

PRISON VIOLENCE



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To prevent violence in prison, it is important to acknowledge that there are both direct and indirect forms of violence. Direct violence can, for example, also be caused by structural or cultural violence, which are indirect and therefore less visible forms of abuse.

Types of prison violence

- 1. Direct violence:** is the use of physical force or psychological abuse and threats
Examples: Beatings; Bullying; Humiliation; Sexual or gender-based violence; Threats of violence
- 2. Structural violence:** is linked to inadequate conditions of detention, discrimination or the denial of care
Examples: Overcrowding; Discriminatory rules; Not enough purposeful activities or social contact
- 3. Cultural violence:** is based on social norms that justify or legitimise direct or structural violence
Examples: Culture of 'them against us'; Using symbols, gestures or language to make others feel and appear unworthy

What do international standards say?

When does violence amount to torture or other forms of ill-treatment?

Violence (or any infliction of severe pain or suffering) may amount to a violation of the prohibition of torture and cruel, inhuman, or degrading treatment or punishment. This may be the case for example:

- If the use of force by prison staff against prisoners is excessive, that is not in line with the principles of legality, necessity, proportionality and precaution
- If force is used by prison staff against prisoners to extract a confession, punish, intimidate, or discrimination
- If the State fails to exercise due diligence in preventing and protecting prisoners from inter-prisoner violence

What standards are important to prevent violence?

International standards allow the use of force by law enforcement in prison only as a last resort and if not excessive. Prison administrations and staff should prevent conflicts before they escalate and apply the principles of dynamic security by:

- Using conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent conflicts and provide appropriate training to staff on such techniques
- Paying particular attention to the relationship between prison staff and the prisoners under their care

Key standards

- UNCAT, Arts 1, 2 & 16
- ECHR – Art 3
- EU Charter – Art 4
- UN Basic Principles on the Use of Force and Firearms
- UN Mandela Rules, R 82
- CoE, European Prison Rules. R 64ff
- UNCAT, General Comment No. 2

Key standards

- UN Mandela Rules, R 76
- CoE, European Prison Rules, R 51
- CoE, Rec CM/Rec(2012)12 on foreign prisoners R 32
- CoE, Guidelines on radicalisation & extremism, 29

What standards are important to prevent violence?

Additional international standards require:

- An individualised risk and needs assessments for all prisoners
- Good living conditions for prisoners, especially with regard to accommodation, purposeful activities outside their cells and rehabilitation
- An appropriate number of prison staff as well as good working conditions and training opportunities
- Accountability and protection of victims of violence, including systematic medical examinations, recordings and documentation, an effective complaint mechanism, independent investigations, protection against reprisals and respect for victims' rights

Key standards & resources

- [European Prison Rules & Commentary](#)
- [UN Mandela Rules & Guidance Document by ODIHR/PRI](#)
- [The Istanbul Protocol](#)
- [ECtHR, Guide on Prisoners' Rights](#)
- [CPT Standards](#)
- [FRA Database on detention](#)



National Preventive Mechanisms, established under the UN Optional Protocol to the Convention against Torture (OPCAT), are mandated to visit places of detention to prevent torture and ill-treatment and examine factors that contribute to its occurrence. They can therefore play an important role in monitoring prison violence and its risk factors.

What should prison staff and administrations consider?

1. How do you solve violent conflicts when they occur in your prison?
2. Do you put in place measures to prevent conflicts before they escalate, e.g. conflict prevention, mediation or any other alternative dispute resolution mechanism?
3. Is the prison sufficiently staffed (staff/prisoner ratio; number of psycho-social staff members etc.)?
4. Do you receive appropriate training about violence reduction? (e.g. human rights, the treatment of persons in a vulnerable situation, conflict resolution, prevention and mediation skills, use of authority and force, dynamic security, balancing security measures, suicide prevention, mental health)?
5. Is the prison environment safe and decent? How are the current living conditions for prisoners (especially with regard to accommodation, purposeful activities outside the cells and rehabilitation)?
6. Are prisoners treated fairly and with respect? Do they treat you with respect in return?
7. Do you have a close and good relationship with prisoners? Are you supportive of prisoners' needs whenever possible?

Additional resources

- UNODC, Handbook on Dynamic Security
- CoE, Manual on Dynamic Security Crew,
- [Liebling, Hulley, Heavy-light, absent present: rethinking the weight of imprisonment 'weight' of imprisonment](#)
- [APT/PRI, Balancing security and Dignity in Prisons](#)

To find out more about prison violence consult our Handbook:

“Monitoring Prison Violence: A Handbook for National Preventive Mechanisms”

For further information on other thematic issues, please refer to our publications on:
Solitary confinement, Persons in a situation of vulnerability, Complaint procedures