and Information Office (PIO) will also be set up in each of the Ministries, with the aim to inform the personnel of the Ministry on the on-going reforms.
9. NSGI advisory services will be guided by Terms of Reference (ToRs) (the current document) which have been drafted by the GoC and agreed between the parties, and which are within the framework of the updated MoU. The ToRs for the three studies are appended to the Service Level Agreement (SLA) which has been drafted and signed between the Government of Cyprus (the beneficiary), the British High Commission (the principal) and NSGI (the implementing

¹⁵ Mrs. Melina Catsounotou, Head of Strategic Coordination and Communication Directorate, MoF

agency). The SLA defines, inter alia, the services to be provided, the deliverables, the costs and the sources of funding.

10. NSGI will send any communication regarding this advisory service to the Commissioner for the Reform of the Civil Service and the MoF's representative.

GENERAL METHODOLOGICAL APPROACH

11. NSGI advisory services will implement a technical assessment of the three areas to identify reform options aimed to improve budget resources allocation, human resources management, general performance and service delivery. Hence, the advisory services will contribute to the implementation of the Government's MoU, by (i) identifying structural reforms that will be undertaken over the medium term, (ii) by proposing a road map with policy and reform options including implementation timelines with detailed intermediate steps and cost estimates, and (iii) suggesting change management strategies to facilitate the implementation of proposed reforms.
12. In order to ensure consistency of approach, the review exercise will be aligned with the Government's on-going Public Administration reforms and link institutional and service delivery reforms to the allocation of resources. It will also be coordinated with work on Public Financial Management (PFM) reforms undertaken in collaboration with the technical assistance provided by the IMF Fiscal Affairs Department. In summary, PFM supports aggregate control, flexibility, prioritization, accountability and efficiency in the management of public resources and delivery of services, which are critical to the achievement of public policy objectives. To this end the Fiscal Responsibility and Budget Systems Law (FRBSL) has been enacted as the legislative framework for the implementation of the PFM related processes in the public sector. As a consequence, changes in the organisational structure of Ministries/public entities and the formation of specialized units/directorates are anticipated to accommodate the PFM budgetary and audit processes and the related strategic planning and administrative functions (such as strategic planning, administration and internal audit units/directorates).
13. The reviews will assess and, as necessary, recommend adjustments in participating Ministries' organizational structure, performance management arrangements, and the allocation and application of human and financial resources to align to sector goals and improve service delivery outcomes. In doing this, the reviews will take into account the ongoing work on cross-cutting HRM reforms which is being undertaken under Phase I of the programme. In addition, the reviews will take into account the competences and portfolios of the rest of the Ministries and any other functional reviews being carried out in parallel, to ensure that any interministerial functions are being coordinated and reviewed comprehensively.
14. The reviews will be problem-driven and prioritize areas that are generating specific problems. They will provide targeted and feasible options, along with potential implementation plans and implementation monitoring frameworks, to resolve these problems.
15. The reviews will be interactive, and NSGI will work closely as a partner and facilitator for the MOF, the PAPD, the Commissioner for the Reform of the Public Service, and the Ministry task force teams, under the overall direction of the Steering Committee.
16. The reviews will take into account existing analytical studies conducted by the GoC and global good practices of countries with characteristics comparable to those of Cyprus.

17. The reviews will be conducted over the period of Q3 2014 and Q2 2015. It is envisaged that each NSGI review team will be led by a public administration reform expert advisor drawn from NSGI core civil service staff and a human resources specialist supplemented by 1 or 2 sectoral experts who will be civil servants drawn from the counterpart HMG ministry or agency. Overall programme management will be provided by an NSGI advisor who may also lead one or more of the sectoral teams.

ACTIVITIES

18. Scope of Review

18.1. The review will provide reform options to improve the MFA, MoD and MJPO and their subordinate structures effectiveness and efficiency. The functional review will focus on aspects related to strategic coordination within each of the said Ministries, potential overlapping, irrelevant mandates, organizational structures, and other general organizational and functional failures.

18.2. Strategic Framework and Goal-Oriented Management Processes

- Definition of policy objectives vis-à-vis EU / international and national regulations in MFA, MoD and MJPO; trade-off between administrative efficiency and beneficiary orientation (front-office and back-office functions); adequacy of allocations (administrative cost and transfer volume) in reflection of strategic policy priorities.
- Strategy prioritization of MFA, MoD and MJPO in line with other government priorities; representation of their priorities at the wider government level, as well as, interface and division of responsibilities in these areas among government agencies.
- The review will aim to identify scope for a more effective distribution of policy areas and functions across each of the said Ministries and in articulation with the rest of the public administration. There is a need to review the allocation of their portfolios in relation to the strategic policy objectives that Cyprus is pursuing and also in relation to an enhanced coordination of programs and policies. Consideration should be given to: (a) how/which policy areas could possibly benefit from a reorganization outside the purview of each Ministry; (b) whether new policy areas should come under the purview of each Ministry; (c) whether there is overlap of policy areas and competences with other government Services and (d) how the organizational structure continuing to function under each Ministry could be restructured and staffed to be more effectively aligned with the sectoral strategic objectives.

18.3. Organizational Structure and Decision-Making Processes

- MFA, MoD and MJPO central administration and departments organizational structure and coordination of decision-making and policy implementation on central and de-central levels.

- Management principles within each of the said Ministries and subordinated structures; decentralization, delineation of responsibilities, management span of control, information flows, decision-making authority of managers, clear lines of command, etc.
- Policy and implementation oversight by MFA, MoD and MJPO and accountability relationships
- Standard operating procedures according to the legislative framework, based on the principles of transparency and good administration.
- Simplification of structures and procedures.
- Particularly for the MJPO, concerning the Prisons Department, allocation of clear responsibilities to each partner Ministry that currently provides services to the Prisons (e.g. Ministry of Health, Ministry of Education, etc.) and optimization of the collaboration among them.
- Particularly for the MFA, advice on an appropriate automated office system, according to global good practices.

18.4. Identification of Personnel Needs

- Set the appropriate skill mix composition. Adequate balance between administrative, diplomatic (for the MFA), military (for the MoD), and technical skills ensured in staffing of each Ministry and their subordinate structures.
- Advise on the level of staffing [qualifications and number of staff (FTE)] needed to fulfill these functions and assign the appropriate grade for posts. To this purpose a staff inspection study may be undertaken and staff numbers and levels can be determined, based on workload measurement methodologies/analysis or other appropriate methodologies.
- Determine, where appropriate, the type of employment / work arrangements best used to provide the respective service (e.g. regular work arrangements versus shift-work arrangements, contract-based employment)
- *Particularly for the MFA:*
 - Review the latest study carried out by the GoC on the mapping of all Diplomatic Missions and the Central Administration, including missions abroad of other Ministries (i.e. trade and shipping centres, educational and cultural mission).
 - Elaborate on appropriate training of diplomatic personnel, according to best practices.
 - Provide recommendations on non-monetary incentives for performance improvement for diplomatic staff, according to best practices.
 - Review of the allowances policy according to best practices.
- *Particularly for the MoD*, identification and submission of suggestions as to a clear division of the functions which should be undertaken by military staff and those which should be

undertaken by civil servants. Appropriate organisational structures to reflect the segregation of functions undertaken by main categories.

19. Assessment of cost implications of structural changes

19.1. Conduct of a cost-benefit analysis comparing the current organizational structure, functions and staffing of the Ministry with the reform options that will be proposed.

20. Deliverables

The three separate reports will cover the following areas: (i) review and analysis of the current organizational structure, functions and staffing of the Ministries; (ii) assessment of and recommendations on the strategic coordination and management of policies and programs falling under the Ministries' mandate; (iii) options to address specific resource and operational management constraints in the Ministries; (iv) recommendations for detailed organizational structure in the Ministries (incl. staff numbers and skill mix); (v) cost-benefit analysis comparing the current structure, functions and staffing of the Ministries with the reform options that will be proposed, including cost estimates of the reform options; (vi) action plans and implementation timelines with detailed intermediate steps. The NSGI will suggest change management strategies to facilitate the implementation of proposed reforms.

21. Timetable

21.1. The detailed ToRs for each of the reviews define the scope of work, timelines and deliverables. Hence, after the signing of the SLA, two missions will be undertaken for data gathering, meetings and interviews. Interim reports will then be prepared which will form the basis of discussion of the policy options on a third mission, with a final (fourth) mission reserved for the presentation and agreement of final reports. A discussion on the preliminary draft final report before the fourth mission will be sought, in order to ensure that any pending issues are cleared. Normally missions will be no longer than one week since much of the detailed research and drafting can be done remotely and by exchange of correspondence. The following milestones and indicative timetable is therefore envisaged.

	Indicative Milestones	Indicative Dates
1	First mission – data gathering and initial meetings with internal stakeholders.	June 2014
2	Second mission – detailed fieldwork, workshops/interviews with external stakeholders	September 2014
3	Submission of interim reports including policy options	January 2015
4	Third mission – discussion with internal and external stakeholders on policy options and comments on/additions to draft reports	March 2015
5	Discussion on the preliminary draft final report	May 2015
6	Fourth and final Mission – delivery and presentation of final options	June 2015

	report	
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Annex 2- Addendum concerning the Ministry of Justice and Public Order

Addendum to the

TERMS OF REFERENCE FOR ACTIVITIES TO BE IMPLEMENTED BY THE NATIONAL SCHOOL OF GOVERNMENT INTERNATIONAL (UK)

to conduct functional reviews under Phase II of

“Cyprus: Strengthening Efficiency, Effectiveness and Responsiveness of the Public Sector”

in the framework of

the Joint Communiqué between the Governments of the Republic of Cyprus and the United Kingdom

The NSGI team comprising Chris Cooper, Programme Manager, and Roz Evenden, a civil servant from the UK Ministry of Justice, carried out an initial scoping exercise on the Ministry of Justice and Public Order (MoJPO) from 23rd - 27th June 2014. The aim of the scoping was, inter alia, to validate the general Terms of Reference (consolidated Version 5, dated 13th June 2014) and, if felt necessary, to propose amendments to the ToRs in the light of our initial findings.

Paragraph 5.3 of the general ToRs require in respect of the MoJPO a “functional review of the Prisons and the Prison System” as part of the overall functional review of the MoJPO. Having discussed in detail with the Minister, his Senior Adviser on Prison Reform and the Acting Director of the Prisons Department we believe that a full functional review of the operation of the Prison would not be appropriate at this time. Over the past year considerable steps have been taken to reform the Prison System. Our impression is that the reforms are going very much in the right direction towards transforming the prison regime into one which is more offender-focused and rehabilitative. Firmer control has been established at the level of the Ministry in policy-making and monitoring of the Prisons Department and progress has been made on establishing inter-ministerial coordination mechanisms to ensure that resources can be leveraged from other parts of the public service to assist, in particular, with welfare and rehabilitation.

In view of the progress that has been made and the continuing reforms that are in train we believe that a functional review of the Prisons Department at this stage would be otiose and potentially counter-productive. On the basis of what we have heard about progress with prisons reform since the Terms of Reference were drafted and before, we do not therefore intend to conduct a detailed functional review of the Prison. We will however, explore further some remaining issues identified (such as the role of the Prisons Board and further opportunities for “civilianisation” of posts within the Prisons Department). We will however, continue to explore how the Ministry’s strategic policy making and monitoring of the Prison can be further improved and sustained.

We therefore propose that the reference to a functional review of the Prisons and the Prison System at paragraph 5.3 of the general ToRs be deleted.

Annex 3 – Prison Stock



Prison Stock on 01 Jan. 2013 & 2014

Data included in this table are regularly updated.

Country	1.0. Total number of prisoners (including pre-trial detainees) 01.01.2013	2.0. Total capacity of penal institutions 01.01.2013	Prison density per 100 places, 01.01.2013	Prison Population Rate per 100,000 inhabitants, 01.01.2013	1.0. Total number of prisoners (including pre-trial detainees) 01.01.2014	2.0. Total capacity of penal institutions 01.01.2014	Prison density per 100 places, 01.01.2014	Prison Population Rate per 100,000 inhabitants, 01.01.2014
Albania	4 505	4 537	99.3	155.4	5 454	4 537	120.2	188.3
Andorra	33	125	26.4	43.3	45	145	31	57
Armenia	4 756	4 395	108.2	159.8	3 923	4 395	89.3	130
Austria	8 273	8 650	95.6	97.9	8 862	8 636	97.1	104.2
Azerbaijan								
Belgium	12 126	9 351	124.4	108.6	12 945	9 715	118.8	115.5
BH: BiH (Total)								
BH: BiH (state level)					17	20	85	
BH: Fed. BiH	1 883	1 844	102.1					
BH: Rep. Srpska	1 077	1 373	78.4		1 003	1 386	72.4	
Bulgaria					8 834	NA	NA	121.9
Croatia	4 741	3 771	125.7	111.2	4 365	3 771	115.8	102.8
Cyprus	671	455	147.5	77.5	632	479	131.9	73.7
Czech Republic	22 638	21 307	106.2	215.3	16 656	20 928	79.6	158.4
Denmark	3 820	4 103	93.1	68.2	3 774	4 160	90.7	67.1
Estonia	3 286	3 420	96.1	248	3 026	3 250	93.1	230
Finland	3 134	3 089	96.9	57.8	3 011	3 089	93.2	55.2
France					77 883	57 516	116.6	118.3
Georgia					9 093	21 398	42.5	202.5

Germany	65 889	77 578	84.9	80.3	62 632	76 556	81.8	77.5
Greece					12 693	9 886	128.4	115.5
Hungary	17 179	12 639	135.9	173.4	17 841	12 584	141.8	180.6
Iceland	141	163	86.5	43.8	147	165	89.1	45.1
Ireland	4 086	4 564	89.5	89	3 987	4 274	93.3	86.6
Italy	65 701	47 040	139.7	110.1	62 536	47 709	143.1	102.9
Latvia	6 117	7 970	76.8	302.2	5 139	7 970	64.5	256.8
Liechtenstein	9	20	45	24.4	7	20	35	18.9
Lithuania	9 729	9 399	103.5	327.4	9 261	9 399	98.5	314.6
Luxembourg	656	711	92.3	122.2	701	711	98.6	127.5
Malta					615	675	91.1	144.6
Moldova								
Monaco	27	81	33.3	71.4	23	78	29.5	61.4
Montenegro	1 297	1 100	117.9	208.3	1 064	1 100	96.7	170.4
Netherlands	10 817	12 491	86.6	64.5	10 224	12 491	81.9	60.8
Norway	3 421	3 800	90	67.7	3 571	3 793	94.1	69.9
Poland	84 156	86 906	96.8	218.4	78 994	87 311	90.5	205.2
Portugal	13 614	12 077	112.7	129.8	14 284	12 167	117.4	137
Romania	31 817	27 125	117.3	158.6	33 434	29 389	113.8	167.7
Russian Federation								
San Marino								
Serbia					10 004	9 200	108.7	140
Slovak Republic	10 850	10 822	100.3	200.5	9 752	11 302	86.3	180.1
Slovenia	1 410	1 293	109	68.5	1 409	1 293	109	68.4
Spain: Total	68 618	77 955	88		66 786	77 895	85.7	143.6
Spain: State Adm.	58 556	66 924	87.5	148	56 968	66 864	85.2	145.7
Spain: Catalonia	10 062	11 031	91.2	133.2	9 818	11 031	89	132.5
Sweden	5 878	6 984	84.2	61.5	5 525	6 563	84.2	57.3
Switzerland	6 599	6 978	94.6	82.1	7 072	7 048	100.3	86.9
the FYRO Macedonia					2 916	2 531	115.2	141.2
Turkey	136 696	142 663	95.8	180.7	136 147	151 487	89.9	177.6
Ukraine	147 112	122 184	120.4	324.2				
UK: England and Wales	83 757	90 442	92.6	147.1	84 163	85 953	97.9	
UK: Northern Ireland	1 691	1 885	89.7	92.4	1 817	1 953	93	
UK: Scotland	7 639	7 820	97.7	143.4	7 685	7 523	102.2	
Mean			96.9	136.1				
Median			96.1	122.2				
Minimum			26.4	24.4				
Maximum			147.5	327.4				

Annex 4 - European Prison Rule 2006.

Part I

Basic principles

1. All persons deprived of their liberty shall be treated with respect for their human rights.
2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody.
3. Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed.
4. Prison conditions that infringe prisoners' human rights are not justified by lack of resources.
5. Life in prison shall approximate as closely as possible the positive aspects of life in the community.
6. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.
7. Co-operation with outside social services and as far as possible the involvement of civil society in prison life shall be encouraged.
8. Prison staff carry out an important public service and their recruitment, training and conditions of work shall enable them to maintain high standards in their care of prisoners.
9. All prisons shall be subject to regular government inspection and independent monitoring.

Scope and application

10.1 The European Prison Rules apply to persons who have been remanded in custody by a judicial authority or who have been deprived of their liberty following conviction.

10.2 In principle, persons who have been remanded in custody by a judicial authority and persons who are deprived of their liberty following conviction should only be detained in prisons, that is, in institutions reserved for detainees of these two categories.

10.3 The Rules also apply to persons:

a. who may be detained for any other reason in a prison; or

b. who have been remanded in custody by a judicial authority or deprived of their liberty following conviction and who may, for any reason, be detained elsewhere.

10.4 All persons who are detained in a prison or who are detained in the manner referred to in paragraph 10.3.b are regarded as prisoners for the purpose of these rules.

11.1 Children under the age of 18 years should not be detained in a prison for adults, but in an establishment specially designed for the purpose.

11.2 If children are nevertheless exceptionally held in such a prison there shall be special regulations that take account of their status and needs.

12.1 Persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison should be detained in an establishment specially designed for the purpose.

12.2 If such persons are nevertheless exceptionally held in prison there shall be special regulations that take account of their status and needs.

13. These rules shall be applied impartially, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Part II

Conditions of imprisonment

Admission

14. No person shall be admitted to or held in a prison as a prisoner without a valid commitment order, in accordance with national law.

15.1 At admission the following details shall be recorded immediately concerning each prisoner:

- a. information concerning the identity of the prisoner;
- b. the reasons for commitment and the authority for it;
- c. the day and hour of admission;
- d. an inventory of the personal property of the prisoner that is to be held in safekeeping in accordance with Rule 31;
- e. any visible injuries and complaints about prior ill-treatment; and
- f. subject to the requirements of medical confidentiality, any information about the prisoner's health that is relevant to the physical and mental well-being of the prisoner or others.

15.2 At admission all prisoners shall be given information in accordance with Rule 30.

15.3 Immediately after admission notification of the detention of the prisoner shall be given in accordance with Rule 24.9.

16. As soon as possible after admission:

- a. information about the health of the prisoner on admission shall be supplemented by a medical examination in accordance with Rule 42;
- b. the appropriate level of security for the prisoner shall be determined in accordance with Rule 51;
- c. the threat to safety that the prisoner poses shall be determined in accordance with Rule 52;
- d. any available information about the social situation of the prisoner shall be evaluated in order to deal with the immediate personal and welfare needs of the prisoner; and
- e. in the case of sentenced prisoners the necessary steps shall be taken to implement programmes in accordance with Part VIII of these rules.

Allocation and accommodation

17.1 Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation.

17.2 Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners.

17.3 As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfer from one prison to another.

18.1 The accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, and meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation.

18.2 In all buildings where prisoners are required to live, work or congregate:

- a. the windows shall be large enough to enable the prisoners to read or work by natural light in normal conditions and shall allow the entrance of fresh air except where there is an adequate air conditioning system;
- b. artificial light shall satisfy recognised technical standards; and
- c. there shall be an alarm system that enables prisoners to contact the staff without delay.

18.3 Specific minimum requirements in respect of the matters referred to in paragraphs 1 and 2 shall be set in national law.

18.4 National law shall provide mechanisms for ensuring that these minimum requirements are not breached by the overcrowding of prisons.

18.5 Prisoners shall normally be accommodated during the night in individual cells except where it is preferable for them to share sleeping accommodation.

18.6 Accommodation shall only be shared if it is suitable for this purpose and shall be occupied by prisoners suitable to associate with each other.

18.7 As far as possible, prisoners shall be given a choice before being required to share sleeping accommodation.

18.8 In deciding to accommodate prisoners in particular prisons or in particular sections of a prison due account shall be taken of the need to detain:

- a. untried prisoners separately from sentenced prisoners;
- b. male prisoners separately from females; and
- c. young adult prisoners separately from older prisoners.

18.9 Exceptions can be made to the requirements for separate detention in terms of paragraph 8 in order to allow prisoners to participate jointly in organised activities, but these groups shall always be separated at night unless they consent to be detained together and the prison authorities judge that it would be in the best interest of all the prisoners concerned.

18.10 Accommodation of all prisoners shall be in conditions with the least restrictive security arrangements compatible with the risk of their escaping or harming themselves or others.

Hygiene

19.1 All parts of every prison shall be properly maintained and kept clean at all times.

19.2 When prisoners are admitted to prison the cells or other accommodation to which they are allocated shall be clean.

19.3 Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy.

19.4 Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene.

19.5 Prisoners shall keep their persons, clothing and sleeping accommodation clean and tidy.

19.6 The prison authorities shall provide them with the means for doing so including toiletries and general cleaning implements and materials.

19.7 Special provision shall be made for the sanitary needs of women.

Clothing and bedding

20.1 Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate.

20.2 Such clothing shall not be degrading or humiliating.

20.3 All clothing shall be maintained in good condition and replaced when necessary.

20.4 Prisoners who obtain permission to go outside prison shall not be required to wear clothing that identifies them as prisoners.

21. Every prisoner shall be provided with a separate bed and separate and appropriate bedding, which shall be kept in good order and changed often enough to ensure its cleanliness.

Nutrition

22.1 Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work.

22.2 The requirements of a nutritious diet, including its minimum energy and protein content, shall be prescribed in national law.

22.3 Food shall be prepared and served hygienically.

22.4 There shall be three meals a day with reasonable intervals between them.

22.5 Clean drinking water shall be available to prisoners at all times.

22.6 The medical practitioner or a qualified nurse shall order a change in diet for a particular prisoner when it is needed on medical grounds.

Legal advice

23.1 All prisoners are entitled to legal advice, and the prison authorities shall provide them with reasonable facilities for gaining access to such advice.

23.2 Prisoners may consult on any legal matter with a legal adviser of their own choice and at their own expense.

23.3 Where there is a recognised scheme of free legal aid the authorities shall bring it to the attention of all prisoners.

23.4 Consultations and other communications including correspondence about legal matters between prisoners and their legal advisers shall be confidential.

23.5 A judicial authority may in exceptional circumstances authorise restrictions on such confidentiality to prevent serious crime or major breaches of prison safety and security.

23.6 Prisoners shall have access to, or be allowed to keep in their possession, documents relating to their legal proceedings.

Contact with the outside world

24.1 Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons.

24.2 Communication and visits may be subject to restrictions and monitoring necessary for the requirements of continuing criminal investigations, maintenance of good order, safety and security, prevention of criminal offences and protection of victims of crime, but such restrictions, including specific restrictions ordered by a judicial authority, shall nevertheless allow an acceptable minimum level of contact.

24.3 National law shall specify national and international bodies and officials with whom communication by prisoners shall not be restricted.

24.4 The arrangements for visits shall be such as to allow prisoners to maintain and develop family relationships in as normal a manner as possible.

24.5 Prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.

24.6 Any information received of the death or serious illness of any near relative shall be promptly communicated to the prisoner.

24.7 Whenever circumstances allow, the prisoner should be authorised to leave prison either under escort or alone in order to visit a sick relative, attend a funeral or for other humanitarian reasons.

24.8 Prisoners shall be allowed to inform their families immediately of their imprisonment or transfer to another institution and of any serious illness or injury they may suffer.

24.9 Upon the admission of a prisoner to prison, the death or serious illness of, or serious injury to a prisoner, or the transfer of a prisoner to a hospital, the authorities shall, unless the prisoner has requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative and any other person previously designated by the prisoner.

24.10 Prisoners shall be allowed to keep themselves informed regularly of public affairs by subscribing to and reading newspapers, periodicals and other publications and by listening to radio or television transmissions unless there is a specific prohibition for a specified period by a judicial authority in an individual case.

24.11 Prison authorities shall ensure that prisoners are able to participate in elections, referenda and in other aspects of public life, in so far as their right to do so is not restricted by national law.

24.12 Prisoners shall be allowed to communicate with the media unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff.

Prison regime

25.1 The regime provided for all prisoners shall offer a balanced programme of activities.

25.2 This regime shall allow all prisoners to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction.

25.3 This regime shall also provide for the welfare needs of prisoners.

25.4 Particular attention shall be paid to the needs of prisoners who have experienced physical, mental or sexual abuse.

Work

26.1 Prison work shall be approached as a positive element of the prison regime and shall never be used as a punishment.

26.2 Prison authorities shall strive to provide sufficient work of a useful nature.

26.3 As far as possible, the work provided shall be such as will maintain or increase prisoners' ability to earn a living after release.

26.4 In conformity with Rule 13 there shall be no discrimination on the basis of gender in the type of work provided.

26.5 Work that encompasses vocational training shall be provided for prisoners able to benefit from it and especially for young prisoners.

26.6 Prisoners may choose the type of employment in which they wish to participate, within the limits of what is available, proper vocational selection and the requirements of good order and discipline.

26.7 The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life.

26.8 Although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners should not be subordinated to that purpose.

26.9 Work for prisoners shall be provided by the prison authorities, either on their own or in co-operation with private contractors, inside or outside prison.

26.10 In all instances there shall be equitable remuneration of the work of prisoners.

26.11 Prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their families.

26.12 Prisoners may be encouraged to save part of their earnings, which shall be handed over to them on release or be used for other approved purposes.

26.13 Health and safety precautions for prisoners shall protect them adequately and shall not be less rigorous than those that apply to workers outside.

26.14 Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by national law to workers outside.

26.15 The maximum daily and weekly working hours of the prisoners shall be fixed in conformity with local rules or custom regulating the employment of free workers.

26.16 Prisoners shall have at least one rest day a week and sufficient time for education and other activities.

26.17 As far as possible, prisoners who work shall be included in national social security systems.

Exercise and recreation

27.1 Every prisoner shall be provided with the opportunity of at least one hour of exercise every day in the open air, if the weather permits.

27.2 When the weather is inclement alternative arrangements shall be made to allow prisoners to exercise.

27.3 Properly organised activities to promote physical fitness and provide for adequate exercise and recreational opportunities shall form an integral part of prison regimes.

27.4 Prison authorities shall facilitate such activities by providing appropriate installations and equipment.

27.5 Prison authorities shall make arrangements to organise special activities for those prisoners who need them.

27.6 Recreational opportunities, which include sport, games, cultural activities, hobbies and other leisure pursuits, shall be provided and, as far as possible, prisoners shall be allowed to organise them.

27.7 Prisoners shall be allowed to associate with each other during exercise and in order to take part in recreational activities.

Education

28.1 Every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations.

28.2 Priority shall be given to prisoners with literacy and numeracy needs and those who lack basic or vocational education.

28.3 Particular attention shall be paid to the education of young prisoners and those with special needs.

28.4 Education shall have no less a status than work within the prison regime and prisoners shall not be disadvantaged financially or otherwise by taking part in education.

28.5 Every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.

28.6 Wherever possible, the prison library should be organised in co-operation with community library services.

28.7 As far as practicable, the education of prisoners shall:

- a. be integrated with the educational and vocational training system of the country so that after their release they may continue their education and vocational training without difficulty; and
- b. take place under the auspices of external educational institutions.

Freedom of thought, conscience and religion

29.1 Prisoners' freedom of thought, conscience and religion shall be respected.

29.2 The prison regime shall be organised so far as is practicable to allow prisoners to practise their religion and follow their beliefs, to attend services or meetings led by approved representatives of such religion or beliefs, to receive visits in private from such representatives of their religion or beliefs and to have in their possession books or literature relating to their religion or beliefs.

29.3 Prisoners may not be compelled to practise a religion or belief, to attend religious services or meetings, to take part in religious practices or to accept a visit from a representative of any religion or belief.

Information

30.1 At admission, and as often as necessary afterwards all prisoners shall be informed in writing and orally in a language they understand of the regulations governing prison discipline and of their rights and duties in prison.

30.2 Prisoners shall be allowed to keep in their possession a written version of the information they are given.

30.3 Prisoners shall be informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release.

Prisoners' property

31.1 All property that prisoners are not allowed to retain under the rules governing the prison shall be placed in safe custody on admission to the institution.

31.2 A prisoner whose property is taken into safe custody shall sign an inventory of the property.

31.3 Steps shall be taken to keep such property in good condition.

31.4 If it has been found necessary to destroy any such property, this shall be recorded and the prisoner informed.

31.5 Prisoners shall, subject to the requirements of hygiene, good order and security, be entitled to purchase or otherwise obtain goods, including food and drink for their personal use at prices that are not abnormally higher than those in free society.

31.6 If a prisoner brings in any medicines, the medical practitioner shall decide what use shall be made of them.

31.7 Where prisoners are allowed to keep possession of their property the prison authorities shall take steps to assist in its safekeeping.

Transfer of prisoners

32.1 While prisoners are being moved to or from a prison, or to other places such as court or hospital, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to ensure their anonymity.

32.2 The transport of prisoners in conveyances with inadequate ventilation or light, or which would subject them in any way to unnecessary physical hardship or indignity, shall be prohibited.

32.3 The transport of prisoners shall be carried out at the expense and under the direction of the public authorities.

Release of prisoners

33.1 All prisoners shall be released without delay when their commitment orders expire, or when a court or other authority orders their release.

33.2 The date and time of the release shall be recorded.

33.3 All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release.

33.4 On the release of a prisoner all articles and money belonging to the prisoner that were taken into safe custody shall be returned except in so far as there have been authorised withdrawals of money or the authorised sending of any such property out of the institution, or it has been found necessary to destroy any article on hygienic grounds.

33.5 The prisoner shall sign a receipt for the property returned.

33.6 When release is pre-arranged, the prisoner shall be offered a medical examination in accordance with Rule 42 as close as possible to the time of release.

33.7 Steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, and assisted in finding suitable accommodation and work.

33.8 Released prisoners shall also be provided with immediate means of subsistence, be suitably and adequately clothed with regard to the climate and season, and have sufficient means to reach their destination.

Women

34.1 In addition to the specific provisions in these rules dealing with women prisoners, the authorities shall pay particular attention to the requirements of women such as their physical, vocational, social and psychological needs when making decisions that affect any aspect of their detention.

34.2 Particular efforts shall be made to give access to special services for women prisoners who have needs as referred to in Rule 25.4.

34.3 Prisoners shall be allowed to give birth outside prison, but where a child is born in prison the authorities shall provide all necessary support and facilities.

Detained children

35.1 Where exceptionally children under the age of 18 years are detained in a prison for adults the authorities shall ensure that, in addition to the services available to all prisoners, prisoners who are children have access to the social, psychological and educational services, religious care and recreational programmes or equivalents to them that are available to children in the community.

35.2 Every prisoner who is a child and is subject to compulsory education shall have access to such education.

35.3 Additional assistance shall be provided to children who are released from prison.

35.4 Where children are detained in a prison they shall be kept in a part of the prison that is separate from that used by adults unless it is considered that this is against the best interests of the child.

Infants

36.1 Infants may stay in prison with a parent only when it is in the best interest of the infants concerned. They shall not be treated as prisoners.

36.2 Where such infants are allowed to stay in prison with a parent special provision shall be made for a nursery, staffed by qualified persons, where the infants shall be placed when the parent is involved in activities where the infant cannot be present.

36.3 Special accommodation shall be set aside to protect the welfare of such infants.

Foreign nationals

37.1 Prisoners who are foreign nationals shall be informed, without delay, of their right to request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of their state.

37.2 Prisoners who are nationals of states without diplomatic or consular representation in the country, and refugees or stateless persons, shall be allowed similar facilities to communicate with the diplomatic representative of the state which takes charge of their interests or the national or international authority whose task it is to serve the interests of such persons.

37.3 In the interests of foreign nationals in prison who may have special needs, prison authorities shall co-operate fully with diplomatic or consular officials representing prisoners.

37.4 Specific information about legal assistance shall be provided to prisoners who are foreign nationals.

37.5 Prisoners who are foreign nationals shall be informed of the possibility of requesting that the execution of their sentence be transferred to another country.

Ethnic or linguistic minorities

38.1 Special arrangements shall be made to meet the needs of prisoners who belong to ethnic or linguistic minorities.

38.2 As far as practicable the cultural practices of different groups shall be allowed to continue in prison.

38.3 Linguistic needs shall be met by using competent interpreters and by providing written material in the range of languages used in a particular prison.

Part III

Health

Health care

39. Prison authorities shall safeguard the health of all prisoners in their care.

Organisation of prison health care

40.1 Medical services in prison shall be organised in close relation with the general health administration of the community or nation.

40.2 Health policy in prisons shall be integrated into, and compatible with, national health policy.

40.3 Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

40.4 Medical services in prison shall seek to detect and treat physical or mental illnesses or defects from which prisoners may suffer.

40.5 All necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner for that purpose.

Medical and health care personnel

41.1 Every prison shall have the services of at least one qualified general medical practitioner.

41.2 Arrangements shall be made to ensure at all times that a qualified medical practitioner is available without delay in cases of urgency.

41.3 Where prisons do not have a full-time medical practitioner, a part-time medical practitioner shall visit regularly.

41.4 Every prison shall have personnel suitably trained in health care.

41.5 The services of qualified dentists and opticians shall be available to every prisoner.

Duties of the medical practitioner

42.1 The medical practitioner or a qualified nurse reporting to such a medical practitioner shall see every prisoner as soon as possible after admission, and shall examine them unless this is obviously unnecessary.

42.2 The medical practitioner or a qualified nurse reporting to such a medical practitioner shall examine the prisoner if requested at release, and shall otherwise examine prisoners whenever necessary.

42.3 When examining a prisoner the medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to:

- a. observing the normal rules of medical confidentiality;
- b. diagnosing physical or mental illness and taking all measures necessary for its treatment and for the continuation of existing medical treatment;
- c. recording and reporting to the relevant authorities any sign or indication that prisoners may have been treated violently;
- d. dealing with withdrawal symptoms resulting from use of drugs, medication or alcohol;
- e. identifying any psychological or other stress brought on by the fact of deprivation of liberty;
- f. isolating prisoners suspected of infectious or contagious conditions for the period of infection and providing them with proper treatment;
- g. ensuring that prisoners carrying the HIV virus are not isolated for that reason alone;
- h. noting physical or mental defects that might impede resettlement after release;
- i. determining the fitness of each prisoner to work and to exercise; and

j. making arrangements with community agencies for the continuation of any necessary medical and psychiatric treatment after release, if prisoners give their consent to such arrangements.

43.1 The medical practitioner shall have the care of the physical and mental health of the prisoners and shall see, under the conditions and with a frequency consistent with health care standards in the community, all sick prisoners, all who report illness or injury and any prisoner to whom attention is specially directed.

43.2 The medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to the health of prisoners held under conditions of solitary confinement, shall visit such prisoners daily, and shall provide them with prompt medical assistance and treatment at the request of such prisoners or the prison staff.

43.3 The medical practitioner shall report to the director whenever it is considered that a prisoner's physical or mental health is being put seriously at risk by continued imprisonment or by any condition of imprisonment, including conditions of solitary confinement.

44. The medical practitioner or other competent authority shall regularly inspect, collect information by other means if appropriate, and advise the director upon:

- a. the quantity, quality, preparation and serving of food and water;
- b. the hygiene and cleanliness of the institution and prisoners;
- c. the sanitation, heating, lighting and ventilation of the institution; and
- d. the suitability and cleanliness of the prisoners' clothing and bedding.

45.1 The director shall consider the reports and advice that the medical practitioner or other competent authority submits according to Rules 43 and 44 and, when in agreement with the recommendations made, shall take immediate steps to implement them.

45.2 If the recommendations of the medical practitioner are not within the director's competence or if the director does not agree with them, the director shall immediately submit the advice of the medical practitioner and a personal report to higher authority.

Health care provision

46.1 Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals, when such treatment is not available in prison.

46.2 Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide the prisoners referred to them with appropriate care and treatment.

Mental health

47.1 Specialised prisons or sections under medical control shall be available for the observation and treatment of prisoners suffering from mental disorder or abnormality who do not necessarily fall under the provisions of Rule 12.

47.2 The prison medical service shall provide for the psychiatric treatment of all prisoners who are in need of such treatment and pay special attention to suicide prevention.

Other matters

48.1 Prisoners shall not be subjected to any experiments without their consent.

48.2 Experiments involving prisoners that may result in physical injury, mental distress or other damage to health shall be prohibited.

Part IV

Good order

General approach to good order

49. Good order in prison shall be maintained by taking into account the requirements of security, safety and discipline, while also providing prisoners with living conditions which respect human dignity and offering them a full programme of activities in accordance with Rule 25.

50. Subject to the needs of good order, safety and security, prisoners shall be allowed to discuss matters relating to the general conditions of imprisonment and shall be encouraged to communicate with the prison authorities about these matters.

Security

51.1 The security measures applied to individual prisoners shall be the minimum necessary to achieve their secure custody.

51.2 The security which is provided by physical barriers and other technical means shall be complemented by the dynamic security provided by an alert staff who know the prisoners who are under their control.

51.3 As soon as possible after admission, prisoners shall be assessed to determine:

- a. the risk that they would present to the community if they were to escape;
- b. the risk that they will try to escape either on their own or with external assistance.

51.4 Each prisoner shall then be held in security conditions appropriate to these levels of risk.

51.5 The level of security necessary shall be reviewed at regular intervals throughout a person's imprisonment.

Safety

52.1 As soon as possible after admission, prisoners shall be assessed to determine whether they pose a safety risk to other prisoners, prison staff or other persons working in or visiting prison or whether they are likely to harm themselves.

52.2 Procedures shall be in place to ensure the safety of prisoners, prison staff and all visitors and to reduce to a minimum the risk of violence and other events that might threaten safety.

52.3 Every possible effort shall be made to allow all prisoners to take a full part in daily activities in safety.

52.4 It shall be possible for prisoners to contact staff at all times, including during the night.

52.5 National health and safety laws shall be observed in prisons.

Special high security or safety measures

53.1 Special high security or safety measures shall only be applied in exceptional circumstances.

53.2 There shall be clear procedures to be followed when such measures are to be applied to any prisoner.

53.3 The nature of any such measures, their duration and the grounds on which they may be applied shall be determined by national law.

53.4 The application of the measures in each case shall be approved by the competent authority for a specified period of time.

53.5 Any decision to extend the approved period of time shall be subject to a new approval by the competent authority.

53.6 Such measures shall be applied to individuals and not to groups of prisoners.

53.7 Any prisoner subjected to such measures shall have a right of complaint in the terms set out in Rule 70.

Searching and controls

54.1 There shall be detailed procedures which staff have to follow when searching:

- a. all places where prisoners live, work and congregate;
- b. prisoners;
- c. visitors and their possessions; and
- d. staff.

54.2 The situations in which such searches are necessary and their nature shall be defined by national law.

54.3 Staff shall be trained to carry out these searches in such a way as to detect and prevent any attempt to escape or to hide contraband, while at the same time respecting the dignity of those being searched and their personal possessions.

54.4 Persons being searched shall not be humiliated by the searching process.

54.5 Persons shall only be searched by staff of the same gender.

54.6 There shall be no internal physical searches of prisoners' bodies by prison staff.

54.7 An intimate examination related to a search may be conducted by a medical practitioner only.

54.8 Prisoners shall be present when their personal property is being searched unless investigating techniques or the potential threat to staff prohibit this.

54.9 The obligation to protect security and safety shall be balanced against the privacy of visitors.

54.10 Procedures for controlling professional visitors, such as legal representatives, social workers and medical practitioners, etc., shall be the subject of consultation with their professional bodies to ensure a balance between security and safety, and the right of confidential professional access.

Criminal acts

55. An alleged criminal act committed in a prison shall be investigated in the same way as it would be in free society and shall be dealt with in accordance with national law.

Discipline and punishment

56.1 Disciplinary procedures shall be mechanisms of last resort.

56.2 Whenever possible, prison authorities shall use mechanisms of restoration and mediation to resolve disputes with and among prisoners.

57.1 Only conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence.

57.2 National law shall determine:

- a. the acts or omissions by prisoners that constitute disciplinary offences;
- b. the procedures to be followed at disciplinary hearings;
- c. the types and duration of punishment that may be imposed;
- d. the authority competent to impose such punishment; and
- e. access to and the authority of the appellate process.

58. Any allegation of infringement of the disciplinary rules by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.

59. Prisoners charged with disciplinary offences shall:

- a. be informed promptly, in a language which they understand and in detail, of the nature of the accusations against them;
- b. have adequate time and facilities for the preparation of their defence;
- c. be allowed to defend themselves in person or through legal assistance when the interests of justice so require;
- d. be allowed to request the attendance of witnesses and to examine them or to have them examined on their behalf; and
- e. have the free assistance of an interpreter if they cannot understand or speak the language used at the hearing.

60.1 Any punishment imposed after conviction of a disciplinary offence shall be in accordance with national law.

60.2 The severity of any punishment shall be proportionate to the offence.

60.3 Collective punishments and corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman or degrading punishment shall be prohibited.

60.4 Punishment shall not include a total prohibition on family contact.

60.5 Solitary confinement shall be imposed as a punishment only in exceptional cases and for a specified period of time, which shall be as short as possible.

60.6 Instruments of restraint shall never be applied as a punishment.

61. A prisoner who is found guilty of a disciplinary offence shall be able to appeal to a competent and independent higher authority.

62. No prisoner shall be employed or given authority in the prison in any disciplinary capacity.

Double jeopardy

A prisoner shall never be punished twice for the same act or conduct.

Use of force

64.1 Prison staff shall not use force against prisoners except in self-defence or in cases of attempted escape or active or passive physical resistance to a lawful order and always as a last resort.

64.2 The amount of force used shall be the minimum necessary and shall be imposed for the shortest necessary time.

65. There shall be detailed procedures about the use of force including stipulations about:

- a. the various types of force that may be used;
- b. the circumstances in which each type of force may be used;
- c. the members of staff who are entitled to use different types of force;
- d. the level of authority required before any force is used; and
- e. the reports that must be completed once force has been used.

66. Staff who deal directly with prisoners shall be trained in techniques that enable the minimal use of force in the restraint of prisoners who are aggressive.

67.1 Staff of other law enforcement agencies shall only be involved in dealing with prisoners inside prisons in exceptional circumstances.

67.2 There shall be a formal agreement between the prison authorities and any such other law enforcement agencies unless the relationship is already regulated by domestic law.

67.3 Such agreement shall stipulate:

- a. the circumstances in which members of other law enforcement agencies may enter a prison to deal with any conflict;
- b. the extent of the authority which such other law enforcement agencies shall have while they are in the prison and their relationship with the director of the prison;
- c. the various types of force that members of such agencies may use;
- d. the circumstances in which each type of force may be used;
- e. the level of authority required before any force is used; and
- f. the reports that must be completed once force has been used.

Instruments of restraint

68.1 The use of chains and irons shall be prohibited.

68.2 Handcuffs, restraint jackets and other body restraints shall not be used except:

- a. if necessary, as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority unless that authority decides otherwise; or
- b. by order of the director, if other methods of control fail, in order to protect a prisoner from self-injury, injury to others or to prevent serious damage to property, provided that in such instances the director shall immediately inform the medical practitioner and report to the higher prison authority.

68.3 Instruments of restraint shall not be applied for any longer time than is strictly necessary.

68.4 The manner of use of instruments of restraint shall be specified in national law.

Weapons

69.1 Except in an operational emergency, prison staff shall not carry lethal weapons within the prison perimeter.

69.2 The open carrying of other weapons, including batons, by persons in contact with prisoners shall be prohibited within the prison perimeter unless they are required for safety and security in order to deal with a particular incident.

69.3 Staff shall not be provided with weapons unless they have been trained in their use.

Requests and complaints

70.1 Prisoners, individually or as a group, shall have ample opportunity to make requests or complaints to the director of the prison or to any other competent authority.

70.2 If mediation seems appropriate this should be tried first.

70.3 If a request is denied or a complaint is rejected, reasons shall be provided to the prisoner and the prisoner shall have the right to appeal to an independent authority.

70.4 Prisoners shall not be punished because of having made a request or lodged a complaint.

70.5 The competent authority shall take into account any written complaints from relatives of a prisoner when they have reason to believe that a prisoner's rights have been violated.

70.6 No complaint by a legal representative or organisation concerned with the welfare of prisoners may be brought on behalf of a prisoner if the prisoner concerned does not consent to it being brought.

70.7 Prisoners are entitled to seek legal advice about complaints and appeals procedures and to legal assistance when the interests of justice require.

Part V

Management and staff

Prison work as a public service

71. Prisons shall be the responsibility of public authorities separate from military, police or criminal investigation services.

72.1 Prisons shall be managed within an ethical context which recognises the obligation to treat all prisoners with humanity and with respect for the inherent dignity of the human person.

72.2 Staff shall manifest a clear sense of purpose of the prison system. Management shall provide leadership on how the purpose shall best be achieved.

72.3 The duties of staff go beyond those required of mere guards and shall take account of the need to facilitate the reintegration of prisoners into society after their sentence has been completed through a programme of positive care and assistance.

72.4 Staff shall operate to high professional and personal standards.

73. Prison authorities shall give high priority to observance of the rules concerning staff.

74. Particular attention shall be paid to the management of the relationship between first line prison staff and the prisoners under their care.

75. Staff shall at all times conduct themselves and perform their duties in such a manner as to influence the prisoners by good example and to command their respect.

Selection of prison staff

76. Staff shall be carefully selected, properly trained, both at the outset and on a continuing basis, paid as professional workers and have a status that civil society can respect.

77. When selecting new staff the prison authorities shall place great emphasis on the need for integrity, humanity, professional capacity and personal suitability for the complex work that they will be required to do.

78. Professional prison staff shall normally be appointed on a permanent basis and have public service status with security of employment, subject only to good conduct, efficiency, good physical and mental health and an adequate standard of education.

79.1 Salaries shall be adequate to attract and retain suitable staff.

79.2 Benefits and conditions of employment shall reflect the exacting nature of the work as part of a law enforcement agency.

80. Whenever it is necessary to employ part-time staff, these criteria shall apply to them as far as that is appropriate.

Training of prison staff

81.1 Before entering into duty, staff shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

81.2 Management shall ensure that, throughout their career, all staff maintain and improve their knowledge and professional capacity by attending courses of in-service training and development to be organised at suitable intervals.

81.3 Staff who are to work with specific groups of prisoners, such as foreign nationals, women, juveniles or mentally ill prisoners, etc., shall be given specific training for their specialised work.

81.4 The training of all staff shall include instruction in the international and regional human rights instruments and standards, especially the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as in the application of the European Prison Rules.

Prison management

82. Personnel shall be selected and appointed on an equal basis, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

83. The prison authorities shall introduce systems of organisation and management that:

- a. ensure that prisons are managed to consistently high standards that are in line with international and regional human rights instruments; and
- b. facilitate good communication between prisons and between the different categories of staff in individual prisons and proper co-ordination of all the departments, both inside and outside the prison, that provide services for prisoners, in particular with respect to the care and reintegration of prisoners.

84.1 Every prison shall have a director, who shall be adequately qualified for that post by character, administrative ability, suitable professional training and experience.

84.2 Directors shall be appointed on a full-time basis and shall devote their whole time to their official duties.

84.3 The prison authorities shall ensure that every prison is at all times in the full charge of the director, the deputy director or other authorised official.

84.4 If a director is responsible for more than one prison there shall always be in addition an official in charge of each of them.

85. Men and women shall be represented in a balanced manner on the prison staff.

86. There shall be arrangements for management to consult with staff as a body on general matters and, especially, on matters to do with their conditions of employment.

87.1 Arrangements shall be in place to encourage the best possible communication among management, other staff, outside agencies and prisoners.

87.2 The director, management and the majority of the other staff of the prison shall be able to speak the language of the greatest number of prisoners, or a language understood by the majority of them.

88. Where privately managed prisons exist, all the European Prison Rules shall apply.

Specialist staff

89.1 As far as possible, the staff shall include a sufficient number of specialists such as psychiatrists, psychologists, social and welfare workers, teachers and vocational, physical education and sports instructors.

89.2 Wherever possible, suitable part-time and voluntary workers shall be encouraged to contribute to activities with prisoners.

Public awareness

90.1 The prison authorities shall continually inform the public about the purpose of the prison system and the work carried out by prison staff in order to encourage better public understanding of the role of the prison in society.

90.2 The prison authorities should encourage members of the public to volunteer to provide services in prison where appropriate.

Research and evaluation

91. The prison authorities shall support a programme of research and evaluation about the purpose of the prison, its role in a democratic society and the extent to which it is fulfilling its purpose.

Part VI

Inspection and monitoring

Governmental inspection

92. Prisons shall be inspected regularly by a governmental agency in order to assess whether they are administered in accordance with the requirements of national and international law, and the provisions of these rules.

Independent monitoring

93.1 The conditions of detention and the treatment of prisoners shall be monitored by an independent body or bodies whose findings shall be made public.

93.2 Such independent monitoring body or bodies shall be encouraged to co-operate with those international agencies that are legally entitled to visit prisons.

Part VII

Untried prisoners

Status as untried prisoners

94.1 For the purposes of these rules, untried prisoners are prisoners who have been remanded in custody by a judicial authority prior to trial, conviction or sentence.

94.2 A state may elect to regard prisoners who have been convicted and sentenced as untried prisoners if their appeals have not been disposed of finally.

Approach regarding untried prisoners

95.1 The regime for untried prisoners may not be influenced by the possibility that they may be convicted of a criminal offence in the future.

95.2 The rules in this part provide additional safeguards for untried prisoners.

95.3 In dealing with untried prisoners prison authorities shall be guided by the rules that apply to all prisoners and allow untried prisoners to participate in various activities for which these rules provide.

Accommodation

96. As far as possible untried prisoners shall be given the option of accommodation in single cells, unless they may benefit from sharing accommodation with other untried prisoners or unless a court has made a specific order on how a specific untried prisoner should be accommodated.

Clothing

97.1 Untried prisoners shall be allowed to wear their own clothing if it is suitable for wearing in prison.

97.2 Untried prisoners who do not have suitable clothing of their own shall be provided with clothing that shall not be the same as any uniforms that may be worn by sentenced prisoners.

Legal advice

98.1 Untried prisoners shall be informed explicitly of their right to legal advice.

98.2 All necessary facilities shall be provided to assist untried prisoners to prepare their defence and to meet with their legal representatives.

Contact with the outside world

99. Unless there is a specific prohibition for a specified period by a judicial authority in an individual case, untried prisoners:

- a. shall receive visits and be allowed to communicate with family and other persons in the same way as convicted prisoners;
- b. may receive additional visits and have additional access to other forms of communication; and
- c. shall have access to books, newspapers and other news media.

Work

100.1 Untried prisoners shall be offered the opportunity to work but shall not be required to work.

100.2 If untried prisoners elect to work, all the provisions of Rule 26 shall apply to them, including those relating to remuneration.

Access to the regime for sentenced prisoners

101. If an untried prisoner requests to be allowed to follow the regime for sentenced prisoners, the prison authorities shall as far as possible accede to this request.

Part VIII

Sentenced prisoners

Objective of the regime for sentenced prisoners

102.1 In addition to the rules that apply to all prisoners, the regime for sentenced prisoners shall be designed to enable them to lead a responsible and crime-free life.

102.2 Imprisonment is by the deprivation of liberty a punishment in itself and therefore the regime for sentenced prisoners shall not aggravate the suffering inherent in imprisonment.

Implementation of the regime for sentenced prisoners

103.1 The regime for sentenced prisoners shall commence as soon as someone has been admitted to prison with the status of a sentenced prisoner, unless it has commenced before.

103.2 As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release.

103.3 Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans.

103.4 Such plans shall as far as is practicable include:

- a. work;
- b. education;
- c. other activities; and
- d. preparation for release.

103.5 Social work, medical and psychological care may also be included in the regimes for sentenced prisoners.

103.6 There shall be a system of prison leave as an integral part of the overall regime for sentenced prisoners.

103.7 Prisoners who consent to do so may be involved in a programme of restorative justice and in making reparation for their offences.

103.8 Particular attention shall be paid to providing appropriate sentence plans and regimes for life sentenced and other long-term prisoners.

Organisational aspects of imprisoning sentenced prisoners

104.1 As far as possible, and subject to the requirements of Rule 17, separate prisons or separate sections of a prison shall be used to facilitate the management of different regimes for specific categories of prisoners.

104.2 There shall be procedures for establishing and regularly reviewing individual sentence plans for prisoners after the consideration of appropriate reports, full consultations among the relevant staff and with the prisoners concerned who shall be involved as far as is practicable.

104.3 Such reports shall always include reports by the staff in direct charge of the prisoner concerned.

Work by sentenced prisoners

105.1 A systematic programme of work shall seek to contribute to meeting the objective of the regime for sentenced prisoners.

105.2 Sentenced prisoners who have not reached the normal retirement age may be required to work, subject to their physical and mental fitness as determined by the medical practitioner.

105.3 If sentenced prisoners are required to work, the conditions of such work shall conform to the standards and controls which apply in the outside community.

105.4 When sentenced prisoners take part in education or other programmes during working hours as part of their planned regime they shall be remunerated as if they had been working.

105.5 In the case of sentenced prisoners part of their remuneration or savings from this may be used for reparative purposes if ordered by a court or if the prisoner concerned consents.

Education of sentenced prisoners

106.1 A systematic programme of education, including skills training, with the objective of improving prisoners' overall level of education as well as their prospects of leading a responsible and crime-free life, shall be a key part of regimes for sentenced prisoners.

106.2 All sentenced prisoners shall be encouraged to take part in educational and training programmes.

106.3 Educational programmes for sentenced prisoners shall be tailored to the projected length of their stay in prison.

Release of sentenced prisoners

107.1 Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community.

107.2 In the case of those prisoners with longer sentences in particular, steps shall be taken to ensure a gradual return to life in free society.

107.3 This aim may be achieved by a pre-release programme in prison or by partial or conditional release under supervision combined with effective social support.

107.4 Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment.

107.5 Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes.

Part IX

Updating the Rules

108. The European Prison Rules shall be updated regularly.

Annex 5 – NOMS Policy

National Offender Management Service – Policy on Managing Poor Performance



Package

Annex 6 – Absence Management Policy

Ministry of Justice - Absence Management Policy



Microsoft Word 97 -
2003 Document

Annex 7 – NOMS Policy

National Offender Management Service – Policy on Managing Performance



Microsoft Word 97 -
2003 Document

Annex 8 – Action Plan



Microsoft Word 97 -
2003 Document