

PRI e-newsletter October 2016

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E-newsletter

October 2016



Welcome to Penal Reform

International's monthly e-newsletter, a round-up of PRI and other penal reform news from around the world and a variety of criminal justice and human rights resources.

The views expressed in the news items below are not necessarily those of PRI.

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In the spotlight: New expert blog on sexual violence in detention



The Prison Rape Elimination Act and beyond: sexual violence in detention

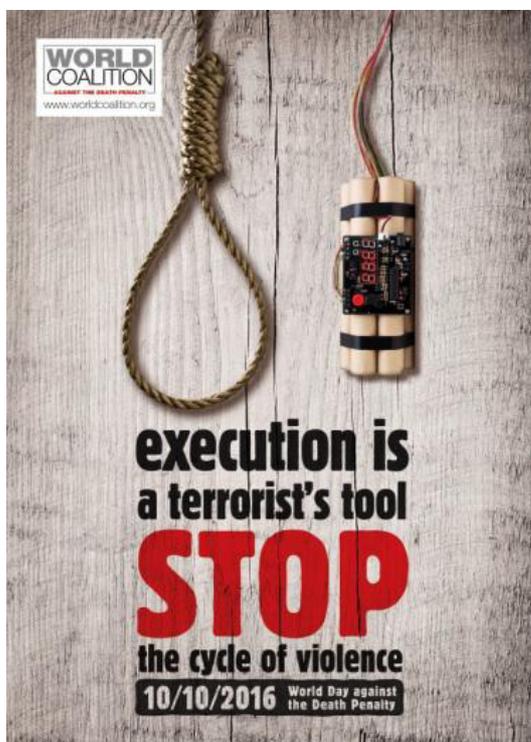
This month's expert blog for PRI has kindly been provided by [Just Detention International](#).

In 2003, the U.S. passed a law called the Prison Rape Elimination Act (PREA), which for the first time mandated the Bureau of Justice Statistics (BJS) – an arm of the Department of Justice – to conduct

anonymous surveys of prisoners about sexual abuse.

These surveys have confirmed what reform advocates had long known – that abuse is widespread in many prisons – but, also and significantly, that in some prisons it is not. This blog looks at the impact of the PREA, the practices and management issues that may make abuse more likely and the policy and culture change needed to eliminate it.

Death penalty abolition



[UN Secretary-General's message on the death penalty](#)

On World Day against the Death Penalty on 10 October UN Secretary-General Ban Ki-moon and world leaders described the death penalty as a cruel and inhumane practice.

The focus of this year's World Day against the Death Penalty was the retention of the death penalty for terrorism-related offences. "It has no place in the 21st century," Mr. Ban stressed in [his message](#). "To be legitimate and effective, counter-terror measures, like all security operations, must be anchored in respect for human rights and the rule of law," he added.

Also see the PRI publication '[The death penalty, terrorism and international law](#)'.

Other news:

Belarus: [Belarus resumes executions after EU sanctions dropped: human rights report details abuse used to extract confessions in only European country to use death penalty](#)

Iran: [Government is debating a measure that could significantly cut the number of executions](#) and [Iran's justice minister calls for fewer executions and changes to death penalty laws](#)

Kenya: [The High Court has ruled that the mandatory death sentence in relation to capital](#)

[offences is unconstitutional](#)

Kenya: [Kenya commutes sentences of all death row inmates](#)

Saudi Arabia: [Saudi Arabia executes one of its princes over shooting murder](#)

USA: [How "risk assessment" tools are condemning people to indefinite imprisonment](#)

USA: [Florida executions on hold after court rules death penalty unconstitutional](#)

USA: [Is lethal injection 'Cruel And Unusual'? Tennessee's Supreme Court is about to decide](#)

USA: [Californians reaffirming death penalty in early returns](#)

Justice for children



[Manfred Nowak appointed as Independent Expert to lead the Global Study on Children Deprived of Liberty](#)

Manfred Nowak has been appointed to lead the [Global Study on Children Deprived of Liberty](#). The study will pursue a broad scope and address deprivation of liberty in different forms, including children involved in criminal justice systems, children in need of protection, children with physical or mental disabilities, children exposed to drug abuse, children detained with their parents, children in immigration detention, and those suspected of threats to national security.

PRI is a member of the NGO Panel Steering group working on this issue. For more information about the campaign for a global study on children deprived of liberty see [PRI's website](#) or the [campaign website](#).

Other news:

USA: [Youth justice study finds prison counterproductive](#). A new report, published by Harvard Kennedy School's [Program in Criminal Justice Policy and Management \(PCJ\)](#) and the [National Institute of Justice \(NIJ\)](#), documents ineffectiveness, endemic abuses, and high costs in youth prisons throughout the country.

Torture prevention

EU strengthens export ban on 'torture goods'

Revised EU rules to prevent trade in goods and services that may contribute to torture or execution have been approved by the European Parliament. In negotiations with member states on previous drafts, the European Parliament inserted a ban on the marketing and transit of equipment used for cruel, inhuman and degrading treatment of people in third countries. See more on this issue from the [Omega Research Foundation](#).

Anti-torture law guide now available in Spanish

The [Association for the Prevention of Torture](#) and the [Convention Against Torture Initiative's](#) guide on anti-torture legislation is a practical tool for the adoption or revision of anti-torture legislation at the national level. The guide also promotes existing good practices with concrete examples drawn from different regions.

The guide is primarily intended to assist lawmakers in drafting specific anti-torture legislation or in revising existing domestic laws. It is also useful for actors from civil society or international and regional organisations advocating for the adoption of a legal framework on torture at the national level. The guide is also available in [English](#), [French](#) and [Portuguese](#).

Torture prevention in the OSCE region: taking stock after 10 years of OPCAT implementation

The [Association for the Prevention of Torture](#) and the [Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe](#) (OSCE/ODIHR) jointly held the first Annual Meeting of National Preventive Mechanisms from the OSCE region, on 13 and 14 October in Vienna, Austria.

[Read about the meeting here.](#)

See also a blog by Ben Buckland and Veronica Filippeschi of the Association for the Prevention of Torture for [Open Society Foundations](#) on the application of OPCAT in France, Senegal, Kyrgyzstan and Paraguay: [*Four countries that opened their closed institutions—and prevented torture.*](#)

Other news:

Rwanda: [A road map for the implementation of the Optional Protocol to the Convention against Torture](#)

Thailand: [Reprisals against human rights defenders have no place in a peaceful society](#)

Also:

Are separate facilities for LGBT prisoners 'protection or exclusion'?

An interesting article on a proposal in Thailand to create a separate facility for LGBT

prisoners following the arrest and detention of a transgender activist: Includes an interview with Jean-Sebastien Blanc from the Association for the Prevention of Torture (APT) and with Jesse Lerner-Kinglake, Just Detention International (and an author of this [month's expert blog for PRI](#)).

Global advocacy

PRI attends the high level panel discussion organised by the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa



The panel discussion was held on 25 October 2016, during the 59th Ordinary Session of the Commission. The theme of the event was the realities of the work of female prisons and prison officers and its impact on the promotion and protection of women's rights in Africa.

Josephine Kankunda from PRI's Africa office addressed the panel on the issue of penal reform in Africa and its impact on the rights of women.

[The Inter-American Commission of Human Rights \(IACHR\) condemns prison conditions in Argentina](#)

The [IACHR](#) report condemns the complicity of the media and the judiciary in the irregular

detention of citizens, as well as highlighting prison conditions which violate international human rights standards.

UN Special Rapporteur for human rights in Cambodia voices concern about overcrowding in prisons caused by an increase in temporary detention before trial

UN Special Rapporteur, Rhona Smith, highlighted chronic overcrowding in the two main prisons of Cambodia, and recommended increasing the use of non-custodial sentencing and reducing reliance on provisional detention as two ways to alleviate overcrowding.

The Nelson Mandela Rules



PROMOTING
THE NELSON
MANDELA
RULES



New chapter available in guidance on the implementation of the Nelson Mandela Rules

This guidance on the [Nelson Mandela Rules](#) is based on the deliberations of a meeting of experts organised by Penal Reform International and [Essex University Human Rights Centre](#), on 7-8 April 2016. [Chapter 5](#) is now available on the PRI website, relating to restrictions, discipline and sanctions.

The full paper, representing guidance discussed in six Working Groups, will be published later this year. Chapters have already been published on [prison management](#), [contact with the outside world](#) and [incident management](#).

For more information on the UN Nelson Mandela Rules see PRI's [short guide](#) or watch this 2-minute [animated introduction](#).

Canada's prison agency cuts use of indefinite solitary confinement in half over two years

Of all prisoners released from segregation in the 2015-16 fiscal year, 247 had spent in excess of 120 days in isolation, down from 498 the year before. In August 2016, federal prisons held an approximate daily average of 370 inmates in solitary confinement out of a total prison population of around 15,000. The average norm of previous decades was typically 700 to 800 inmates, a rate of segregation Federal Prisons Ombudsman Howard Sapers had called "out of control".

The Nelson Mandela Rules now stipulate that solitary confinement should only be used in

exceptional cases, as a last resort, for as short a time as possible, after authorisation by a competent authority, and subject to independent review. Indefinite and prolonged solitary confinement (of more than 15 days) is prohibited entirely.

Other news:

Ireland: [United Nations criticises long-term solitary confinement of prisoners](#)

Women in the criminal justice system

Changing course: Preventing gang membership and differences with girls

This publication from [The Office of Justice Programs](#) and [Centers for Disease Control and Prevention](#), [Changing Course: Preventing Gang Membership](#), provides information about why children become involved in gangs and offers strategies to prevent them from doing so.

The publication states that although girls join gangs for many of the same reasons boys do, there are some gender differences; for example, girls — particularly in abusive families — are more likely than boys to regard a gang as a surrogate family.

PRI delivers "Training of Trainers" workshop for 25 prison and probation staff in Kenya



On 27-29 September a "Training of Trainers" workshop for correctional staff on the UN Bangkok Rules was delivered by PRI. The 6 modules focused on all aspects of the Bangkok Rules, drawing on experience of corrections in Kenya (prison and probation). The workshop was delivered under a project with the [Swedish Prison and Probation Service](#), funded by the [Swedish International Development Cooperation Agency \(SIDA\)](#).

Other news:

Afghanistan: [Most Afghan women serve sentences in elders' homes, not prisons](#)

UK: [Prisoner found dead in cell days after giving birth](#)

Pre-trial justice

EU: New directive on the right to legal aid agreed

A new agreement by the EU on legal aid requires member states to provide legal aid to criminal suspects and accused persons without delay, as a minimum prior to police questioning, investigation and evidence-gathering. The new directive establishes practical rules for how legal aid systems should operate, requiring an effective and competent legal aid authority that must make decisions diligently, respect the rights of the defence and require member states to provide adequate funding and training of legal aid decision makers and lawyers.

Read this article by [Open Society Foundations: *The European Union embraces a common approach to legal aid*](#)

Conditions in detention

Judgments from the European Court of Human Rights

The Court held in a [case against Croatia](#) that the prohibition of inhuman or degrading treatment had been violated when a prisoner had been held in a cell with less than 3 sq. m of personal space in Bjelovar Prison.



[Hungary](#): In another 'right to hope' case concerning life without parole, [the Court held](#) that Hungary's 2015 legislation regarding the review of whole life sentences violates the prohibition of inhuman or degrading treatment. See this [expert blog](#) written for PRI by Dirk van Zyl Smit on life imprisonment and the 'right to hope'.

[Russia](#): In this case the Court held that the rights of a Bolotnaya protestor had been breached by unjustified pre-trial detention, degrading conditions, his containment in glass cabins during trial, and a disproportionate criminal sanction. [Yaroslav Belousov v. Russia](#)

Other news and resources:

[Argentina](#): [Prison system is outdated, under-resourced and overcrowded](#)

[Brazil](#): [Prison gang clashes leave 25 dead at a prison in Boa Vista, the capital of Roraima state and at least eight inmates have died at a prison in the city of Porto Velho in north-western Brazil and four dead, 19 injured in Brazil's third prison riot in a week](#)

- Brazil:** [Inmates reduce sentence by growing thriving gardens for charity](#)
- Egypt:** [NCHR accuses the Interior Ministry of obstructing prisons' inspection](#)
- Estonia:** [Total smoking ban to be imposed throughout all prisons](#)
- Europe:** [Europe has one of the highest rates of prisoner suicides compared to other regions, according to the WHO](#)
- France:** [Plans to build 33 new prisons across the country](#)
- Guatemala:** [Attempted uprising highlights lack of control in prisons](#)
- Haiti:** [174 'barefoot' inmates escape from Arcahaie prison after killing guard](#)
- Hong Kong:** [Calls for transparency in 'cruel' prison sentence reviews](#)
- India:** [The 'Prison Statistics India 2015' report has been released by the National Crime Records Bureau \(NCRB\)](#)
- Indonesia:** [Government sets out plans for prison reform, to include increasing capacity by 5,000 places](#)
- Indonesia:** [Chemical castration law passed for paedophiles](#)
- Ireland:** [Limerick law students design database to monitor prison deaths](#)
- Kenya:** [7,000 inmates to be released, freeing prison space](#)
- Mexico:** [One inmate killed and eight injured in prison riot in northern Mexico](#)
- Mozambique:** [Ombudsman's annual report states that jails and police cells are a threat to the lives and health of those held prisoner](#)
- Netherlands:** [Report on falling crime rates and prison closures](#)
- New Zealand:** [New details about Mt Eden Prison fight clubs released](#)
- New Zealand:** [Plans to cut criminals' benefits over failed community sentences 'inhumane', justice advocates say](#)
- Romania:** [Minister of Justice reveals she lied to the European Court for Human Rights about the allocation of almost a billion euros for prison reforms](#)
- Russia:** [Penal authorities struggling to cope with increasing number of uprisings in prisons and camps](#)
- Russia:** [Plans to reintroduce forced labour as punishment](#)
- Trinidad and Tobago:** [Prison Officers' Association calls on the prison authorities to stop transferring inmates from the remand section of the Golden Grove Prison to the maximum security prison](#)
- Uganda:** [Government to build 1000-capacity prisons annually to cut down congestion](#)
- Uganda:** [New sentencing guidelines set for magistrates](#)
- UK:** [Justice Secretary, Liz Truss, to launch recruitment drive for ex-forces prison officers](#)
- UK:** [Staff at HMP Isis 'unaware of how to report suspected extremists'](#)
- UK:** [NICE issues draft guidance recommending that all prison staff are trained to spot mental health problems](#)
- UK:** [The Prison Governors Association calls for inquiry after 'unprecedented' rise in violence and calls intensify following Pentonville Prison stabbings](#)
- UK:** [Flagship government policy to supervise inmates leaving prison severely criticised by inspectors](#)
- UK:** [Proposals to increase use of electronic tags in Scotland as Scottish prisoner numbers are in decline](#)
- UK:** [Probation services in Kent facing 'chronic' staff shortages](#)
- UK:** [US-style problem solving courts plan is losing momentum, says legal charity Centre](#)

[for Justice Innovation](#)

United Arab Emirates: [Judicial officials call to drop minimum prison term for drug abuse](#)

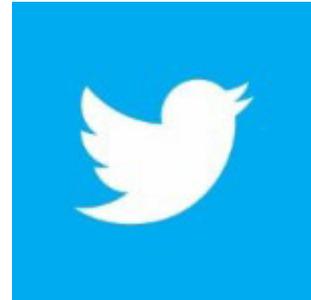
USA: [The federal government is investigating prisons in Alabama in an inquiry that is “possibly unprecedented”](#)

Venezuela: [Reports of lack of medication in prisons and prisoners dying of starvation](#)

Tweet of the month

[This month from PRI:](#)

We need to move away from seeking [#criminal](#) justice solutions to solve social and economic problems
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