

Penal Reform and Prison Overcrowding



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Workshop

**Penal Reform and
Prison Overcrowding**

**On the occasion of the
Eighteenth Session of the United Nations Commission
On Crime Prevention and Criminal Justice**

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Foreword

Prison overcrowding is one of the most challenging issues faced by the criminal justice systems all around the world. It is a problem that persists in spite of falling crime rates and of extensive prison construction programmes.

Prison overcrowding threatens the basic rights of prisoners in several ways, including the right to an adequate standard of living and the right to the enjoyment of the highest attainable standards of physical and mental health. These are guaranteed, respectively, by Article 25 of the Universal Declaration of Human Rights and by Articles 11 and 12 of the International Covenant on Economic Social and Cultural Rights. Moreover, the Standard Minimum Rules for the Treatment for the Prisoners (the so-called Tokyo Rules) provides explicit guidelines for international and domestic law regarding custody and treatment of prisoners; in particular, Rules 9-22 outline specific provisions for prisoners in terms of accommodation, health care, ventilation, floor space, bedding, personal hygiene and room temperature – all of which can be seriously compromised by prison overcrowding.

International standards also include provisions condemning unlawful or unnecessary imprisonment. These specifically apply to prisoners who are under arrest or who are awaiting trial, but they also apply to children and to the mentally ill.

Solutions to the problem of prisons' overcrowding cannot be found solely within the administration of the penal system, since this is an issue that digs its roots deeply in government policies, courts, police, prisons and prosecutorial services. Solutions should therefore be found through an integrated and multifaceted approach involving all of the branches of the criminal justice system.

In its Resolution 2007/24, the United Nations Economic and Social Council has requested the Commission on Crime Prevention and Criminal Justice “to include the issue of penal reform and the reduction of prison overcrowding, including the provision of legal aid in criminal justice systems, as a potential thematic topic for discussion by the Commission at one of its future sessions”.

Along those lines, the United Nations had already established a network of institutes and organizations working in cooperation with Member States to strengthen cooperation and improve services in crime prevention and global justice worldwide. It was the beginning of the United Nations Crime Prevention and Criminal Justice Programme Network (PNI), a valuable forum for exchanging substantive information and best practices as well as research, training and specialized education in the realm of criminal justice and crime prevention. On occasion of the Eighteenth Session of the UN Commission on Crime Prevention and Criminal Justice, the PNI has organized a workshop entitled “Penal Reform and Prison Overcrowding”. The present publication includes the background papers of the workshop, collected and published by UNICRI.

I trust this publication can provide some insightful food for thought on possible strategies and tools to be adopted at national, regional and international levels in the stride to improve prison conditions and to assist criminal justice system reforms around the world. UNICRI and the other Institutes comprising the PNI are ready to join forces to assist U.N. Members States in their fight against the outrageous conditions of prisons overcrowding and the human rights violations that these represent.

Sandro Calvani
UNICRI Director

**Preparation for the Workshop on
Strategies and Best Practices against
Overcrowding in Correctional Facilities**



Introduction

Within the framework of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Salvador, Brazil, from 12 to 19 April 2010, an action-oriented Workshop will be organized under the topic of the “Strategies and best practices against overcrowding in correctional facilities”, in accordance with the relevant United Nations resolutions.

Among the Institutes of the United Nations Crime Prevention and Criminal Justice Programme Network (PNI), UNAFEI, ILANUD, UNAFRI, ICCLR&CJP, and ISPAC expressed their interest in this workshop respectively. At the annual PNI co-ordination meeting, held in Courmayeur, Italy, 12-14 December 2008, it was agreed that UNAFEI should take the lead in preparing this Workshop.

Overcrowding in correctional facilities

The overcrowding of correctional facilities is an extremely complex problem for which we can find no single cause. Various different elements ranging across the entire criminal justice process have a bearing on this matter, either as its causes or as its remedies.

Just to take an example, current systems of statutory penalties should be reviewed with a view to reducing the emphasis on custodial responses to crime, and to considering the possibility of introducing non-custodial measures, including community service orders. The utility of diversion in the investigation, prosecution and trial stages should also be studied in order to better select offenders who require treatment in correctional institutions. Within the context of prisons, efforts should be made to prevent the recurrence of crimes by providing effective treatment programmes and necessary support for inmates. Similarly, we should also consider ways and means to enhance community

involvement in offenders' social reintegration. The development of non-custodial measures will surely provide a basis for facilitating the early release of prisoners while ensuring the security of the general public. In addition, the effective administration of correctional facilities, including utilizing the resources of the private sector, should be studied. Such research will be helpful in addressing the need for additional correctional facilities, as well as making full use of existing institutions.

In the forthcoming Workshop in Brazil, UNAFEI would like to touch upon, through a comprehensive approach, such broad issues that we face in everyday practice in many countries. Our goal would be to come up with practical solutions to our challenges, drawn from our efforts to pursue good practices.

With a view to serving as a basis for preparation of the Workshop, UNAFEI has prepared a "Discussion Guide for the Expert Meeting". In the Discussion Guide, UNAFEI has tried to highlight some of the outstanding issues in order to clarify the major focus of study or the main elements of discussion to be conducted at the Workshop.

Working methods of the preparations for the workshop

In the Seventeenth Session of the United Nations Commission on Crime Prevention and Criminal Justice (14-18 April 2008), UNAFEI made a statement under agenda item 5 "United Nations congresses on crime prevention and criminal justice". This statement is summarized in the report of the Commission in paragraph 106, page 51 of document E/2008/30, E/CN.15/2008/22. In this statement, UNAFEI clarified the general framework within which UNAFEI was intending to carry out the preparations for the Workshop; i.e. UNAFEI would hold expert meetings at its institute in 2009, as a planning/organizing body for the Workshop, with the participation of prospective presenters or panellists

chosen from among eminent practitioners, policymakers and academics in the relevant field, who have expertise in the Workshop theme.

The First Expert Meeting was held in January 2009, and the Second Expert Meeting will be held in September 2009. A tentative list of members of the Expert Meetings is attached as ANNEX I.

During the Expert Meetings, the following topics are to be discussed:

- Structure/composition of the Workshop, including keynote speeches, presentations, panel discussions, general debate, etc;
- Major focus/main elements of discussion;
- Selection of keynote speakers, presenters, panellists, etc; and
- Drafting of a background paper.

Outcome of the first expert meeting

UNAFEI held the First Expert Meeting at its Institute from 26 to 28 January 2009. The following is a brief summary of the outcome of the discussions of the Meeting. The participants agreed that:

- (a) The Workshop could best address the wide range of possible measures to reduce prison populations by dividing the subject matter thus:
 - measures affecting the flow of offenders into correctional facilities; and
 - measures affecting the numbers of offenders being released from correctional facilities.

(b) The Workshop could also address, inter alia, the following issues:

- measures to alleviate the large number of remand prisoners;
- strategies to secure the support of policy-makers and other stakeholders, including the public;
- influences of cultural factors on overcrowding as a result of difficulties with community-based treatments; and
- innovative sentencing policies such as ‘split sentences’, as used in Canada and the USA.

The Preliminary Draft Programme of the Workshop is attached as ANNEX II. The Preliminary Draft Programme is subject to further review in various ways.

It should be noted that persons whose names appear, on the Preliminary Draft Programme, inside square brackets [...] are participants-designate only, and their attendance at the Congress has not been confirmed. These participants-designate will be invited to sit on the panels as listed in the Preliminary Draft Programme and it is at their discretion whether or not they accept.

The titles of the panel discussions as listed on the Preliminary Draft Programme likewise contain some terms which are contained inside square brackets [...]. These square brackets signify that the terms therein have been tabled for consideration and further debate and are not formally accepted as constituent elements of the titles.

There remain many things to be discussed and finalized before the Workshop. UNAFEI’s future work will be to identify and invite more eminent experts to further strengthen the Expert Meeting. In this connection, it should be noted that the matter of eligibility for participating in the Twelfth UN Congress under

the rules of procedure for the UN congresses is one of the most vital practical issues to be taken into account when selecting prospective speakers and panellists. Under the rules of procedure, the members of Government delegations are regarded as primary participants of the congresses. The members of the PNI are also eligible to attend the congresses. Therefore, in practice, it should be ascertained at an appropriate stage as to whether the candidates for presenters or panellists can be included as a member of a Government delegation or a PNI delegation. Similarly, the matter as to who will bear the travel expenses of those persons should be duly considered when selecting the speakers and panellists.

Plan for the second expert meeting

The Second Expert Meeting will be held at UNAFEI from 14 to 18 September 2009. The Meeting will be our final face-to-face opportunity to conclude the preparatory work for the Workshop. Therefore, the matters enumerated in paragraph 10 of this paper must be finalized at the Second Expert Meeting.

During the Second Expert Meeting, it is essential that the Meeting finalize the Background Paper for the Workshop and a scenario for each Panel Discussion. In this regard, a member of the Expert Meeting will be requested to prepare the first draft of a Background Paper for the Workshop before the Second Expert Meeting. Furthermore, members of the Expert Meeting will be designated in advance to a panel of their interest, and the moderators of each Panel will be asked to prepare a first draft scenario of the panel's discussion before the Second Expert Meeting.

Future prospects

On the basis of discussion and research by the members of the Expert Meeting, UNAFEI will be organizing a Workshop in Brazil in 2010. UNAFEI looks forward to having the co-operation and support of the Member States of the United Nations and our fellow PNI colleagues in the successful conduct of the Workshop.

ANNEXES

ANNEX I: List of Members of the Expert Meeting (Tentative)

(As of 28 January 2009)

Canada

Dr. James Bonta

Director,
Corrections Research,
Public Safety Canada (Canada)

Prof. Curt Taylor Griffiths

Professor and Coordinator,
Police Studies Program
School of Criminology
Simon Fraser University (Canada)
&
Senior Associate,
International Centre for Criminal Law Reform and
Criminal Justice Reform (ICCLR&CJP)

Costa Rica

Mr. Elias Carranza

Director,
United Nations Latin American Institute for the
Prevention of Crime and the Treatment of Offenders
(ILANUD)

Italy

Mr. Gary Hill

Scientific Adviser,
International Scientific and Professional Advisory
Council of the United Nations Crime Prevention and
Criminal Justice Programme (ISPAC)

Japan

Mr. Toshihiro Kawaide

Professor,
Graduate Schools of Law and Politics,
The University of Tokyo

Thailand

Dr. Kittipong Kittayarak	Permanent Secretary for Justice, Ministry of Justice
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Uganda

Mr. Masamba Sita	Director, United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI)
------------------	--

United Kingdom

Ms. Christine Glenn	Chief Executive, Parole Board for England and Wales
---------------------	--

UNAFEI

Mr. Keiichi Aizawa	Director
Mr. Takeshi Seto	Deputy Director
Mr. Jun Oshino	Professor
Mr. Junichiro Otani	Professor
Mr. Ryuji Tatsuya	Professor
Mr. Koji Yamada	Professor
Ms. Grace Lord	Linguistic Adviser

ANNEX II: Preliminary Draft Programme of Workshop on Strategies and Best Practices against the Overcrowding in Correctional Facilities

(As of Wednesday, 28 January 2009)

Chairperson:	(To be determined by the Congress Secretariat)
Vice-Chairperson:	(To be determined by the Congress Secretariat)
Rapporteur:	(To be determined by the Congress Secretariat)
General Moderator:	Mr. /Ms. A
Drafter:	Mr. /Ms. B

Morning Session

10:00-10:30 Opening Remarks Keynote speech	Chairperson Keiichi Aizawa (Director, UNAFEI) “ ” Mr. /Ms. C
10:30-11:00 Presentations	“ ” (i) Mr. /Ms. D (ii) Mr. /Ms. E
11:00-12:30 Panel discussion	“Reduction of Correctional Facilities’ [Incoming Flow] [Numbers of Incoming Inmates] through Diversion and Alternatives to Incarceration”; OR “The Use of Diversion and Other Alternatives to Incarceration during the Pre-trial and Trial Stages, including Restorative Justice Programmes”; OR “Reduction of the Numbers of Persons Entering Correctional Facilities through Diversion and Alternatives to Incarceration”
Moderator: Panellists:	Mr. /Ms. F Toshihiro Kawaide (Japan) Kittipong Kittayarak (Thailand) [Daniel Van Ness (USA)] Mr. /Ms. G Mr. /Ms. H
12:30-13:00 Discussion	

Afternoon Session

15:00-16:30 Panel discussion	<p>“Effective Reduction of Reoffending and Enhancement of Community Rehabilitation including Restorative Justice and the Role of the Community”; OR</p> <p>“Measures to Reduce Prison Populations by Ensuring Successful Re-entry to the Community through Effective Programmes for the Prevention of Reoffending”; OR</p> <p>“Reduction of Prison Populations through the Use of Early Release Programmes”; OR</p> <p>“The Use of Effective Programmes to Reduce Prison Populations at the Post-Sentencing Stage”</p>
Moderator: Panellists:	<p>Mr. /Ms. I</p> <p>Christine Glenn (United Kingdom)</p> <p>[James Bonta (Canada)]</p> <p>[Reneé Collette (Canada)]</p> <p>[Curt Taylor Griffiths (Canada)]</p> <p>[Elias Carranza (Costa Rica)]</p> <p>[Todd Clear (USA)]</p>
16:30-17:00 Panel discussion	<p>“Release on Bail, [Conditional Liberty] [Non-custodial Judicial Control Procedures] [Bail in Anticipation] and Ensuring Swift Trial Procedures as Effective Methods of Reducing Pre-trial Detention”; OR</p> <p>“Strategies for Engagement of Policy-makers and Stakeholders”; OR</p> <p>“Strategies for Securing the Support of Policy-makers and Stakeholders”</p>
Moderator: Panellists:	<p>Mr. /Ms. J</p> <p>[David Carruthers (New Zealand)]</p>
17:00-17:50 Discussion	
17:50-18:00 Remarks	<p>Keiichi Aizawa</p> <p>Mr. /Ms. A</p>
Closing	Chairperson

Reducing the Prison Population: Challenges and Threats



Introduction

This paper describes the strategies adopted by the Estonian Government to reduce the prison population in Estonia which had evidenced a consistent rise since independence, except for a brief period when the population fell due to an amnesty. England and Wales, like many other countries, have experienced increasing prison populations over time and this has been particularly rapid over the past decade with the current prison population being in the region of 82,000 men and women or approximately 140 per 100,000 of the population. The Estonian prison population was, during the late 1990s, in the region of 250 per 100,000 and in 2006 had the highest rate per 100,000 of all EU Member states. The ratio in Estonia was high but other Central Eastern European countries also had high rates of incarceration whilst England and Wales did have a *significantly* higher ratio than other Western European countries.

There are a number of problems associated with high rates of incarceration. Economically maintaining high rates is expensive in terms of human and financial capital. There are also significant issues in relation to the management of prisoners within the system and their resettlement and integration into society on release. There are a number of policy issues to be addressed; for example the maintenance of the separation of powers in relation to the role of the judiciary in sentencing. There are human rights issues to be addressed by policy makers, for example as incarceration rates rise so do the problems of ensuring a purposeful and humane regime. Increased rates of incarceration invariably result in overcrowding with penal system becoming little more than the warehousing of the vulnerable, the mentally ill and the socially distressed. There is considerable evidence to suggest that prison for many is not a positive experience, there are high rates of recidivism in the post release period and there are a number of social and economic disadvantages as a consequence of imprisonment; problems in maintaining family life, this is especially so for women; problems in obtaining employment due to the stigma of imprisonment and possibility that prison itself fosters more crime tolerant attitudes of prisoners and so low levels of motivation to remain crime free.

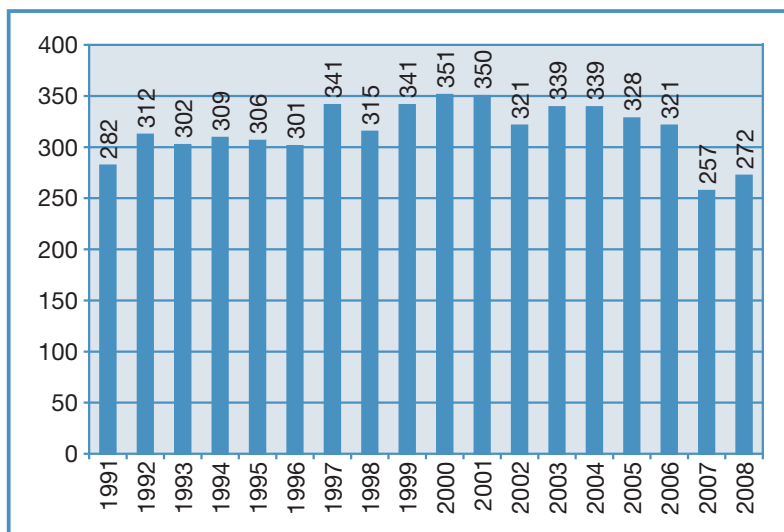
Estonia

Number of prisoners

By the end 2008 there were 5 prisons in Estonia, all of them have maximum security (closed prison) status. According to the Ministry of Justice data, there were 3656 persons in Estonian penitentiary institutions at the end of 2008. There were 2,666 prisoners under sentence, and 990 (24 per cent) were pre-trial prisoners.

Until 2007 the prison population remained on the same level, varying between 4,200 and 4,800. The imprisonment rate over 320 prisoners per 100,000 of population remained among highest in the Europe. Figure 1 demonstrates the dynamic of changes in prison population in 1991-2008.

Figure 1.
Prison
population
rate per
100,000 in
Estonia
1991-2008



Problems

According to the study conducted by Roy Walmsley the number of the prisoners in Estonian penal institutions in 2001 was 98% of the institutions' official capacity. However, the space specifications per prisoner in Estonia is 2,5 m² compared to 4m² regarded acceptable by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. If the space specification would be changed to meet European standards, the overcrowding in Estonian prisons would be more than 50%¹. Several steps were made recently to improve the living conditions of prisoners. Central prison, Maardu and Pärnu prisons were closed. The new regional prison was opened in Tartu in 2002 The further projects aimed to increase number of prison places meeting modern requirements include merging Ämari and Murru Prisons in 2007, opening a new prison in Ida-Viru county and closing of Viljandi Prison in 2008. The aim of the reform is by the year 2010 to reduce the number of prisons to four, each covering specific region.²

Closely connected to the overcrowding of prisons is high prevalence of tuberculosis and sexually transmitted diseases among prisoners. For several years the spread of tuberculosis was considered the severest health problem. In 2004 there were 49 prisoners suffering tuberculosis, 41 of them were recently diagnosed. In 2005 relevant figures were 27 and 24 respectively.³

While tuberculosis is brought under control by now, another problem, namely high number of HIV positive prisoners needs special attention. The first case of HIV was diagnosed in the central hospital of prisons in May 2000. From October 2001, all prisoners were allowed to do HIV tests. In accordance with WHO recommendations the testing for HIV in prisons is voluntary. By the end of 2001, 2,087 such tests were made in Estonian prisons, and 485, i.e. 23%, of them

¹ Roy Walmsley. *Further Developments in the Prison Systems of Central and Eastern Europe: Achievements, problems and objectives*. HEUNI Publication Series No.41. Helsinki, 2003, p.271.

² Ministry of Justice. *Estonian Prison System and Probation Supervision Yearbook*. Tallinn, 2006, p.8.

³ *Ibid*, p.38.

proved to be positive. As of 1 September 2002 there were 542 HIV positive persons registered among prisoners, which was 11% of the total number of prisoners. 46 of them were women (1/3 of all female prisoners).⁴ In 2002 there were 1874 HIV-tests made in prison institutions; 328 of them turned to be positive. Infected persons are mostly injective drug addicts.⁵ According to the 2006 Yearbook, the number of HIV positive persons in prisons was 584 in 2004 and 578 in 2005. 19% of all HIV-positive patients in Estonia were diagnosed in Prisons.⁶

The first data about proportion of drug addicts among prisoners come from 1998, when the number was less than 8 per cent. By 2001 the proportion increased to approximately 23.5 per cent, i.e. about every fourth person who arrived in the prison system was a drug addict.⁷ It should be mentioned, that the problem is realized and the treatment program is in place.

While considerable progress was made in the recent years to improve the overall situation in prison system, there are still many problems need to be solved.

Present changes in prison population rate

Noticeable reduction in prison population was made in 2007. The rate dropped from 321 in 2006 to 257 prisoners per 100,000 of population in 2007. The reduction was mainly due to changes in legislation.

Firstly, a possibility of electronic monitoring as an alternative to imprisonment was introduced since 01.01.2007. The amendment to Penal Code (§§ 751; 76) stated that if prisoner agrees and certain conditions are satisfied, it is possible

⁴ Saar at al, p.160.

⁵ Ministry of Justice. Estonian Prison System Yearbook 2002/2003. Tallinn, 2003.

⁶ Ministry of Justice, 2006, p.38.

⁷ Saar at al, p.159.

to release person from prison already after one third (less serious crime) or one-half (serious crime) of his or her sentence was served in prison. In 2008 182 persons or 9% of all persons released from prison were placed under electronic monitoring.

Secondly, changes in the procedure of parole were introduced into Prisons Act (§ 76) since 01.01.2007. Until 2007 to get released on parole a prisoner should apply for it. According to the amendment, no application from prisoner is needed to initiate the parole procedure. The prison now is obliged to send the prisoner's case to the court once the certain part of prison term was served. This legislative change resulted in the number of cases sent to the court, and, as a consequence, the higher proportion of prisoners released on parole.

Thirdly, since 01.01.2007 due to the changes in Penal Code it become possible that if person on parole committed a minor offence to apply a community service or a fine instead of automatically sending person to prison. This change resulted in lower number of persons sent to prison.

Fourth change in the Penal Code that influenced the number of prisoners regarded decriminalization of minor thefts. Since 15.03.2007 theft of property less than 1000 kroner (equivalent to 64 Euros) was decriminalized (became a misdemeanor). The possible punishment for such theft was fine or arrest. This change in the legislation was also applied for the persons who served a prison term for such crimes. As a result of the change, fewer people were sent to prisons and more persons were released from prison in 2007. However, it should be mentioned that decriminalization of minor thefts resulted in dramatic growth of such type of offences and overcrowding of arrest houses. In 2008 this change in legislation was considered void.

The situation in England and Wales

The prison population in England and Wales has one enduring quality which is that of its ability to year on year get larger, this is especially so in relation to the male population over the past 12 months. These year on year increases create a number of significant issues in the management of offenders and are costly in both human and economic resources.

The current situation is set out in the table below:

Table 1

	Jan-08	Jan-09	Percentage change 2008 to 2009			
	Remand	Immediate custodial sentence	Remand	Immediate custodial sentence	Remand	Immediate custodial sentence
All prisoners	12,842	66,420	12,908	67,473	1	2
Violence against the person	3,227	18,411	3,269	19,543	1	6
Sexual offences	842	7,446	869	7,811	3	5
Robbery	1,316	8,660	1,392	8,893	6	3
Burglary	1,369	7,716	1,511	7,794	8	1
Theft and Handling	980	3,711	976	3,434	0	-7
Fraud and Forgery	518	1,864	517	1,893	0	2
Drug offences	1,835	10,641	1,676	10,680	-9	0
Motoring offences	142	1,360	117	1,102	-18	-19
Other offences	1,802	6,344	1,836	6,135	2	-3
Offence not recorded	785	268	744	189	-5	-29

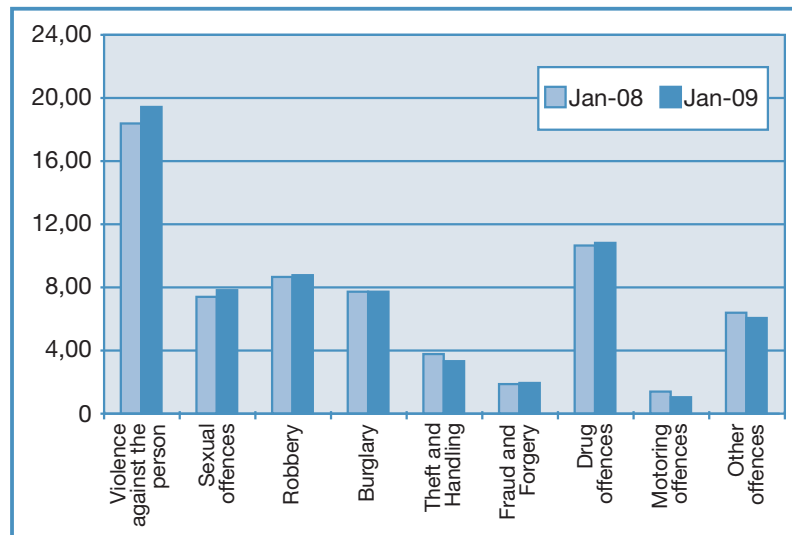
(Reproduced from: Population In Custody Monthly Tables. Ministry of Justice. London February 2009)

This table demonstrates a year on year increase but one that has lessened over the past twelve months, however, the underlying trend is upwards. Such an upward trend must be a cause for concern. The day to day lived experience of prisoners can be fraught with conflict and difficulties; for example, to achieve a sense of physical safety and emotional security is very difficult for many prisoners (See for example Haslewood-Pocsik⁸ et al 2006) and for women the effects of imprisonment are even more significant (see for example Gelsthorpe⁹ 2006). There are a number of contributory factors to the increase in the prison population; first the sentencing of violent and sexual offenders is often by the use of imprisonment so as the Figure 2 illustrates these offences demonstrate an upward trend. The reasons for violent and sexual offenders to be sentenced to prison are in part due to the serious nature of the offences but also it is a consequence of the politicization of sentencing by both media and politicians. For example, in 2006 Craig Sweeney was sentenced to Life Imprisonment for an offence of abducting and assaulting a three year old child. In sentencing the Judge acknowledged the seriousness of the crime and commented that the defendant could not be considered for parole for a period of 5 years. There was a media outrage at what was presented as such a short sentence and the Home Secretary wrote to the Attorney General suggesting that there was an Appeal on the grounds that the sentence handed out to Sweeney was exceptionally lenient. Such a media and political alliance presented the judge as being soft on serious offenders. However, when considered in more detail it was clear that the sentence was appropriate; Sweeney had served a considerable period on remand and once this was deducted and that he could only be considered for Parole after completing over half of his sentence he became eligible for parole consideration in just over five years from the time of sentence. The parole consideration date was of no concern to the judge as it was a consequence of government policy that was an attempt to reduce the prison population through executive decision making.

⁸ Haslewood-Pocsik, I, Spencer, J and Smith, E The Application of National Legislation in Relation to Race and Its Application to Prison Service Policy and Practice: IMPACT. 2006.

⁹ Gelsthorpe, L Women and Criminal Justice, Saying it again, again and again. *Howard Journal of Criminal Justice* 45:4 2006.

**Figure 2.
Immediate
Custodial
Sentence By
offence Group**



(Reproduced from: Population In Custody Monthly Tables. Ministry of Justice. London February 2009)

The example of Craig Sweeney highlights how policy that relies upon executive decision making, such as parole, can often come into conflict with political interests and media presentation. A strategy for sentencers to avoid the approbation of politicians and the media is increase sentence length which results in the retention of offenders in the penal system and which over time increases the prison population. Therefore one strategy to reduce the prison population is for politicians to refrain from using crime and criminal justice as form of validating their populist credentials. Such an approach may also allow for sentencers to pass less severe sentences and ones that are more focused on offender rehabilitation and reform than on punishment.

A second strategy is to reduce the remand population. A larger remand population, in England and Wales in January 2009 it was approximately 20% of the total population¹⁰, serves two functions. First it increases the overall numbers in prison and inflates the population, some remand prisoners will be found not guilty and some will be sentenced to non-custodial sentences and second, if a person has served a significant time on remand sentencers may consider that a form of custodial sentence is only just as time in custody on remand counts towards total sentence served. Therefore, reducing the remand population would reduce the overall prison population and one of the factors that places an upward pressure on the population.

There are a number of policy strategies that can be effective in reducing the prison population; however, when crime has generally been falling in England and Wales, especially in relation to acquisitive crimes, the reasons for increases in the prison population must be down to two reasons; the behaviour of sentencers and sentence length. Both of these factors may be negatively influenced by politicians and the media but of course they can be positively influenced inasmuch that judges can be encouraged to utilise community based disposals more effectively, sentence length can be reduced for crimes resulting in shorter periods of incarceration. Imprisonment for certain acquisitive crimes could be removed and politicians could begin to engage in a proper political debate about the proper limits of punishment in order to establish a more realistic perspective on the aims and objectives of sentencing. Such an approach could result in less imprisonment and more restorative and constructive sentencing strategies that would prove to integrate rather than marginalize offenders.

¹⁰ Population In Custody Monthly Tables. Ministry of Justice. London February 2009.



**Prison Overcrowding and
Prison Reform in Post-conflict
Societies**

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International
Centre for Criminal
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Criminal Justice
Policy (ICCLR)
and

Yvon Dandurand,
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International
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Law Reform and
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This workshop focuses on one of the most intractable issues faced by prison leaders: prison overcrowding. It also examines some of the challenges that prison managers face as they introduce reforms, build the capacity of the prisons system and take other initiatives to deal with overcrowding. Prison overcrowding is not always an issue in post-conflict situations, but it tends to be. The post-conflict context is one which creates some very specific challenges for prison reformers and prison managers. Building the capacity of a prisons system, addressing the issue of overcrowding, and ensuring that prison conditions comply with international human rights and criminal justice standards are very difficult undertakings even at the best of time. Attempting to do so in a post-conflict society, as surely we must, is even more difficult. It is therefore important to learn from our recent experience in that area and begin to articulate the factors associated with progress, if not yet complete success.

This short paper highlights some of the general context which affects prison reform and capacity building efforts in post-conflict or transitional societies. It refers generally to some of the main approaches to dealing with prison overcrowding and prison reform and it focuses more specifically on the challenges encountered in applying these approaches in post-conflict situations. Because progress is typically impossible in that context without the concerted efforts of international agencies to provide assistance in the reconstruction of justice and security institutions, some observations are offered also about the role and importance of technical assistance and the need to ensure that such assistance has the desired impact. Examples are taken from an ongoing project in Southern Sudan.

Prison overcrowding

Prison overcrowding is a complex and multi-faceted problem. The specific contributors to situations of overcapacity in prisons vary in each situation (Griffiths, 2009). Understanding the reasons for prison overcrowding generally requires an analysis of the prison capacity, of sentencing policy and practices, and of the

various other contributors to prison overcrowding. Key contributors to overcrowding include: (1) lack of prison facilities and investment of building and maintaining prison infrastructures; (2) overuse of pre-trial detention; (3) long delays in processing cases which result in prolonged pre-trial detention; (4) sentencing policies and practices over-relying on imprisonment; (5) backlogs of cases awaiting to be processed; (6) the lack of alternatives to detention, such as probation or other community-based sentences; (7) the lack of provisions for the early release and conditional release and community supervision of offenders; (8) poor management of prison population by inadequately trained prison leaders with weak information systems.

All of the above factors are certainly at play in a post-conflict situation, but they also tend to be compounded by challenges that are more specific to post-conflict societies. In a typical post-conflict situation, the prison facilities have been destroyed, damaged or been left in a dangerous state of disrepair. Prison staff may have been party to various abuses before or during the conflict. The credibility and legitimacy of the whole criminal justice system, and in particular the prisons, may be at an all time low. The system may itself be held by many as a symbol of what led the country to a conflict.

Context of reforms

Rebuilding the criminal justice system and its prisons after a conflict is always a long-term project. It takes place in a context characterized by various deficiencies: lack of political leadership, limited legitimacy or credibility of national institutions, absence of support for reforms, antiquated or poorly articulated legal framework, limited technical capacity, and insufficient financial resources. It often takes place against a background of years of human rights abuse, insecurity and impunity.

The peace process is invariably fragile and the future of peace often rests on the success of efforts to establish some modicum of security and to rebuild national institutions and restore their public legitimacy and credibility. The limited capacity of the justice system to address the problem of impunity for major abuses and crimes committed before or during the conflict further threatens the credibility and legitimacy of the justice system. The stakes are high, the population is waiting anxiously to collect the “dividends of peace”, and yet, there are usually plenty of groups and individuals who would welcome the failure of these institution building efforts. Stalling change and progress in rebuilding the justice system’s capacity can be enormously beneficial to some entrenched interests (Ghani, 2008: 83).

The success of criminal justice reforms in general and prison reform specifically is dependent on many variables, not all of which are within the span of control of state actors, programme leaders, or external agencies. Efforts to strengthen and reform the criminal justice system are often challenging in the context of a post-conflict society owing to:

- Lack of functioning security and justice institutions as well as the most basic civil institutions capable of undertaking complex tasks of designing and implementing justice sector reform
- An insecure environment where there may still be pockets of armed struggle, sectarian violence, or lawlessness
- Proliferation of both formal and informal armed formations, requiring complex and demanding demobilization, de-arming and reintegration processes
- The need to eliminate both the embedded legacies of violent conflict, such as militaristic values and a culture of impunity, and the material and economic supports for continued violence, including arms proliferation and illicit resource extraction
- The need to resettle displaced populations and marginalized youth

- The need to disarm, demobilize, and reintegrate (DDR) former combatants
- The need to restore some form of economic normalcy and long-term development.¹¹

The protracted processes of building democratic institutions and law reform, the challenges encountered in maintaining public safety, the difficulties experienced in dealing effectively with the problem of impunity, and the huge challenges involved in demobilization, disarmament, the reintegration of combatants and the relocation of displaced populations can be almost paralyzing. They leave an institutional vacuum which may be quickly exploited by organized crime, and which creates pervasive opportunities for venality and corruption.

Correctional reforms

A number of the specific challenges encountered in rebuilding the prisons system of a post conflict society obviously stem from the issues just mentioned. They include many of the following:

- Prisons facilities have been destroyed and/or neglected. They are insufficient and incapable of generating acceptable conditions of imprisonment.
- Funding for prison construction is either unavailable or very slow in becoming available. Prison construction programs are plagued by delays, corruption and incompetence. Construction materials may be unavailable or only found at grossly inflated prices.
- There is typically no valid information on the prison population. Prison registries and information systems have fallen in desuetude and prison

¹¹ Adapted from: *Security System Reform and Governance*, p.83 (OECD, 2005).

managers have very few means with which to manage the size of the prison population.

- Many prisoners have been incarcerated unlawfully, but there is no immediate mechanism for reviewing the lawfulness of their incarceration and releasing them when appropriate. In some instances, there may even be some doubt about which law applies and what should happen to people lawfully convicted under laws that have been abolished or are no longer in force.
- Many of the prisoners may be detained for crimes allegedly committed during the conflict and the mechanisms for dealing with these accusations are slow or insufficient.
- Because of the absence of other institutions, prisons have become the default option for dealing with various problems. Innocent orphans, street children, mentally ill and even victims of crime find themselves in prison simply because there are no other means of helping or protecting them.
- Several members of the prison staff may not be trustworthy because many of them may have been involved in various human rights abuse and crimes committed during or before the conflict. Other members of the staff cannot be trusted because of prevailing levels of corruption. Measures to promote institutional integrity and legitimacy are therefore very important to address a legacy of abuse and prevent its reoccurrence (Mayer-Reich, 2007: 483).
- Several members of the prison staff may be new to the prisons system. They may have been reassigned to that system, without experience or much training, as part of demobilization and reintegration efforts, and some may be unsuitable.
- Prison leaders may be new to this field and in need of training and development.

- The prisons system may be heavily militarized and in need of civilianization.
- The justice system, and in particular the courts, may itself be in a state of disarray and there may be a huge backlog of cases awaiting trial or disposition. Prisoners may find themselves waiting for years for judges to be appointed and for the courts to function more or less normally.
- Prison overcrowding and the lack of adequate resources have led to abject prison conditions which are particularly difficult for certain vulnerable groups.

It is easy to see how, as a part of the broader process of rebuilding criminal justice institutions, the process of prison reform in post-conflict societies faces some critical challenges.

Because prisons typically face chronic under funding, the worst case scenario is one in which prison officials must simultaneously address: overcrowding, lack of sanitation and clean water for inmates and guards, inadequate or non-existent food supplies with prisoners reliant on their families for food, crumbling or partially demolished infrastructure, untrained and ill equipped staff, untrained police filling in for absent prison guards, corrupt and brutal prisoner trustees running large operational parts of facilities, and a large number of prisoner for whom no record exists. Disease may be rampant, there may be no accurate records of names, numbers and categories of prisoners, and large groups of former combatants or political prisoners may be held illegally. HIV/AIDS may be present, but unknown due to the absence of any medical testing services. Security and disciplinary practices may violate international human rights standards and norms. Staff remuneration may be problematic and may further encourage corruption. Staff training may be inexistent, operational policies may be lacking or problematic and the implementation of new functions and standard operating policies may be challenged by low levels of staff literacy.

Methodology

The UNODC, the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) and indeed many international agencies have been involved in supporting prison reform initiatives in post-conflict situation. Recent interventions to develop the capacity and the legitimacy of prisons systems in post conflict situations have tended to gravitate around the following main types of interventions to address some of the challenges identified above.

- Assisting in the construction of new prison facilities and the rehabilitation of existing institutions. A key component of any strategy to reduce prison overcrowding is a prison construction program that provides prison systems with the capacity to house offenders in safe and humane conditions.
- Developing a leadership capacity within the prisons system to approach the task of institution building more strategically, a capacity for strategic planning and action, and a capacity for managing and monitoring change (UNODC, 2009).
- Developing effective linkages between the prisons system and the other elements of the justice system.
- Encouraging and supporting frequent and independent prison inspections.
- Developing a system and a process for vetting public employees and correctional staff and managers (Mayer-Riech, 2007). The process is necessary for excluding from the prisons service people implicated in gross human violations, crimes and corruption and therefore rebuilding the credibility of the system and preventing future abuses. The process needs to be adapted to the national context and to integrated into a coherent institutional reform strategy (Mayer-Reich, 2007: 483). It must of course be one which protect the rights of all those submitted to it (Andreu-Guzmán, 2007).

- Reviewing operational policies and aligning them with human rights and other international standards. This is usually done in parallel to other initiatives to organize the service along functional lines, delineate responsibilities through the ranks and progressively demilitarize and professionalize the prisons service.
- Supporting prison law reform, although this is rarely an effective starting point. These reforms are usually a good opportunity to delineate the respective responsibilities of various officials and for setting in place the required accountability mechanisms.
- Offering training for new recruits and for former combatants who are integrated into prison staff.
- Developing adequate information systems and registry of prisoners to empower managers to engage in more effective population management and to make use of scarce resources to meet the basic needs of prisoners. In many instances, it is necessary to proceed with an initial prison population census. (UNODC, 2008).
- Proceeding with a systematic judicial review of the prison population to examine the lawfulness of detention, to deal with prolonged pre-trial delays, and release inmates who should not be detained.
- Encouraging sentencing reforms and new programmes to introduce alternatives to imprisonment (UNODC, 2007) (UNODC, 2008).
- The expedient handling of cases of persons held in pretrial detention can assist in reducing the size of the prison population.
- Supporting the development of early release and community supervision programs for certain categories of offenders. Lengthy periods of imprisonment contribute to prison overcrowding. Mechanisms for the early release and supervision of convicted offenders can help reduce the size of the prison population while protecting society against recidivism. This

requires that sufficient supervisory resources and programs be developed in the community and that appropriate risk assessment instruments be utilized to identify those offenders who may be eligible for early release.

- Encouraging specific measures to deal with the situation of women, children and other vulnerable groups in prison (UNODC, 2008) (Dandurand et al., 2009) (UNODC, 2007).
- Focusing on alternatives measures for dealing with children in conflict with the law.

The recent experience of the Southern Sudan prisons service

While prisons are not a common point of entry to criminal justice system reform, including in post-conflict states, the United Nations Office on Drugs and Crime (UNODC), the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), and the Rule of Law Unit of the United Nations Mission in Sudan (UNMIS) have been involved in a project to support the capacity building and reform efforts of the Southern Sudan Prison Service (SSPS) following a 2005 Comprehensive Peace Agreement.¹² The project is funded by the governments of Canada and the United States of America and some real progress has been achieved.

The justice and security sector of Southern Sudan is under huge pressure to establish basic protection, safety and security for the civil population while undergoing fundamental institutional transformation and with very limited resources.

¹² In January 2005, after over two decades of civil war, the Comprehensive Peace Agreement was signed between the Sudanese Government and the Sudan People's Liberation Army. Following the conclusion of the Agreement, in which autonomy was given to Southern Sudan, the Interim Constitution of Southern Sudan was adopted in December 2005, leading to the creation of the Government of Southern Sudan (GoSS).

While a Multi-Donor Trust Fund (MDTF), coordinated by UNDP, was established which can be tapped to develop and renovate physical facilities, the ‘hardware’ of the prison system, the project in question focused on developing the capacity of the correctional services, the ‘software’ of the system. The primary focus of the project was on leadership training, relevant management support activities, enhancing strategic planning capabilities and prisoner records management systems, assisting with the development of regulations, policies and procedures that conformed to international standards and norms, and improving the Service’s overall management capacity.

To date, the project has supported a number of activities in support of the Prisons Service’s reform and capacity building initiatives. These include:

- Implementation of a new, paper-based records management system and accompanying training of relevant personnel
- Delivery of training to senior leadership
- Training on human rights, the basic needs of prisoners and the needs of vulnerable groups
- Training on the care of mentally ill individuals
- Training on HIV/AIDS prevention
- Training of enhanced care for children in prison (both prisoners, and those accompanying their mothers)
- Basic life skills development for women prisoners
- An assessment of mental health needs and issues of prisoners
- Ongoing work to formalize a court liaison position in each prison in regards prisoners on remand, and prisoner appeals
- The development of standing orders to regulate the various aspects of prison life.

An early activity focused on the conduct of a prisoner survey in nine of the ten major state prisons, in order to obtain a clearer picture of the prison population. From this, and anecdotal information, it became clear that systems to provide for and encourage alternatives to imprisonment needed to be developed. Overcrowding, extended incarceration of prisoners on remand, large numbers of prisoners being held for lack of payment of fines, and prisoners completing custodial sentences for which alternative dispute resolution or community sentence might be more appropriate were just some of the issues found in the survey results.

This led to a whole of the system approach which required the participation of politicians, the police, the judiciary courts, the Prisons Service, as well as traditional leaders involved in the management of customary law, and other local and international organizations to identify the issue and agree upon strategies to develop alternatives to imprisonment.

In Southern Sudan, there is no current system that provides for bail of prisoners awaiting trial. Probation and parole are not provided for in law, and sentences cannot be carried out in the community. Those who cannot pay private debts, civil and criminal fines or compensation orders risk imprisonment.

The lack of alternatives to imprisonment most impacts prisoners on remand, women who by virtue of local culture and their circumstances often cannot pay fines, women who are imprisoned on allegation of having committed adultery, and children, for whom, like others alleged to have committed minor crimes, there is often no provision for diversion or alternative dispute resolution. Also greatly impacted across Southern Sudan are mentally ill individuals for whom there is no care and who are sometimes placed in prison as a last resort for secure shelter and minimum care.

Through discussions and a facilitated process, local stakeholders identified the following ten points they wish to address in order to reduce their society's reliance of prisons:

1. Decriminalization
2. Reducing the number of prisoners on remand
3. Reducing the number of offenders in prison for failing to pay a fine
4. Reducing the number of people in prison for failing to pay compensation to victims
5. Reducing the number of people in prison for failure to pay a debt (civil)
6. Removing all mentally ill individuals from prisons and placing them in a mental health institution
7. Encouraging diversion from the formal criminal justice system
8. Encouraging the implementation of non-custodial sentences
9. Encouraging the use of temporary releases from prisons
10. Encouraging the early release of offenders, when appropriate, with proper supervision.

There was a consensus that these ten elements could form the backbone of an overall strategy to promote alternatives to imprisonment in Southern Sudan. For each element of the proposed strategy, a number of strategic actions were identified which are currently being implemented and monitored and are being supported by the internationally funded project. Clearly, even if the original starting point was found in the Prisons Service, the strategy is one that must now be embraced by other stakeholders. Local ownership of the strategic plan is and will continue to be crucial. Regular meetings of the main stakeholders will be required to ensure ongoing commitment to the initiative and to monitor its progress.

For the coming three years, the project will continue to assist the process of prison reform in Southern Sudan by building leadership capacity within the prison service and addressing the circumstances of prisoners with specific needs. This will be achieved through developing information management capacity; ensuring a qualified human resources and leadership element; preventing unlawful detention and reduction of imprisoned remand prisoners; developing a comprehensive legislative and policy framework; addressing the special needs of prisoners; and, improving prison conditions and prisoner health, and the sanitation and hygiene in prisons. A central component of the overall project is the strategic effort to develop alternatives to imprisonment. This project is ambitious in the breath of its scope, but necessarily so in order to ensure the sustainability of the deep institutional reforms undertaken.

Lessons

There are of course many lessons learned to be drawn from recent prison reform initiatives in post-conflict societies. A UNODC project, in cooperation with the United States Institute for Peace, is currently underway to develop a handbook of best practices in criminal justice reconstruction in post-conflict societies. A UNDPKO project is working on the development of rule of law indicators for post-conflict societies, something which should eventually help us measure the impact of various approaches to criminal justice institution rebuilding in the post-conflict context. Some of these lessons can already be drawn (Shaw and Dandurand, 2006; Carothers, 2006; ISISC and IHRLI, 2006; OECD, 2005; Safeworld, 2008).

These major reforms must first and foremost be understood as much more than a technical exercise. In fact, and most especially within the context of the criminal justice system, reform is inherently political, and needs to be conceived of, planned for, and implemented in this light. There are bound to be actors who perceive themselves as either winners or losers depending on how

transformation develops. This, in addition to identification of potential points of resistance, must be prepared for in advance. Ultimately, reform is about systems of influence, interests, and relationships (Golub, 2006).

Programming must take the context as the starting point and then align itself with local priorities and contingencies with appropriate programmatic responses. Obviously, no sustainable change is going to take place without local ownership of the various initiatives (Nathan, 2007). Local ownership, however, is something particularly difficult to achieve within the fragile and shifting institutional arrangements that typically prevail in the post-conflict context.

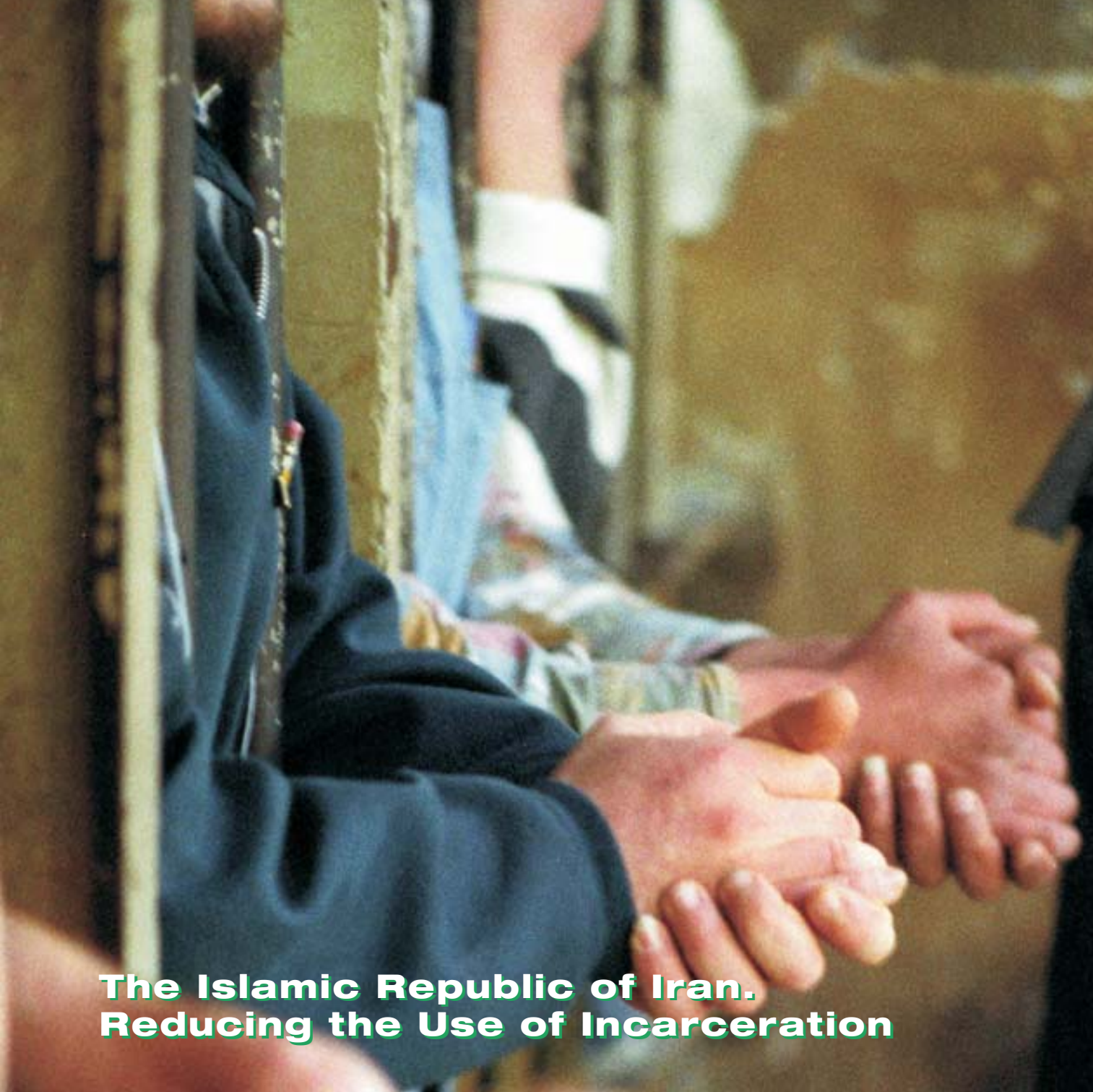
Local leadership is as essential as problematic. National and international partners must ensure that genuine partnership arrangements are in place and maintained. What are needed are partnership arrangements whereby both sides are involved in strategic planning and decision making and are accountable to each other. This of course often involves paying attention, early in the process, to developing that leadership and change management capacity at the national level, within and outside the prison system.

A comprehensive, systemic approach to criminal justice and prison reform and the coordination of multiple reform initiatives are both essential to the success of post-conflict reconstruction of justice and security institutions. Yet, they seem to be particularly difficult to achieve in a post-conflict situation. One must not forget that efforts to strengthen and reform the justice and security sector, in any context, are inherently political. They relate to sensitive and complex power relations within society. They challenge these power relations and the related vested interests. They can provoke significant struggles within the state apparatus and between the state and other actors. Moreover, donor supported reform inevitably reflects the political goals and orientation of the donor institution and entails a complicated political relationship between external and local actors with unequal strength. In that context, it is often easy for major issues of prison overcrowding and poor prison conditions to be neglected.

References

- Andreu-Guzmán, F. (2007). Due Process and Vetting. In P. Mayer-Rieckh A. and P. De Greiff (eds), *Justice as Prevention - Vetting Public Employees in Transitional Societies* (pp. 449-481). New York: Social Science research Council.
- Carothers, T. (ed) (2006). *Promoting the Rule of Law Abroad - In Search of Knowledge*. Washington, D.C.: Carnegie Endowment for International Peace.
- Dandurand, Y., Lalonde, M., Nyapola, A., Shaw, M., Skinnider, E., and T. Waterhouse. (2008). *Vulnerable Groups in Southern Sudan Prisons*. Abbotsford: University of the Fraser Valley Press.
- Ghani, A. and C. Lockhart (2008). *Fixing Failed States - A Framework for Rebuilding a Fractured World*. Oxford: Oxford University Press.
- Golub, S. (2006). *The Legal Empowerment Alternative*. In T. Carothers (ed), *Promoting the Rule of Law Abroad* (pp. 161-190). Washington, D.C.: Carnegie Endowment for International Peace.
- Griffiths, C. T. and D. Murdough (2009). *Strategies and Best Practices against Overcrowding in Correctional Institutions*. Vancouver: International Centre for Criminal Law Reform and Criminal Justice Policy.
- ISISC and IHRLI. (2006). Human Rights and Technical Assistance Projects in Afghanistan and Iraq. In Shaw M. and Dandurand Y. (eds), *Maximizing the Effectiveness of the Technical Assistance Provided in the Fields of Crime Prevention and Criminal Justice* (pp. 77-91). Helsinki: HEUNI.
- Mayer-Reich, A. (2007). On Preventing Abuse: Vetting and Other Transitional Reforms. In A. Mayer-Rieckh and P. De Greiff (eds), *Justice as Prevention - Vetting Public Employees in Transitional Societies* (pp. 483-520). New York: Social Science Research Council.
- Mayer-Riech, A. and P. De Greiff (eds). (2007). *Justice as Prevention - Vetting Public Employees in Transitiona Societies*. New York: Social Science Research Council.

- Nathan, L. and B. A. De Leoìn (2007). *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*. Birmingham: University of Birmingham.
- OECD. (2005). *Security Reform and Governance; DAC Guidelines and Reference Series*. Organisation for Economic Co-operation and Development.
- Safeworld. (2008). *Developing Integrated Approaches to Post-conflict Security and Recovery - A Case Study of Integrated DDR in Sudan*. London: Safeworld.
- Shaw, M. a. (2006). *Maximizing the Effectiveness of the Technical Assistance Provided in the Fields of Crime Prevention and Criminal Justice*. Helsinki: HEUNI.
- UNODC. (2007). *Afghanistan: Female Prisoners and their Social Reintegration*. New York: United Nations.
- UNODC. (2008). *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*. New York: United Nations.
- UNODC. (2009). *Handbook for Prison Leaders. A Basic Training Tool and Curriculum for Prison Managers Based on International Standards and Norms*. New York: United Nations Office on Drugs and Crime.
- UNODC. (2008). *Handbook for Prison Managers and Policymakers on Women and Imprisonment*. New York: United Nations.
- UNODC. (2007). *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*. New York: United Nations.
- UNODC. (2008). *Handbook on Prisoner File Management*. New York: United Nations.



**The Islamic Republic of Iran.
Reducing the Use of Incarceration**

In June, 2007 the author visited prisons in Iran and attended their 1st International Conference on Reducing the Use of Incarceration. The conference was organized by the Judiciary Power of the Islamic Republic of Iran, the Islamic Republic of Iran Prisons Organization¹³, and the AIDS/Addiction Research and Intervention Association in collaboration with the United Nations Office on Drugs and Crime and the Islamic Republic of Iran Psychology and Consultant Council. In addition to academic, religious, political, business and criminal justice authorities from Iran, the conference organizers invited experts from France, Morocco, South Africa, Canada, the Netherlands and the International Corrections and Prisons Association. The news media was present in great numbers and the government of Iran publicly emphasized the importance of the topic. As part of the conference, every province and prison-related organization in Iran had display booths and literature. Though all exhibited their own programs and correctional philosophy, they also showed what part they were playing in the campaign to reduce prison populations.

Why reduce the use of incarceration?

Ayatollah¹⁴ Seyyed Mahmoud Hashemi Shahroodi, the head of the Judiciary Power of the Islamic Republic of Iran, presided over the opening of the conference and set the tone indicating that “the policy of Islam is not based on imprisonment and confinement.” Spread throughout the conference center and in printed matter were quotes from numerous, respected Iranian and Shiite leaders, such as Ayatollah Imam Khomeini, Founder of the Islamic Republic of Iran, who stated, “Tell to all the judicial authorities on behalf of me. It is not pleasing for God to see someone being held in prison. Try not to jail innocent people. Be careful you don’t sentence a person to a long term in prison who does not deserve it.”¹⁵

¹³ The official name of the department responsible for the operation of the prisons in Iran.

¹⁴ The term “Ayatollah” means “Sign of God” and refers to a Shi’a cleric who, after years of study, teaching, writing and preaching has gathered the respect of Shiite elders and everyday practitioners as an expert in Islamic studies such as jurisprudence, ethics and philosophy.

¹⁵ This, and other statements quoted in the article, were presented in Farsi and though the translation may not be an exact word-for-word match, the gist of the statements have been verified for accuracy.

The author first encountered the desire of the Iranian Prison Organization to reduce the use of incarceration in a meeting with Parviz Afshar, the general director of health and treatment at a meeting in Cairo in November 2005.¹⁶ Part of a comprehensive program to fight HIV/AIDS in Iranian prisons was to reduce the number of people incarcerated. Others in the government and with human rights organizations were eager for the prison population to be reduced because of severe overcrowding in the system. In mid-2006, 150,321 individuals were incarcerated in Iran while the official capacity of the prison system was 60,000.¹⁷ The religious leaders of Iran had theological reasons for wanting to see a reduction in the prison populations as the above quotes from Ayatollah Khamenei and Shahroodi indicated. Regardless of reason, one factor that can help this effort succeed is the diversity of groups who all seem to be pulling in the same direction.

The practical approach to reducing the use of incarceration

Though many groups seemed to be in favor of reducing the use of incarceration, in practice it is much more difficult to achieve. When legislators meet, whether in France or the U.S. or Iran, it is easier to respond to the news of a horrendous crime by establishing longer sentences for all offenders. Judges might see their job as punishing specific offenders with long sentences in order to set an example. Individuals can see the logic of long sentences or harsh treatment as a deterrent because they would not commit a crime if they were to face such penalties. Neighborhood and business groups, stereotyping all offenders as “dangerous” often fight the release of “criminals,” without regard to the specific offenses committed.

¹⁶ See *Corrections Compendium*, January/February 2006 article on “The Islamic Republic of Iran: Implementing A Program to Fight HIV/AIDS in Prisons”.

¹⁷ *World Prison Brief*, International Centre for Prison Studies, London, UK, 21 June 2006.

Thus, the actual steps to effect a reduction in the use of incarceration involve specific activities and the direct involvement of many players. In Iran, those steps are both national and in the provinces and local. Some are in the nature of public information/public relations campaigns and some are more targeted.

An example of those activities comes from the province of Isfahan. The province covers 107,000 square kilometers and has a population of 4,500,000. Esfahan city is the capital of the province and one of the oldest cities in Iran. The 2500 years old city served as Persia's capital from 1598 to 1722. In September 2006, the Isfahan Department of Prisons established an executive committee to work on the reduction of the use of incarceration. This was the province's piece of the national campaign of the Iran Prisons Organization. The executive committee was headed by the Director General of the Isfahan Department of Prisons and had members from the judiciary, public prosecutor and judges. The Head of the Iran Judiciary Power, Ayatollah Shahroodi helped kick off the effort in the province with a speech and the Head of the Iranian Prison Organization, Ali Akbar Yasaghi, through personal leadership and directives provided the emphasis to highlight its importance. Regular meetings were held and direction was provided to the prison classification committee which helped identify prisoners who were qualified to be considered for pardon and conditional release. Work was undertaken with prisoners pre-release and After Release Centers in the prisons and in the community to help strengthen their work and victims were consulted to gain their support of the efforts to reduce the use of incarceration. Prisoner leave times¹⁸ were increased and judges were encouraged to make regular inspections of the prisons.

At the time the committee was formed, there were 8,000 prisoners in the provincial facilities. Within a five month period, there was a gradual reduction in the number of people incarcerated in Isfahan province by about 11.5%.

¹⁸ A system whereby inmates could leave the prison on furloughs.

A summary of specific activities undertaken in Isfahan province

1. The formation of the executive committee – included policy making and planning activities for the reduction of the use of incarceration.
2. Regular meetings with the Head of the province judiciary, Judiciary vice-president (dealing with training and research), and the Isfahan public prosecutor.
3. Planning with Isfahan vice-president in training and research.
4. On time and regular formation of classification boards in prisons and submitting the council views about conditional freedom requests, suggestions for the pardon of qualified prisoners to the judiciary authorities.
5. Strengthening the units charged with assisting inmates to better be able to work with victims and to gain their consent for the granting of conditional releases, pardons and the provision of assistance to poor prisoners.
6. Holding parties and selling flowers as charitable activities to help provide funds for inmate-release activities.
7. Training seminars for the members of the classification boards for all the prisons in the province.
8. Seminars for the prison executive managers and non-governmental organizations providing assistance to offenders.
9. One-day conference on the reduction of the use of incarceration.
10. A meeting with the Assembly of the Isfahan province and the Head of the Judiciary which ended in the Assembly representatives promising to work for a modification of the laws that hindered the effort to reduce the use of incarceration.

11. The establishment of committees under the responsibility of the judiciary with responsibilities in the effort to reduce the use of incarceration.
12. Holding a Provincial board meeting of the judiciary, hosted by the prison office, on the subject of the reduction of the number of prisoners and to fight against any increase in the use of incarceration.
13. Several visits made by the Isfahan public prosecutor to Isfahan central prison.
14. Making short documented films about overpopulation in prisons and the negative effects of imprisonment for people and submitting them to all public prosecutor's offices and heads of the province administration of justice.

Related activities to help reduce the use of incarceration

Tehran is both a city, the capitol of Iran, and a province covering 18,000 square kilometers and serving more than 12,000,000 citizens. It has 10 prisons, 4 centers for assisting people released from prison and a temporary detention facility geared toward working with offenders before they are sent to prison – a halfway in house, similar to a halfway house for people released from prisons. In addition to the activities mentioned in Isfahan province¹⁹, Tehran is able to use its position as the center of media and entertainment to host visits of actors, actresses and directors of cinema and T.V. to Evin detention house²⁰. The Iran Prison Organization also conducts visits to Evin detention house by Tehran justice authorities, judicial students from the university and court judges. The Iran Prison Organization produces pamphlets, publishes a monthly magazine and sends out media releases to help in the fight to reduce the use of incarceration. Overall, the nation has

¹⁹ Also carried out in other provinces in Iran.

²⁰ Arguably the most famous/infamous prison in Iran.

seen an 11% reduction of the prison population during the previous six months.

In some cases, the municipality or non-governmental organizations will help pay the fines of indigent offenders. In all the prisons of Iran are a number of social workers who also contribute to helping offenders obtain an early release from prison. For example, social workers will coordinate with individuals who have financial claims against the offender²¹ and help work out a repayment schedule that includes releasing the offender to the community so he or she can work and earn the money necessary to satisfy the claim. The social workers also will help offenders acquire work and will provide assistance to the offenders family.

Merely releasing individuals from prisons is not the goal of the effort, as those individuals could conceivably create more crimes in the future. Rather, the effort is based on reducing crime through treatment, rather than punishment. Among related activities are:

- Public information programs to help citizens recognize and react to factors which can lead to criminal behavior.
- Research into legal and social policies and their impact on crime.
- Looking at the effect of the cooperation of private NGOs with governmental organizations in the reduction of crime.
- Establishment of centers to help offenders released from prison adjust to society and live crime free lives. The services of these centers include:
 - Staff consisting of social workers, legal experts, psychologists, employment and vocational personnel.

²¹ These financial claims can be the cause of a person's incarceration, such as a person not paying for services or they can be linked to "blood money" – an amount owed to the victim's family.

- Help with health services, cultural and educational services, permanent and temporary housing.
- Provision, if appropriate, of self-employment loans.
- A reception and a research unit.

One such facility, which the author visited, the Tehran After Release Care Center, worked with 4,105 released prisoners during the years 2003 to 2006. Only 40 of those committed new offenses and were returned to prison. Not all prisoners currently have access to the after release care centers. Whereas less than 1% of those who are helped by After Release Care Centers (ARCC) return to prison for new crimes, the recidivism for those not related to ARCCs fluctuates between 25% and 35%. Therefore, strengthening of the ARCCs is a part of the Iran Prison Organization effort to reduce the use of incarceration.

Summary

The effort in Iran to reduce the use of incarceration is multi-faceted and dynamic. The Iran Prison Organization thrives on using research to make initial decisions and to evaluate the effectiveness of those decisions. Some of the things, that sounded good, the author learned of in his initial encounter with the Iran Prison Organization in 2006 have been changed because the research did not show they were effective or produced the desired results. That will be true of the current effort to reduce the use of incarceration. But the ability to look critically at what is being done and to make changes is built into the process. There does not appear to be a fear of making mistakes and, more important, admitting that something thought promising is not working. The leaders of the effort like to quote the Ayatollah Khamenei, “This trend to refrain from imprisonment which nowadays exists in the judiciary force, is a very positive and good point. Undoubtedly, however, the move should be made with discipline, regularity, good thinking and planning. But this direction is the right way”.

What to do about Crowded Prisons



Introduction²²

Prison crowding has been a persistent concern among nations, and significant efforts have been made across the globe to develop policies that align prison populations with prison capacity. This paper reviews some of the policies and practices undertaken in the United States over the past twenty five years.

Defining the problem

The term “prison overcrowding” has been in two distinct contexts in the United States. One context is that the number of prison inmates exceeds the capacity to hold them under humane conditions. This may be a short term problem or a longer term, almost permanent state of affairs. If lawmakers are generally satisfied with the levels of punishment pronounced by the courts, then the logical conclusion is that confinement capacity should be expanded, either by temporarily expedients or through prison construction.

The United States has responded at least in part by expanding its prison capacity. The United States prison systems grew from 1464 prisons in 1995 to 1821 institutions in 2005.²³ Crowding abated briefly but has since returned to earlier levels. The ratio of prisoners to rated bed space capacity was 114 percent in 1995, fell to 102 percent in 2000, and returned to 111 percent in 2005.

The alternative meaning given to “prison overcrowding” is that prevailing sentencing policies have spawned unacceptably high numbers of persons in confinement. The more appropriate term here is probably “overincarceration”, which happens for a variety of reasons, often politically driven. To address

²² Findings and conclusions of the research reported here are those of the author and do not necessarily reflect the official position or policies of the U. S. Department of Justice.

²³ Sources: Prisoners in 2005 (and earlier annual issues), Bureau of Justice Statistics, Washington, DC.

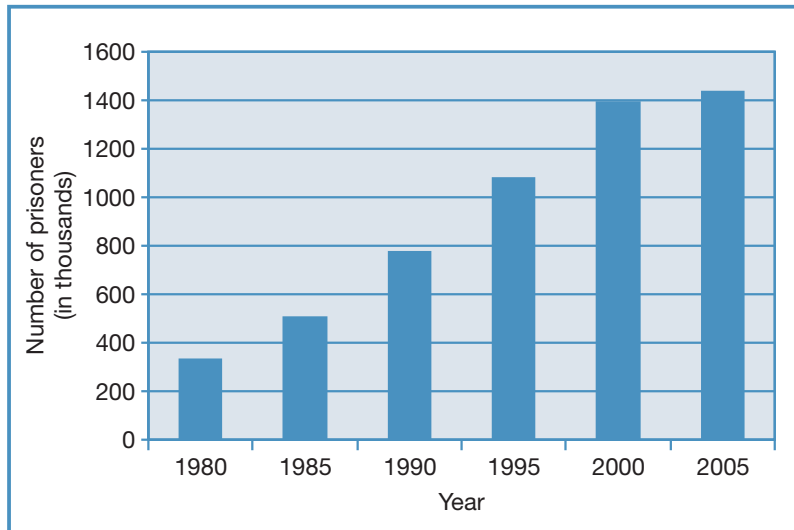
overincarceration, officials must first decide what the “right” number of prisoners is. To simply say we need fewer is as naïve as saying we need more.

To achieve the most value from confinement, policy makers must weigh the costs of the victimizations averted through the deterrence and incapacitation achieved by incarceration against the costs incurred by confining the prisoners, a difficult but achievable exercise albeit with only modest accuracy. Becker (1968) provided a theoretical framework to perform the balancing of these costs. Zedlewski (1985) provided the first empirical analysis using the framework. He estimated that incarcerating an additional 1,000 convicted felons to prison would avert \$430 million (1983) dollars in social costs.

Americans believe in incarceration

Figure 1 depicts the growth in prison populations over the past twenty-five years. It is apparent that Americans believe that there has been underincarceration of convicted offenders, not overincarceration. There have been enactments of stiffer sanctions for drug offenses, three strikes equals life imprisonment, mandatory minimum sentences for certain offenses, and lifetime reporting requirements for sex offenders. Voters, in weighing the balance between victim costs and confinement costs, have decided in favor of victims. There are likely two factors driving these decisions: retribution and incapacitation. The American public feels strongly that offenders should be punished for their crimes and have not regarded probation as punishment. Moreover, they have a strong conviction that the surest way to prevent a person from reoffending is to keep him confined.

**Figure 1.
United States
Prisoner
Populations
1980 - 2005**



Prison populations derive from two policy levers: the probability of a sentence of incarceration and the sentence length. Figure 2 indicates that the overall probability of incarceration has been fairly stable, at higher levels than one might expect to find in other countries.

Figure 2. Probability of Convicted Felon Being Incarcerated²⁴

	1992		1996		2000		2004	
	Prison	Jail	Prison	Jail	Prison	Jail	Prison	Jail
All Offenses	44	26	38	31	40	28	40	30
Violent	60	21	57	22	54	24	54	24
Property	42	24	34	28	37	27	37	31

²⁴ Sources: Felony Sentences in State Courts, 2004 and earlier issues, Bureau of Justice Statistics, Washington, DC.

Lengths of sentences handed out have actually declined by significant amounts (figure 3). So, if the likelihood of incarceration is fairly stable and sentences are being shortened, how can populations still be growing?

Figure 3. Median Time Sentenced (months)²⁵

	1992		1996		2000		2004	
	Prison	Jail	Prison	Jail	Prison	Jail	Prison	Jail
All Offenses	79	7	62	6	55	6	57	6
Violent	125	8	105	7	91	7	92	7
Property	67	6	49	6	42	6	45	6

Four factors help explain the growth. One is the cumulative stockpiling of inmates with long sentences. A person serving a sentence of twenty years in 1996 is likely to still be in prison in 2004. A second is a closer alignment of time sentenced and time actually served. Percent sentenced to prison in 1992 were estimated to serve 38 percent of their sentences on average; by 2004, time served had risen to an estimated 55 percent. Sheer numbers of convictions rose by 24 percent from 1994 to 2004, so even if all other factors had remained constant there would be a 24 percent growth in inmates. Finally, probation and parole revocations have risen in many large states. In California, for example, 60 percent of annual prison admissions are probation and parole violators, albeit for relatively short terms on the order of four months.

²⁵ Sources: *ibid.*

They all come back

Given the size of the inmate population, it is no surprise that prisoners are being released in record numbers. Current releases from prison exceed 600,000 inmates annually, with prospects of accelerating as state systems confront budget crises. As a result, officials are striving to improve the processes by which inmates reenter their communities.

Reentry programs try to ready prisoners for a productive life. The goal is to prevent re-offending through a combination of planning, social integration, and surveillance. They start in prison by securing papers for the inmate necessary for housing, health care, and work. Social workers reconnect inmates to relatives and friends, and help arrange jobs. Prisoners are also introduced to local parole officers who will manage their cases.

Because sentences can be quite long, returning prisoners may find themselves out of touch with new technologies. Many have never had cell phones or debit cards. Moreover, they are accustomed to a society where they have no choices to make, not even the choice of opening a door.

Arizona corrections commissioner Dora Schriro²⁶ decided to change the prison environment so that it more resembled the outside world. She created a “parallel universe” where inmates were treated as if they were in a community setting. All prisoners had paid jobs and alarm clocks to ensure they appeared for work on time. Inmates who completed educational requirements for a degree were given pay raises. Those who excelled in performance were promoted.

²⁶ See article in NIJ Journal No. 263, forthcoming, June 2009.

Judge Steve Alm in Hawaii minimized revocations by revamping the state's approach to disciplining probationers and parolees who violated their conditions of release. Hawaii's Opportunity Probation with Enforcement (HOPE)²⁷ strictly enforced punishments against probation and parole violators, but with greatly reduced sanctions. Judge Alm would host "warning meetings" with new probationers and parolees to inform them that punishment would be swift and sure. If they violated their conditions of release – usually a failed drug test or a failure to meet with the probation officer – they would find themselves in jail within as little time as four hours. Jail terms were only a few days for first infractions but could escalate with repeat violations. Violations fell to a third of pre-program levels and the need to revoke persons into prison was dramatically reduced.

On a broader scale, NIJ is completing a six year evaluation of the more than fifty federally-supported reentry programs in the United States. Preliminary findings address the implementations of these programs. They describe the factors that work against successful reintegration and the challenges in coordinating a variety of health, education, and corrections resources over entire states.²⁸ The final report, which will address outcomes, is expected in April 2009. Publication will proceed after peer review and revisions. MacKenzie (2006) performed meta-analyses of the entire gamut of correctional programs. She describes effective and ineffective programs and outlines some of the remaining research questions.

Programs won't solve overincarceration

It is certainly the case that there are many effective interventions with offender populations and that these programs can have impacts upon recidivism. They will not, however, impact prison populations. They simply don't serve enough of the correctional population to be a factor. In the U. S. national reentry

²⁷ See "HOPE in Hawaii: Swift and Sure Changes in Probation", National Institute of Justice, July 2008 for a program synopsis.

²⁸ For a review of recent United States findings on reentry, visit <http://www.urban.org/Justice/index.cfm>

program, states on average served fewer than 100 releasees each year. Thus, fifty states – with 89 adult and juvenile reentry programs - served no more than 9,000 people. In short, reentry strategies alone are not viable early release valves.

Population reductions require changes in sentencing policies; i.e., reductions in the likelihood of receiving an incarcerative sentence or reductions in the sentence lengths. There are a variety of avenues for affecting these policy instruments such as sentencing guidelines, elimination of mandatory minimum sentences, and reductions of presumptive sentence lengths. All of these require legislative activity. Parole boards, which may or may not operate under legislatively imposed restrictions, can reduce the time served before a prisoner is eligible for parole. They can also increase the numbers of paroles granted.

The most effective way to reduce prison populations is to reduce annual commitments to prison. The challenge is to achieve the goals of punishment – public safety and retribution – in other ways. The obvious first choice is probation. MacKenzie et al. (1999), in a rare study²⁹ of self-reported offending among probationers, found that probation actually product crime reductions. Some probationers ceased all activity; others reduced their rates of offending. Readers should keep in mind that probationers are less criminal than persons in prisons, so wholesale expansion of probation has dangers.

Savings can be amplified and higher risk populations can be served by supplementing routine probation supervision with various forms of electronic monitoring. Padgett et al. (2005) found that positional monitoring of probationers and parolees reduced offending rates. Part of the reduction occurs through deterrence because every movement is tracked and recorded. A corollary possibility is that offenders now spend more time working and with family.

²⁹ Self report studies are rare because they are expensive to conduct. They are even more difficult in a probation environment because probationers fear they will be revoked if they report offenses. Prison inmates, in contrast, have been quite forthcoming in interviews regarding past offenses.

Summing up

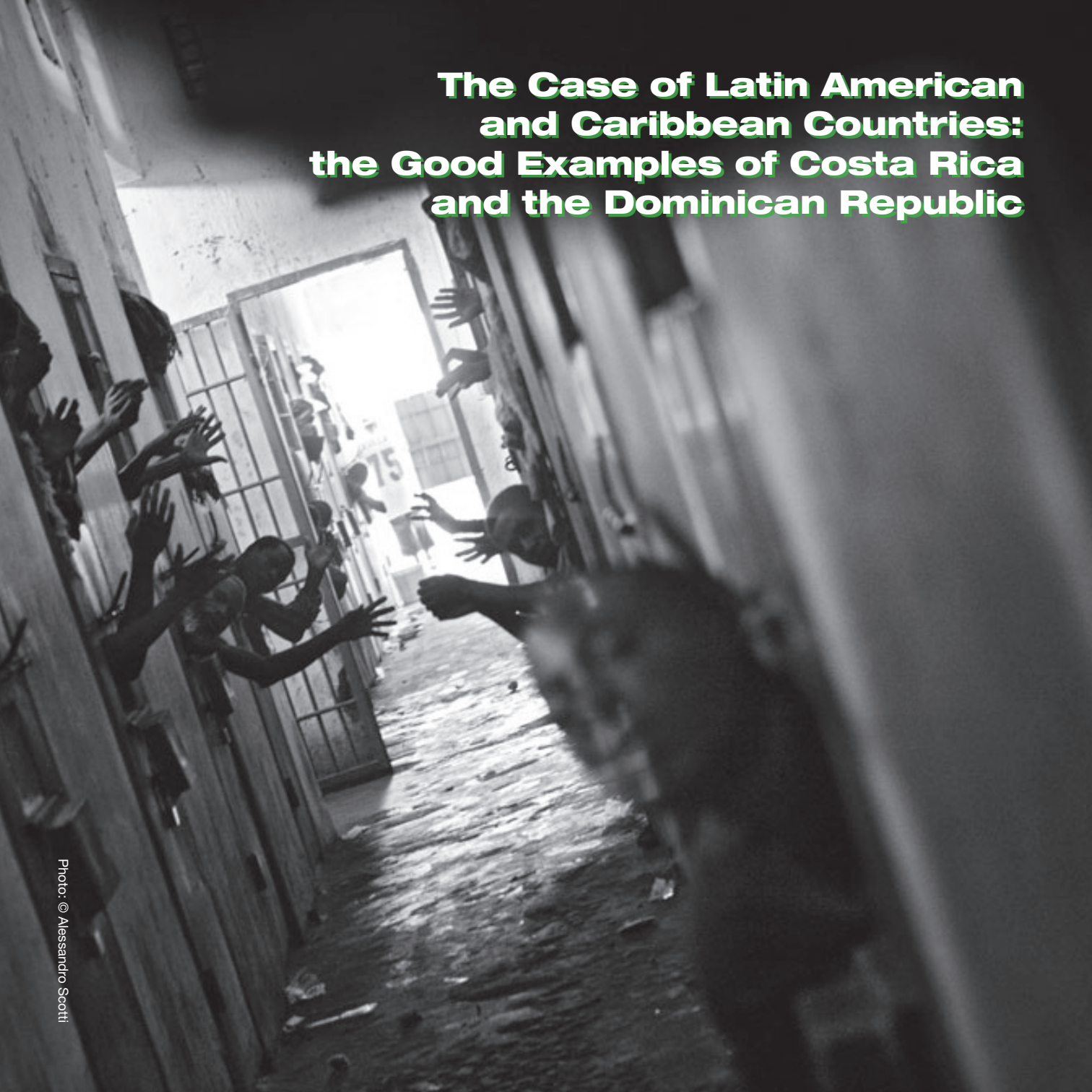
The thrust of this paper is that policies, not programs, can affect prison populations. Policies are set through a country's legal and political processes and are unique to that country. The prison population that emerges from these policies needs to be housed humanely and capacity expanded to accomplish that goal. Some reductions in inmate populations can be achieved at both the front end and the back end, targeting marginally higher risk offenders for community supervision. Including both behavioral and positional monitoring tools can minimize public safety risks.

Clearly more research is needed on assessing risk in the targeted population, and also on the effectiveness of various monitoring strategies in reducing offending. Further development of electronic monitoring systems will improve their cost-effectiveness by reducing both capital and labor costs. Prisons without walls are coming closer to reality.

References

- Becker, G. S. (1968). "Crime and Punishment: An Economic Approach," *Journal of Political Economy*, March/April 1968, pp. 169-217.
- MacKenzie, D. and Browning, K. et al. (1999). "The Impact of Probation on the Criminal Activities of Offenders," *Journal of Research in Crime and Delinquency*, November 1999, pp. 423-453.
- MacKenzie, D. (2006). *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*, Cambridge University Press.
- Padgett, K. G., Bales, W. D. and T. G. Blomberg (2005). "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring." *Criminology & Public Policy* 5(1), pp. 61-92.
- Zedlewski, E. (1985). 'When Have We Punished Enough?' *Public Administration Review*, November 1985, pp. 771-779.

**The Case of Latin American
and Caribbean Countries:
the Good Examples of Costa Rica
and the Dominican Republic**



It is important to identify the origin of overcrowding in order to be able to reduce it effectively. Truly comprehensive policies and actions are required. What to do specifically in penitentiary systems, what not to do: the examples of Costa Rica and the Dominican Republic. The need to persist and become renovated.

Status of Correctional Overcrowding in Latin America and the Caribbean

This presentation is one result among others of the ILANUD/RWI Penitentiary Systems and Human Rights Programme that ILANUD has been implementing over almost four years with the generous co-operation of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, RWI, and the Swedish International Development Agency, SIDA, 2006-2009, with participation of the nineteen countries of Latin America.

Since the creation of ILANUD in 1975 the issue of prisons has constituted one of its permanent programmes. In this area special attention has been paid to prison overcrowding, the most serious problem that the countries of Latin America and the Caribbean have been facing for the past two decades, which we measure on the basis of density for every one hundred places.

The two tables below show the current density in the region's penitentiary systems. As can be observed, the prisons in 25 out of the 29 countries in both tables are overcrowded¹, and in most cases exceeding the critical overcrowding parameter of 120% or over, established by the European Committee for Crime Problems (Comité Européen, 1999: 43).

It is necessary to make clear that due to the following and other reasons the overcrowding situation is actually more serious than these tables show:

a. The figures in the tables are averages of the total figures for all prisons in the

¹ The exceptions are Costa Rica, among the countries of the Latin American group, and Belize, Dominica and Trinidad and Tobago in the Caribbean group. The table shows Argentina also without overcrowding, but the figure corresponds only to the Federal Penitentiary Service. In some of the provinces the situation is the same as at the regional level.

penitentiary system of each country. In reality it occurs that there is little or no overcrowding in some facilities while very high densities even of several hundreds and in inhuman conditions are found in some cases;

- b. In an attempt to alleviate the serious situation, penitentiary officials do whatever they can within their narrow range of possibilities, making changes with the furniture and the facilities. They provide bunk beds, frequently of several tiers of berths (in one case we counted as many as eight berths per bunk bed); they also convert areas that were devoted to other uses before (for instance, hallways, recreation rooms, etc.) into sleeping quarters, and build bedrooms in areas that were formerly open yards or soccer fields. The result of such transformations is an increase in sleeping quarter capacity but at the expense of the quality of life in prisons which becomes worse. Prison unit capacity becomes thus redefined: for instance, a prison with an original capacity for 500 individuals will now be described as having a capacity for 1,000. This makes it very difficult to measure the actual capacity of the systems, and it may be asserted that the figures in these tables are optimistic. In reality densities are higher and frequently very much higher.

It is obvious, we might add, that in addition to being a cruel, inhuman and degrading treatment, as expressed by the Inter-American Court of Human Rights, critical overcrowding damages all essential functions of penitentiary systems: health, nourishment, rest, visitation, work, education, security of inmates and personnel, etc.

PRISON OVERCROWDING IN COUNTRIES OF LATIN AMERICA				
	1999-2002		2005-2006	
COUNTRY	POPULATION	DENSITY X 100 PLACES	POPULATION	DENSITY X 100 PLACES
Argentina (02-05)*	52,914	118		99
Bolivia (99-06)	8,315	162	7,721	207
Brazil (02-06)	239,345	132	401,236	173
Colombia (01-06)	71,837	136	81,367	117
Costa Rica (02-05)	7,626	110	8,407	99
Chile (01)	33,620	141	42,532	
Dominican Republic (99-05)*	14,188	256	13,887	138
Ecuador (01-05)	7,859	115	14,331	161
El Salvador (02-05)	11,506	167	12,853	162
Guatemala (99-09)	8,169	113	10,962	128
Honduras (99-06)	10,869	209	11,178	141
Mexico (00-05)	151,662	126	210,140	128
Nicaragua (02-05)	6,885	104	6,103	104
Panama (02-05)	10,423	137	11,688	161
Paraguay (99-05)	4,088	151	6,290	128
Peru (02-05)	27,417	138	37,445	154
Uruguay (01-06)	4,903	151	6,584	145
Venezuela* (00-06)	20,659	113	26,047	115

E. Carranza, ILANUD

**Argentina: The 2005 figure is only for the Federal Penitentiary Service. There was overcrowding in provincial penitentiary services.*

**Dominican Republic: The 2002 figures are from the Commission for the Definition, Implementation and Supervision of the Nation's Penitentiary Policy and the calculation was made taking into account only 21 prisons, 12 having been excluded, since according to the Commission «all prisons have collective cells and due to numerous remodeling and expansion works it is impossible to determine exactly the capacity of the 32 facilities there are in the country».*

PRISON OVERCROWDING IN THE CARIBBEAN 2008		
	PRISONERS	DENSITY PER 100 PLACES
Antigua & Barbuda	208	131
Bahamas	1,084	129
Belize	1,334	86
Dominica	254	85
Grenada	367	374
Jamaica	4709	111
St .Kitts & Nevis	232	155
Saint Lucia	503	101
St. Vincent & Grenadines	376	188
Suriname	1,600	135
Trinidad & Tobago	3,510	88

Source: *International Centre for Prison Studies, King's College, London.*

It is important to Identify the Origin of Overcrowding in Order to be Able to Reduce it Effectively

Prison overcrowding in Latin America and the Caribbean cannot be solved simply by making changes inside prisons. Prison systems are the last link of «an inmate production chain» which generally starts with the police, continues at the prosecutorial agency and moves on to the courts before arriving at the penitentiary system which receives and lodges the inmates with a very little chance or with no chance at all to turn them back or to exert an influence towards correcting and reducing such «production chain.» Although a good professional performance on the part of penitentiary officials is very important to attain acceptable standards of dignity and respect for the basic rights of those in prison, the prison staff by themselves have very limited possibilities to reduce overcrowding, it being indispensable for the prosecutorial agency and the judges to apply preventive imprisonment and prison sentences more prudently.

Nor can overcrowding be solved simply by building more prisons, although in some cases it is necessary to build facilities. The countries of the region have a high vegetative population growth rate and some also in terms of immigration. This means that, even if it were possible to maintain confinement rates stable, prison populations will always show a certain growth that will generally require additional space.

But it occurs that in addition to the vegetative growth of the countries, populations confinement rates have also been growing at an accelerated pace with very few exceptions since the end of the eighties and the beginning of the nineties, whereby the absolute figures concerning individuals in prison have grown impressively having multiplied themselves by 2 and 3 between 1992 and 2008, and no country has the economic capacity to solve the problem solely by building new facilities (see tables for rates at the end of the document). The origin of such growth of prison rates lies in the operation of the entire chain of criminal justice system links and in the need to tackle crime and other social conflicts not only through prison sentences, but also with non penal responses and with penal responses other than

imprisonment, and this also has to do with crime increases, the consequent alarm on the part of the population, and with structural reasons resulting from the manner in which income distribution has been managed within globalization². Very rigorous research has been conducted with respect to the latter, which proves that income distribution inequality measured by the Gini coefficient has a significant and strong effect which results in an increase in the rates of crimes committed against both, individuals and property. This has been measured for the crimes of homicide and theft, robbery or burglary in 39 UN member countries, the co-relation having been verified within the countries and particularly among countries (Carranza, E., 2007, 2006; Fajnzilver P. et al., 2002; Bourignon F., 2001). It couldn't be by chance that both, crime, and prison populations would grow at such an accelerated pace and simultaneously throughout the entire region.

Truly Comprehensive Policies and Actions are Required

We may conclude from the preceding that public policy concerning crime and criminal justice must be truly comprehensive, not merely of a criminal nature, and that it must be accompanied by policies that will reduce inequality in income distribution. This has been said for years in numerous criminal policy documents of United Nations where it is explained that crime is a social phenomenon and that in order to keep crime levels low and to benefit from a good criminal justice it is indispensable to attain good levels of equality in the exchange and distribution of income and development within the countries and among countries. It is indispensable to insist on this. Otherwise we shall become stuck on the search for «good technocratic practices» rather than satisfying the basic needs of prisons and criminal justice systems. It is the same case as with the basic needs of our societies in terms of health, food, water, education, housing, labour, etc. It has been proven that countries that meet such basic needs with justice and equality have good ratings in other areas such as culture, art, and sciences, as well as low levels of social violence and crime.

² On globalization and how it has been managed see Joseph Stiglitz 2002.

What to do Specifically in Penitentiary Systems; what not to do. The Examples of Costa Rica and the Dominican Republic

Once the need for comprehensiveness in policies and actions has been established we must then ask ourselves what to do specifically in penitentiary systems to reduce overcrowding and related problems.

In many countries of Latin America and the Caribbean we find examples of good penitentiary staff members who perform their jobs admirably with great dedication and in very difficult conditions. We observed this again while we were implementing the ILANUD/RWI Programme. However, these experiences are generally focused on a province, a prison, or a wing of a prison, and are frequently individual efforts that normally are not afforded the necessary support or continuity and that become ultimately interrupted.

Not to preclude other examples that would also deserve to be brought to public attention, we shall, during the time available, refer to two notable cases characterised by the fact that they constitute country-wide national and comprehensive reforms where a model has been coherently under development for thirty years in one case and for five in the other. In other words we shall not be referring to two «proposals», or to two cases of «good practices» but to two specific realities that have been and are being shaped comprehensively in the penitentiary systems of two countries, and which have also been accompanied by considerable coherence and comprehensiveness in terms of actions in their criminal justice systems and also, to a certain extent, in terms of State policies in other social and economic areas. These are the cases of Costa Rica and the Dominican Republic. The current model of Costa Rica has been under development, with small variations, for 30 years. That of the Dominican Republic is younger but will soon enter into its sixth year of coherent development after three consecutive administrations.

Without ignoring the important differences in terms of history, culture, language, per capita income, etc., that separate these two countries from the Northern European countries and Canada, and focusing our appreciation exclusively on penitentiary

systems, we feel that both, Costa Rica, and the Dominican Republic are developing a State penitentiary system that is very similar to that of cited countries in the areas indicated, although with a necessary adjustment to their situation and reality of middle income countries trying to solve not only the specific overcrowding problem, but that of the comprehensiveness of their penitentiary systems as well, as the only way to attain success in the pursuit of better dignity and basic rights standards for both the inmates and the staff, and also as the only way to do so at a reasonable cost (since prison, by its very nature, is very expensive and requires a considerable investment).

The model or strategy implemented by both countries has the following characteristics:

- a. It was introduced thanks to a political decision from the highest level of government: the presidency of the republic and the respective ministry. This was an essential requirement in both countries to install the prison reform;
- b. Key staff members were very carefully selected on the basis of their vocation, educational background, knowledge of the subject matter and full-time dedication to the job (head of the penitentiary system, of the staff training school or institute, and of each prison), as were other officials in related areas, such as the head of crime policy. The prevailing situation in Latin America in general, with exceptions, is that the heads of the main prisons do not arrive at such positions with a background in penitentiary studies or experience in the field or both. Many of them who belong to the army or the police are appointed temporarily in the penitentiary system; others are normally civilians who are appointed in such capacity by the government in power but also without a background in penitentiary studies or experience in the field or both. ILANUD has verified cases of great functional instability, with a rotation of directors general every six months on average.

In Costa Rica the directors general of the Social Adaptation Department are always staff members selected from among those already in the penitentiary career; so are the heads of prisons and of the Penitentiary Training School. The case of the Dominican Republic is very interesting: two parallel systems

function in the country: the «new» one with eleven prisons already and growing with the opening of new or remodelled facilities exclusively under new «PST» officials (VTP³) who enter into the system after eight months of training at the Penitentiary Training School; and the «old» one which still has 24 prisons and which gradually disappears in the course of consolidation of the new system. All officials with the leadership of such change have maintained their stability since the beginning of the process.

- c. Continuity has been uninterrupted in the reform programme. It is indispensable for the penitentiary reform to outlast the different administrations and for it to last from eight to ten years in order to become consolidated. In Costa Rica the process started in 1975 and it has been able to survive for eight administrations. In the Dominican Republic it started in July 2003 and it is into the third administration.⁴
- d. The penitentiary career was created in both countries. In most countries of the region there is no penitentiary professional career and penitentiary officials are not benefited by stability in their positions. Both, Costa Rica, and the Dominican Republic created professional penitentiary careers with the guarantee of stability on the job and social security and retirement benefits.⁵
- e. In both countries a training school or institute that selects and trains necessarily all personnel that enters into the system and that provides continuously in-service training was created. All penitentiary personnel must be adequately trained and know the institution for which it works as well as develop an interest in it.
- f. In both countries a considerable initial investment was made. The governmental decision to establish the new system must be accompanied by the necessary resources. Both, Costa Rica, and the Dominican Republic devoted

³ Abbreviation for Penitentiary Surveillance and Treatment in Spanish.

⁴ The process started in July 2003; a new administration took over in August 2004 and it was re-elected for the 2008-2012 period.

⁵ In Costa Rica technical and professional personnel are protected by the Civil Service administration, and penitentiary police are protected under the General Police Law and the General Penitentiary Police Regulations.

considerable initial resources to the project. It is indispensable to invest on: i) well remunerated personnel and an adequate inmate: staff ratio; ii) facilities; no overcrowded prison can function adequately, just as no hospital, school or any other institution in overcrowding conditions could; iii) an annual budget that would make it possible to make the necessary expenditures for the system to function adequately, including food, health, education, etc., as well as the monthly salary of the staff.

- g. Both countries continued to make regular annual investments. Periodic investment is necessary to maintain the level and advancement of the system. If the system is neglected the cost to recover it is very high, but the most serious consequence is the loss of trust on the part of the staff and the inmates, who shall interpret that this was one more promise by the politicians in vogue and that placing your life at stake by opposing very powerful and violent interests that would be affected by the reform was not worth the risk. Constant investments must be made on: i) personnel, providing in-service training periodically to all operators to maintain and raise their professional level (in the Dominican Republic all prison staff without exception benefits at least once a year from a week of training); ii) recruiting new personnel to maintain the adequate inmate:staff ratio; and iii) infrastructure, adjusting periodically the system's infrastructure capacity. Both, Costa Rica and the Dominican Republic have been complying with this requirement.
- h. The penitentiary reform did not focus on the overcrowding problem in any of these countries; nor did it limit itself to the construction of one or several high security, high cost megaprisons. The purpose of the reform in both countries was to attain comprehensiveness of the penitentiary system through the adoption of dignity and quality standards for all inmates in all prisons, and through observance of the principle of equal justice for all. Both, Costa Rica and the Dominican Republic established State penitentiary systems to such effect using public resources rather prudently and intelligently.

Offers were made to both countries for construction of private prisons which would lodge only a small fraction of all inmates and at a very high cost. Initially Costa Rica signed a pre-contract for construction of a private prison with a capacity for

1,200 inmates for 73 million dollars. Later the government realised its error and did not proceed with the pre-contract; instead it built facilities at its own expense for 2,600 inmates, more than double the number of inmates, for only 10 million dollars. The government realised that if it built that prison whose management and maintenance would be undertaken by private enterprise for twenty years at a daily per capita cost of US\$37 per inmate while the cost within the State system was US\$11, the cost of operation of that prison alone would keep it from being able to make other improvements in the rest of the system which was responsible for 80% of the inmates. The government decided to improve the situation of all individuals under confinement raising the daily per capita amount for all the population to US\$16.

An offer was made also to the Dominican Republic for the building of a similar prison for 1,200 inmates, for 53 million dollars. The government, which had already built and refurbished nine prisons that were operating with good quality standards for slightly more than 10 million dollars did not accept the offer either, and continued with its State comprehensive penitentiary programme which is generating very good results.

The ILANUD/RWI Penitentiary Programme found several similar cases in other countries of the region.

The following table explains why, in addition to the inconvenience of their high costs, private prisons cannot solve the overcrowding problem in middle and low income countries⁶ while instead they worsen the situation notably throughout the system.

The introduction of a private prison into a penitentiary system with a minimum budget, several or many overcrowded prisons, and a shortage of materials and personnel, such as is the case in general of the penitentiary systems of the Latin American countries since the eighties, creates a situation of privilege for a small group, in addition to the fact that it further deteriorates the rest of the system. We explain this by means of a typical example:

Three years ago countries X and Y built their last prison. Country X built a State

⁶ We use the World Bank country classification. In its classification all Latin American countries, with the exception of Haiti and Nicaragua, are middle income countries. Haiti and Nicaragua are low income countries (World Bank 2005:289, 2000:335).

prison; country Y built a private prison. Both countries have 10 prisons with a total capacity for 10,000 inmates, but both have 15,000 inmates, which is to say that both work at 150% of their capacity. Country X has 10 State prisons; country Y has 9 State prisons and 1 private prison. Let us see its situation in the following tables:

COUNTRY "X" WITH A CAPACITY FOR 10,000, BUT WITH 15,000 INMATES	
10 PRISONS WITH A CAPACITY OF 1,000 EACH	DISTRIBUTION OF INMATES PER PRISON
0 private prisons	0
10 public prisons	1,500

COUNTRY "Y" WITH A CAPACITY FOR 10,000, BUT WITH 15,000 INMATES	
10 PRISONS WITH A CAPACITY OF 1,000 EACH	DISTRIBUTION OF INMATES PER PRISON
1 private prison	1,000
9 public prisons	1,550

In country X the limited penitentiary resources can be distributed equitably with better results. However, in country Y overcrowding increases progressively in State prisons while an unfair distinction of doubtful constitutionality is established between those who are serving time in State prisons and the few who are serving time in the private prison in a situation of privilege.

And in countries where the prison population is characterised by a high growth rate, such as in those of Latin America, overcrowding becomes worse as time goes by; it accumulates inequitably suffocating those in State prisons, in contrast with the privilege of a few who remain, at a very high cost, in the private prison.

The Need to Persist and Become Renovated

We have highlighted the general features of two successful reforms in the region although each item would deserve a more extensive review. A book on the ILANUD/RWI Programme where this is done is currently in print.

The consolidation in Costa Rica of its new penitentiary system not only solved the endemic overcrowding problem but it also established a system that is recognised internationally for its lower level of violence⁷ and respect for the basic rights of both inmates and staff members. This is the same case of the new penitentiary system in the Dominican Republic. ILANUD has been able to verify it in both countries by means of successive visits; it cooperates with both countries in this and other criminal justice matters, and feels that these are two penitentiary systems that deserve a careful look on the part of third countries since with the necessary adjustments they may serve as very valuable orientation in the horizontal processes of the transfer of knowledge.

CORRECTIONAL RATES IN COUNTRIES OF LATIN AMERICA 1992-2008 IT INCLUDES FEDERAL AND PROVINCIAL/STATE CORRECTIONAL SYSTEMS, AND IN SOME CASES INDIVIDUALS HELD IN POLICE PRECINCTS																	
	92	93	94	95	96	97	98	99	00	01	02	03	004	05	06	07	08
Arg	63	64	68	74	97	96	99	106	118	126	141	157	163	164	152		
Bol						79	85	101	109	96					80	86	85
Bra	74	80	81	107		119		131	133	132	133	169	182	193	211	219	226
Col	92	96	97	98	120	129	128	139	157	170	157	178	199	207	179	174	188
C Rica	104	105	109	121	133	160	162	169	168	183	187	190	196	196	191	186	189
Chile	154	153	148	153	161	170	179	203	215	216	221	228	226	228	259	290	318
Dom R	145	135	151	161	129	140	165	168				189	150	143	148	164	166
Ecu	74	81	81	85	95	81	79	70	65	63	69	77	87	91	107	128	118
El Sal	101	103	109	124	138	157	136	112	130	158	177	180	188	186	184	226	258
Gua					62			75			101	101	96	87	84	83	88
Hon	110	113	139	160	166	153	160	178			183			170	159	148	148
Mex	101	104	97	101	108	116	127	142	152	163	170	177	185	196	200	200	202
Nic	78	78	91	98	111	106	132	143	128	124	131	112	116	117	111	121	120
Pan	176	215	221	229	269	282	292	294	293	320	341	361	360	359	356	342	275
Par					70	75	74	78	67	74	85	92	107	109	105	99	100

⁷ Prisons, such as close systems in general, are characterised throughout the world by the generation of higher levels of violence than those that characterise life outside. It is necessary, then, to encourage the greatest transparency possible in them in order to reduce violence and to reduce the use of prison to the minimum indispensable level.

Peru	77	80	83	88	96	100	105	108	108	104	104	108	116	123	136	149	153
Uru	96	99	100	99	101	106	120	122	129	148	170	203	215	213	198	212	231
Ven					101	112	106	97	85	104	104	103	98	76	96		

E.Carranza, ILANUD. Prepared with penitentiary data provided by the governments of each country and population data from the Latin American and Caribbean Demographic Centre, CELADE.

PRISON RATES IN THE CARIBBEAN	
Antigua & Barbuda	1995 (341) 1998 (278) 2005 (269)
Bahamas	1998 (478) 2002 (410)
Barbados	1993 (238) 1998 (291) 2002 (317) 2005 (367)
Belize	1992 (310) 1995 (293) 1998 (448) 2001 (384) 2003 (420) 2006 (516)
Dominica	1992 (387) 1995 (392) 1998 (421) 2004 (418)
Grenada	1998 (352) 2002 (333) 2005 (265)
Jamaica	1992 (178) 1995 (171) 1998 (162) 2003 (176)
St .Kitts & Nevis	1995 (295) 1998 (288) 2001 (441) 2004 (559)
Saint Lucia	1992 (210) 1995 (263) 1998 (216) 2001 (296) 2004 (294)
St. Vincent & Grenadines	1992 (294) 1995 (323) 1998 (390) 2001 (270) 2005 (338)
Suriname	1992 (308) 1995 (302) 1998 (382)
Trinidad & Tobago	1992 (269) 1995 (299) 1998 (353) 2001 (370) 2004 (302)

Source: International Centre for Prison Studies; King's College, London.

References

Bourguignon F. (2001), *Crime As a Social Cost of Poverty and Inequality: A Review Focusing on Developing Countries*. in *Facets of Globalization*, World Bank Discussion Paper # 415

Carranza E., Solana E., (2007), *Seguridad frente al delito en Costa Rica. Magnitud y manifestaciones de la violencia delictiva en las dos últimas décadas («Security vis-à-vis crime in Costa Rica. Magnitude and form of violent crime over the past two decades»)*. A document prepared for the State of the Nation Programme. Costa Rica.

Carranza Elías (2006), *Distribución del delito y la Victimización en la sociedad Global («Distribution of crime and victimisation of the global society»)*, ILANUD 2006.

Comité Europeen (1999), *Comité Européen pour les problèmes criminels. Projet de rapport sur le surpeuplement des prisons et l'inflation carcérale*. (European Committee on Crime Problems. «Draft report on prison overcrowding and inflation») (cdpc plenary/docs 1999/18F Add I - Rec CP Surpeuplement).

Fajnzilver P. et al., (2002), *Inequality and Violent Crime*. Journal of Law and Economics, vol. XLV, April.

Stiglitz J., (2002), *El malestar en la globalización («Discomfort in Globalization»)*, Taurus, Madrid.

The Institutes Comprising the United Nations Crime Prevention and Criminal Justice Programme Network (PNI)



In recognition of the importance of regional and interregional cooperation, and in response to various legislative mandates, a network of institutes was established by the Secretariat of the United Nations, to assist the international community in strengthening international cooperation in the crucial area of crime prevention and criminal justice in the global, regional and sub-regional levels. The components of the network provide a variety of services, including exchange of information, research, training and specialized education.

Since the creation of the oldest institute in 1962 in Tokyo, Japan, this United Nations Crime Prevention and Criminal Justice Programme Network (PNI) has grown in number and presently consists of the United Nations Office on Drugs and Crime (UNODC) and several interregional and regional institutes around the world, as well as specialized centres.

Major activities among the institutes include the organization of joint events and meetings. The role of PNI in preparing the U.N. Quinquennial Crime Congresses has grown in significance over the years. The Programme Network has also started, on a standing basis, to cooperate in the organization of practical workshops and events in support of the work of the Commission on Crime Prevention and Criminal Justice during its annual sessions. These activities are in fulfillment of the mandates given to the Institutes by the Commission to provide technical assistance to Member States on relevant issues of the Programme. The topics of these workshops are related to the thematic debate of the Commission. Accordingly, the areas covered have dealt with prison issues, criminal justice reform, trafficking in human beings, the promotion of the rule of law, violence against women, and this year penal reform and prison overcrowding.

Australian Institute of Criminology - AIC

The Australian Institute of Criminology (AIC), an Australian government agency, is the national centre for the analysis and dissemination of criminological data and information. It aims to be responsive to the needs of the government and the community with respect to policy issues in the fields of justice and the prevention and control of crime, and provides authoritative information on a national level in these fields. Policy relevant research is undertaken at the AIC within four main program areas:

- Crime monitoring, including violent, property and drug related crime. Major projects include drug use monitoring; national homicide, firearms and armed robbery monitoring; bushfire related arson; and analysis of national/international crime surveys;
- Crime reduction and review, focusing on innovative approaches to local crime prevention, the criminal justice response to drug related crime, evaluation and capacity building;
- Global, economic and electronic crime, analysing the causes, prevention and control of fraud, cybercrime, hi-tech crime and the identification of emerging criminal threats and response strategies; and
- Justice and crime analysis, providing information on juvenile crime, community corrections and prisoners and violence against women. Major projects include the national deaths in custody monitoring program and drug use careers of offenders. The AIC disseminates its research through conferences, roundtables, its website and its various publications.

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Basel Institute on Governance

The Basel Institute on Governance is an independent and non-profit institution associated with the University of Basel. The main responsibilities of the Institute include the conduct of scientific research, policy advice and the support of capacity building in the area of public, corporate and global governance. Its primary objective evolves around the fight against corruption and money laundering. These aims are pursued through the assistance in the establishment of regulation mechanisms and compliance systems.

The International Centre for Asset Recovery of the Institute is specialized in the training and assistance of developing countries on the practical issues of tracing, confiscating and repatriating the proceeds of corruption, money laundering and related crimes. The advisory and training services of the Centre is accompanied by follow-up consultancy by asset recovery experts and an online information service. The main objective of ICAR's work is to support developing countries in the implementation of the provisions of chapter V on asset recovery of the UN Convention against Corruption (UNCAC). The ICAR has been established in July 2006 in order to provide a permanent source of advice or training in international incidents of asset recovery.

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European Institute for Crime Prevention and Control, affiliated with the United Nations - HEUNI

HEUNI, the regional institute for Europe, was established through an Agreement between the United Nations and the Government of Finland, signed on 23 December 1981. The primary objective of HEUNI is to promote the international exchange of information on crime prevention and control among European countries. Its main activities are the organization of meetings, the conduct of research and the provision of technical assistance to Governments on request. The topics recently covered by HEUNI include such as reporting on the United Nations Surveys on Crime Trends and Operations of Criminal Justice Systems, cross border crime, trafficking in persons, violence against women and prisons issues.

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Institute for Security Studies - ISS

The Institute for Security Studies (ISS) was originally established as the Institute for Defence Policy in 1991 and has offices in Pretoria and Cape Town and Malawi. The ISS is a regional research institute operating across sub-Saharan Africa, staffed by more than sixty full-time employees representing a broad political spectrum from half a dozen African countries. In recent years the Institute has become more regionally focused, acting in support of the Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD), Economic Community of Central African States (ECCAS) and the African Union (AU), and co-operating with a number of governments, institutes and organisations in the region such as the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO). ISS research teams travel extensively within the continent, conducting seminars and hosting training sessions. As well as larger conferences, the Institute runs a series of free monthly seminars. These sessions provide the opportunity for informed discussion around a single topical subject. Towards the end of 1996 the mission of the Institute expanded to reflect a concern with the enhancement of human security in Africa, achieved through applied research and the dissemination of information relating to individual, national, regional and international security. The Institute is committed to core values of democracy, good governance and the promotion of common security. By advocating an approach based on common security the Institute aims to encourage countries, particularly African countries, to shape their political and security policies in co-operation with one another.

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International Centre for Criminal Law Reform and Criminal Justice Policy - ICCLR & CJP

The International Centre was established in Vancouver, British Columbia, Canada in 1991 as one of two interregional institutes in the United Nations Crime Prevention and Criminal Justice Programme. The Centre's mission is to promote the rule of law, human rights, democracy and good governance. It fulfills its purpose by contributing to local, national and international efforts to support law reform initiatives and to improve the administration of criminal justice. The International Centre conducts research and policy analysis, undertakes the development and delivery of technical assistance programs and provides public information, consultation and education relating to the international field of criminal law, criminal justice policy and crime prevention issues.

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International Centre for the Prevention of Crime - ICPC

ICPC is an international forum for national governments, local authorities, public agencies, specialized institutions, and non-government organisations to exchange experience, consider emerging knowledge, and improve policies and programmes in crime prevention and community safety. It assists cities and countries to reduce delinquency, violent crime and insecurity. It helps put knowledge into action by:

- Making the knowledge base for strategic crime prevention and community safety better known and more accessible worldwide.
- Encouraging the use of good practices and tools to produce community safety.
- Fostering exchanges between countries and cities, criminal justice institutions and community-based organizations.
- Providing technical assistance and networking.

ICPC considers human security as an essential public good, and believes that integrated prevention policy and action is a key tool for safe communities. It promotes the use of research based knowledge to advance policy and action, and fosters international dialogue and exchange, respectful of differences between the diverse regions of the world, as a major tool for positive change.

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International Institute of Higher Studies in Criminal Sciences - ISISC

ISISC is a non-governmental organization in consultative status with ECOSOC and the Council of Europe. A Public Foundation established in 1972 and recognized by Decree of the President of the Republic of Italy, ISISC is a scientific institution devoted to higher education, studies, research, training and technical assistance in matters pertaining to international and comparative criminal law, international humanitarian law and security issues.

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International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme - ISPAC

The tasks of ISPAC are to help channel professional and scientific input and provide a capacity for the transfer of knowledge and the exchange of information in crime prevention and criminal justice to the United Nations, thus assisting them with access to the services and expertise of its constituent organizations, including technical assistance, training and research. This is mainly carried out through the convening of annual conferences devoted to topical subjects as agreed upon by the ISPAC Board in consultation with the UN Secretariat. ISPAC places special emphasis on enhancing the contributions of scientific institutions and non-governmental organizations from developing countries. ISPAC also serves as the body for the coordination of NGO activities and ancillary meetings at the United Nations Crime Congresses. On its Web site, ISPAC provides detailed information on the work of the United Nations and other international organizations in the field of criminal justice, links to other institutes and sources of information with a database of relevant organizations and their publications, a detailed calendar of international criminal justice activities. ISPAC also hosts a specialized forum for those working in the area of international criminal justice.

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Korean Institute of Criminal Justice Policy - KICJP

The Korean Institute of Criminal Justice Policy (KICJP) was established in 1989, as a governmental research agency for the Ministry of Justice. Since the year of 1999, KIC has been working for the Prime Minister Office in the field of crime & criminal justice. In response to rapidly changing criminal environments, KIC conducts comprehensive and interdisciplinary researches on the issues of crime trends, juvenile crimes, correction, criminal laws, criminal justice system, and drugs and organized crimes. With over 30 researchers in law, sociology, psychology and criminology, KIC publishes more than 50 research reports every year, through which it contributes to the establishment and evaluation of criminal justice policies for the Korean government. KIC also publishes the quarterly journal Korean criminal Review that is a major journal on criminal & criminal law in Korea.

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Naif Arab University for Security Sciences - NAUSS

NAUSS, an intergovernmental organization operating under the aegis of the Council of Arab Ministers of Interior, carries out various interdisciplinary and cross-sectoral activities to serve the needs of Arab States. The main institutions comprising NAUSS are College of Graduate Studies, Training College, College of Forensic Sciences, College of Languages, Studies and Research Centre and Computer and Information Centre. All Arab countries are members of NAUSS. NAUSS prepares an annual work programme. It comprises a digest list of all academic activities which NAUSS implements through the year. It pays special attention to the objectives associated with crime prevention programme and its dimensions. It also considers the future needs of the Arab security personnel.

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National Institute of Justice - NIJ

NIJ is the research, development, and evaluation agency of the U.S. Department of Justice. The Institute's mission includes developing knowledge that will reduce crime, enhance public safety and improve the administration of justice. NIJ sponsors basic/applied research, evaluations, and pilot program demonstrations. NIJ also develops new technologies and disseminates criminal justice information. The International Center at the National Institute of Justice has a fourfold mission: to stimulate, facilitate, evaluate, and disseminate both national and international criminal justice research and information. The International Center focuses on eight manifestations of transnational crime: terrorism, organized crime, human trafficking, corruption, intellectual property theft, policing & local impacts of transnational crime, international cooperation, and fostering transnational crime research.

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Raoul Wallenberg Institute of Human Rights and Humanitarian Law

The Raoul Wallenberg Institute is an academic institution established in order to promote research, training and academic education in the field of international human rights law and related areas. In addition to the facilitation of two master's programmes at Lund University and a publications programme, the Raoul Wallenberg Institute co-operates with public institutions as well as academic institutions and non-governmental organizations in several countries on different continents for the promotion of human rights and good governance, through capacity building programmes.

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United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders - UNAFEI

UNAFEI focuses on technical cooperation including training and research to promote the sound development of criminal justice systems not only in Asia and the Pacific region but also in other parts of the world. The Institute addresses urgent, contemporary problems in the administration of criminal justice, paying the utmost attention to the trends and activities of the United Nations, and the needs of the countries concerned.

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United Nations African Institute for the Prevention of Crime and the Treatment of Offenders - UNAFRI

UNAFRI is an inter-governmental organization for promoting the active cooperation and collaboration of governments, academic institutions as well as scientific, professional non-governmental organizations, and experts in crime prevention and criminal justice. It is mandated by member States in the African region to assist to mobilize human, material and administrative potential and deploying their efforts for harmonious growth, intended to enhance self-reliance and sustained development, and strengthening their capacity to prevent and control crime. It undertakes research for policy development, training and human resource development, programmes for gathering and dissemination of information and documentation and advisory services to governments in the field of crime prevention and criminal justice.

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United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders - ILANUD

ILANUD was established on June 11th, 1975, in compliance with Resolutions 731-F (XXVII) and 1584 (L) of the Economic and Social Council, ratified by the Congress of the Republic of Costa Rica by law N° 6135 of December 7th, 1977. This agreement is supplemented by bilateral co-operation agreements with the countries of the region. As stated in its foundational charter, the main objective of the Institute is to collaborate with the governments in the balanced economic and social development of the Latin American and Caribbean countries through the formulation and incorporation into national development plans of adequate policies in the field of crime prevention and criminal justice. The services include research, training and technical assistance in designing and implementing programs and projects in the field of crime prevention and criminal justice.

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United Nations Interregional Crime and Justice Research Institute – UNICRI

UNICRI is a United Nations entity established in 1967 by the ECOSOC to support countries worldwide in crime prevention and criminal justice.

UNICRI is mandated to assist intergovernmental, governmental and non-governmental organizations in formulating and implementing improved policies in the field of crime prevention and criminal justice. UNICRI's applied research goals are:

- to advance understanding of crime-related problems
- to foster just and efficient criminal justice systems
- to support the respect of international instruments and other standards
- to facilitate international law enforcement cooperation and judicial assistance.

The programmes of UNICRI aim to promote also human rights, national self-reliance and the development of institutional capabilities. To this end, UNICRI provides a one-stop facility offering high-level expertise in crime prevention and criminal justice problems. Technical co-operation is enhanced by the use of action-oriented research to assist in the formulation of improved policies and concrete intervention programmes. Institutional and on-the-job training of specialized personnel form an integral part of UNICRI activities.

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The above mentioned Institutes operate in consultation with the:

United Nations Office on Drugs and Crime – UNODC

The United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs and international crime. Established in 1997 through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention, UNODC operates in all regions of the world through an extensive network of field offices. The three pillars of the UNODC work programme are:

- Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism;
- Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence-base for policy and operational decisions; and
- Normative work to assist States in the ratification and implementation of the international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies.

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**United Nations Crime Prevention and
Criminal Justice Programme Network Institutes (PNI) Workshop**

**On the occasion of the
Eighteenth Session of the United Nations Commission
On Crime Prevention and Criminal Justice**