The main challenges facing criminal justice reform

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Penal Reform International (PRI) is an independent global non-governmental organisation (NGO) specialising in transforming criminal justice across the world with a clear human rights based ethos and approach.

We have over 29 years of experience in justice reform and operate globally from our head office in London and four regional offices covering:

> Sub-Saharan Africa
> Middle East and North Africa
> South Caucasus
> Central Asia

We will also work in partnership in areas outside of our regions to enable global coverage.
THE MAIN CHALLENGES FACING CRIMINAL JUSTICE REFORM

**Who we are**

We promote safe and secure societies where offenders are held to account, victims’ rights are recognised, sentences are proportionate and the primary purpose of prison is social rehabilitation not retribution.

**We work towards a future where:**

> Criminal justice systems respect the rule of law, uphold the rights of suspects and defendants and prevent the unnecessary use of pre-trial detention.

> There is fair and proportionate sentencing that takes account of the circumstances of both the offence and the offender.

> There is humane treatment and conditions for prisoners and prevention of torture in all places of detention.

> Communities are safer, through rehabilitation, reintegration interventions and interventions to reduce crime and re-offending.

We work as a catalyst for systemic change through a mix of advocacy and practical programmes for reform. We use our consultative status at the United Nations and other bodies to drive change and offer our expertise and experience.
How we work

- Maintaining independence and autonomy
- A mix of high level advocacy internationally
- Regional expertise driving legislative reform nationally
- Technical assistance to authorities
- Building the capacity of criminal justice bodies; from lawyers to prison staff
- Working collaboratively and in partnership
- Supporting civil society in country
- Voicing the human rights concerns of those in detention
- Programmatic work led by a strong evidence base
- Having a network of international experts to support training and strategic work
Penitentiary system reform in Yemen

A four-year project (December 2014–November 2018), funded by the Dutch Ministry of Foreign Affairs, which aims to reform the penitentiary system in line with international human rights standards; develop the capacity of civil society groups to initiate projects to support people in the criminal justice system and to protect the rights of prisoners; and implement alternative sanctions and diversion mechanisms at community and police levels.

Key successes:

• The launch of an electronic filling and management system for Juvenile detainees in Sanaa has been transformative in taking an individualised approach
• The establishment of an office that leads civil society/probation joint interventions for young offenders
• Working with local partners to continue with activity even during times of conflict
The Challenges
THE CHALLENGES

Overcrowding

- Global problem where a ‘tough on crime’ approach is taken
- Crime is decreasing in majority of countries but prison populations rising
- Inhumane and degrading treatment
- Huge consequences for the wider community
- Disproportionately effects the most poor and vulnerable
- Creating a lasting impact on health and wellbeing
- Makes no sense economically as it does not solve the problems that surround poverty
THE CHALLENGES

Key Facts

> 22 national prison systems hold more than double their capacity, with a further 28 countries operating at between 150% and 200% capacity.

> The highest rate of overcrowding in the Americas is 310% (El Salvador), in Africa 363% (Benin), in Asia 316% (Philippines), in Oceania 217% (French Polynesia), in the MENA region 186% (Lebanon), and in Europe 136% (Macedonia). As individual countries themselves determine the capacity of particular prisons, it is likely that data may understate the extent of the problem.

> In most prison systems, prisoners do not have the minimum space requirements recommended by international standards, spending up to 23 hours of the day, if not all day, in overcrowded cells. Overcrowding can be so severe that prisoners sleep in shifts, on top of each other, share beds or tie themselves to window bars so that they can sleep while standing.

> In some countries only periodic amnesties and pardons relieve overcrowding. While these provide short-term relief, they do not offer a sustainable solution and can erode public confidence in the criminal justice system. In others, costly prison-building programmes are undertaken to meet the growing demand for prison places.
Goal 1

- Many people are convicted of crimes that are a result of poverty - being ‘rogue’ or ‘idle and disorderly’.
- Imprisonment as a result on not being able to afford fines or bail.
- The consequences of losing primary income on the remaining family.
- The cost of legal fees, family visits, provision of necessities such as food and medication.

In South Africa in 2014 a survey found over 10,000 prisons awaiting trail that qualified for bail but could not afford it.
The Sustainable Development Goals and Prison Overcrowding

> Goal 6

• Lack of sufficient sanitation – poor hygiene and the spreading of diseases
• Drinking contaminated water
• Even drinking water becomes a source for corruption
• A problem for prison staff living on site
• Lack of gender segregation in wash facilities

In Uganda the use of a bucket toilet system leads to frequent outbreaks of cholera which is a major cause of death among prisoners
The Sustainable Development Goals and Prison Overcrowding

> Goal 8

- Unemployment can often be the root cause of offending
- Overcrowded prisons do not provide meaningful activity and rehabilitation
- The low levels of education are often not tackled
- Criminal records cause stigmatisation and problems obtaining work upon release
The Sustainable Development Goals and Prison Overcrowding

> Goal 16

- Overcrowding causes unrest and resentment which impacts even upon release – torture and the mental health consequences
- Overcrowding often results in increased violence and hostility between both prisoners and staff
- Tackling corruption becomes highly problematic when even basic essentials are in high demand
- Prison reform is crucial to the wider SDGs

In Kazakhstan a 2015 survey found that 37% of children reported abuse from detention staff.
Driving change....

**Where academia can support our work**

> Helping better understand the demographics of prison populations in developing countries to create better rehabilitation and reintegration

> Proving the economic and social consequences of over-use of imprisonment – The wider impact on SDGs

> Looking at the proportionality of sentences

> Researching successful models for reducing overcrowding and sharing best practice
Questions

vsmith@penalreform.org

info@penalreform.org

0203 923 0946