

PRI e-newsletter November 2016

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E-newsletter

November 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.

In this month's edition

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In the spotlight

Prisons' strategies in countering violent extremism

An experts' roundtable organised by PRI and the [Office of the High Commissioner for Human Rights-Tunisia](#) with the Tunisian Prison Department was held in Tunis on 23-24 November 2016 on the issue of managing and de-radicalising violent extremist and radicalised prisoners. The roundtable provided a forum for discussing:

- Admission strategies: risk assessment and classification

- Security in prisons and compliance with human rights standards
- Gender-sensitive and child rights approaches
- Efficient and effective programs combating violent extremism in prisons
- Defining the Tunisian needs in light of international experience and lessons learned

Approaches from the Central Asian region were shared by the head of PRI's regional office in Central Asia which is also [cooperating with prison authorities on tackling radicalisation in prisons](#).

More resources

[Preventing radicalisation in prisons – developing a coordinated and effective approach](#) - proceedings of an international roundtable held by PRI in December last year.

[Radicalisation and de-radicalisation in prison – what should we do with violent extremist offenders?](#) a blog written by Shane Bryans for PRI. Also available as a [podcast](#).

The [United Nations Office on Drugs and Crime](#) has published a [handbook](#) and a [summary of key principles and recommendations](#) of the handbook on the management of violent extremist prisoners and the prevention of radicalisation to violence in prisons.

New blogs



[California's prison gang problem: the role of prison size](#)

In recent decades, there has been a noticeable trend towards larger prisons of 1,000 prisoners plus, and in the USA, the trend has been particularly prevalent. In this [expert blog](#) for PRI, [David Skarbek](#), Senior Lecturer in Political Economy at King's College London, argues that gang rule or 'extra-legal governance' in prisons in California can be explained by the prison boom, in particular the growth in the prison size in the 1980s. Gangs can provide order and safety that management could no longer provide. Skarbek advocates a return to smaller prisons where staff and prisoners know each other.

[10 lessons on improving alternatives to prison in East Africa](#)

In 2014, PRI embarked on an innovative two-year pilot

project in Kenya, Uganda and Tanzania to improve access to justice by targeting the development of community service systems as an alternative to the overuse of imprisonment, funded by UKAID. Omar Phoenix Khan, who led on the project, [shares his reflections](#) now the [final evaluation](#) is complete.



[The incarcerated pregnancy: what is the experience of being pregnant in an English prison?](#)

Laura Abbott, senior lecturer in midwifery at the University of Hertfordshire, UK, introduces early findings from her doctorate study on what it is like to be pregnant in prison and the quality of pre- and post-natal provision for women in English prisons. She also notes some emerging good practice, including a new [Birth Charter](#) for pregnant women in prison which sets out recommendations for treatment and services.

Tweet of the month

This month from [Yury Fedotov @YuryFedotov](#), Executive Director of [@UNODC](#) & Director-General of the UN Office in Vienna (UNOV):

No end of [#AIDS](#) by 2030 w/out [#ZeroStigma](#) against people who use [#drugs](#) & people in [#prisons](#).
[@UNODC](#) [#UNAIDS](#), [#MichelSidibe](#) [#UN](#)
[@UNODC_HIV](#)



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Death penalty abolition and life imprisonment

At the UN: States vote for moratorium on the death penalty in record numbers

Discussions on the international legal standing of the death penalty and national sovereign rights to determine domestic judicial systems dominated Third Committee (Social, Humanitarian, Cultural) proceedings, as delegates approved an [amended draft resolution](#) calling for a moratorium on the death penalty, by a record 115 votes in favour to 38 against, with 31 abstentions.

PRI Central Asia produces analysis of life-sentenced prisoners in Kazakhstan

PRI's Central Asia office has carried out a survey of prisoners in a lifer colony (cc-161/3). A life sentence in Kazakhstan is 25 years, but there are also a number of prisoners whose sentences were commuted from the death penalty to life but who have no prospect of parole at any point, creating a parallel and discriminatory system. As in many countries, prisoners sentenced to life are held in harsher conditions than other prisoners.

At the end of November, the office held a roundtable event to discuss progress on abolition of the death penalty (a moratorium has been in place since 2004) and reviewing the implementation of alternatives such as life imprisonment. The event was held with the Parliamentary Committee on Legal and Judicial Reform, OHCHR in Central Asia and the Swiss Embassy in Kazakhstan, and was attended by representatives of government departments, NGOs, universities, and international organisations and diplomatic missions.

A [short video about the conditions of lifers in Kazakhstan](#) has been produced - available in Russian.

Other news:

Antigua: [Last Antigua death row prisoners released](#)

Belize: [Court of Appeal rules that a sentence of life imprisonment without the possibility of parole is unconstitutional](#)

Singapore: [Message from International Commission of Jurists as Singapore executes a Malaysian national and a Nigerian national](#)

USA: [California passes death penalty reform to speed executions](#)

USA: [Californians vote to retain the death penalty](#)

USA: [Study finds Oregon death sentences are significantly more costly than life sentences](#)

USA: [Pro-death penalty referenda prevail in 3 states; Kansas retains 4 Justices criticised for death penalty decisions](#)

USA: [Voters oust prosecutors in outlier death penalty counties, and retain governors who halted executions](#)

Justice for children

Global study on children deprived of liberty (GSCDL)

PRI, together with other members of the NGO panel on the GSCDL, met with Professor Manfred Nowak in Geneva on 22 November 2016, following his appointment as the independent expert to conduct the Global Study. PRI also attended the meeting on 23 November hosted by [OHCHR](#) (who will be hosting the study secretariat) to introduce Professor Nowak to member states.

The NGO Panel is working with other stakeholders to ensure states come forward with contributions; PRI will be working with the [Children's Rights Alliance for England](#) to ensure appropriate contributions from the UK Government to support this important initiative.

More information on the GSCDL is available from the NGO Panel website:

<https://childrendeprivedofliberty.info/>

The [official OHCHR website](#) for the Study is also now online.

Concerns raised over proposed law to imprison 9-year-olds in the Philippines

Congress in the Philippines is to consider a bill that would lower the age of criminal responsibility from 15 years to 9. President Rodrigo Duterte who took office in June this

year after vowing to crack down on criminals, had previously accused children of being involved in drug crime. If Congress passes the bill, children as young as 9 could be prosecuted and imprisoned.

[Plan International](#) and partners have launched the campaign [#ChildrenNotCriminals](#)

See PRI's [Justice for Children Briefing No.4: The minimum age of criminal responsibility](#) for more on this issue.

Launch of the second edition of the Justice for Children Award

[Defence for Children International](#) (DCI) and the [World Organization Against Torture](#) (OMCT) have launched the second edition of the Justice for Children Award, which encourages research within European universities on the challenges within justice systems worldwide that slow the realisation of children's rights. DCI and OMCT see the Justice for Children Award as an opportunity to raise further awareness on the issue within the academic fora, and enables young scholars to contribute to the improvement of the situation of girls involved with the justice system. This year's edition will be dedicated to the situation of girls involved with the justice system and more particularly to the various forms of violence that they are exposed to.

All the details can be found [here](#).

Other news:

Australia: [More violent teenagers could be sent to adult prison in Victoria under proposed crime crackdown proposals](#)

Brazil: [A riot at a youth prison in north-eastern Brazil has left seven inmates dead](#)

Georgia: [New juvenile detention facility to be built for young offenders aged 14 to 21 years, through the recommendation and support of the European Union \(EU\)](#)

Georgia: [Minister of Justice says this year more juveniles were offered preventative sentences rather than prison terms](#)

Children of Prisoners Europe: A new crowdfunding initiative has been launched by [Children of Prisoners Europe](#) with Global Giving. Read more [here](#) about their new schools project and donate online.

Torture prevention

Tenth anniversary of the Optional Protocol to the Convention Against Torture (OPCAT)

Speaking at the tenth anniversary conference of OPCAT held in Geneva on 17 November 2016, Sir Malcolm Evans, the chairman of the [Subcommittee on the Prevention of Torture](#) said “perhaps the most impressive achievement under the OPCAT has been the establishment of so many national preventive mechanisms (NPMs), many of whom do amazing work in countries where no prevention work of this nature was ever done before. It is a record of real, practical and meaningful achievement.”

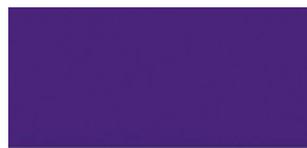
Also see the [expert blog](#) for PRI by Professor Rachel Murray, University of Bristol, on the added value of OPCAT ten years on.

Other news:

Armenia: The Council of Europe's Committee for the Prevention of Torture (CPT) has published a [report](#) on its fourth periodic visit to Armenia, which took place from 5 to 15 October 2015, together with the [response](#) of the Armenian Government.

UK: [Home Office ordered to review policy on torture survivors](#)

The Nelson Mandela Rules



PROMOTING
THE NELSON
MANDELA
RULES



PRI workshop on the Nelson Mandela Rules

On the 16th November 2016 PRI, together with the [Association for the Prevention of Torture](#), ran a workshop on the Nelson Mandela Rules at a joint session of the United Nations [Committee Against Torture](#) and the [Subcommittee on Prevention of Torture](#). The workshop provided a forum for reviewing and discussing a number of thematic areas of the revised rules which are of particular relevance to UN bodies with a mandate relating to torture and ill-treatment. In particular, the workshop concentrated on issues around disciplinary sanctions and restrictions, healthcare and the role of doctors, and safeguards in cases of death, injuries and torture.

PRI resources on the Nelson Mandela Rules:

- [The Nelson Mandela Rules: An animated introduction](#) available in English, Arabic, Armenian, German, Portuguese, Russian and Spanish
- [Podcast](#) with PRI's Policy Director, Andrea Huber, who explains the process, why the Rules needed to be revised and what the changes mean for prisoners, prison staff and for prison management
- [Short guide to the Nelson Mandela Rules](#) available in English, Swahili and Georgian

- [Initial guidance on interpreting the Nelson Mandela Rules by the Essex group](#)

Other news:

Scotland: [Transferring healthcare for prisoners from the Scottish Prison Service to the NHS has not improved health outcomes, according to a report from Scotland's nursing body](#)

UK: [Health watchdog issues guidelines to improve healthcare in prisons, including focus on growing pressures of ageing population](#)

UK: [Public Health England rapid review into prison healthcare states that it needs to be more integrated with the local community and more cost-effective](#)

Global advocacy

UN Report on human rights in the administration of justice

The UN Secretary-General's [report](#) on the question of human rights in the administration of justice, following a request in a [resolution adopted last year](#) includes the latest developments, challenges and good practices on the rights of persons deprived of their liberty, legal aid, and reducing incarceration. It also summarises the UN's work in this area.

UN Global study on legal aid

The UN Office on Drugs and Crime and UNDP have published the global report of the [Global Study on Legal Aid](#). It provides an initial overview of the current state of legal aid worldwide, noting that 'while progress has been made in establishing national legal and policy frameworks on legal aid in many countries, States face common challenges in translating this into improved access to justice for its people.'

Drug policy

[The Global Commission on Drug Policy: Advancing drug policy reform - a new approach to decriminalization](#)

This [new report](#) highlights the damage caused through the criminalisation of people who use drugs and explores the alternatives to this approach. It welcomes the moves made towards more rational and humane policies in many countries around the world and demonstrates the necessity to go further in

reforming national and international drug control regimes.

The report is also available in [Spanish](#), [French](#), [German](#), [Russian](#), [Portuguese](#) and [Chinese](#).



What comes next? Post-UNGASS options for 2019/2020

The [International Drug Policy Consortium](#) has published an [advocacy note](#) which suggests a three-stage proposal for 2019/2020:

1. An independent and honest assessment of progress, challenges and failures between 2009 and 2019.
2. A period of reflection and debate, with seven multi-stakeholder working groups to explore the key tensions, make recommendations, and formulate new indicators, focusing on the seven thematic areas covered in the UNGASS outcome document.
3. A more transparent negotiation for a new outcome document for 2020-2030, aligned with the 2030 agenda for sustainable development.

In the fight against AIDS, people who inject drugs are being left behind

On World AIDS Day, [Open Society Foundations](#) reported on how precarious harm reduction funding means that this key population is being left behind.

Other news:

Ireland: [Judges are ignoring legislation stipulating criminals convicted of commercial-scale drug dealing must be jailed for a minimum of 10 years unless there are exceptional circumstances](#)

Women in the criminal justice system



25 November: International Day for the Elimination of Violence against Women

This year, the UN Secretary-General's [UNiTE to End Violence against Women campaign](#) invites you to "orange the world", using the colour designated by the UNiTE campaign to symbolise a brighter future without violence.

Read the [press release](#) of the joint call by [UN Rapporteur on Violence against Women](#) and other global and regional mechanisms to end femicide and gender-based violence.

Also see [Women who kill in response to domestic violence: How do criminal justice systems respond?](#) a study produced by Linklaters LLP for PRI which examines how women who have killed their abusers following prolonged domestic abuse are treated in law and before the courts.

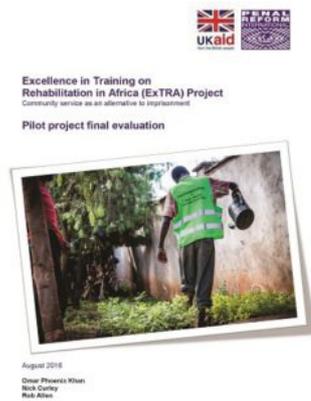
Other news:

Cambodia: Report from the [International Drug Policy Consortium: Women, drug policy, and imprisonment: A guide for reforming policy in Colombia](#)

Alternatives to imprisonment

Final evaluation: Excellence in Training on Rehabilitation in Africa (ExTRA)

This final evaluation report on the results achieved and lessons learned in PRI's two-year [ExTRA Project](#) – Excellence in Training on Rehabilitation in Africa – which concluded in Summer 2016 and was funded by the UK



Government (UKAID). The EXTRA project was a pilot initiative, which focused on developing community service as an alternative to short-term prison sentences for petty offences in three countries – Kenya, Tanzania and Uganda.

The evaluation was conducted in Summer 2016 and assessed progress made towards the following long-term outcomes:

1. Increased use of community service orders (CSOs) in the pilot regions
2. Increased compliance of CSOs in the pilot regions
3. Positive stakeholder attitudes towards CSOs in the pilot regions

The final evaluation report is available [here](#) and a summary of the evaluation findings is available [here](#).

Other news and resources:

International: The [International Corrections and Prisons Association](#) has published the second issue of the journal [Advancing Corrections](#) which is available to ICPA members. A [preview version](#) is available to non-members.

Australia: [Legal changes driven by public outcry have driven an almost 70 per cent increase in Victoria's prison population in the past decade, despite only a small increase in the crime rate](#)

Australia: [Report suggests that newest and biggest prison was poorly designed and is not fit to house its high number of indigenous inmates](#)

Australia: [Senate report into the indefinite detention of people with cognitive and psychiatric impairment finds huge gaps in services for people found to be unfit to plead, with the majority being indigenous people](#)

Belgium: [Council of Europe's committee on torture prevention report describes detention conditions in prisons during months-long strikes by staff as intolerable](#)

Bolivia: [Overcrowding is at critical levels in Bolivian prisons, according to a report by the Andean Information Network](#)

Cambodia: [First privately run prison to be built which would allow the rich to upgrade](#)

Canada: [Prison watchdog raises concerns about the use of pepper spray with little accountability](#)

Canada: [Prison watchdog reports that the number of female indigenous prisoners has doubled in the last decade](#)

- Canada:** [Auditor general: Indigenous offenders serve longer prison sentences and are less likely to get parole](#)
- Colombia:** [Report criticises states failure to control prison overcrowding](#)
- Cyprus:** [MP prison visit reveals extent of overcrowding](#)
- Czech Republic:** [Plans for a minimum-security prison based on the Norwegian model as a transition facility for convicts serving the last few weeks of their prison sentence](#)
- Egypt:** [Head of prisons authority announces the establishment of new prisons that guarantee a decent life for inmates](#)
- France:** [Experimental de-radicalisation wings for dangerous Islamist extremists to be closed](#)
- Hungary:** [Mass applications before the European Court of Human Rights concerning inadequate detention conditions in Hungary suspended in light of new domestic remedies being introduced which may be capable of redressing the grievances raised](#)
- India:** [Two major jailbreaks in a month shine spotlight on security in India's overcrowded and under-staffed prisons](#)
- Japan:** [Asahikawa Prison revamped for elderly inmates](#)
- Jordan:** [Initiatives targeting high use of pre-trial detention are beginning to show positive results](#)
- Kazakhstan:** [The number of prisoners has fallen significantly, by 30 percent in five years, as the result of a campaign to humanise criminal legislation](#)
- Malaysia:** [Number of prisoners in the country exceeds prison capacity](#)
- Malta:** [Cabinet reduces sentences for all prisoners by 30 days upon the pope's request](#)
- Mexico:** [The federal audit institution reports that officials stole millions from troubled prison system](#)
- New Zealand:** [Department of Corrections ranks Serco-run prison among the countries worst](#)
- New Zealand:** [Number of prison deaths increases, but Department of Corrections maintains that the number of unnatural deaths continues to fall](#)
- Northern Ireland:** [Criminal Justice Inspectorate has raised significant concerns over support for inmates suffering mental health difficulties and the availability of illegal and prescription drugs at Maghaberry Prison](#)
- Northern Ireland:** [Review of vulnerable prisoners launched in wake of suicide and self-harm incidents](#)
- Poland:** [Preventive detention of prisoners beyond their original sentence term found to be constitutional by Poland's highest court](#)
- Romania:** [Justice Ministry wants to reduce the prison sentences by 10% as compensation for the improper detention conditions in local penitentiaries](#)
- Saudi Arabia:** [United Nations' Special Rapporteur on Human Rights and Counter-Terrorism commends Saudi prison conditions](#)
- Scotland:** [Chief Inspector of Prisons for Scotland launches annual report 2015-16 calling for greater use of alternatives to short sentences and more help for prisoners reintegrating into society upon their release as Scotland's prison population falls to its lowest in seven years](#)
- South Africa:** [Parole backlog crisis, with prisoners serving life sentences experiencing the most delays](#)

South Africa: [Prisoners at Johannesburg Central Prison, known as Sun City, start fires in protest over conditions](#)

South Africa: [Conditions in crowded Pollsmoor Prison, in Cape Town, condemned as 'shocking'](#)

Turkey: [Prisoners' right to education obstructed through statutory decree](#)

UK: [Independent Monitoring Board's report says that an "urgent" solution is needed to stop HMP Birmingham prisoners taking psychoactive drugs](#)

UK: [Ministry of Justice explicitly acknowledges that staff cuts are a factor in the rising tide of violence in prisons](#)

UK: [Crisis in prisons as number of suicides reaches record high](#)

UK: [Ministry of Justice backs entrepreneurship programmes for pre-release prisoners, with Centre for Entrepreneurs to deliver a pilot programme for prisoners at HMP Ranby](#)

United Arab Emirates: [Sweeping reforms to penal code include harsher penalties, up to Dh1m in fines and immediate deportation in respect of some crimes](#)

USA: [A new study shows that New York City has reduced its jail and prison incarceration rates by over 50 percent in the last 20 years](#)

USA: [Figures show that older adults more likely to be imprisoned](#)

USA: [New Jersey lawmakers vote to restrict use of solitary confinement](#)

Vietnam: [Proposals to allow prisoners to meet with their spouse in a private cell, with female inmates required to use contraception](#)

Vietnam: [4,200 prisoners pardoned ahead of New Year holiday](#)

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