Regional guidelines for the socio-professional integration of persons deprived of freedom and released persons

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With the collaboration of:
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Collection Policy Paper No. 24
Area: Justice

EUROsociAL is a regional cooperation programme between the European Union and Latin America for the promotion of social cohesion through support for national public policies and the strengthening of the institutions that put them into practice. EUROsociAL aims to promote a European-Latin American dialogue about public policies surrounding social cohesion. Its aim is to contribute to reform and implementation processes in ten key areas of public policy in certain thematic areas selected for their potential impact on social cohesion. The instrument provided is that of institutional cooperation or peer-to-peer learning: the exchange of experiences and technical advising between European and Latin American public institutions.

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Introduction

The document presented below is the result of an "Analytical work" carried out in connection with the European Union's EUROsociAL II Programme.

The Coordinating Partner for the thematic area of Justice is France Expertise International (FEI) with the assistance of the Conference of Ministers of Justice of Ibero-American Countries (Conferencia de Ministros de Justicia de los Países Iberoamericanos - COMJIB) and the International Juvenile Justice Observatory (IJJO) as operational partners in the area of Reintegration. The One of the priorities of justice and citizen security sector prioritises actions aimed at accompanying public policies on socio-professional integration, with a specific gender focus. To achieve this goal, the sector has developed a programme known as "the social integration of persons deprived of freedom with special attention to integration through employment". It primarily seeks to achieve the social inclusion of persons deprived of their freedom in a penal facility and an appropriate return to freedom, by implementing programmes based on vocation integration that have yielded positive results in Europe and in Latin America, while increasing exchange in this area.

The Latin American and Caribbean States have deployed significant efforts to improve their criminal policy and their penal systems. Some countries have made considerable progress in strengthening their institutions, by defining standard frameworks and incorporating elements conducive to training, education and access to employment for persons deprived of freedom or those released from incarceration. Nevertheless, there are numerous challenges to the full and effective integration of persons who are or have been in conflict with the penal system.

The implementation of penal reforms and penal procedures in most Latin American countries has coincided with increased incarceration rates. This has impacted living conditions in prisons, as overpopulation and the resulting overcrowding are obstacles to compliance with fundamental rights, while generating conditions of violence and reducing the possibilities for inter-prison intervention.
Not only is prison overcrowding one of the most serious problems of the prison system in the region - with a huge impact on living conditions and safety, work, studying and inter-prison intervention - it is also the most common, as underlined in the United Nations Human Development report. According to said report in Latin America, “13 of the 19 countries of the region with recorded overpopulated prison systems (68%), are faced with this situation (UNDP, 2013: 124)". Overcrowding also complicates the management and administration of correctional facilities, affects the deterioration rate of infrastructure and increases the costs of the criminal system, by the high levels of criminal contagion which ultimately results in recidivism.

At the same time, the percentage of persons deprived of freedom without a conviction has risen. According to a study on this topic, in 10 countries of the region with available information, between 30% and 50% of the incarcerated population are under preventive detention, while in the other 8 countries, the percentage is higher than 50%2.

The main problems affecting the sentence enforcement systems can be classified by nature and by what or who are directly affected. As such, we can identify problems specific to the sentence enforcement system which affect persons deprived of freedom and prison officials, such as overcrowding, poor segmentation and classification, criminal violence, violation of human rights, persons deprived of freedom without a conviction, serious health issues, drug addiction and alcoholism, high levels of criminal contagion and scare offering of reintegration programmes (in particular problems with access to work, education and vocational training in detention and incarceration centres and after their release).

In addition to the above, most of these problems also impact the operation of the penal system and affect the society at large. So for example, by not considering sentence enforcement as a priority for the justice sector, correctional facilities continue to suffer from budgetary, organic, administrative and legal shortcomings. Such shortcomings include legal frameworks that are outdated or unsuitable for maintaining minimum standards of international human rights laws; deficiencies in information production, systematisation and storage which affect the quality of planning, management and evaluation of prison activity, at the sentence enforcement stage as well as in the administration of human and material resources, particularly prison infrastructure (commonly affected by rapid deterioration processes); and the lack of control and oversight, facilitating repeated malpractices, in a context where resource scarcity becomes endemic

The situation of prison staff is characterised by difficult working conditions and remuneration, and lack of the specialisation required to perform complex, interdisciplinary tasks, in addition to various problems affecting the career of staff, such as limited legal support, infrequent opportunities for personal improvement and care, and lack of recognition of merit or performance excellence as reasons for promotion.

The offering of intra-penal intervention programmes is often limited and accessible to only a few, devoid of integrity and not properly focused, often addressing a reluctant population. These problems are mainly the result of poor classification processes and targeting, as well as the lack of theoretical reference frameworks, and little or no evaluation of programmes to approve their continuation or reorientation based on evidence. The offering becomes even smaller and afflicted by similar problems in the post-prison scope.

Special attention must be paid to the specific situation of vulnerability and discrimination affecting women deprived of freedom, and the significant consequences in their socio-professional integration processes. For this reason, it is important to incorporate the gender perspective into policies and programmes developed in prisons.

Furthermore, we can also identify the problems inherent in the justice system, such as high delinquent recidivism, ineffective criminal prosecution and high levels of impunity, which impacts public opinion and often undermines the legitimacy of the rule of law, in particular in law enforcement institutions (police, prosecution and courts). The punitive criminal policy also has an adverse impact on reintegration possibilities. Indeed, this policy is based on the widespread use of incarceration and the limited use of non-custodial sentences, even if it is generally known that the costs of incarceration are higher and their results, in terms of recidivism, are more negative compared to sentences served in the community.

In this context, the corresponding penal systems should not only ensure the correct and safe execution of sentences, but also promote socio-professional integration, by implementing effective programmes. However, institutional budgets do not sufficiently factor in the importance of this mission, which is critical for reducing recidivism. Indeed, priority is given to personnel costs, while resources for reintegration programmes usually correspond to around 1% of the available budget. Similarly, the budget allocation for prison systems in general, keeps on shrinking, confirming that this is not a priority area in the justice and security sector. In the same vein, the resources to meet the health needs of persons deprived of freedom are as limited as the resources allocated to reintegration programmes. Furthermore, it is very difficult to find

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initiatives to measure the effectiveness of integration programmes, and there are few or no available systematic studies on recidivism.

Consequently, the most common intra-prison activities are those that require limited investment by the penal system, that is, those of education, employment, recreation and/or sports. The first ones usually consist of courses to complete basic or secondary education and, exceptionally, include the possibility of pursuing higher education; manual activities, usually allow the development of basic skills such as bakery and carpentry, and only occasionally, placements in private companies that work inside prisons. However, these actions are often not part of a comprehensive programme offering and cannot, therefore, be described as part of a socio-professional integration policy. Thus, although "there is general consensus that employment is the critical key to proper post-incarceration reintegration"⁴, the difficulty of transferring the activities and skills learned in prison to a free environment are aggravated by the efforts that former inmates have to deploy in the absence of adequate post-incarceration support. In this regard, the importance of a support policy for socio-professional integration is essential as well as the existence of a regulatory framework that recognises such policy as a right of people who have served their sentences. Likewise, it is essential for States to have comprehensive strategies to support socio-professional integration, with training components, incentives for hiring in the public or private sectors and awareness training for both potential providers of jobs and public opinion.

Thus, socio-professional integration appears as a fundamental part of a policy of social reintegration, a broader concept that covers the need for the satisfaction of other needs that could be criminogenic factors such as the abusive use of drugs or alcohol, homelessness and lack of support from the family or the community of residence for the person with a criminal record.

Regional guidelines for the socio-professional integration of persons deprived of freedom and released persons

Preamble

One of the priority objectives of Governments is to boost confidence and the perception of public safety by all its citizens alike. To do so, they are obliged to develop processes aimed at ensuring the access of all citizens to rights, services and justice, keys to preventing recidivism and working towards their peaceful integration into society.

That is why the Administration is obliged to put together the necessary policies to remove existing obstacles to ensure that persons deprived of freedom are returned to society with the will and the ability to obey criminal law.

The different diagnoses of social sciences agree that the most common causes of crime are related to lack of education and integration into the environment in which one lives, and that the most effective solutions for successful socio-professional integration are education and work.

The advantages that such actions can produce, would enhance the perception of public safety, in addition to reducing crime, preventing recidivism, facilitating the peaceful return to society, reducing the high costs in maintaining correctional facilities and, in general, the transparency of the entire criminal justice system.

It is essential to involve the entire social fabric to ensure the success of any programme of this nature. Each one is responsible for the outcome, regardless of the fact that there are actors who are specifically in charge of directly implementing the various itineraries, as in the case of the institutions in charge of the prison administration.

In the search for consensus in this matter, high-level meetings have been held; workshops organised by professionals to discuss the specific issues linked of public safety; drafted manifestos, documents, studies, recommendations, etc. to which countries adhere according to their beliefs and sovereignty.
As a result of this extreme concern, the Executive Committee of the Conference of Ministers of Justice of Ibero-American Countries (COMJIB) signed the agreements of Rio de Janeiro on 23 March 2012, where, among other things, work proposals presented in the framework of the Penal System Reform Task Force held in Santa Cruz de la Sierra, between 7 and 11 November 2011 were approved. These proposals address highly interesting areas such as training for prison staff, a model Gender Programme for the region, the creation of guidelines for electronic bracelet sentences, the prison infrastructure and new technologies, a data bank of regional good practices and the implementation of the San José Declaration, adopted by the COMJIB ministers at the meeting in Mexico in 2010.

Subsequently, and pursuant to the line of work aimed at improving penal systems, on 4 and 5 April 2013, the XVIII Conference of Ministers of Justice of Ibero-American Countries (COMJIB) was held in Viña del Mar (Chile) where exceptional agreements were adopted in this area, with the parties agreeing on such important issues as the COMJIB 2013-2014 Strategy, including lines of work and the strategy of economic viability. In that same Agreement, an additional line on the Prevention of violence and crime was added.

Actions for reforming the penal systems, under the EUROsociAL II Programme include “Social Reintegration of persons deprived of freedom”, which COMJIB and the International Juvenile Justice Observatory (OIJJ) are working on from a socio-operotive angle and which involves 13 member countries of the COMJIB.

Since 2013, as part of the development of this project, a series of technical assistance activities has been developed at the bilateral and regional level for the countries involved. On 4 and 5 November 2013, a “Regional socio-professional reintegration workshop” was held in Montevideo (Uruguay), addressed to those responsible for the prison systems of the countries participating in the project. Among other lines of work, an agreement was reached to specifically work on developing regional rules to facilitate the integration into society of persons deprived of freedom and, consequently, help to reduce recidivism rates. The foregoing agreement stems from the recognition that integration policies are fundamental to reducing violence and ensuring better levels of social cohesion.

The need to draft a document that recognises the aspects to take into account in developing integration policies, has become necessary in the light of the situation of the prison system in Latin America and the experiences developed in integration, remembering, as appropriate that it is part of the obligations that the majority of States have accepted by signing agreements to adhere to international standards such as the Standard Minimum Rules for the Treatment of Prisoners, adopted by the United Nations, the Basic Principles for the Treatment of Prisoners, the International Convention on Civil and Political Rights Art.10 n3, the American
Convention on Human Rights, the United Nations Bangkok Rules for the treatment of Women prisoners and non-custodial measures for women offenders and the Body of Principles for the protection of all persons under any form of detention or imprisonment, based on which the following rules for the development of socio-professional integration programs are formulated.

The context presented specifies a framework that promotes various corrective measures aimed at normalising the integration processes of those persons deprived of liberty, serving sentences in liberty and/or released.

Intervention programmes with persons deprived of liberty are often understood as "prison treatment". This aims to ensure that, once applied, and in a situation of freedom, the person obeys criminal law and is self-reliant. It is therefore essential to help overcome training deficiencies, in order to enable access to employment in a context of freedom.

However, the reality of current detention centres, shows that the principles of safety, discipline and lack of organisation of spaces, prevent the achievement of this goal. If we add the extremely high number of inmates, the difficulty is even greater.

In view of the existing scenario on the situation of prison systems in Latin America, experiences in the field of socio-professional integration and recalling the acquired obligations, the following considerations have been made.

For this purpose, and

**Considering**

**That** most States have taken sufficient commitments by signing agreements to adhere to international standards such as the Standard Minimum Rules for the Treatment of Prisoners, adopted by the United Nations, the Basic Principles for the Treatment of Prisoners, the International Convention on Civil and Political Rights (Article 10 n3), the American Convention on Human Rights and the Body of Principles for the protection of all Persons under any form of detention or imprisonment,

**That** one of the priority commitments of the Governments of the countries is to enhance the level of public confidence in the criminal justice system and therefore citizens feeling of public safety,

**That** to do so, and as part of the strategy to achieve this goal, it is recognised that it is essential to define standards for the concept of social inclusion and development in its broadest extent and scope, which involves all strata of public administrations,
That the persons in charge should seek through their actions to establish transparent and recognisable road maps that lead to the socio-professional integration of people with severe symptoms of social exclusion and disconnection from society and, in particular, of those citizens in a situation of deprivation of freedom,

That it is unanimously accepted that there is a need for vocational training, or refreshing of already possessed outdated knowledge, people at risk of exclusion or at risk of becoming so, with vocational training certified by the competent institutions in education, training and employment,

That likewise and as demonstrated by accredited experiments, one of the best ways towards the full integration of people at serious risk of exclusion is the adoption and incorporation into their daily life positive work habits to make up for any deficiencies they have,

That one of the key factors to the successful completion of socio-professional integration projects is a properly trained staff and access to adequate infrastructure,

That awareness, involvement and social participation, are key elements in this process, including in terms of sectors with the capacity to create jobs, to manage knowledge, to collaborate financially, etc.

In the light of the foregoing Considerations and

Whereas

The commitment to increase the social cohesion of citizens is an inherent part of the mandate of any government,

This commitment cannot be achieved without developing specific programmes that address the deficiencies of the disadvantaged or persons at risk of social exclusion,

The responsibilities of the countries of the region include designing precise prison infrastructure to facilitate the development of programmes for the treatment of persons deprived of freedom,

It is considered essential for the successful social inclusion of the most disadvantaged, the participation of all social strata, and that in order to achieve this, appropriate public policies with incentives should be implemented to stimulate the social responsibility of public and private organisations,
The qualification of professionals who care for people deprived of freedom should be taken as essential throughout the socialising process,

Depending on the progress in the treatment of persons required to serve a criminal sentence, they should be able to receive certain benefits to ensure their confidence in the system,

As a result thereof and once these preliminaries have been observed, the following has been transcribed

Rules

RULE ONE. Recognise the socio-professional integration of persons deprived of liberty, persons serving non-custodial sentences and persons released from prison, as a right

Most people in conflict with the criminal justice system come from a context of vulnerability after conviction aggravated during the conviction, as a result of the stigma that such a sanction brings. Although, this situation is complex even for those who receive a non-custodial sentence, it is even more harmful to those who are deprived of freedom. Such stigma can be a particular obstacle for those seeking integration after obtaining freedom. That is why it requires a legal framework that explicitly recognises the right of this group to social integration and employment once they are released from prison.

Accordingly, this right must be guaranteed in the highest-level rules of each country establishing socio-professional integration, as the ultimate purpose of custodial sentences. Additionally, it is equally essential that the recognition of this right is transcribed into lesser ranking rules, that the guiding principles for their application are established, as well as strategies and methods for the design, implementation and evaluation of integration programmes, which based on evidence, can be effective for achieving this purpose.

Taking into account the high percentage of persons deprived of liberty without conviction in the region who, in many cases, remain in prison from their arrest until their final release, their participation in these programmes should be allowed. However, based on the presumption of innocence, this participation must be voluntary in nature.
RULE TWO. Guarantee a comprehensive strategy to ensure the realisation of this right through multidisciplinary public policies in each country to improve or promote its protection

The development of inter-agency policies and the involvement of other sectors in addition to the Ministries of Justice is essential for the development and effectiveness of this measure. Such policies should therefore involve other institutions or public sector entities (such as the Ministries of Employment and Labour, Education, Health, Housing, Development, etc.) which must consider the prison population as a recipient of its sectoral policies, as well as private sector entities that work with the prison administration to develop integration policies.

The agreements between the institutions involved in integration processes may translate into actions through arrangements, covenants or other similar understandings, without any discrimination with respect to the condition of detention.

RULE THREE. Recognise intervention programmes in general and integration programmes in particular, that are effective and evidence-based, as fundamental elements of public security and prevention of recidivism

An efficient public security policy should be considered as a strategic and priority component of social integration. One of the best ways to prevent crime is through the social integration of people who have broken the law. That is why we must improve programme offerings intended for the prison population, with special attention to the female population and minors, as well as other groups in vulnerable situations in a context of confinement (people with disabilities, mental health problems, groups with ethnic and sexual diversity, etc.).

It is commonly admitted that the prison system is the last link in the chain of criminal justice system in which you have to work with the person who has broken the social order to avoid connection with another criminal process, further prosecution and their more than possible subsequent conviction.

To this end, the solution implemented in places of deprivation of liberty is to focus individualised treatment programs on the perspective of social integration, in a practical and effective manner, taking into account its application, the positive experiences of similar characteristics, in addition, based on evidence of what works. These programmes must also be extended after the person deprived of freedom is released.
RULE FOUR. Public institutions shall ensure that projects aimed at promoting socio-professional integration of people, consider, to the extent that the particular circumstances of the incarceration allow, the right to work and equal opportunities regardless of gender

Working conditions inside areas of confinement should be the same as the rules applied outside and should guarantee proportional wage payment and social security of persons deprived of their freedom. For this reason, the right to work should have a wide recognition in the prison context. This recognition must consider the special needs of women and vulnerable groups to ensure equal opportunities for all people.

For these reasons, fully implementing the regulations governing the rights of workers in contexts of confinement is fundamental. The exceptions listed in this Rule refers to situations in which certain rights cannot be exercised due to the particularities of the prison system, and which could represent a security risk for the penal facility.

RULE FIVE. Recognise and encourage training, occupation and employment as key instruments to achieving the goal of socio-professional integration

Training and work activities are widely recognised in penal systems as an enabling factor for the socio-professional integration of individuals. Together with recreation and sports, these are the most common activities in the prison routine of most countries.

However, these actions are often not part of a comprehensive programme offering, so they cannot be considered as part of socio-professional integration policy.

In addition to the completeness, the offering of labour integration should be personalised and adjusted to an individual process depending on the specific needs of each person. In addition to the foregoing, consideration should be given to the design of an integration itinerary or individual integration plan, a key instrument in all integration processes. This itinerary or plan must establish with the active participation of the user or beneficiary of the plan, the next steps to address the risk factors that led the individual to commit crimes.

This instrument is configured as the personal employment plan for each beneficiary, assuming the latter commits to follow the plan.

These itineraries or plans must be flexible enough to be tailored to the evolving needs and development of the beneficiary, while being rigorous and subject to a procedure for measuring deployed efforts and resources. Timely monitoring of the process and
periodic evaluation of the results becomes critical to correct and / or prevent possible criminal reiterations that may disrupt the progress of treatment.

RULE SIX. Officially standardise the contents of training initiatives and their certifications, to match those in the free world

By the foregoing, we mean that training processes for socio-professional integration, must not differ in any way from the place where they are implemented, nor by the experts who provide such training. They must be made under conditions similar to those in the free world, in terms of content and accreditation, to avoid the risk of discrimination by employers and society at large, thereby facilitating access to employment.

An important job search element is the ability to demonstrate that the individual has followed a qualifying training course for the development of productive activities. It is therefore necessary to provide useful job-seeking tools for those leaving prison, so that the actions of vocational education received during confinement, through the facility's intervention or treatment plan, must be endorsed with the appropriate title, accreditation or official certificate, similar to those granted in the free world. This guarantees proper training in a trade, as well as access to the same opportunities as any other free worker.

RULE SEVEN. Commit to developing an annual training plan, which comprises as a priority, training needs for persons deprived of freedom, to be submitted to public and private institutions in order to obtain the necessary funding

To efficiently run an intervention programme with emphasis on socio-professional integration inside a detention centre, it is important to have a diagnosis of the profile of the system's users (considering biographical background, level of education, work experience, substance abuse, among other things), to identify their social and vocational needs, in addition to a map of public and private network with which you intend to facilitate the integration processes. With this information, you can design the Annual Vocational Training Plan, which must comprehensively include the training needs of the entire group, taking into account the proposals of the various prisons and their employability, both within and outside the centres. The programmed training specialities must consider the demands of the labour market.

Monitoring and evaluation of Annual Vocational Training Plans will allow identification of the results of work performed, which can serve as input for the search for adequate funding, in such a way that the desired socio-professional integration is reached.
RULE EIGHT. The creation or adaptation of infrastructure and conditions necessary for implementing socio-professional integration policies, with special attention to particularly vulnerable groups should be guaranteed

The situation of rampant overcrowding in much of the prison systems in Latin America and the Caribbean makes it difficult to find suitable space to develop training or vocational activities.

Having recognised this difficulty, it is essential to provide each centre with the appropriate infrastructure, separated from the rest of the premises of the detention centre, in order to successfully carry out activities aimed at the socio-professional integration of these persons.

It is essential that the Ministries of Justice or Ministries of the sector in charge of the prison systems design plans for prison infrastructure that include environments where socio-professional integration programmes can be implemented, taking into account the diversity of the prison population and, especially, particularly vulnerable people (young people, women with children, the elderly, people with disabilities, mental health problems, etc.).

RULE NINE. Guarantee adequate and continuous training of all officials and professionals involved in implementing socio-professional integration programmes, to acquire specific competence in this area, in order to contribute to the success of socio-professional integration policies

The training of prison officers (security, technical and professional) requires imparting knowledge and training in skills that facilitate the process of integration of persons in prison and persons serving non-custodial sentences or have been released. Therefore in addition to having personal qualities and high vocational component, the staff must be properly trained to effectively implement the integration programmes deployed in each penal centre. Similarly, each country should have a penal vocational service and consequently centres of higher education, knowledge generation, research and innovation that develop training programmes, generate evidence and conduct an objective and rigorous selection of those who will become members of the prison policy execution team.

This learning process for the prison staff must be continuous and constantly updated and should be mandatory for the entire group.
RULE TEN. Provide the necessary institutions involved in socio-professional integration with the resources required to implement the relevant policies, in prisons

To carry out any initiative aimed at the socio-professional integration of persons deprived of freedom, there must be sufficient resources to finance the activities.

Persons deprived of their freedom, like all citizens, are entitled to education and vocational training. For these rights to be effective, the prison system must be constantly revised and improved to meet the needs of this group of people.

RULE ELEVEN. Promote and facilitate the creation of socio-professional integration entities in prisons and after prison

To promote and facilitate social-professional integration in prisons and after prison, the concept of integration companies has been proposed. Integration companies are structures that produce goods or services aimed at helping people experiencing social exclusion to enter the employment market, through integrated integration processes that enable them to improve their employability. Integration companies may be public or private non-profit organisations whose goals include the social integration of people at risk of exclusion, such as persons deprived of freedom. In return for this work, they may receive grants or other advantages that allow them to ensure the continuity of their business.

Along with this option, one should promote the installation of similar entities, with experience in the social inclusion of particularly vulnerable groups such as women deprived of their freedom and, in addition, juvenile offenders, people with disabilities, people with different sexual orientation, etc., who are in conflict with the criminal justice system.

RULE TWELVE. Establish as a priority the implementation of evaluation procedures and objective classification of persons deprived of freedom when they enter the prison system, to facilitate the process of socio-professional integration.

These procedures can be replicated during the execution of the sentence and/or for persons serving their sentence in an open environment and/or have been released

Immediately after the entry of a person to a detention centre, prison authorities should make an assessment of their skills and needs, which should be applied by a multidisciplinary team. This assessment should allow the development of an intervention plan aimed at promoting the socio-professional integration of persons deprived of freedom.
Identifying the profile of the person should allow correct classification inside the penal centre. This classification shall be updated regularly in order to take into account the advances and setbacks of the person deprived of freedom, as well as modifying their socio-biographic context and their interests.

An adequate prison population classification system will allow the homogeneous provision of services, in accordance with security criteria and the needs for integration. Most of the classification criteria set out in penal legislations are based on gender, age, type of crime, disease or legal status (prior prosecution or conviction). On the contrary, improper classification can generate situations of risk for persons deprived of freedom, who for example, have little or no criminal past, thereby making it difficult to optimise the implementation of intervention programmes that match the characteristics of people.

**RULE THIRTEEN. Ensure the creation or development of a legal framework that promotes and regulates the vocational activity of incarcerated persons, specifically indicating the attention paid in this matter to the most vulnerable communities**

In addition to recognising socio-professional integration as a right of persons deprived of freedom, it is important to regulate their work in order to reduce the obstacles they face when they start an integration process and seek to develop a productive activity and between the parties willing to generate employment for this group.

This activity should be regulated and monitored by the prison administration, in its capacity as guarantor of the rights of workers deprived of freedom.

In many countries, the work of persons deprived of freedom is governed by labour codes. However, the serving of confinement sentences implies daily routines that differ significantly from those performed in the free world. Therefore, given that labour legislation is not compatible with prison, it is difficult to expand vocational programmes.

A specific labour regulation could promote access to the work of people confined in correctional facilities, as it would allow the improvement of security procedures to facilitate the entry and exit of inputs and product to and from prisons; and generate alliances with other public sectors (such as housing, public works or infrastructure) and the private sector. All the foregoing would result in a higher number of work positions inside prisons and after people are released from them.
RULE FOURTEEN. The use of work in prison as an instrument of punishment and/or exploitation should be prohibited in all its forms and duly recognised in the domestic standards of each country

A sanction should never take the form of work, since this activity might become mandatory and, therefore, forced, contravening, in this way, the spirit of numerous international treaties.

For work to become a routine that is voluntarily accepted, it must be meaningful for persons deprived of their freedom, it must be an opportunity to increase the chances of getting a job after release from prison and thereby facilitate their socio-professional integration.

In addition, for this activity not to be considered as forced labour, it must be carried out under certain conditions: such as receive remuneration be carried out in safe and hygienic conditions, which have hourly limits that match the national standard and generally takes place in conditions of respect for the status of workers.

RULE FIFTEEN. Establish incentive mechanisms to encourage public and private companies to hire persons deprived of freedom, in a post-carceral phase and/or released

Establish an incentive programme for companies that hire people in conflict with the criminal justice system in situations of exclusion. This measure has already been experimented in other countries, such as Spain and Uruguay, with promising results.

Such incentives are mostly tax-related and seek to expand job opportunities for those who have already served a sentence, in order to strengthen the work tool as a mechanism for social integration.

RULE SIXTEEN. Encourage the generation of entrepreneurship under the supervision of the penal institution

A very common practice in the region is manual occupation through what is called "entrepreneurship". This practice should be encouraged under the supervision of the correctional institution.

Entrepreneurship or self-employment is more adaptable to the limited work experience profile of people deprived of freedom or who have accessed different forms and degrees of freedom (exit permits, serving the sentence in freedom or release once the sentence is served). Its main advantages include the possibility of reconciling work and family, the possibility of working part time, and the opportunity to hone in self-control, resource management and strategic planning skills. The disadvantages
include the inevitable demise of auto-entrepreneurship experiments since success is associated with personality traits such as self-control and tolerance for frustration, sometimes non-existent in people who have engaged in criminal activity (with fast rewards and captive markets).

Experience suggests that programmes to support the entrepreneurial ventures of vulnerable populations yield positive results by facilitating their integration into the labour market, and promoting self-esteem, job satisfaction and the development of support networks.

RULE SEVENTEEN. Promote the hiring of services and the purchase of goods produced through the work of persons deprived of freedom, those serving non-custodial sentences and those released, in the award of public contracts, whether awarded by public or private contractors

Public authorities have the possibility of finding a way to provide productive employment for persons deprived of freedom at risk of exclusion.

There are many activities aimed at the production of goods and services, and which can be carried out by those serving non-custodial sentences, who are deprived of freedom or who have already been released. To do this, contract awards to private companies or public entities can be made contingent on hiring a given percentage of people in the profile indicated in this Rule.

Another alternative is to create public agencies which undertake these contracts for themselves, and employ persons serving or have served sentences of imprisonment.

RULE EIGHTEEN. The institutions involved in social integration and their respective officers at local level should strive to raise the awareness and accountability of the private sector to design socially inclusive business strategies for persons serving prison sentences, those serving sentences in the community and former detainees

In the perspective of Corporate Social Responsibility initiatives promoted by the United Nations, the competent authorities should make proposals to encourage the contribution of private companies to socio-professional integration.

For the purpose and by way of example, the use of special mechanisms of taxation, subsidies or the like may be considered.
RULE NINETEEN. The completion of work in prisons should be encouraged as a positive aspect in the integration process of the person deprived of freedom with respect to their progression in the system for serving the sentence

The principle of progressivity in the serving of custodial sentences, which translates into the scheduled and successive access over time to more freedom each time, requires compliance with certain requirements by the convicts. These requirements should be covered by the penal enforcement legislation and assessed by multidisciplinary professional teams.

Prison authorities and professional assessors should consider, as a particularly positive element in their analysis, the job performance of the person deprived of freedom.

In this regard, and only by way of guidance, they may take into account the training and development courses followed by the person deprived of freedom, test scores, types of performed, consistency with previously completed training, systematicity at work, etc.

RULE TWENTY. Develop communication and awareness strategies about the need to promote the socio-professional integration of persons serving custodial sentences, non-custodial sentences and released, emphasising their implied advantages for social cohesion and coexistence

A public socio-professional integration policy should include communication and dissemination components, in order to explain its goals and benefits to the public, as part of a strategy to create favourable scenarios for specific socio-professional integration initiatives. In this sense, social media and the internet should also be used in addition to mass media campaigns.

As an additional element, dissemination and awareness raising strategies should promote and stimulate the participation of social organisations, private sector, religious organisations, universities, etc., via the creation of post-prison support networks, to optimise the chances of socio-professional integration of those leaving prison.

RULE TWENTY-ONE. Information systems that enable data management, monitoring and assessment of socio-professional integration programmes should be established, facilitating access for conducting academic studies

The best way to improve a working area is to monitor their partial results, so that the production of information should be a fundamental component of socio-professional
integration, conceived as public policy. This requires that the work strategy incorporates data collection and saving functions, in addition to systematisation, analysis and conservation of the data.

Similarly, it is essential that deployed actions respond to prior planning and evaluation methods are determined, establishing the requirements from the outset so that they can be carried out, as the definition of baselines, control groups, time periods, etc.

Transparency and access to information must be features that facilitate the monitoring, control and validation of socio-professional integration initiatives, both by government agencies and by academia and private companies.

**RULE TWENTY-TWO. Promote the creation of an international thematic network for exchanging experiences on socio-professional integration, defining minimum standards for identifying replicable best practices and accumulation of evidence on the subject**

Experience sharing and dissemination networks are effective ways to achieve common objectives and facilitate international cooperation.

Prison authorities should encourage the creation of a thematic network on socio-professional integration and allocate the necessary resources, to the extent of their institutional and budgetary capacities, to create a tool that allows access to online information on outcomes, assessments, best practices and possible improvements on prison policy in general, and socio-professional integration policies in particular.

Such a network should prioritise the work area of evaluation of the policies of socio-professional integration, the identification and transfer of promising and validated practices, and proposals and recommendations for improving these policies.
The rules described in this document constitute a declaration of minimum bases and therefore contain essential arguments that must be addressed by individual States.

This agreement is applicable to the prison authorities, whose responsibilities include assistance to persons deprived of freedom, who have been released from prison and those serving non-custodial sentences.

Given the complexity of socio-professional integration, promoting its implementation should be a task handled by all sectors of the State and the community in general, in order to maximise the chances of success of this process, with consequent positive effects for the entire society.
With the participation of more than 80 Operating Partners and Collaborators from Europe and Latin America.
EUROsociAL is a regional cooperation programme between the European Union and Latin America for the promotion of social cohesion through support for national public policies and the strengthening of the institutions that put them into practice. EUROsociAL aims to promote a European-Latin American dialogue about public policies surrounding social cohesion. Its aim is to contribute to reform and implementation processes in ten key areas of public policy in certain thematic areas selected for their potential impact on social cohesion. The instrument provided is that of institutional cooperation or peer-to-peer learning: the exchange of experiences and technical advising between European and Latin American public institutions.

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